

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By CHAIR JAN BROWN, on February 8, 1991, at 8:30 a.m.

#### **ROLL CALL**

##### **Members Present:**

Jan Brown, Chair  
Vicki Cocchiarella, Vice-Chair (D)  
Beverly Barnhart (D)  
Gary Beck (D)  
Ernest Bergsagel (R)  
Fred "Fritz" Daily (D)  
Ervin Davis (D)  
Jane DeBruycker (D)  
Roger DeBruycker (R)  
Gary Feland (R)  
Gary Forrester (D)  
Patrick Galvin (D)  
Harriet Hayne (R)  
Betty Lou Kasten (R)  
John Phillips (R)  
Richard Simpkins (R)  
Jim Southworth (D)  
Wilbur Spring (R)  
Carolyn Squires (D)

**Members Excused:** Gary Forrester (D)

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Judy Burggraff, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:**

#### **HEARING ON HB 450**

##### **Presentation and Opening Statement by Sponsor:**

**REP. HAL HARPER**, House District 44, Helena, distributed amendments to HB 450 **EXHIBIT 1** and said the Commissioner of Political Practices (CPP) had requested he introduce the bill to clean up a "couple of sections of law and add (some) tools that will be useful for the Commissioner to make sure she can do her job." It will do the following: 1) give the CPP the "tool" to

make sure the principals who have not filed reports are unable to become lobbyists until they have done so; 2) allow the CPP to issue noncompliance orders and not have to go "all the way to court." 3) reduce from seven to three years the amount of time that lobbyists must keep records; 4) reduce from seven to three years the amount of time a person has to file a civil suit. The Internal Revenue Service only requires you to keep records for three years, so there is no reason to require a lobbyist to keep them for seven years. Sect 4 is removed by the amendments on Pg. 3. Sect. 5 is taken out of the bill because Rep. Jane DeBruycker has a bill dealing with the same section.

Proponents' Testimony:

**Dolores Colburg, Commissioner of Political Practices,** presented written testimony. EXHIBIT 2 In addition, she said, "If the bill is approved by the . . . Legislature, my office . . . will keep those records for ten years."

**Don Judge, Montana State AFL-CIO,** presented written testimony. EXHIBIT 3

**Diane Sands, Women's Lobby,** said they are in support of this bill and the other proposals before the Committee this morning from the CPP's office. "We think these are important for the public and yet provide for doing away with some of the unnecessary record keeping. We think they are fair and put all of the lobbying organizations on a common and good ground."

**John Alke, Montana Society of Association Executives (MSAE),** said they support the bill. He said he agrees with CPP that amendment No. 4 is very important because if the CPP was to issue an order of noncompliance without the amendment, with which many of the lobbying groups disagreed, the only way they could disagree with the CPP was to hire a lawyer immediately and file an action for judicial review. Failure to do so within 30 days would make the order binding even if it was unlawful. MSAE thinks that is entirely inappropriate. Someone should simply be able to write or call the CPP and say, "No, you're wrong." If that section is left out, you do not leave a person with a judicial remedy. If the CPP's office and the lobbying group could not agree as to what the law required, the lobbying group could always bring an action for what is called declaratory judgment.

**Mike Pichette, Montana Power Company,** said they also concur with the CPP's contention that an additional enforcement tool is needed to force inattentive or "maybe irresponsible principals to get their reports in."

Opponents' Testimony: None

Questions From Committee Members:

REP. RICHARD SIMPKINS asked the CPP if the lobbyists only have to keep their records for three years and her office will keep their records for ten years, would her office have the authority to approve how a lobbyist justified their report in, for example, five years if a discrepancy were found. Ms. Colburg said she could not answer that question without seeking legal counsel. "Offhand, if it is a civil matter and the clock has run and three years have expired, then I think the time has gone by. But my recollection is if it a criminal matter, that is a different clock that is running." REP. SIMPKINS said the bill does not state that the CPP is going to keep the records for ten years. The three-year time period would expire to take a civil action, but when does your time period expire to take an action against them? Ms. Colburg said her understanding would be that if the Legislature acts favorably on HB 450 and it is signed into law, the civil-action clock would end at three years. But it would be different for a criminal claim. While this bill says the time to bring a civil action would be reduced from seven to three years, she did not think it would be an interference with the fact that those reports, that are filed in the CPP's office along with the campaign reports, must be retained for ten years. The CPP's office does not have all the supporting records on which those reports were based. "But I think it is still appropriate for the Commissioner to keep the reports that come from both the lobbying people and from campaign candidates for ten years. After that they go to the archives."

