

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
March 11, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m. in Room 129, Capitol building, Helena, Montana.

Roll call was taken and Representative John Phillips was excused, Representative Francis Bardanouve was absent and all other members were present.

SENATE BILL 338

SENATOR CARROLL GRAHAM gave an opening statement regarding this bill. This bill will attempt to prohibit certain election day activities. This came about because of something that came about in his county during this last election. There was an individual that was determined in winning the election and so he got the indians in the county all stirred up. There was some discussion about the box lunches that the individual running in this campaign gave away on election day. These lunches were estimated to be worth \$3.50 to \$4.00 a piece and the restaurants bid on the preperation of the lunches. The boxes included campaign material as well as the food. The campaign practices people did investigate this situation. He said that the law is not clear on this is far as campaigning is concerned. I feel that nothing should be given away that would sway the voters thinking on election day. This can be done up to the actual day of the election. We need to set some kind of limits so that it is clearer and it can be covered.

PROPONENTS

ROBERT VANDERVERE, Concerned Citizen, spoke in support of the bill. I believe in this bill as one who ran for public office. I can see what can happen out there. I feel that this should be defined so there is no doubt in the future.

MARGARET DAVIS, League of Women Voters of Montana, spoke in support of the bill. It clarifies the law and removes any doubt as to what a trivial benefit is. It does provide general statutory guidance to all candidates in all parts of Montana.

DON JUDGE, Montana State AFL-CIO, said that they have no problems with the intent of the bill but we have one question that we would like to have the committee take a look at, the language on page 2, lines 8 through 9. This may cause us some problems and perhaps cause both of the political parties some problems as well as the individual candidates. Those who operate phone banks on election day are indeed offering a meal. We would just like to make sure that does not interfere with this process.

THERE WERE NO ADDITIONAL PROPONENTS AND NO OPPONENTS TO THE BILL SO SENATOR GRAHAM CLOSED.

Senator Graham said that it was not his intent to stop anybody

from making any phone calls to assist people in getting to the polls to vote. I am all for that and there isn't anything illegal about that. I do not feel that this would be a problem.

COMMITTEE QUESTIONS

REPRESENTATIVE FRANCIS KOEHNKE asked Senator Graham if Section 1 was referring to all of the election time, not just election day. Senator Graham said, no actually in the present law you can do these things but on election day, you can't even erect a bill boards on election day. I would like to tie it down further and clear it up to say election day. If you want to amend it and clarify it will be fine with me.

REPRESENTATIVE JERRY DRISCOLL said that Section 1 covers this doesn't it. This could not exceed \$1 so I don't think that there would be any problem with this. Senator Graham said that this has been in the law for sometime already. He said that people always are going out and soliciting with things that are not necessarily legal.

THERE BEING NO MORE QUESTIONS BY MEMBERS OF THE COMMITTEE,
CHAIRMAN BRAND CLOSED ON SENATE BILL 338.

SENATE BILL 339

SENATOR CARROLL GRAHAM, gave an opening statement on Senate Bill 339. I don't think that elected officials should have to make public their business interests. I feel that this is an invasion of privacy. I don't think that it makes any difference as to what kind of a legislator they are going to make. I have served this legislature for 25 years and I have served with various kinds of people, multi-millionaires and people that do not have anything. It depends on your philosophy and what fairness as well as what would be good for the state of Montana. He gave an example of a current legislator who has had a tough go of things and he is putting himself through law school by himself. He said that he felt that this man will make a very good legislator but if you look at his report, he lists not owning anything, because he doesn't but yet he will be very good for the state of Montana. If I were really after someone like this and was going to run against him in the next election I could say, look you people do you really want to vote for someone who doesn't have anything, is only 32 years old and doesn't pay any taxes on anything. This would be an unfair advantage because they wouldn't hear the rest of the story that he is trying to work his way through school. This is wrong.

He reminded the committee that this same language appeared in Senate Bill 309 but Senators Story and Towe amended it out. It is left in this bill.

ROBERT VANDERVERE, spoke as a concerned citizen, supports this bill. He said that when he was running for public office he would have to have deeded over a piece of property to someone and have them deed it back to him but not file it in the court house so that no one would know exactly what he owns. I feel that it is an invasion of privacy to have to report all of this to the public. This does not make you a better legislator. It is no bodies business what you own.

