

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

January 21, 1987

The tenth meeting of the State Administration Committee was called to order by Chairman Jack Haffey on January 21, 1987 at 10 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on Senate Bill 132.

CONSIDERATION OF SENATE BILL 132: Senator Paul Boylan, Senate District 39, Bozeman, is sponsor of this act entitled, "AN ACT TO ABOLISH THE OFFICE AND CERTAIN FUNCTIONS OF THE COMMISSIONER OF POLITICAL PRACTICES AND TRANSFER THE REMAINING FUNCTIONS TO THE LEGISLATIVE COUNCIL; TO REMOVE LOBBYIST REPORTING AND ACCOUNTING REQUIREMENTS; TO TRANSFER LOBBYIST LICENSING REQUIREMENTS TO THE LEGISLATIVE COUNCIL." He noted this bill was first introduced in special session, passed through the Senate and defeated in the House. He stated the law governing the campaign filing and lobbyist disclosures has not been changed, the authority in this measure would just be transferred to the Legislative Council. The work of the political practices office would be done by a .5 FTE in the council office and all records of political practices would be kept in this office. This would accomplish a savings of \$200,000 in general fund moneys and in view of the budget situation in the state, Senator Boylan felt this was not a high priority item. If the public still feels this office is necessary he felt perhaps filing fees could be raised and these funds used to support the office without using general fund support.

PROPOSERS: Keith Anderson, President of the Montana Taxpayer's Association, noted that in the middle of the budget crisis the state is facing this office could be eliminated. He felt the time frame of allowing four years for filing actions should be amended to six months or one year. George Allen, representing the Montana Retail Association, noted the board of directors wanted to support anything which would assist in any way to help manage government affairs more efficiently and was in support.

OPPOSERS: Margaret Davis, representing the Montana League of Women Voters, stated the League is opposed to this legislation. She noted that the lobbyist disclosure initiative had been passed by a wide majority of the people barely six years ago. She felt now was not the time to dispose of the office and its important functions. This type of legislation would only be the vanguard of weakening campaign finance laws and there would be no ability to enforce the provisions of the finance disclosure law she noted. (See Exhibit 1) Don Judge, representing Montana AFL-CIO, stated the need for public financial disclosure is more important than ever now. He felt this legislation was confusing and would shift the burden onto the county attorneys in each county instead. (See

Exhibit 2) Steve Brown, a local Helena attorney representing himself, told of the history of the creation of the political practices office and why it was established. He noted that a single commissioner was chosen with enforcement powers because they did not want this responsibility on the county attorney's workload. He felt the office had served the state well and that the Legislative Council would not be in a position to be able to enforce the law very effectively. He felt, too, that as a lobbyist it was very important to have public disclosure to keep the system honest. Kelly Jenkins, a volunteer lobbyist speaking for Common Cause, noted that the disclosure initiative had been passed by a good majority of the voters and that the need is still there today. He felt with this measure there would be no enforcement or else one would be in court for minor technicalities. It would make enforcement unclear, abolish rulemaking, have no auditing authority, no business disclosures, no investigative powers and there would be no inspection of reports. He felt the public would not have adequate access to the records if kept in the council. He stated he felt the present commissioner should be allowed the opportunity to prove her capabilities and to let the office function in the manner for which it was intended. (See Exhibit 3)

Rick Meis, representing the Montana Environmental Information Center, opposed the bill as it presently reads. He felt the bill was too radical and that citizens need assurance that campaigns are being conducted ethically. (See Exhibit 4) Alve Thomas, a private retired citizen, believed the bill would not be a service to the people of the state. The office helps to maintain the high standards we now have. Blake Wordahl, representing the Montana Democratic Party, stated in the interest of the integrity of the political system, this office is very vital. Alan Ostby, representing himself, felt it was an attempt to gut an initiative passed by the voters and represented a clear choice between open and closed government. Dolores Colburg, Commissioner of Political Practices, stated she was proud when the legislation was passed in 1975 and for what the office does for our present system. She noted in her short term of office, she has initiated measures she feels will save the state \$100,000 from the current budget of \$200,000 by eliminating one staff person and other measures she could envision. She felt a .5FTE in the council would not be able to perform the functions the office now does. She was concerned about the public's ability to have access to the records also. A letter of opposition was also submitted by Tom Ryan. (See Exhibit 5)