REP. SIMPKINS asked Mr. Pichette if he would keep records based on the anticipated liability. Mr. Pichette said he did not know what the legal department of the Montana Power Company does in the way of record keeping. He personally ran across his 1966 income tax records in the basement and he personally would keep them for his own protection. "It is nice to know if you lose it, after three years you would not be subject to this law. I think it is a good idea to drop it from seven to three (years)."

Closing by Sponsor:

REP. HARPER closed.

HEARING ON HB 424Presentation and Opening Statement by Sponsor:

REP. JESSICA STICKNEY, House District 26, Miles City, introduced HB 424 to mandate gender balance on all appointive boards, commissions, committees and councils of the state if possible. She said that in the last Legislative session she presented the Committee a resolution very similar to this bill. "It was our hope that the tender nudge toward equity would happen as a result of the resolution. . . . We are at the point where gentle nudges don't help all that much." It isn't her intention to put

stumbling blocks before the appointive process as there may be statutory requirements or it may be impossible to find a true balance among certain professional boards. The clause "to the greatest extent possible," is very serious. By January 1, 1994, 10 percent of the total membership of the total boards, commissions, committees and councils of the state must represent minorities of resident Montana. This is an addition to the intent of two years ago. We must recognize the minority people who reside in Montana and their contributions and make a real effort to see they are represented on the boards. Since 1989 there has been an increase of approximately 171 people appointed to boards. Of that number, 118 are women and 43 are men, but the balance is still inadequate. Only about one-third of all appointments to all boards are women. "We do not yet have the ability to judge how many are minority so that is not a part of our statistics at this point." She said she had an amendment. **EXHIBIT 4** The amendment will instruct the Secretary of State to do two things: 1) to publish in the Montana Administrative Register on a monthly basis the recent appointments made by the executive branch and the upcoming vacancies on executive boards and commissions; and 2) to develop a form for distribution to all appointees with their oath of office to obtain the gender and minority designation of appointees.

#### Proponents' Testimony:

**REP. HARPER, District 44, Helena,** said the idea behind commissions and committees is that the public be represented. "If you're going to represent the public, why not appoint members of the public according to how many of them there are." This bill does that. "We should move the state as quickly as possible towards the truly representative type of government that we all like to think we have."

**Kate Cholewa, Montana Women's Lobby,** representing 50 organizations and 10 thousand individuals, presented written testimony. **EXHIBIT 5**

**Martha L. Onishuk, Social Policy Director, League of Women Voters,** presented written testimony. **EXHIBIT 6**

**REP. BEA MCCARTHY, House District 66,** said she is not "usually the flag burner or a marcher for women's rights. I have seen as much of the prejudice as any woman of my generation. I can tell the stories of being denied credit without my husband's signature; not receiving a teacher's contract -- not because I was a woman but because I was a married woman or later because I was pregnant." She is most concerned about the current governor's refusal to name qualified, capable women to boards and commissions. There is no law that states the needs for gender balance. "In a state that sent Jeannette Rankin to Washington, most of us never felt that it was necessary. . . . I felt a deep disappointment and resentment last Friday when I learned that for the fifth time in (the Governor's) administration . . . (he) had

made an appointment to the Board of Regents and had again named a male member to that board. Over 50 percent of the university population is female. . . . this group is no longer adequately represented on their own governing board. During the course of the year there will be many issues that will come before the Board that are neither male nor female issues, but many need a female perspective." Rep. McCarthy distributed copies of an editorial from The Missoulian, entitled, "Male Slant Tips Balance." **EXHIBIT 7** She requested the Committee members read the article.