OPPONENTS

ART KUSSMAN, citizen spoke in opposition to the bill. He was a member a member of the statewide group that worked for lobbyist disclosure. See testimony attached as EXHIBIT A.

JON MOTL, Common Cause of Montana, rose in opposition to this bill. He said that there is a distinction between the two hats that the legislators wear when they are considering running for the legislature and when they do actually run. When they decide to run for a public office they are accepting a public trust. That places them in a position where they do have certain obligations and responsibilities. One of those is that the public wishes to know something about the potential conflict of interest that may arise between that legislator and the decisions that they make. It is a desire by the people to constantly be able to keep their trust with the public officials. The easiest way for the people to keep any kind of public trust is through disclosure. It is simply a release of information from the official in a position of decision making authority to give back to the people information about themselves so that there can be an exchange between the two. It is an idea that was a long time in coming. It came before several legislatures and it was refused so it was taken to the public by initiative where it was passed. It was then challenged by several supreme court challenges and it held. This law has not had the chance to work that it should have.

MARGARET DAVIS, League of Women Voters of Montana, spoke in opposition of this bill. They feel that this is a totally different issue from Senate Bill 309. She said that in the "good old days" everybody pretty much knew what everybody was doing and people were more familiar with other peoples business, etc. Things are moving much more rapidly today and this is not the case any longer. It is important that the public know what a candidates background is or what their private interests are. It is not an effort to arrive at what each person has or does not have. We urge that you do not concur in Senate Bill 339.

THERE WERE NO ADDITIONAL OPPONENTS TO SENATE BILL 339 SO
SENATOR GRAHAM CLOSED.

Senator Graham said that there was all kinds of talk about money being taken under the table in political offices and have heard it too but I can honestly tell you that in the 25 years that I have served here, I have never had anyone offer me any money in any means. The votes are simply not that important. I think that the law is quite severe on this kind of thing too. The reports in the Senate are not really accurate any way. It is a very big misconception of the public. The law is not being enforced any way. I think that people are interested in things for various reasons, maybe because of the interests that they have or because of the career that they are in, it could be for many reasons. The ones that shouldn't vote any particular way are the ones that are lawyers because they are on both sides of the issue at different times. I don't know that what a person owns has anything to do with the way that he is going to vote on an issue.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN MCBRIDE asked Senator Graham if the existing law or the language that was to be stricken in this bill covered the possibility of receiving money under the door so to speak. Senator Graham said that certainly there is a law covering the buying of votes.

Representative McBride said, does the language that you are striking pertain to that? Senator Graham said no, not at all.

REPRESENTATIVE BRENT BLISS asked, Jon Motl about the opportunity to make this work statement. How are we going to know if it is working? Jon Motl replied that he would think that the same way that you would know with any other law. There are various reviews and there are changes to the law and that way it is fair to everybody.

REPRESENTATIVE BILL HAND asked Margaret Davis if she thought that it would be valuable to a legislator to know what the lobbyist were worth? Couldn't we evaluate the testimony that you give based on what your interests were as well? Margaret Davis replied that she is not representing anything other than her group and her vote does not effect the policy of state government. You are free to ask but it would not have any effect on anything whereas your vote is for the representation of the constituents.

THERE BEING NO MORE QUESTIONS FROM THE COMMITTEE, CHAIRMAN BRAND CLOSED ON THIS BILL.

SENATE BILL 320

SENATOR DELWYN GAGE, sponsor of this bill said that it was a bill that was requested by the volunteer firemen. This would increase

their disability pension. The funding for these releif associations comes from the insurance policies written in the state and they vary all the way from 1/4 of a percent to 2 3/4 percent, depending on the assets of the insurance company that is writing the policy. They are also funded by a mill levy on the city and the determination is based on the taxable valuation of the city and compared to 3 percent of that valuation. If that fund falls below that figure then the city can assess no less than 1 mill or more than 4 mills for this pension fund. Our particular association has not paid the maximum amount of retirement benefits. We have a 10 year projection on what they anticipate from this fund as well what they anticipate being paid out. They take a look at how they are progressing and base their recommendations on that information.