QUESTIONS ON SENATE BILL 132: Senator Rasmussen wondered how many were on staff when Mrs. Colburg took office and was told four. She noted that she felt a fulltime attorney was not necessary. Senator Hofman wondered about the workload of the council during the time of elections. Mrs. Colburg noted they are very busy during session and this would be a time when they have registration of lobbyists at the political practices office


Senate State Administration  
January 21, 1987  
Page Three

which would be another responsibility if it were in the council office. Senator Anderson wondered how enforcement is now being conducted. Don Judge noted his concern that pressure be taken off the 56 county attorneys if this measure were to pass. Senator Hofman wondered if this could be done by the attorney general's office. Steve Brown then explained why the original intent was to have an in house attorney who had the powers of an assistant attorney general in the interest of fairness and to help eliminate political conflicts. Mrs. Colburg again noted they are not recommending they not have legal counsel, just exploring different avenues of utilizing such a person to eliminate costs. Senator Anderson wondered if the Legislative Council could supply the legal assistance and Mrs. Colburg noted there might be a conflict of interest.

Senator Boylan noted the lobbyist disclosure portion of the bill is still intact but the repealers just take it out of the Political Practices Office and puts this authority in the Legislative Council. He felt it was a luxury the state could no longer afford and was an effort to save taxes. He then CLOSED on SB 132.

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

cd

  
\_\_\_\_\_  
SENATOR JACK HAFFEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/21/87

---

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

COMMITTEE ON SENATE STATE ADMINISTRATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Alie Thomas	Private Citizen	SB 331		<input checked="" type="checkbox"/>
Joe Washburn	Private Citizen	SB 331		<input checked="" type="checkbox"/>
Walter Beck	" "	SB 132		<input checked="" type="checkbox"/>
Karen Hadwin	MT-Dance Co	"		
John Bryant	Seniors	11		
Tom Scott	Common Cause	SB # 132		<input checked="" type="checkbox"/>
Don Judge	MT STATE RELIGION	SB # 132		<input checked="" type="checkbox"/>
Kara Moomer	League of Women Voters	SB 132		<input checked="" type="checkbox"/>
John A. Strub	Private Citizen	SB 132		<input checked="" type="checkbox"/>
Erica Cantrell	League of Women Voters			
Rob Allen	MT Environmental Info Center	SB 132		<input checked="" type="checkbox"/>
Blake L. Smith	MT Democratic Party	"		<input checked="" type="checkbox"/>
Donna S. Smith	Seniors			
Alan Foster	Self			
Delores Calver	Commission of Professions	132		<input checked="" type="checkbox"/>
Keith Anderson	Montana Insurance Assn	132	<input checked="" type="checkbox"/>	
Margaret Davis	League of Women Voters	132		<input checked="" type="checkbox"/>
Steve Brown	Self	132		<input checked="" type="checkbox"/>
Karen J. Torkoff	Common Cause	132		<input checked="" type="checkbox"/>
Jan Swank	AP			

NAME: Atkinson's Dairy DATE: 31 Jan 87

ADDRESS: 2000 ...

PHONE: 415-3487

REPRESENTING WHOM? League of Women Voters

APPEARING ON WHICH PROPOSAL: SB 132

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

GENERAL STATE BOARD  
EXHIBIT NO. 1  
DATE 1-21-87  
BILL NO. SB 132

1-21-87

SB 132

League of Women Voters of Montana  
Margaret S. Davis, Helena

21 January 87

SB 132 (Loylan)

Hearing: 21 Jan 87, Sen. St. Admin.

**Position:** LWWV is Opposed to SB 132, an act to abolish the office and certain functions of the Commissioner of Political Practices .....

The League of Women Voters has opposed the dismantling of an independent office of Commissioner of Political Practices since the inception of that office. SB 132, if passed, would lead the citizenry of Montana to doubt the Legislature's commitment to enforcing campaign finance legislation and lobby disclosure legislation.