**Carol J. Farris, appearing for herself, Gender Equity Coordinator, Vocational Education**, said her job was mandated by the Perkins Funds, which are sent to the state from the federal government. She reviews and promotes gender equities in the state because the "economy can no longer function with the brain drain of having people who are not able to do the work they were meant to do, by their skills and their abilities, just because of the shape of their skin. We have to look beyond the basic dividing lines of all societies of gender, race and class. We have to refuse to consider that the brain carried around in a female body cannot make the kind of decisions that are made by the regulatory- and policy-setting agencies of the state." Public service, the Legislature and elected offices, are still nontraditional fields for females. If that were not so, we wouldn't have posters asking the American voter whether or not they would be willing to vote for a woman for president. The way the questions are framed indicates where our values and traditions lie. She said if it was not so late in the Legislative process, she would recommend the bill be split. "I think both groups, both women and minorities, deserve an affirmative vote of record from you." Ms. Farris requested the number be removed from the second paragraph as she thinks it is counterproductive. "It might be correct at this particular point in time, but we don't know what future birthrates or opportunities will (be)."

**David Toppin, Deputy Commissioner, Chief Academic Officer, University System**, said that "sadly, like so much legislation that appears before you routinely, this bill should not be necessary. . . . The state of Montana is making progress towards establishment of an appropriate gender equity and ethnic equity environment at a relatively reasonable pace in the view of many. The Board of Regents has in the past few months established broad policies addressing their own commitment to positive actions in minority recruitment and retention of our students, our faculty and our staff. . . . The Office of the Commissioner of Higher Education has hired a minority recruitment and affirmative action officer with out-of-state funds to assist the state in making progress towards these important goals. . . . This (Board) finds itself at the very center of a controversy regarding gender balance. . . . (The Committee) will hear . . . that this bill is flawed . . . it inadequately addresses the definition of

minorities, in the context that is predominantly American Indian . . . , that it does not limit sufficiently the definition of appointive councils, boards, committees . . . . We believe that (the Committee) will deal with these in a legal fashion which does not detract from the trust and intent of this very important legislation."

**Dr. Joanne Cortese, Butte, Association of University Women, faculty member, Montana Tech, presented written testimony.**  
**EXHIBIT 8**

**REP. ANGELA RUSSELL, House District 99, Big Horn County and Crow Reservation, said Indians are the largest minority in the state. There are only a "handful" of Indian people on the boards. Last Legislative session there were difficulties with the Board of Pardons that had a slot for an Indian person which was circumvented. There is reference to race within the bill. There is a U.S. Supreme Court case which found that the use of race is acceptable as it denotes a political status. The federal government uses race in the Bureau of Indian Affairs and Indian Health Service Programs. Indian people have a disproportionate representation in various areas of service and institutionalization in the U.S. In World War II there were about 300 Crow people who served; in the Viet Nam war there were 135 Crow people serving; presently, there are 35 Crow people in the Persian gulf. About 30 percent of the inmate population of the institutions are Native Americans. "We want to participate in government at all levels."**

**Don Judge, Montana State AFL-CIO, presented written testimony.**  
**EXHIBIT 9**

**Jane Lopp, Kalispell, American Association of University Women (AAUW), said the AAUW has been suggesting names for appointive positions to state government for the last 16 years. (AAUW) has diligently worked for more women to be appointed to boards. "It would be nice to say our work was successful and there was no need for this particular piece of legislation. . . . It is clear that good will and good works are inadequate. . . . Many of you have built houses and garages . . . and you know that the job isn't done with studs only."**

**M. K. Johnson, M.D., AAUW, and for self, used her grandmother as an example of women's abilities by saying her grandmother was born in the last century in Moose Jaw, Saskatchewan, before there were birth certificates. She was not a citizen of any country until she married a man in Havre. She ended up being a widow for more years than she was a married woman. She managed alone to raise her children and put them through six college degrees without "that kind" of educational advantage herself. When Dr. Johnson was a college freshman, her medical school advisor told her that she would never be a doctor. He was wrong. "There is not a one of you here that would want someone else to tell you what you wanted to do or could do simply because you're a guy and**

you can't have your children in a divorce or you're a woman -- you can't be a doctor. There are any number of women with talents to contribute to democracy . . . . This government should not put barriers in our way and tell us you'll never be 'on board.' "

Ken Toole, Personnel Officer, Office of Public Instruction, said most of the boards that regulate occupations also require representation from the general public. Three of the members of the Board of Banking are to come from the general public; five of the six current members are men. Three members of the general public are required on the Board of Plumbers; all eight of the current members are men. Two members of the general public are required on the Electrical Board; all four of the current members are men. Even if you assume that there is under representation in the work force, it does not explain the problem on the boards. It is clear that women are under represented on boards in Montana. This is not an affirmative action measure, it is a remedial measure designed to compensate for discrimination which is now occurring. Opponents may say that it is discriminatory and that it requires consideration of factors other than qualifications of the individual. The evidence indicates that qualifications other than those of the individual are being used now.