PROPOSERS

DAVE FISHER, Volunteer Firemen's Association, spoke in support of this bill. This only covers cities of the third class.

LARRY ELLIS, Montana Firemen's Association spoke in support of the bill.

CLEM DUAIME, President, State Volunteer Firemen's Association, spoke in support of the bill. He said that this would not increase any contributions into this pension fund. It is merely a permissive levy that if some of the relief associations have funds available they would pay up to the maximum amount.

THERE WERE NO ADDITIONAL PROPOSERS AND NO OPPONENTS TO SENATE BILL 320. SENATOR GAGE CLOSED.

Senator Gage did not make a closing statement.

COMMITTEE QUESTIONS

REPRESENTATIVE JERRY DRISCOLL asked what the difference was between this bill and the one that the committee passed raising it to \$200. Mr. Fisher replied that the big difference is that it was for the unincorporated area which is not cities of the third class.

REPRESENTATIVE KATHLEEN MCBRIDE asked Senator Gage how do I know that this only applies to cities of the third class? Senator Gage replied that it was by sections in the law.

Representative McBride asked how did the city go about increasing the amount paid in so that they can pay a higher pension if they want to? Senator Gage explained this.

Representative McBride asked if this is totally based on the mill levy and not anything to do with the insurance premium? Senator

Gage explained that the insurance money comes from the state. The premiums go to the state and they are distributed back to the cities on the basis of the insurance written there and then it is distributed to the various cities based on 1 and 1/2 percent of the valuation of the city.

REPRESENTATIVE WALTER SALES stated that certainly it effects the local mill levy and he is wondering how many of these third class towns will be effected. Has anyone run a calculation on what the mill levy increases are going to be required? Mr. Fisher explained that the mileage never changes unless the funding drops below that level as stated by Senator Gage. In that event they only levy up to what it requires for that relief association votes for their people. In all relief associations the pay is not the same.

Representative Sales asked why this was never put under the PERS system. Mr. Fisher said that he did not know exactly but sometime ago it was discussed and it had something to do with the fact that it was a third class city.

REPRESENTATIVE KATHLEEN MCBRIDE said that we would want this to coincide with the fiscal year. Why is the effective date stated as being upon passage rather than the fiscal year end? Senator Gage said it does not have anything to do with the city funds at all. They are relief fund monies.

Representative McBride said that it should coincide with the city fiscal year because of the mill levy increase. Senator Gage said that if the city did have to put additional millage on this would be done during the next fiscal year. Some of the associations may need to increase their pension benefits upon passage of this bill.

REPRESENTATIVE CHESTER SOLBERG asked Mr. Fisher if all of the associations are in favor of this change. Mr. Fisher said that they had not had any complaints about it. He said there are some cities that changed from city to town and they did not have volunteer associations. Mr. Duaine said that they voted on both of the bills at their last convention and it was decided to work towards this change.

Senator Gage said this is not mandatory and then they can go from zero to this maximum amount.

CHAIRMAN JOE BRAND asked Mr. Fisher what is the definition of a pure voluntary fire department? Mr. Fisher said it is one that is not under control of the city. They receive no compensation for their duties as a fireman.

Chairman Brand asked if the part-paid and paid both come under this bill? Mr. Fisher said that they do not come under this program. They would come under the same as a city of the second

class, whereby they pay a portion of their salary into the PERS for their retirement.

THERE BEING NO ADDITIONAL QUESTIONS FROM THE MEMBERS OF THE COMMITTEE, CHAIRMAN BRAND CLOSED ON SENATE BILL 320.

SENATE BILL 346

SENATOR GEORGE McCALLUM, sponsor of Senate Bill 346 gave an opening statement for this bill. This bill would allow both the lieutenant governor and the governor to run independantly in the primary but then they would have to run as a team in the general election. Just because the governor picks a lieutenant governor does not necessarily mean that they will get along. There has been a case when the lieutenant governor runs against the governor and it is just a better way of allowing more people to get involved in the race.