The net effect of this bill would be to return to the pre-1985 system of lobbyist registration, where for a small fee one could sign-up and get on the docket of lobbyists. In short, the reporting of lobbying expenses would be abandoned entirely only six years after being voted in by the people of this state.

The need for timely disclosure of lobbying expenditures has not abated in the intervening six years. Indeed, with worsening economic times the Legislature has had to respond with more frequent special sessions. Compared to the regular Legislative session, special sessions are often difficult for the public to follow. Tracking the expenses of lobbyists is one potential way of seeing who is interested in what in Montana.

The effect of this bill on campaign finance statutes is perhaps less dramatic in the short term. It is our prediction that further weakening of these statutes would soon follow in the wake of the elimination of the office of Commissioner of Political Practices.

The Legislature and Legislative Council would be in the awkward, if not untenable, position of drafting forms and instructions for themselves and their political opponents (page 17). Public confidence in the election process would plummet, particularly if the trend towards political action committees continues.

The League believes political candidates in Montana strongly feel that running for public office involves trust and high ethical standards. It is the proliferation of independent PACs and ballot issue committees that often confuses the voters. Full and timely disclosure acts to avert possible mischief and keeps the citizens informed. The League believes that it is important to document the money spent from both within and outside the state to influence Montana voters.

In summary, putting lobby disclosure statutes and withdrawing enforcement powers from the campaign finance law are giant steps backward. The League asks that SB 132 be given a Do Not Pass report by this committee.

NAME: Don Judge DATE: 1-21-87  
PAGE NO. 2 BILL NO. SB 132

ADDRESS: P.O. Box 1176, Helena 59624

PHONE: 442-1708

REPRESENTING WHOM? Montana State AFL-CIO

APPEARING ON WHICH PROPOSAL: SB 132

DO YOU: SUPPORT?                      AMEND?                      OPPOSE? X

COMMENTS: Senator Boylan argued that this bill would save \$200,000  
in a time of economic budget shortfall in Government. However, this  
is precisely why SB 132 should not be passed. As legislators make  
decisions regarding coal taxes, sales taxes, budget priorities and  
cuts, business tax breaks and labor law reform (specifically workers'  
compensation). The public is well aware that you will be  
addressing these issues, the press has seen to that. Now the  
public needs to know who <sup>will participate</sup> and how much will be spent,  
in the process of influencing your decision making. In this  
critical financial time, it is more important than ever that the  
public be assured that your decisions are honest and open.

In addition, this measure creates 56 different bodies for enforcement  
of our election laws. These individuals, county attorneys, are partisan  
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

offices which offers opportunity to inject partisan politics into enforcement  
activities which may result in overzealous pursuit of charges against an  
individual not of the same political party. The converse is obviously  
true. Additionally, how would decisions made in one county  
affect precedents for similar cases filed in another county.



NAME: KELLY A. JENKINS DATE: 1/21/87

ADDRESS: 930 KESSLER HELENA, MT 59601

PHONE: (H) 442-0476 (O) 443-5252

3  
1-21-87  
SB 132

REPRESENTING WHOM? COMMON CAUSE MONTANA

APPEARING ON WHICH PROPOSAL: SB 132

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: \_\_\_\_\_

THE REPEALER SECTIONS DO INCREDIBLE DAMAGE TO  
PROVISIONS IN THE LAW WHICH HAVE BEEN SUPPORTED AND ENACTED  
BY THE VOTERS OF MONTANA.

ENFORCEMENT OF CAMPAIGN FINANCE DISCLOSURE AND  
LOBBYIST DISCLOSURE LAWS SHOULD REMAIN A MATTER OF  
PUBLIC TRUST, NOT PRIVATE VENDETTA.