Linda Sau, Interdepartmental Coordinating Committee for Women (ICCW), presented written testimony. EXHIBIT 10

Glenna Wortman-Obie, Montana Federation of Business and Professional Women (MFBPW), said MFBPW considers itself the voice of working women and has been working since 1919 to bring equity and full participation for women in education, employment and government and all other aspects of life in Montana. She read a letter from MFBPW's president, Regina Larson, Great Falls: "For several years the MFBPW has sought to promote and recommend qualified women for positions on various state of Montana boards and commissions. We initiated contact with the state of Montana inquiring as to what procedures must be followed in recommending qualified women for these positions." The MFBPW encouraged qualified women to apply for these positions; letters of recommendations from the state president and others were solicited and sent to the state of Montana along with requests from several women to be placed on certain boards and commissions. "Sadly, none of the women recommended by the MFBPW, who applied, were placed . . . . MFBPW continues to maintain lists of women with qualifications that surely would make them candidates for some of the various positions."

Jan Wright, Montana Education Association, (MEA), said MEA feels the representation of women in the educational system is shocking. "If we are required to have geographical and partisan representation, the MEA feels it is perfectly reasonable and necessary to also have gender and racial representation."

Tootie Welker, Montana Alliance for Progressive Policy, (a coalition composed of women, education, labor, Native Americans, low-income, seniors and conservation groups), said they support HB 424 and the added amendments.

Francis Belgarde, Executive Director, Helena Indian Alliance, and on behalf of the Alliances in Great Falls, Butte and Missoula, said, "We believe that appointed boards, committees, etc. should, as a matter of responsibility and sense of duty, render decisions which are the byproduct of a balanced, objective view. We, as residents of a democracy, have a right to expect this. Central to this democratic concept of balance and representation is the demography of the appointed body. . . . We have a right to expect that the appointed board would be gender and racially balanced. . . . Some sources state that of the 2,000 - 2,500 persons appointed to committees, boards, etc. only 600 - 750 are female and only 12 are of minority decent. . . . Twelve does not equate to 10 percent, . . . 200 would be more correct."

Since time was running short, Chair Brown requested the proponents for HB 424 to raise their hands to indicate their support. Most of the audience raised their hands.

Opponents' Testimony: None

Questions From Committee Members:

REP. RICHARD SIMPKINS asked how many women in the past year had been appointed versus the total number of people appointed. REP. STICKNEY said the figures for 1989 were a total of 1,044 with 228 women serving; this year's total is 1,215 of which 346 are women. Although 118 women were appointed, the total number of people on boards was also raised -- the percentage is still under 50 percent. REP. SIMPKINS asked if the 1,400 total represents all boards and not just the Governor appointed boards, such as Legislative boards. REP. STICKNEY responded there are approximately 150 boards which she believes are all appointed by the Governor. "Many are attached to departments, but I don't believe they include Legislative appointments."

REP. WILBUR SPRING referred to Lns. 13 and 14, "all appointive boards, commissions, committees and councils of the state must be gender balanced to the greatest extent possible." Nurses and dental hygienists were predominantly female and others like the plumbers and bankers were predominantly male. Does this mean that all committees will be balanced as close as possible? REP. STICKNEY said, "Yes, it does. As far as possible is exactly what I said." There will be some instances because some boards are statutorily "made up," and we can't change that. "It will make us look harder for the female plumbers and the male nurses."

REP. ROGER DEBRUYCKER asked which boards were statutorily male. REP. STICKNEY responded, "I didn't stay statutorily male. Some statutorily indicate who must be on them. . . . You must have a



member of this profession and that board and that agency. It may be difficult when it specifically states who has to be on the board to find the correct gender." There is a board that is concerned -- The Board of Athletics, who regulate boxing. They raised legitimate concerns that involve locker rooms and didn't know if women would be comfortable in such a position. "Frankly, I think there are probably a lot of women who would be just as comfortable as some men on (The Board of Athletics) who are already either doctors or nurses or people who are interested in the field."

REP. JOHN PHILLIPS said if the plumbers are 95 percent men, will the plumbers say that the bulk of the industry on a percentage basis is not represented that way. REP. STICKNEY said, "I think you raise another point that will make us very intentional about finding people who will represent the industry well." Many boards require members from the public and consumers. Some of the balance might be found in those categories.

