

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Jan Brown, on January 10, 1989,
at 10:00 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies,
Staff Researcher

Announcements/Discussion: None

HEARING ON HJR 4

Presentation and Opening Statement by Sponsor: Rep. Larry Grinde, House District 30, stated that often resolutions weren't necessary to state government and that he learned in his first year of serving at the Legislature that these bill were called "Puff Balls." Some times these seem funny, but to the people back home these are a very, very serious matter. He said that in 1982 the people involved in the softball programs in Lewistown were faced with inadequate facilities. They decided to make a plan, and during the process they found out that the state softball association wanted to start a softball hall of fame. The town applied for the site of the Hall of Fame and were granted this in 1983. Funds were raised through various grants and contributions from the community with matching funds from city and county.

All the work on the project was donated with no expenses for labor. Six years later in the summer of 1988, we had the Softball Hall of Fame dedication and they had ten new inductees into the Hall of Fame.

There are now four fields with a new building for the Hall of Fame. This has had a large impact on the economy of Lewistown. They will be holding in 1989 regional and state tournaments. In addition, they have

gone into the Little League area and will hold regional and state tournaments there. He requested the committee do give this a do pass recommendation.

List of Testifying Proponents and What Group They Represent:
None

List of Testifying Opponents and What Group They Represent:
None

Testimony:
None

Questions From Committee Members:

REP. O'CONNELL said she was all for bill. She wanted to know if this was donated or set up by the state.

REP. GRINDE replied that it was not set up by the state, but that it was set up by the Montana Softball Association, who then presented it so any community could apply for the Softball Hall of Fame. There was a committee throughout the state that went through the applications and Lewistown was chosen.

REP. DEBRUYCKER wanted to know if there would be any chance in the future on that Lewistown would be asking for some help with state money. REP. GRINDE replied that no there would be no need for state funds. He said the complex is completed and there is one full-time employee and that the money is all coming from the county and city. He said that they expect the profits that will be coming in to take care of all future expenses.

Closing by Sponsor: Requested passage of the "Puff Ball Bill."

DISPOSITION OF HJR

Motion: Rep. Campbell moved HJR 4 DO PASS, seconded by Rep. DeBruycker.

Discussion: None

Amendments and Votes: None

Recommendation and Vote: The motion CARRIED unanimously.

HEARING ON HB 71

Presentation and Opening Statement by Sponsor: Rep. Whalen, stated that by request of the Commissioner of Political

Practices he was sponsoring HB 71 and that the title of the bill explains what they are attempting to do. He said that several years ago a newspaper association challenged the section 13-35-211, MCA, which prohibited the media from talking to people about how they voted when they came out of the election polling places. Since this section prevented them from being within 200 feet of the polling places, they challenged that statute in federal district court and it was ruled that the portion of the statute restricting them to within 200 feet of the polling place is unconstitutional. He said that what HB 71 does is strike the language that the court said was unconstitutional. He said that Commissioner of Political Practices, Delores Colberg, would answer any questions the committee might have concerning the bill. He urged that the bill be passed.

List of Testifying Proponents and What Group They Represent:
None

List of Testifying Opponents and What Group They Represent:
None

Testimony:
None

Questions From Committee Members:

REP. NELSON asked what court declared the act unconstitutional. REP. WHALEN responded that it was a federal district court in Montana. DELORES COLBERG said it was in U.S. Judge Charles Lovell's court in Helena and that the decision came down on November 3, 1988. She said that the decision is very clear, indicating that the court finds only the portion of section 13-35-211 (3) unconstitutional to the extent that it prohibits the conducting of exit polls within 200 feet of Montana polling places. Also she stated that the Montana court order says that the rest of the statute stands. REP. ROTH asked if the decision had been challenged or appealed. She responded "no," that it was a joint decision of her office and the attorney general's office not to appeal this to a federal appellate court because of similar language in other states. REP. O'CONNELL wanted clarification on just what portion was being struck from the bill.

DELORES COLBERG clarified the bill by saying that the language providing that poll takers could not be inside the building would be left; but they could walk up to and be adjacent to the polling place or building itself.

Closing by Sponsor: Rep. Whalen had no closing.

DISPOSITION OF HB 71

Motion: Rep. O'Connell moved HB 71 DO PASS, Rep. Cocchiarella seconded.

Discussion: REP. DAVIS asked if there was any alternative if they defeated this bill. REP. WHALEN said he did not like the bill from the standpoint that it allows news people to harass voters when they come out the door. But he said that in the interest of having Montana's statutory law conforming to the federal constitution, we need to do this. REP. CAMPBELL wanted to know if it could be amended from 200 feet to 100 feet and have the court rule on it again. DELORES COLBERG said that if the bill was amended to another number of feet it probably would still be unconstitutional. She said they did ask Justice Lovell about a 25 foot zone and he wouldn't allow that either. She stated that there is a statute in title 13 stating that no one may interfere with any citizens or impair or harass or bother them. If the television or print media crowded around the doors of a polling place to such an extent that they were an impairment to people coming in and being able to vote, then the election officials could tell those people to back off.

Amendments and Votes: None

Recommendation and Vote: The motion CARRIED 15 -3, with Reps. Campbell, Nelson and O'Connell voting against it.

ADJOURNMENT

Adjournment At: 10:20 a.m.


JAN BROWN, Chairman

JB/jb

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DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 1-10-89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais	✓		
Rep. Janet Moore	✓		
Rep. Angela Russell	✓		
Rep. Carolyn Squires	✓		
Rep. Vernon Westlake	✓		
Rep. Timothy Whalen	✓		
Rep. Bud Campbell	✓		
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Rande Roth	✓		
Rep. Wilbur Spring, Jr.	✓		

STANDING COMMITTEE REPORT

January 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Joint Resolution 04 (first reading copy -- white) do pass.

Signed: Jan Brown
Jan Brown, Chairman

STANDING COMMITTEE REPORT

January 10, 1989

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Mr. Speaker: We, the committee on State Administration report
that House Bill 71 (first reading copy -- white) do pass .

Signed: _____

Jan Brown
Jan Brown, Chairman

VISITORS' REGISTER
STATE ADMINISTRATION COMMITTEE

BILL NO. HB 71

DATE January 10, 1989

SPONSOR Rep. Whalen

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Tim BERGSTROM	726 AVE. F BILLINGS, MT	✓	
Dolores Colburg	Capitol Station, Helena ⁵⁹⁶²⁰	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.