NOW THAT THE LAWS HAVE BEEN EFFECTUATED AND WE  
HAVE A CAPABLE ADMINISTRATOR AS COMMISSIONER, WE SHOULD  
ALLOW THE OFFICE TO FUNCTION AS THE VOTERS INTENDED.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



# COMMON CAUSE/MONTANA

P.O. Box 623  
Helena, Montana 59624

(406) 442-9251

SENATE STATE ADMINISTRATION

BILL NO. 3

DATE 1-21-87

BILL NO. SB 132

Senate State Administration Committee  
Sen. Jack Haffey (D-Anaconda), Chair.

January 21, 1987

Members of the Committee:

Common Cause appears today to voice its strong opposition to Senator Boylan's SB 132 which would abolish the Political Practices Office. If SB 132 passes, Montana will no longer have any mechanism to enforce lobbyist disclosure and campaign finance reporting laws, and these laws will be rendered ineffective and useless. The people of Montana do not want that and we urge you to kill the bill in your committee.

The Office of the Commissioner of Political Practices was created in the 1970s for the purpose of enforcing the election laws of the state of Montana and investigating any violation of those laws. The office currently runs on an annual budget of approximately \$140,000. In 1980, the citizens voted to expand the powers of the office through Initiative 85. Initiative 85 required the registration of lobbyists with the Commissioner and disclosure of their sources of funding. Additionally, candidates were required to disclose sources of personnel finances to avoid possible conflict of interests with their public duty. The people of Montana overwhelming voted for Initiative 85. It is an agency of government that enjoys overwhelming citizen support.

In the June 1986 Special Session, Senator Boylan introduced SB 18, a virtual duplicate of the current bill. That bill raised a resounding public outcry. Most of the major newspapers in the state editorialized against the bill. As you recall, Senator Boylan pulled his bill in June and it never reached the House Floor.

However, Senator Boylan has once again introduced the bill, this time SB 132. In our judgment, what was bad in June 1986 is worse in January 1987. Haven't Senator Boylan and his supporters gotten the point, or will it be necessary for the people of Montana to rise to defend this important office every six months?

In our judgment, SB 132 is a bad bill. While ostensibly a budget cutting maneuver, the bill would turn back the clock on political reform in Montana and would be a slap in the face of the majority of Montanans who want political

accountability. While Senator Boylan claims his bill will merely shift the responsibilities of the office to the legislative council, the office's functions will in fact be rendered ineffective.

SB 132 will do the following:

- It does away with the Commissioner of Political Practices Office and eliminates the enforcement and rulemaking associated with that office.

- In taking away the requirement that a central body collect and enforce the campaign finance and lobbyist disclosure reports, it effectively does away with those laws. Remember, the lobbyist disclosure passed by a 3-1 majority vote of the people in 1980.

- It puts the record keeping in the hands of the legislative council, the agency arm of the legislature. Their function will be just that - record keeping. The Council will not organize and monitor the incoming reports, nor act upon any violations. Thus, Montana will no longer have an independent body overseeing political practices.

Montanans want a strong, independent body to ensure that its elected officials are accountable to the people. They do not want a weakened enforcement system. And they certainly do not want to do away with campaign enforcement entirely, as this bill would do. Montana has some of the best good government laws in the country, laws that we all can be proud of. It has the mechanism to enforce those laws in the current Political Practices Office. It has a new Commissioner in Delores Colburg. And most importantly, it has a populace that overwhelmingly supports honesty and integrity in government. We urge you to oppose SB 132.

Sincerely,



Kim Wilson  
Executive Director  
Common Cause/Montana

1-19-87

ial Page Editor

# OPINION



Missoulian editorial

## The foxes besiege the chicken coop

**T**he Legislature seems incapable of meeting without waging an attack on the institution most politicians love to hate — the Commissioner of Political Practices Office.

They're at it again. This time a House Appropriations subcommittee has voted to eliminate all funding for the office charged with reviewing political campaign information and enforcing state election laws.

Meanwhile, Sen. Paul Boylan, D-Bozeman, says he plans to introduce a bill to abolish the office and transfer its responsibilities to the Legislative Council or secretary of state. His proposal — similar to the unsuccessful one he pushed in last June's special session of the Legislature — would put the foxes in charge of the chicken coop.