REP. SIMPKINS said his figures show that boards were composed of about 20 percent women, now they are made up of 25 to 30 percent women. REP. STICKNEY said, "You're right." REP. SIMPKINS stated that it is important to have the proper qualifications; many (boards) "are limited by geographical location; there are many requirements that there are so many democrats and so many republicans; the board must then be gender and minority balanced. "It will take a little patience to work this in because there is also a shift in population from eastern Montana to western Montana, . . . Would you agree it is going to be a lengthy process to identify all of these people to meet all of these qualifications for a board. REP. STICKNEY said she agreed. All specifications must make (us) very intentional about "finding the right people for the right positions. . . . I think with computer record keeping we are going to be able to track this a lot easier."

REP. GARY BECK asked if there are many women qualified to be on the plumbers board. Carol Farris said there are women who work in construction in Montana. She did not have accurate figures on the plumbers. There are consumers; women consume plumbing in the state. REP. BECK said the Montana Women's Lobby stated their goal is not better representation but equal representation. He asked if they would like to strike that. "I think the representation gets better when you have more diversity of women on the boards . . . when it is equal." Ms. Cholewa said, "Even though the representation on boards may be improving, we are not looking for more equal . . . in some ways it doesn't even make sense. Something is either equal or it is not. We are not just looking for improvement, we are looking toward a goal."

REP. ROGER DEBRUYCKER said in the title and on Ln. 16 of the bill, it states that 10 percent of the total membership should be composed of minorities by January 1, 1994. What is the percentage (of minorities) now? REP. STICKNEY said she didn't

know although "that is one bit of information we are not keeping track of." That is one reason for the Secretary of State requesting they be able to obtain this information on future appointees. She can name "on the fingers of one hand the Native Americans" that are on boards. REP. ROGER DEBRUYCKER asked if there is a specific date when the equality between the genders should be accomplished. REP. STICKNEY said, "In the drafting of the bill, I thought it was wise to put a date in. The intention is that this all happen by that date. The way it is worded makes it look like it is only the racial part that would be in effect by then. We recognize this doesn't happen over night, but we certainly recognize it should happen with all due expediency and by 1994 we fell most of the appointive process will have gone through at least one cycle." She said she is willing to accept the change of the effective date.

REP. PHILLIPS asked what percentage of Montana's population is made up of Native Americans. REP. STICKNEY said she believes it is about 6 percent, but the 10 percent figure would take into account all minorities, which would include black, hispanics and far eastern countries.

**Closing by Sponsor:**

REP. STICKNEY said the bill is "very dear to her heart and to many of our hearts." It was an honor to present it.

**HEARING ON HB 456**

**Presentation and Opening Statement by Sponsor:**

REP. JIM RICE, House District 43, East Helena Valley, introduced HB 456, a bill addressing the campaign practice act. It embodies two concepts: 1) to provide that state-wide ballot issue committees must begin their reporting in the spring of an election year. The present law does not require a report to be filed on contributions to a "campaign running for a ballot issue" until September. They can campaign all year long without having any obligation to report. This was apparent during the last election cycle when I 115 was on the ballot. There was "lots of money pouring into the state with little or no ability to find out what was going on in terms of the financing until right before the General Election." 2) to restore a single-threshold amount for reporting the name of a contributor. Presently, if someone contributes \$35, we must record their name. This is not consistent throughout the election code -- sometimes it is \$35 and sometimes \$75. The rest of the bill just has housekeeping changes.

**Proponents' Testimony:**

Dolores Colburg, Commissioner of Political Practices, presented written testimony. EXHIBIT 11

Don Judge, AFL-CIO, presented written testimony. EXHIBIT 12

C. B. Pearson, Executive Director, Common Cause/Montana, said they would like to go on record in support of the bill.

Roger Tippy, Attorney, said he would like to be recorded as a proponent.

Opponents' Testimony: None

Questions From Committee Members:

REP. ROGER DEBRUYCKER asked if the CPP's office would need more help if the bill passed. Ms. Colburg said "quite the contrary." When the report was filed for I 115 in September, it included everything from January to September. It was a big report. Under this bill, the reporting will begin in March and continue monthly through September. The same amount of information that was received in September will be received in smaller increments and earlier.