THERE WERE NO PROPONENTS AND THERE WERE NO OPPONENTS TO THIS BILL SO CHAIRMAN BRAND ASKED SENATOR McCALLUM TO CLOSE.

Senator McCallum said that the bill was not well received in the Senate, it had around 29-30 votes. It would have to get alot of votes in the House to pass.

COMMITTEE QUESTIONS

REPRESENTATIVE GLENN MUELLER asked Senator McCallum what the main thrust of opposition to this bill was. Senator McCallum replied that he did not know for sure. He thought that the people that were opposed to this were the ones that felt that the governor would be more comfortable with someone that he had picked rather than someone the people had picked.

REPRESENTATIVE FRANCIS KOEHNKE asked Senator McCallum what most of the other states did in this situation. Senator McCallum replied that he really did not know but he thought that they run independantly.

REPRESENTATIVE BILL HAND asked if this had happened in our state before the constitution was changed. Senator McCallum replied that was true.

CHAIRMAN JOE BRAND asked Senator McCallum if he thought that if we had a lieutenant governor of the opposite party would this make the governor of the other party stay in his seat more and not be traveling all over the United States or the world. Senator McCallum said that he thought this would depend on the philosophy of the people involved.

REPRESENTATIVE KATHLEEN McBRIDE asked Senator McCallum if this could create some problems because when the governor is away the

lieutenant governor is given all the power of the governor while the governor is away. Senator McCallum replied by saying that is true, this has happened in other states. But just because you are of the same party doesn't necessarily mean that you are always going to agree on matters.

THERE BEING NO ADDITIONAL QUESTIONS OF THE COMMITTEE, CHAIRMAN BRAND CLOSED THE HEARING.

EXECUTIVE SESSION

SENATE BILL 327

REPRESENTATIVE CLYDE SMITH MOVED that the action taken by the committee previously be reconsidered and it was seconded by Representative Joe Hammond.

REPRESENTATIVE GLENN MUELLER spoke in opposition to the motion for reconsideration of this bill. He stated that this committee did not hear from anybody in the field that did not want this bill passed. The people that are in the field are the ones that should really know what is going on each day and they are the ones that really want this bill. The people from the departments are the ones that do not want this bill passed. I would remind you, some of the testimony that we heard the other day was under duress because one of the individuals that testified, did so at 180 degrees from what he beleives. He did this because of the pressures placed upon him by the Governor's office. I urge that we be very careful with our reconsideration and I would oppose this motion.

REPRESENTATIVE FRANCIS KOEHNKE stated that all Representative Smith is saying is that if House Bill 450 passes there will be no need for this bill so we should just hold this bill in the committee until we see what is going to happen to House Bill 450.

REPRESENTATIVE GLENN MUELLER responded to this statement that with due respect to the Honorable Chairman, House bill 450 may get out of the Senate but we all know that it is going to die anyway. It will be killed by the Governor because he will veto it right away. I see that there is no reason to hold this bill although the Governor may kill this bill as well. But it is a dead sinch that he will veto HB 450. We don't have the strength to get a 2/3 vote to blast HB 450 over the Governor's veto. I think that we all know that. I don't want to see this sit and die in the committee.

REPRESENTATIVE CLYDE SMITH said that he thought if the Governor wouldn't sign HB 450, he won't sign SB 327 either. We are just duplicating an activity.

REPRESENTATIVE HELEN O'CONNELL stated that we are not suggesting that this committee kill this bill, we are merely holding it to see what the outcome of HB 450 will be.

REPRESENTATIVE KATHLEEN McBRIDE spoke in favor of the reconsideration of holding the bill in the committee. This is just one of several bills that attack the problems that exist in the Department of Institutions without having a good feeling overall of what should be done, if anything with the Department of Institutions. We should look at the whole agency rather than just each individual program. There seems to be a split between the people in the field and we only saw one side of that during the hearing.

REPRESENTATIVE JERRY DRISCOLL said that he thought that the alcohol locals thought that there was more money at the Department of Health. I don't think that there is any money in this bill.

REPRESENTATIVE WALTER SALES said that he agreed with Representative Mueller on this issue. There is a lot of public support for putting this local alcohol/drug program under the Department of Health and Environmental Science. I would like to see both bills go to the Governor. He will not hesitate to veto HB 450 but he may take a second look at doing that to this bill because he is going to get a lot of cards and letters on this one.

