

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 10, 1983

The meeting of the State Administration Committee was called to order by Chairman Pete Story on January 10, 1983 at 10:00 a.m. in Room 331, State Capitol.

ROLL CALL: Roll was called and all members were present with the exception of SENATOR HAMMOND and SENATOR TVEIT who were excused for another meeting. SENATOR TOWE appeared late.

SENATE BILL 28: Senate Bill 28 was introduced by SENATOR HARRY BERG, District 21, Great Falls, as "AN ACT REPEALING SECTION 87-1-204, MCA, REGARDING POLITICAL ACTIVITY OF EMPLOYEES OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS." Senator Berg read section 87-1-204 "Political activity of employees. While retaining the right to vote as he may please and to express his opinions on all political questions, no employee of the department may use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing or influencing the political actions of any person or body". He stated the bill should have been a committee bill but in the prefiling of the bills it did not come out that way. The Fish, Wildlife and Parks employees are of the opinion that this section of the law would prohibit them from attending meeting such as this.

PROPOSERS: JIM FLYNN, Director, Department of Fish, Wildlife & Parks, spoke a proponent and read from a handout he distributed to the committee EXHIBIT 1.

There being no other proponents, OPPONENTS were called for.

BILL ASHER of Helena, representing Agricultural Preservation Association, Park County Legislative Association and Sweetgrass County Preservation Association, spoke as an opponent saying there is resentments in so many matters where there is a conflict between the people and the wardens. He suggested that it would be acceptable if the language was cleared up but not to repeal the meaning of section 27-1-204.

SENATOR STORY said that we could rewrite this bill and instead of repealing the section could include the statement so the department would be able to attend meetings like this; or, it could be pocketed.

STATE ADMINISTRATION
January 10, 1983
Page 2

SENATOR BERG said he only did what the committee asked, and, therefore, carried it through.

There being no other proponents or opponents, questions were called for from the committee.

SENATOR MARBUT questioned what the statutes say about the highway patrolment.

SENATOR BERG stated that he does not believe there is any.

SENATOR STORY stated that the Fish, Wildlife & Parks employees can come before a committee as an individual as long as they do not represent the department.

SENATOR MANNING asked Mr. Flynn if they did not have in-house rules as far as regulations go.


MR. FLYNN said if they do have regulations it is unrealistic that other departments do not have.

SENATOR STORY said that each department is more or less machinery of the state and recognizing fairness is not the issue.

It was the consensus that the law should apply to all departments or none.

The meeting was closed on SENATE BILL 28.

NO ACTION WAS TAKEN.


Chairman

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date Jan 10,

[illegible]

Each day attach to minutes.

SB 28

Testimony of Jim Flynn, Director, Department of Fish, Wildlife & Parks

January 10, 1983

Mr. Chairman and Committee Members, I am here today to support the passage of SB 28. Senate Bill 28 would repeal Section 87-1-204 which precludes any employee of the Department of Fish, Wildlife and Parks from using his official position to influence the political actions of any person or body.

First, to my knowledge no other state agency is subject to this type of prohibition. Thus, from the viewpoint of simple equality of treatment fairness dictates that such a provision should be repealed.

Second, this provision puts the Department in a dilemma. On it's face, this provision prohibits my appearance before the Legislature even in those cases, such as today where I have been requested by one of your members to explain our position on a bill.

Among other things, that works both against the interests of this Department and against the interests of the Legislature in those cases where they desire our assistance in dealing with an issue that may be admittedly political but which still requires knowledge and insight of members of our Department.

Consequently, in the interests of both the Department and the Legislature, I urge you to support SB 28.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY