

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 11, 1985

The twenty-third meeting of the State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m.

ROLL CALL: All the members were present with Senator Hirsch and Senator Tveit arriving late.

CONSIDERATION OF SENATE JOIN RESOLUTION 11: Senate Join Resolution is a bill sponsored by Dorothy Eck, District 40, entitled, "A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO REPRESENTATION OF THE DISTRICT OF COLUMBIA IN CONGRESS." Senator Eck said this is a bill ratifying Montana's and the United State's Constitution to give representation to the District of Columbia. This resolution would treat, for the purposes of representation, the District of Columbia as a state. Senator Eck said she was sponsoring this for two reasons; 1. the League OF Women voters has worked on this for about 40 years; and, 2. it is only right that those people be represented. They are American citizens and they should have the rights of American citizens. Senator Eck further said that they pay taxes and do all things citizens are supposed to do, and they should have representation.

PROPONENTS: Robert Anderson, lobbyist for Montana Common Cause, supports this bill. In 1978, the House of Representatives and the Senate passed House Joint Resolution 554, which proposed an amendment to the Constitution providing simply for representation of the people of the District of Columbia in the Congress. Thirty-eight states must ratify the bill by August of this year if it is to become law. So far, 16 have done so and 22 are still needed. The amendment will give American citizens who make their home in the District of Columbia full voting representation in the U. S. Congress, something they have historically been denied. It will not make the District of Columbia a state. It will, by repealing the 23rd Amendment, give the people of D. C. representation in the Electoral College proportionate to the District's population. The measure will not provide "home rule"--local self-government--for the District of Columbia or alter the Congress's present control of the District. It will give the citizens in D. C. a voice in ratifying Constitutional amendments, just like Americans in the other 50 states. The District of Columbia at almost 700,000 people, has a larger population than four states. These people are subject to all the regulations of a state, but they have no voice. (For more of Mr. Anderson's testimony, see Exhibit "A" attached hereto and by this reference made a part hereof.)

February 11, 1985

Ken Peres supports this bill. Mr. Peres told the Committee about being raised in Washington, D.C. and learning all about the principle of one-man, one-vote and yet his grandfather and father had no vote and no representation. He said it was very hard to learn these principles in school and not see them practiced, especially no taxation without representation.

Susan Cottingham, Civil Liberties Union, supports this bill. She feels that this is a question of civil rights, and urged the Committee to pass this bill.

Margaret Davis, League of Women Voters, supports this bill. Ms. Davis felt that this was long overdue and that this was a practical solution for the District of Columbia. She said on the flip side, if you were going to try to keep that many people from voting it would be almost impossible. (Miss Davis entered testimony of Joy Bruck ~~LMW~~ of Montana, marked Exhibit "B" and attached hereto, and by this reference made a part hereof.)

Jim Murry, Montana AFL-CIO, supports this bill. Mr. Murry felt that because the population of this region are poor and black, and because they have been denied the right to representation, they have had a limited voice in the Halls of Congress. There are no reasons to continue to deny the residents of the District of Columbia the right to representation. They have the same needs as you and I. They pay their fair share of taxes like other American citizens. But, unlike you and I, they do not have the right to elect their own representatives to the Congress of the United States. (For more of Mr. Murry's testimony, see Exhibit "C" attached hereto, and by this reference made a part hereof.)

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Mohar asked if they pay city taxes and property taxes. Mr. Peres said that they pay city taxes to run the local government and federal. Senator Manning asked if they have a mayor, city council or anything like that. Mr. Peres answered that previous to the '60's no, but they do have now. The mayor is voted for now. Senator Mohar asked if it wasn't once contemplated adding the District of Columbia to North Carolina. Mr. Peres said not North Carolina, maybe Virginia. Mayland does not want to have them included.

Senator Eck said she was closed. SENATE JOINT RESOLUTION 11 is closed.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 11: Senator Mohar wondered what this would do to the federal deficit including two representatives, two senators and their staffs. Senator Haffey felt that it would be infinitesimal. Senator Lynch

felt that they could have 2 senators but he didn't know about the representatives, because the number of representatives is stable and cannot be raised. He felt that we might lose one of our representatives. Ms. Davis felt that it might only be entitled to one representative. Senator Tveit mentioned that this keeps coming up every two years. Senator Anderson said that he thought that in order to make this effective, another state would lose one of its representatives. Margaret Davis explained that the District of Columbia does not have a governor. The Congress monitors any city action. Senator Lynch moved that SENATE JOINT RESOLUTION 11 do not pass for the these reasons; (1) this would cut Montana's power and give the East more power; (2) it has a very moveable population depending on who is in power at the time; and, (3) it was not set up as the 51st state. Margaret Davis said that the people vote in all presidential elections, for the mayor, city council, school board, and that they have a person in Congress, but he more or less just monitors and he may not vote. Question was called, and the Committee voted that SENATE JOINT RESOLUTION 11 DO NOT PASS, with Senator Manning, Senator Conover and Senator Haffey voting no on the motion.

CONSIDERATION OF SENATE BILL 213: Senator Dorothy Eck, Senate District 4, Bozeman is the sponsor of this bill entitled, "AN ACT TO MAKE MANDATORY THE DISCLOSURE OF CONFLICTS OF INTEREST OF PUBLIC OFFICERS OR EMPLOYEES AND TO EXTEND THE DISCLOSURE REQUIREMENTS TO LEGISLATORS; AMENDING SECTIONS ..., MCA." Senator Eck said that the Montana Constitution requires Montana to enact a code of ethics. She said that we have always had a code of ethics, but this bill makes it clearer, and we want this to require a conflict of interest be made public. Senator Eck feels that reporting of conflicts of interest should be moved from the Secretary of State's office since they don't have the staff to deal with it to the Commissioner of political practices. Jim Waltermire, Secretary of State, recognized that he couldn't handle this under the existing statutes and asks this be taken from his department. This bill, she said, is as simple as it can get. It would require any person who had a conflict of interest to disclose it to the Secretary of State through the Commissioner of Political Practices, or to refer it to the leadership of the house in which he presently is serving.

PROPOSERS: Johnathan Motl, Common Cause, supports this bill. Mr. Motl said he would call their attention to the Constitutional process. He said we all have interests in our life and in our work. He believes this bill will make it easy to report a conflict of interest.

Margaret Davis, League of Women Voters, supports this bill. She feels that the disclosure of potential conflicts of interest reassures the public that their public officers and legislators are accountable for their actions.

February 11, 1985

C. B. Pearson, MONT Pirc, supports this bill. Mr. Pearson said that this bill will make for good government. He said this bill was supported by his constituents.

Mike Meloy, Attorney, supports this bill. He said that this bill has a little bit stronger language. It says that members must rather than shall disclose their conflicts of interest. He felt that this bill was more clear about what the potential conflict would be. Secondly, this bill makes same disclosure requirements of all other officers.

Larry Akey, Secretary of State's Office, supports this bill. He said they might have two recommendations. The first is the public disclosure goes through the leadership offices, which would be no problem during the session, but could pose a problem during the interim. Secondly, he said this was still voluntary and this has been a problem. However, he feels this is a giant step in the right direction.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: There were a lot of questions regarding just exactly what was a conflict of interest. Senator Eck said that she felt that if you are voting as a group there is no conflict of interest, but if you are in a position to influence the vote, there is a conflict of interest. Senator Lynch felt that there should be an explicit definition, and especially if they were going to put a penalty on it. Senator Mohar said that if they had a whole silo of wheat and they decide to take the taxes off it, you know Senator Conover is going to vote for it because he has wheat, is this a conflict of interest? Senator Eck felt that there again, he would be voting as a member of the body, so there wouldn't be a conflict. However, if they were voting on whether to buy his land for \$100,000 and turn it into a park, that would be a conflict of interest. Senator Haffey asked if Senator Eck, Larry Akey and Valencia Lane would get together and work out these problems: 1. Whether it should be Secretary of State's office or Commissioner of campaign practices that has jurisdiction. 2. Other provisions of the law that are affected by this and should be looked at. 3. Definition of conflict of interest.

Senator Eck closed by quoting Judy Browning who said, "in our dealings there are some measures that are illegal, some are unethical, and a lot that are just plain tacky." This deals with unethical. SENATE BILL 213 is closed.

EXECUTIVE ACTION ON SENATE BILL 213: Action on this bill will be deferred until Wednesday, Senator Haffey said.

February 11, 1985

Senator Haffey said that we had received a request from the Commissioner of Political Practices that that office should have their term increased from 6 years to 8 years. They feel that every governor should have an opportunity to appoint a Commissioner. They also admitted that this will make their job last longer. Senator Farrell asked why not 4 years as opposed to 8 years and then every governor could appoint a commissioner. Senator Haffey also mentioned that you could only serve one term as Commissioner of Political Practices. He decided that the Committee should think about this until later this week.

The meeting was adjourned at 11:15 a.m.



SENATOR JACK HAFFEY CHAIRMAN

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-11-85

NAME	PRESENT	ABSENT	EXCUSED
SEANTOR JACK HAFHEY, Chairman	✓		
SENATOR LES HIRSCH, Vice-Chairman	Late ✓	✓	
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓		
SENATOR DICK MANNING	✓		
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT	Late ✓		✓

DATE February 11, 1985

COMMITTEE ON State Administration

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Exhibit A-1
S.B. - 213
2-11-85

Testimony Before the
Senate State Administration
Committee
January 11, 1985

Mr. Chairman and members of the Committee, my name is Jonathan Motl and I appear on behalf of Common Cause of Montana. I speak in support of S.B. 213, a bill that makes mandatory disclosure of conflicts of interest by public officials and legislators.

As the members of this Committee may know, Montana's Constitution requires that:

The legislature shall provide a code of ethics prohibiting conflict between public duty and private interest for members of the legislature and all state and local officers and employees.
Article XIII, Section 4

Despite the above constitutional directive the Legislature has yet to adopt any such prohibition of conflicts of interest. During the 1979, 1981, and 1983 legislative sessions several ethics bills were considered and rejected by the Legislature. At least part of the reason for rejection of these bills was a concern by legislators that the proposed reform was too far reaching. S.B. 213 does not present that concern, S.B. 213 provides for the most basic of all conflict of interest reform -- it simply provides that there is mandatory and not discretionary reporting of conflicts of interest by legislators and public officials. The circumstances under which a public official or legislator should report a conflict of interest are defined in the ethical principles and rules of conduct set out in section 2, title 2 of the Montana Code.

As the framers of Montana's constitution realized, this state's legislators serve part-time, bringing to their legislative service the strengths and weaknesses that come from holding jobs and interests outside of their government service. It is inevitable that conflicts will arise. S.B. 215 simply deals with this situation by requiring disclosure of conflicts of interest by a legislator or other public official. Montana Common Cause believes that this is the proper approach for Montana to take in respect to the conflict of interest issue.

Entered N
S J-11
2-11-85

Testimony of Montana Common Cause
Before the Senate State Administration Committee

February 11, 1985

Good morning, Mr. Chairman and members of the committee. My name is Robert Anderson and I am a lobbyist for Montana Common Cause. I speak today on behalf of the 750 members of Montana Common Cause in support of Senate Joint Resolution 11.

Debate about how to provide equitable representation for the growing population of the District of Columbia while retaining a seat for the federal government that is free of competing state interests has been going on for many years. Congress has taken up this issue no less than 24 times since the District was created in 1800. Ideas like statehood for D.C. or retrocession of the area to Maryland have been ruled out as being unconstitutional, unworkable or politically unfeasible. Finally, in 1978, the House of Representatives and the Senate passed House Joint Resolution 554, which proposed an amendment to the Constitution providing simply for representation of the people of the District of Columbia in the Congress. Thirty-eight states must ratify the bill by August of this year if it is to become law. So far, 16 have done so and 22 are still needed.

Before I get into the reasons for passing this amendment, let me tell you exactly what it will and won't do. The amendment will give American citizens who make their home in the District of Columbia full voting

representation in the U.S. Congress, something they have historically been denied. It will not make the District of Columbia a state. It will, by repealing the 23rd Amendment, give the people of D.C. representation in the Electoral College proportionate to the District's population. The measure will not provide "home rule" - local self-government - for the District of Columbia or alter the Congress' present control of the District. It will give the citizens in D.C. a voice in ratifying Constitutional amendments, just like Americans in the other 50 states.

Still, the question might be asked, "Why do today what the framers of the Constitution would not do when the District was created?" In 1800, D.C. contained about 14,000 people, far fewer than the 50,000 required of territories which wanted to enter the Union and have national representation. Congress at that time was concerned that the people of the District receive representation, but not until the area's population warranted it.

Well, that time certainly seems to have arrived. According to the latest census figures, the District of Columbia, at almost 700,000 people, has a larger population than four states. In 1982 they paid out \$2.7 billion in taxes to a government in which they have no representation, a tax burden greater than that of 12 states. Men from the District of Columbia have served in every war since the Revolution. Two hundred and seventy-three lost their lives in Vietnam. In short, they are subject to all the regulation of the federal government and all the responsibilities of citizenship, but they are deprived of an important and fundamental right that the rest of us take for granted - the right to vote and be represented in government. As Supreme Court Justice William Rehnquist has said, "The need for an amendment of that character at this late date in our history is too self-evident for further elaboration; continued denial of voting representation from the District of

Columbia can no longer be justified." Justice Rehnquist is not alone in his support of the bill you have before you today. Attached to my testimony is a list of some of the people and groups who believe that this amendment is long overdue.

I would suggest to this committee that Montana's ratification of the District of Columbia Voting Rights Amendment would be a statement to the rest of the country that we believe in the principle of "one-person, one vote," not "700,000 people, no vote."

This amendment is simply the right thing to do. I hope you will support it. Thank you.

Supporters of the Amendment to Grant District of Columbia Residents Full Voting Representation in Congress Include:

AFL-CIO

American Association of University Women

American Civil Liberties Union

American Federation of State, County, and Municipal Employees

American Federation of Teachers

American Jewish Committee

American Nurses Association

American Veterans Committee

Americans for Democratic Action

Anti-Defamation League of B'nai B'rith

B'nai B'rith Women

Catholic Archdiocese of Washington

Common Cause

Communications Workers of America

Delta Sigma Theta Sorority, Inc.

Democratic National Committee

Disciples of Christ (Christian Church)

District of Columbia Bar Association

District of Columbia Chamber of Commerce

District of Columbia Democratic State Committee

District of Columbia NOW

District of Columbia Republicans for Self-Government

The Episcopal Church

Friends Committee on National Legislation

Frontlash

Greater Washington Central Labor Council

Greater Washington Board of Trade

Interfaith Conference of Metropolitan Washington

International Association of Machinists

International Union of Operating Engineers

Leadership Conference on Civil Rights

League of United Latin American Citizens

League of Women Voters

National Alliance of Postal and Federal Employees

National Association for the Advancement of Colored People

National Association of Counties

National Association of Cuban-American Women

National Association of Ecumenical Staff

National Capital Union Presbytery

National Coalition of American Nuns

National Conference of Christians and Jews

National Council of Churches

National Council of Jewish Women

National Council of La Raza

National Council of Senior Citizens

National Education Association

National Jewish Community Relations Advisory Council

National Urban League

National Women's Political Caucus

The Newspaper Guild

The Ripon Society

Southern Christian Leadership Conference

Unitarian Universalist Association of Churches

United Auto Workers

United Church of Christ

United Methodist Church, Board of Church and Society

United Presbyterian Church

United States Jaycees

United States Student Association

United Steelworkers of America

(This sheet to be used by those testifying on a bill.)

NAME: KEN PERES DATE: _____

ADDRESS: 701 South 5th West Missoula, MT

PHONE: (406) 544-6803

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: STR 11

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENT: _____

No Taxation without Representation

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SS-11
2-11-85

League of Women Voters of Montana

SJR 11 DC Amendment

In 1770, citizens of the 13 colonies said, "Taxation without representation is wrong." And, it still is wrong. But, DC citizens do pay taxes that are initiated by the House of Representatives — they pay billions in taxes.

Congressional representation is something that most Americans take for granted. They have at least three people in Washington representing them and their interests. They can direct their opinions and grievances to those senators and representatives. They can plea for legislation they support, and urge against legislation they oppose. DC citizens are not so fortunate.

Many opponents of the amendment accept the principle of DC representation in Congress, but advocate alternatives. For instance, some have argued that the District should be granted representation in the House but not in the Senate because of Article V of the Constitution which says "no state without its consent shall be deprived of equal suffrage in the Senate." But, many constitutional scholars can find no problem with Senate representation for DC via a constitutional amendment. And, two senators representing the District of Columbia would not impinge on the equal treatment of any state. There were 26 Senators when the nation was founded — 37 states and 74 Senators have been added since then without disturbing the fabric of government. Also, because of the separate responsibilities of each house, representation in one house and not the other would not provide equity for the citizens of DC.

Senator Howard Baker said, "we simply cannot continue to deny 700,000 American citizens their right to equal representation in the national government....this basic right is the bedrock of our republic that cannot be overturned."

We urge that you send this bill to the floor with a "do pass" recommendation.

Joy Bruck
LWV of Montana



JAMES W. MURRY
EXECUTIVE SECRETARY

Box 1176, Helena, Montana

ZIP CODE 59624
406/442-1708

Exhibit 11
SJR-11
2-11-85

TESTIMONY OF JIM MURRY ON SJR 11, HEARINGS BEFORE THE SENATE STATE ADMINISTRATION
COMMITTEE, FEBRUARY 11, 1985

I am Jim Murry, executive secretary of the Montana State AFL-CIO. I am here today to testify in favor of Senate Joint Resolution 11. This Joint Resolution provides for Montana's ratification of a constitutional amendment relating to representation of the District of Columbia.

The amendment, which was passed by a two-thirds majority of each house of Congress, provides that for purposes of representation in the Congress, election of the president and vice president and for purposes of Article V of the United States Constitution, the District of Columbia shall be treated as a state.

The District of Columbia has a population greater than seven states. Many of the people in this region are poor and black, and because they have been denied the right to representation, they have had a limited voice in the Halls of Congress.

There are no reasons to continue to deny the residents of the District of Columbia the right to representation. They have the same needs as you and I. They pay their fair share of taxes like other American citizens. But, unlike you and I, they do not have the right to elect their own representatives to the Congress of the United States.

As far back as 1967, the National AFL-CIO adopted a resolution at its convention supporting full suffrage for the District of Columbia. For decades before that, citizens and union members of Washington, D.C. had advocated full suffrage for the District of Columbia.

This amendment is a matter of simple justice. Without it, citizens of our nation's capitol are disenfranchised, second class citizens, denied rights which other citizens of our land enjoy. The citizens of the District of Columbia deserve to vote and to be represented, just as the citizens of Montana have that right.

The Montana State AFL-CIO urges ratification of this amendment. Please vote in favor of Senate Joint Resolution 11.

Thank you.

WITNESS STATEMENT

Name Margaret J Davis Committee On Sen. St. Admin.
Address SW Florence, Helena Date 11 Feb 85
Representing League of Women Voters Support X
Bill No. HB 213 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. the disclosure of potential conflicts of interest reassures the public that their public officers and legislators are accountable for their actions.
- 3.
- 4.

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

Exhibit 42
SB-215
2-11-85

**State of Montana
Office of the Legislative Auditor**

EDP Audit

**Acquisition and Disposal of
Data Processing Equipment and Software**

This report contains recommendations for improvements in the acquisition and disposal of data processing equipment and software for the State of Montana, including:

- ▶ **Using cost effective acquisition financing.**
- ▶ **Promoting compliance with state law.**
- ▶ **Changing the review and approval of university system acquisitions.**
- ▶ **Analyzing the cost effectiveness of vendor maintenance agreements.**

**Office of the Legislative Auditor
Room 135 State Capitol
Helena, Montana 59620**

STANDING COMMITTEE REPORT

February 11, 1935

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE JOINT RESOLUTION No. 11

first reading copy (white)
(Senator Lynch will carry this to the floor)
DISTRICT OF COLUMBIA REPRESENTED IN CONGRESS

Respectfully report as follows: That SENATE JOINT RESOLUTION No. 11

~~XXXXXX~~

DO NOT PASS

Chairman.

STANDING COMMITTEE REPORT

February 11 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE BILL** No. **225**

first reading copy (**white**)

color

**EXEMPTS UNIVERSITY SYSTEM FROM CERTAIN DATA PROCESSING LAWS,
WITH EXCEPTION**

Respectfully report as follows: That **SENATE BILL** No. **225**

DO PASS

XXXXXXXXXX

Chairman.