Purportedly, the funding cut is inspired by legislators' desires to economize. The cut would, indeed, save \$280,000 over the next two years. Then again, eliminating the office would likely transfer much of the expense to other state and county offices, making the savings debatable. But saving money is the excuse, not the reason why lawmakers are staging another attack on the state's political watchdog.

The real reason is this: Some politicians resent the commissioner of public practices as an unnecessary intruder in their affairs. They dislike the commissioner's power to enforce laws requiring candidates and office holders to file detailed financial statements, including the source of their financial backing. They dislike the easy access the public has to those financial statements as a result of the commissioner's efforts. Lobbyists are none too fond of the office or its lobbyist-registration and expenditure-reporting requirements, either.

That's unfortunate. People who don't particularly care to have a political watchdog apparently forget why we have one in the first place: to keep our

politicians honest. They ignore the fact that elected officials serve at the public's pleasure, and that their business is the public's business.

It was in the wake of Watergate — when the public learned how crooked some politicians can be in their own behalf — that Montanans demanded tougher campaign laws and a semi-independent commissioner to enforce them. As recently as 1980, the voters reaffirmed their interest in maintaining the office by approving an initiative expanding the commissioner's authority to include supervision of lobbyists.

Eliminating funding for the commissioner's office is an underhanded tactic. Instead of openly debating the merits of the office or the wisdom of the campaign laws, legislators simply scratch out a line in the budget. By bundling the deletion in with all other state expenditures in an appropriations bill, self-serving lawmakers make it much more difficult for public-minded legislators to defend the office.

The commissioner's office isn't totally effective and it isn't always aggressive in pursuing its enforcement duties. But it's the best watchdog we have in state government and it enjoys strong public support.

Nevertheless, each meeting of the Legislature brings renewed efforts to do away with the office — not to improve, streamline or strengthen it. That's an example of simple arrogance on the part of certain legislators.

If someone has an idea for saving money while effectively enforcing political practice laws and providing full public disclosure of campaign and lobbyist finances, let's hear it. Lacking such a proposal — none has surfaced yet — the Legislature has a moral obligation to serve the public interest by maintaining the Commissioner of Political Practices Office.

## OUR OPINION

# Keeping politics clean

## Campaign practices office essential to democratic process

The Montana political practices office has become a target of many legislators who seem to prefer a return to the days when wealthy special interest groups could buy their way to power.

A House appropriations subcommittee voted Monday to cut off funding to the office, which oversees the reporting of campaign finances by candidates and political action committees and expenditures by lobbyists.

The funding slash is an underhanded way to abolish an office that many politicians oppose because it forces them to be candid and open about who foots the bill for their election races.

If legislators want to do away with the office, they should be straightforward about it and introduce such legislation. That way the pros and cons could be openly debated and the public would be allowed to participate.

Montana citizens have shown great support for the campaign practices office. Nearly 70 percent of the voters passed the lobbyist disclosure initiative that led to the establishment of the office.

The widespread voter support could be seen as a reaction to the time when the Anaconda Co. and other large companies wielded too much influence over state government and legislative policies.

Now some lawmakers are using the state's fiscal problems as an excuse to get rid of the office.

They say the state could save \$240,000 over the next two years through the abolition.

However, when Sen. Paul Boylan tried to do the same thing during the June special legislative session, estimates on cost savings varied. The legislative fiscal analysts said it would save only \$60,000 a year or less — a drop in the bucket considering the state's multi-million dollar deficit.

Another bill — one of several dealing with the political practices office expected to be introduced this session — would turn the non-political office into a body consisting of three Democrats and three Republicans. House Bill 107 would create an ineffective office with political bickering and favoritism replacing vigilance and policing.

A hearing on HB 107 was scheduled today before the House State Administrative Committee.

The state benefits from having an independent, non-political agency keep tabs on how much money is donated to candidates and lobbyists and how much of it they spend. Montana also benefits from having the agency monitor campaign practices.

Having a watchdog agency keeps politicians honest. If they receive lots of money from a special interest group, it becomes a matter of public record, not a secret deal concocted in a smoke-filled backroom.

Bribery, fraudulent electioneering, ballot tampering, coercion and deceptive political practices cannot be tolerated in a democracy. The campaign practices office helps keep politics clean.