CHAIRMAN JOE BRAND asked, if we get this on the floor like Representative Mueller wants and we lost it, we would be in deep trouble wouldn't we? Everyone agreed that this was probably true. Representative Mueller said that if all the other members of the committee are hearing from their local alcohol people like he is then this bill will pass. But then you may not be hearing what I am hearing.

REPRESENTATIVE JOHN RYAN stated that he had heard from the operation in Circle and he said to leave it like it is. They are getting along fine. Representative Pistoria said that is what he had heard from Havre too.

REPRESENTATIVE KATHLEEN McBRIDE mentioned that the committee has to be aware of the situation when they judge the many opponents and proponents to any bill. We had one side of this bill and not necessarily the right story. They seemed to be the ones who have more money and we have to sometimes wonder who's money or for what use that money is going for. Please donate money and really the program directors are coming up here to lobby a bill. Just because we didn't hear from all of these groups doesn't necessarily mean that they are opposed to this change or for that matter, are for the change. They may have just felt that they did not have the money in their budgets to spend to travel to Helena to testify so they allowed the Department of Institutions to speak for them. We just have to be careful when we decide on the facts that we have heard only here in Helena.

REPRESENTATIVE JOE HAMMOND commented that Representative Sales had said that this was a people bill but as I see it this is strictly a political bill.

REPRESENTATIVE GLENN MUELLER said that he would disagree with Representative Hammond. At least in Kalispell the director believes that the program would be better off in the Department of Health.

The discussion being concluded on the motion the question was called, MOTION TO RECONSIDER ACTION ON SENATE BILL 327 AND HOLD IN COMMITTEE. The motion carried with Representatives Sales, Bliss, Mueller and Compton voting "NO".

REPRESENTATIVE CLYDE SALES MOVED to TABLE Senate Bill 327 and it was seconded by Representative Jerry Driscoll. The question being called, the motion carried with Representative Sales voting "NO". Representative Mueller said that he did not want to see the bill "killed" so he is not going to vote against the tabling action.

SENATE BILL 320

REPRESENTATIVE JERRY DRISCOLL MOVED Senate Bill 320 BE CONCURRED IN and this was seconded by Representative Clyde Smith.

REPRESENTATIVE WALTER SALES commented that he would like to see the committee get more information on this bill before they took any action on it. The mill levy thing bothers him and he can't vote to increase the local mill levies this session. Yet it is something that I might be willing to go along with it if I knew the situation better.

REPRESENTATIVE DUANE COMPTON asked if there are several third class cities that are pretty close to their maximum mill levy right now. Malta couldn't add any if they wanted to. Representative Sales said that retirements are usually outside of that though.

REPRESENTATIVE "MAC" McCORMICK replied that this does not say that you are going to get \$150 if your city doesn't have it.

REPRESENTATIVE KATHLEEN McBRIDE said that she would tend to agree that we need more information on this bill before we vote on it.

REPRESENTATIVE CHESTER SOLBERG said that he doesn't have any problems with this bill.

REPRESENTATIVE CLYDE SMITH said that this does not set it, it only sets a maximum. Most of the volunteer firemen are not even paid. Have you ever analyzed what would happen to your fire insurance rates without these people.

The question being called, there was some additional discussion and it was decided that we needed a substitute motion.

REPRESENTATIVE GLENN MUELLER MOVED Senate Bill 320 be placed in a subcommittee to acquire additional information before the committee takes action. This motion was seconded by Representative Jerry Driscoll. The motion being called on the substitute motion, the motion carried by unanimous voice vote.

The subcommittee will consist of the following representatives: McBride, Holliday and Sales.

SENATE BILL 338

CHAIRMAN JOE BRAND asked Jack Lowe, Office of Campaign Practices if we would have to amend this bill to say the election day. Jack Lowe said that this was covered in section 1 of the bill. This covers all of Title 13 of the law.

Chairman Brand said that he was questioning if this should have a new portion added or what. Mr. Lowe said that you could take out the portion dealing with the \$1 business being done only on election day and put it over in the new section.

Mr. Don Judge explained his concern about this issue with the phone banks.

There was some discussion on these issues.

REPRESENTATIVE KATHLEEN McBRIDE said that there are alot of things that may take place as volunteers doing their work but by the language that presently exists in the bill, all of this would be covered because it would be more than \$1.

REPRESENTATIVE JERRY DRISCOLL replied that this would not stop a phone bank operation from giving coffee but the language that is on page 2 would stop them. What you are doing in essence is inticing them to stay and vote, you are not telling them how to vote but you are encouraging them to stay there and vote.

REPRESENTATIVE JOE HAMMOND said that the \$1 issue was what Senator Graham was concerned about and what is considered to be trivial.

Ms. Menzies offered some suggested amendments to the bill but after some discussion it was decided that not all of these would solve the questions concerning the committee.

REPRESENTATIVE JERRY DRISCOLL said that this wouldn't change anything and it is something that we have to clear up.

REPRESENTATIVE HELEN O'CONNELL said that she thought that we were just cluttering up the law books with this kind of language and not getting anywhere.

REPRESENTATIVE JERRY DRISCOLL asked what would happen if a national candidate came to the state and they invited the local officials to a dinner free. Where do you draw the line? Mr. Lowe said that was an open question. This is a problem but if you were going to address this issue you would have to put it at the end of this bill.

REPRESENTATIVE WALTER SALES mentioned that the original problem has been box lunches given away. He said that if he did that in Bozeman it would probably be another issue wouldn't it. Mr. Lowe said that is probably true. It is somewhat of a tribal custom that they do this. It cost them less than \$1 any way. It doesn't look like bribery to me but Senator Graham doesn't agree with that.

REPRESENTATIVE JOE HAMMOND asked Mr. Lowe if they have had other incidence like this. Mr. Lowe replied that they have but that they have not considered them to be a problem.

REPRESENTATIVE BRENT BLISS asked what the objection was for the box lunches. Mr. Lowe explained that there was a great effort to get people registered who had not voted before. There were very successful in doing this.

Representative Bliss said that it was an inducement to vote. Mr. Lowe replied, "Yes, more than 4,000 people registered that had not registered before." Representative Bliss stated, "It was pure bribery."

Additional discussion followed about how the box lunches had been handled and prepared, where the campaign bill-boards can be placed, what you can hand out on election day, etc. It was explained the issue that is at hand occurred during a primary election not a general.

REPRESENTATIVE HELEN O'CONNELL MOVED Senate Bill 338 BE NOT CONCURRED IN and this was seconded by Representative Joe Hammond. The question being called, the motion carried with Representatives Bliss, Ryan and Solberg voting "NO".

SENATE BILL 339

REPRESENTATIVE CLYDE SMITH MOVED Senate Bill 339 BE CONCURRED IN and this was seconded by Representative John Ryan. The question being called for, the motion carried with Representatives Hammond, Driscoll, McBride and Brand voting "NO".

Senate Bill 339 was reported out of the committee this date BE CONCURRED IN. This bill will be carried by Representative Bliss.

SENATE BILL 346

REPRESENTATIVE GLENN MUELLER MOVED BE CONCURRED IN and this was

seconded by Representative Chester Solberg. The question being called, Representative Mueller said that he made the motion because he felt that the people should have the right to say what they want.

CHAIRMAN JOE BRAND asked Lois Menzies if she thought that there should be an amendment to this bill, a Coordination Clause. If HB 629 passes, should the date November 8, 1983 be changed to November 6, 1984. Lois replied that this could be done.

Representative Mueller said that he would have no objection to this.

REPRESENTATIVE GLENN MUELLER MOVED Senate Bill 346 AS AMENDED BE CONCURRED IN and this was seconded by Representative Joe Hammond. The question being called, the motion carried with Representatives McCormick, McBride, Holliday, Driscoll and Hammond voting "NO".

SENATE BILL 319

REPRESENTATIVE HELEN O'CONNELL MOVED Senate Bill 319 AS AMENDED BE CONCURRED IN and this was seconded by Representative Paul Pistoria.

Representative Mueller said that he would like to speak on the motion. He said that he opposed this motion because of the County commissioners. This is not real big now but it will increase very fast. I feel that this would be building a bigger expense to the local governments.

REPRESENTATIVE CLYDE SMITH said that he felt that we are talking about people that are doing a real good job and that they aren't receiving high enough pay.

REPRESENTATIVE CHESTER SOLBERG stated that he had mixed feelings about this matter. He did not quite agree with the total cost figures that the committee received. Our local probation officers found out about this and I was sent a telegram on it. But I feel that there must be more dollars involved than what we have heard.

REPRESENTATIVE CLYDE SMITH responded to this by saying that the bill is fairly clear and he then explained how the figures were presented to the committee at the hearing process.

CHAIRMAN JOE BRAND asked Mr. Huffsteatler if they use medical people when they work with the youngsters. Mr. Huffsteatler replied that they do use the medical people available through the county offices when possible. The parents are required to pay for this service.

REPRESENTATIVE GLENN MUELLER said, he has a responsibility to his county fathers and they oppose this bill.

REPRESENTATIVE CLYDE SMITH said, that in the military they pay the people with longevity to keep their good people in longer. That is what this bill is trying to do for the state probation officers.

Representative Clyde Smith further said, if someone who we knew real well was in need of the services of these people we would want to them to get the best possible services available. He said that the county fathers would want this same kind of excellent service for their children if the need were to arise so lets give these people the insentive to want to stay with the agencies and help the children that need it.

REPRESENTATIVE PAUL PISTORIA said that with the amendments which have been place on the bill and the fact that it will not be retroactive, he felt that his three counties would be in favor of the bill.


The question being called, SENATE BILL 319 AS AMENDED BE CONCURRED IN, passed unanimously.

Senate Bill 319 was reported out of committee this date with an AS AMENDED BE CONCURRED IN. Representative Mac McCormick will carry the bill on the House floor.

REPRESENTATIVE JOE HAMMOND MOVED that the meeting adjourn and this was seconded by Representative Chester Solberg.

The meeting adjourned at 11:52 p.m.

Respectfully submitted,


REPRESENTATIVE JOE BRAND, CHAIRMAN

Cleo Anderson, Secretary to Committee

STANDING COMMITTEE REPORT

MARCH 11 19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 319

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"AN ACT CLARIFYING THE COST-OF-LIVING INCREASE FOR CHIEF PROBATION OFFICERS AND PROVIDING AN ANNUAL LONGEVITY ALLOWANCE FOR ALL PROBATION OFFICERS; AMENDING SECTIONS 41-5-704 AND 41-5-705, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 319

1. Page 3, line 8.

Following: "officer"

Insert: "excluding longevity payments provided in 41-5-704"

2. Page 3.

Following: line 16

Insert: "(3) If a deputy probation officer is promoted to chief probation officer, his salary may not be decreased by the appointment. He shall retain all longevity allowances earned during his service as a deputy.

NEW SECTION. Section 3. No retroactive application. This act does not apply retroactively, and no person is entitled to receive under this act a longevity allowance of more than 18 in any year."

Renumber: subsequent section

XXXXX AND AS AMENDED BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 11

19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **346**

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"AN ACT TO SUBMIT TO THE ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE MONTANA CONSTITUTION TO REQUIRE THAT THE OFFICES OF GOVERNOR AND LIBUTENANT GOVERNOR BE VOTED UPON SEPARATELY IN PRIMARY ELECTIONS AND JOINTLY, BY PARTY, IN GENERAL ELECTIONS."

Respectfully report as follows: That **SENATE** Bill No. **346**

1. Page 2.

Following: line 13

Insert: "NEW SECTION. Section 3. Coordination instruction.

If House Bill No. 629 is passed and approved, the date "November 8, 1983", in section 2 of this act is changed to "November 6, 1984"."

~~DOCKET AND AS AMENDED BE CONCURRED IN~~

STANDING COMMITTEE REPORT

.....MARCH 11..... 19...83...

MR.**SPEAKER**.....