## Short-term

Not long ago a well-informed expert listened to still another discourse on damage that short-term managerialism is doing to the U.S. economy; ability to continue generating job and decent living standards for Americans.

"I think we all know by this time the problem is," he commented. "What should be talking about now are solutions."

The new Democratic-controlled Congress is acutely aware of growing concern over the huge trade deficit and what about the American economy's inability to compete with foreign products either at home or abroad.

There is a built-in temptation to protectionist legislation limiting foreign access to the U.S. market. But both Reagan administration and responsive Democratic leaders believe that such an approach would do more harm than good. So the buzzword in Washington these days is competitiveness.

It remains to be seen, though, whether elected officials are ready to do what is necessary to deal with one of the sources of this country's eroding ability to compete: the short-term focus of many business executives.

As Congress and the administration look for concrete means of making America more competitive, the proposal propounded by Pat Choate, a Washington-based corporate economist with strong ties to influential people in government, is getting a lot of attention. Most of the proposed correctives make sense.

In "The High-Flex Society" (1986), written with J. K. Linger, Choate allies himself with those who, bemoaning the barriers facing U.S. exporters in Japan and many other foreign markets, are convinced that America's loss of competitiveness is to a major extent self-inflicted.

Choate has a number of interesting proposals for reform of the anti-copyright and patent laws, tax incentives for research and development, retraining for displaced workers, financial help for small business and timely penalties against foreign exporters and governments that abandon unfair trade practices.

But the TRW economist's most interesting contributions are his proposals dealing with the short-term thinking that prevails in corporate America these days.

There is widespread agreement that

"IMAGINE. M  
AMERICANS

# Keep campaign office

## Boylan's proposal helps politicians but hurts voters

One of the many topics being taken up by the Legislature's special session is budgetary. It deals with campaign spending and influence or tilting.

Bozeman Sen. Paul Boylan should be ashamed of himself for carrying a measure to abolish the state office of campaign practices.

Boylan's bill hurtles across the senate. The House should still miss proof of bad legislation.

Montana has laws requiring its political candidates to report campaign contributions — who contributes and how much they give. Lobbyists also must report who supports them financially and how much the lobbyists are paid.

Boylan wants to abolish the office of the state commissioner of political practices and end the lobbyist disclosure requirement.

He says the office has outlived its usefulness and is too expensive.

When the state budget is in debt, even the modest savings by abolishing the office are important, Boylan says. He says the savings would be \$130,000 a year, but the estimate attached to the bill puts the savings at \$60,000.

A \$60,000 assault on a \$100 million deficit is a trifling. This is not a budget matter, this is a policy matter that should be debated in a regular session instead of a special session.

The law requiring all candidates to report campaign contributions and spending would stand, but responsibility for monitoring campaign financing would shift from the commissioner's office to the Legislative Council.

The move would gut the campaign financing laws. The Legislative Council does not have the time to monitor campaign spending.

its own monitor and other elected officials.

Campaign reports serve an important function. Citizens need to know who is paying for their elected representatives. In 1984 when I voted for a representative, I knew the origin of the money more important when voters make their choices.

Voters should know if their candidates are being bought by special interests.

Even with its flaws, Montana's system of campaign reporting provides honest disclosure.

Boylan has said that Montana doesn't need campaign reporting laws because the state is so small that voters know what their representatives are doing. Lobbying and improper political deals would go undetected.

Boylan knows that is pure baloney. Montana is no more immune from unscrupulous political practices than it is from the flu.

Besides, the commissioner of campaign practices doesn't exist to catch crooks. He or she only interprets campaign laws, regulates and serves as a guide for candidates through the gray areas between proper and improper practices.

It's not always crystal clear what is right and what is wrong. And politicians and the public both need to know where to draw the line.

The laws exist to catch bad guys, but to identify activities that have the appearance of conflicts of interest. The laws exist to shield politicians from suspicion — suspicion that can damage our system of government.

It's no secret that Boylan and other politicians find the reporting requirements a pain in the neck.

What he and other politicians think is of no consequence. The laws exist to serve the citizens and their system of government, not the politicians.

# Woman ju

...The court ...  
...and while ...  
...the ...  
...and ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...

...The ...  
...the ...  
...the ...  
...the ...  
...the ...



■ Tom Brown, Publisher  
■ Bradley Hurd, Editor  
■ Sam Reynolds, Editorial Page Editor

# OPINION

# 6

## SB18 is an example of sneaky legislating

The most enraging events of any legislative session are the sneaks, the sleights-of-hand, the skulking business of getting something passed that the lawmakers *know* the public does not want.

Prime skulker in this special session is Senate Bill 18. The bill would shroud Montana's lobbyist

### Missoulian editorial

disclosure and campaign reporting laws. With any luck, by the time this editorial appears SB18 will be cooling in the grave, where it belongs.

If not, kill it, legislators. And if it goes to the governor's desk, veto it, Ted Schwinden. Here is a special session called to deal with Montana's fiscal crisis. The state budget is around \$100 million out of whack. The legislators have plenty to do dealing with just that.

But Sen. Paul Boylan, a Bozeman Democrat, sneaked in SB18 — with the help of a lot of his elected cohorts who signed his petition. He toured it as a way to save the state money. SB18 has as much to do with saving the state money as dynamite has to do with the carpenter trade.

Here's some background: Legislators are politicians. Many dislike laws that compel them to make public their campaign contributors or their own personal finances. Many don't like laws that require lobbyists to register and report how they spend their lobbying money.

Various campaign reform laws were passed in Montana during the 1970s as reaction to the President Nixon and Gov. Tom Judge election scandals. The abuses by both were rampant and clear-cut.

But the Legislature still shied from stiff lobbyist reporting rules and from requirements that individual legislators make public their own business interests.

Six times, beginning in 1975, lobbyist reporting and business disclosure bills were brought to the Legislature. Six times the timid legislators killed the bills.

So supporters of lobbyist disclosure took another tack. They circulated and got Initiative 85 overwhelmingly approved making Initiative 85 a state law.

The people want lobbyist disclosure. They want lawmakers to disclose their business interests.

Like it or not, legislators, the people want all that.

This money-saving measure would, according to the Commissioner of Political Practices Office, save a grand total of \$38,168. It would abolish that office, strip the law of many reporting requirements and rule-making powers, free lobbyists and legislators from disclosure requirements, and

deposit the office's sorry remnants with the Legislative Council.

Saved: \$38,168. Peanuts.

Destroyed: The main mechanisms that ensure lobbyists and candidates for public office will be on the up-and-up.

The only reason this devious bit of devilry ever had a chance is that many legislators and lobbyists dislike the present disclosure laws. The good ol' days were better, when the public's business could be conducted on a good-ol'-boy basis. Dealers could wheel in the lobbies and in the expensive watering holes and lawmakers could dodge telling the public about their most flagrant conflicts of interest.

This comment is written not only in the hope that SB18 will die — it's unbelievable such a monstrosity could become law — but even more to discourage this sneaky approach to legislating. This flim-flam of dressing up a cowbird and calling it a gorgeous swan of budget-cutting.

# *The Pearl Harbor of political ethics*

The Montana Senate has acted in disgraceful fashion on a bill that should never have been introduced in the special budget-balancing session.

We're speaking of Senate Bill 18 — which would sharply curtail this state's hard-won lobbyist disclosure and campaign reporting laws. The measure would abolish the Commissioner of Political Practices office, an independent agency that makes sure candidates for political office obey campaign and fundraising laws and oversees laws regulating lobbyists.

The bill stipulates that, as of early next year, the office's responsibilities would be transferred to the Legislative Council.

It would do away with requirements that political lobbyists disclose which groups or persons give them financial support and how much money they are paid. Political candidates would still be required to submit reports of their campaign finances — but the Legislative Council would become little more than a repository of such records. Enforcement would be seriously weakened.

The bill passed the Senate on third reading by a 25-24 vote Wednesday (with 20 favorable votes from Republican senators and 5 from Democrats, including the bill's sponsor, Paul Boyland, D-Bozeman) and is now headed for the House, where we sincerely hope it will be killed.