We, your committee on**STATE ADMINISTRATION**.....

having had under consideration**SENATE**..... Bill No.**338**

third
~~first~~ reading copy (blue
~~white~~)
color

"AN ACT AMENDING THE LAWS RELATED TO ELECTIONEERING TO PROVIDE
A RESUMPTIVE VALUE FOR THE PURPOSE OF DEFINING TRIVIAL BENEFITS
AND TO PROHIBIT CERTAIN ELECTION DAY ACTIVITIES; AMENDING SECTIONS
13-35-102 AND 13-35-211, MCA."

Respectfully report as follows: That**SENATE**..... Bill No.**338**

DEKASS BE NOT CONCURRED IN

WITNESS STATEMENT

Name Barbara Davis Committee On H. S. Admin
Address Nilecia Date 11 Mar 83
Representing League of Women Voters Support x
Bill No. SD 338 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The bill clarifies the law and removes any doubt as to what an illegal benefit or gift to a voter might be. While this bill arose out of a specific incident, it does provide general statutory guidance to all candidates.
- 2.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Don Judge Committee On State Administration
Address Helena Date 3/11/83
Representing MT STATE AFL-CIO Support X
Bill No. SB 338 Oppose _____
Amend X

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. support the intent of this legislation but have concerns about the language on page 2, lines 6-10. We feel
2. that this language could impair or even prohibit the ability of political parties, candidate campaigns or labor organizations from operating phone banks for the purpose
3. of Get out the vote activities on election day.
4. providing food to volunteers

We'd be happy to work with the committee on possible amendments.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

expect the people they elect, to take. They feel it goes with the privilege of being a legislator. They do not feel that "it's none of the public's business," is the right ~~the right~~ response.

To pass this bill -- in my opinion -- will be traveling in the direction of undermining public confidence in the legislature and the legislative process. To kill it, will do the reverse. It will help creat confidence.

In a broad way -- perhaps we can relate the requirement of legislative disclosure -- to the situation right now in the federal EPA. If there had been better disclosure on the part of certain EPA officials, there wouldn't have been the temptation for those officials to rule for the public -- in a manner which served their own private interests.

To repeat, the requirement of legislator disclosure ~~for the public~~ is a matter of mutual trust. It is not an effort by the public to "pick holes" in the financial fabric of any individual legislator. It's an action that we the public feel we have a right to expect of our public servants -- our legislators. It means more "open and accountable government." For everyone's sake, it is my hope that you as a committee will give SB 339, the treatment it deserves -- a DO NOT PASS.

Arthur F. Kussman
409 So. Montana
Helena, MT
59601

WITNESS STATEMENT

Name Jonathan mol Committee On _____
Address 1404 1/2 8th Ave Date _____
Representing Common Cause Support _____
Bill No. 339 Oppose x
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

Common Cause opposes the bill because it lessens the "openness" of Montana's government by repealing the section of the lobbyist disclosure act that requires legislators to file personal disclosure statements when running for office.

2.

Common Cause believes disclosure requirements increase the public's confidence in government and are therefore desirable.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Margaret O'Donnell Committee On H St. Admin.
 Address Helena Date 11 Mar 83
 Representing League of Women Voters Support _____
 Bill No. SB 339 Oppose X
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Good to keep lobby disclosure changes (SB 309) separate from financial disclosure by legislators (SB 364)
2. In the old days people knew more intimately what other folks did and owned. Today candidates may have a myriad of sophisticated financial interests. These interests do indicate the interests and background of the candidates.
3. The purpose of the law is not to delve into the elected officials bank accounts and specific wealth and perhaps the enforcement of this statute needs refinement.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SENATE BILL 320

Date MARCH 11, 1983

SPONSOR SENATOR BERG

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name R. D. Ellis Committee On State Admin
Address Holston Valley Date 3/11/53
Representing West State Vol P. Assn Support ✓
Bill No. 320 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Pass SB 338 as amended
Pass SB 339
Pass SB 340

F. K. Kuhnke

SB 320 - Committee

SB 338 - YES

SB 339 - YES

SB 346 - YES - also favor
amendment for separate
in general election

Walter & Gibbs

11/3/83

Senate Bill 390

Prison under governor

Bauldane notes

no on motion
of do pass:

Francis Bauldane