The campaign commissioner's office was created in 1975 during the post-Watergate era that coincided with disclosures that then-Gov. Thomas L. Judge had not reported about \$94,000 in campaign contributions. A bipartisan committee worked hard to create an independent campaign commissioner's office to police candidates. This concept was enlarged in 1980 when the people, through an initiative, approved an act requiring lobbyists to disclose their sources of support.

These laws, as much as anything else, have helped restore confidence in government and the political process in this state.

Senate Bill 18 was introduced last week and rammed through the process — with reduced opportunity for citizens and public-interest groups to testify.

It's a sneak attack, the Pearl Harbor of political ethics in Montana.

The House must consign Senate Bill 18 to the junk heap. Lacking that, the governor must veto the measure.

If the Legislature wants to consider fine-tuning or changing laws regarding political campaigns and lobbying activities, fine and dandy. But it should be done in a regular session where the citizens who helped frame the laws would have a full opportunity to participate.



# OPINIONS

## Don't mess with disclosure laws

Some citizen-involvement groups in Helena are hopping mad, and we don't blame them. Sen. Paul Boylan, D-Bozeman, has introduced a bill to eliminate the Commissioner of Political Practices Office and transfer its responsibilities to the Legislative Council. With the move, the bill would repeal key provisions of the political accountability act which was passed five years ago by 60 percent of the Montana voters through the initiative process.

The act requires lobbyists to disclose what they are spending to influence legislation, and requires political candidates to disclose how much they are receiving from supporters. To put it simply, it lets everyone know where everyone else stands and gets the politicking out of the dark, smoke-filled rooms and into the public eye.

Boylan's move would take the disclosure laws' enforcement powers away from the Commissioner of Political Practices and would not give them to the Legislative Council, leaving the laws toothless.

One would think a law that protects the public's right to know where political money comes from — in fact, a law initiated by the public and not the Legislature — could not be easily tampered with. In fact, the State Administration Committee tabled the bill late last week, but Boylan mustered enough votes to force it onto the Senate floor, where it was passed by the Senate, 25-24, today. It now goes to the House.

Groups like Common Cause and the League of Women Voters are calling him sneaky and underhanded for pushing it through during a special session bent on resolving the state's budget crisis.

Boylan claims his bill, SB18, is a budget matter — claiming it would save \$100,000 a year. But a fiscal note from the Office of Campaign Practices Tuesday said the move would only save \$38,000 a year at most.

That's too little savings — at too big a price — for scrapping one of the most important laws in our state. As a Political Practices attorney said on Monday, "Things would be right back to where they were in 1972 when special interests ran things."

We agree. We're appalled at the Senate's passage of the bill, and we want to see Boylan's proposal defeated in the House.

**AN  
IR  
VIEW**

NAME: Rick Meis DATE: 1-21

ADDRESS: Box 1184 Helena SENATE STATE ADMIN. EXHIBIT NO. 4

PHONE: 443-2520 DATE: 1-21-87 BILL NO. SB 132

REPRESENTING WHOM? MT Environmental Information Center

APPEARING ON WHICH PROPOSAL: SR 132

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: Not good. If it ain't broke, don't  
fix it!

I want to be held accountable.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 1-21-87

BILL NO. SB 132

January 21, 1987  
Montana People's Assoc.  
Golden Nuggets Chapter  
MSCA  
Helena MT 59601

Hon. Sen. Jack Haffy, Chairman  
Senate State Administration  
Capitol Building  
Helena MT 59620

Dear Sen. Haffy:

The present laws regarding the expenditures for various campaigns for office allow the public to know how much is being expended, and by whom. To change the governance of the office would deprive the well meaning little person very little of any timely information. The present system does offer some restraint, as well.

As a senior citizen, closely associated with campaigns since the early 1950's, it is my belief that a single knowledgeable Commissioner of Political Practices should be maintained.

Sincerely,



J.T. (Tom) Ryan  
President, Golden Nuggets  
Montana Senior Citizens  
Association