REP. SPRING asked if the people with I 115 spent large amounts of money before they had to file. Ms. Colburg said yes, they were spending money all the way through September -- "thousands, upon thousands of dollars -- totally legally."

REP. SIMPKINS referred to Pg. 4, Ln. 7 of the HB 456 and said, "If we didn't address that at all, would that leave independent committees with a little bit of "an out" as compared to others. Is there a reason we didn't include all . . . committees . . . on one standard reporting procedure." Ms. Colburg said, "Yes, there is a reason." The independent committees are political party committees, state and county committees, as well as the "so called" political action committees. Those committees must report under law when they begin to make expenditures to influence an election. But if they are not, then the law says they need not report. "For instance, the Cascade County Republican Central Committee does not chose typically to make any contributions to candidates during the primary period. They then don't have to report to the CPP." When they wish to support someone, they fall under the schedule that applies to make their reports. The test is that they are not making expenditures to influence an election by spending money to promote their candidates or causes. There is no conflict in what this law proposes to do to require the earlier recording of state-wide-ballot issue committees.

Closing by Sponsor:

REP. RICE thanked the Committee for the hearing and said it is closing a loophole that deals with the public's right to know.

HEARING ON HB 472Presentation and Opening Statement by Sponsor:

REP. JANE DEBRUYCKER, House District 11, Dutton, introduced HB 472 at the request of Dolores Colburg, CPP. The bill has three main points: 1) it clears the confusion, even contradiction, among the definitions for lobbying, lobbyist and principal. Lobbyists generally support the clarification this bill will provide. 2) it provides for a more meaningful reporting time for post legislative lobbying reports. Currently, principals have 60 days to file reports after adjournment -- that is too long. HB 472 shortens the time to 30 days. 3) it deletes the requirement that only citizens of this country may speak to issues before the Legislature, either on their behalf or for others. The bill substitutes the word "individual" for "citizen."

Proponents' Testimony:

Dolores Colburg, CPP, distributed an amendment EXHIBIT 13 to amend the oversight by the drafters of the bill and written testimony. EXHIBIT 14

Don Judge, AFL-CIO, presented written testimony. EXHIBIT 15

Roger Tippy, Attorney, Private Practice, Helena, commented on the 4B exclusion of other lobbying. He said he practices state administration law when the Legislators aren't in town. "This is what the quasi-judicial business is that CPP referred to and which the Legislators so often deal with when considering the powers of state boards and departments." The Supreme Court said in the decision of State Bar v. Peg Krivec some years ago that quasi-judicial action was outside the scope of this initiative. Any board, commission or city council that could revoke a license, could grant a rate increase or do any of the things the executive branch does when acting like a court, ie making a more specific adjudication of rights and responsibilities after a hearing, is a quasi judicial agency. What it leaves is the rule making. "I do not know if (CPP) or her predecessors have ever had any L5's documenting expenses for rule making by an agency. The interpretations are that generally an agency can do both rule making and licensing or other adjudications. People simply do not treat that as an agency without quasi judicial power. The exclusion does not provide (CPP) with any information they are now getting because they are now not getting any information in that department."

Mike Pichette, Montana Power, said this bill represents a reasonable clarification of the law. We have no objections to the shortened time frame for reporting. "It probably makes it more timely, and we think you should pass the bill."

C. B. Pearson, Executive Director, Common Cause/Montana (CCM), said CCM is in support of the bill except for Sect. 4B. CCM

supports the amendment. They do not support the taking of public officials from the lobbying disclosure laws. This would be a "dramatic change" in what CCM sees as a two-part revision in the lobbying disclosure law. "First, (CCM) wants to disclose influences upon the Legislature; second, we want to disclose influences upon public officials. We have a quasi-judicial exception which is more than appropriate and has been litigated. . . . There are pressures that come to bear on department heads outside of the hearing process. For example, if your department head had a hearing process on something and a group or series of individuals decided to meet with you outside of the hearing process, under (CCM's) interpretation of the law they would need to report those as expenditures. This is appropriate because it is outside the quasi-judicial setting of a hearing. If you take this provision out of the law, (CCM) thinks it would be undercut significantly. (CCM) also understands that this section of the law has not been enforced. This is not necessarily a fault of the law itself. (CCM) finds there are a number of areas in the lobbying and disclosure law that could use additional enforcement. . . . If you take that provision out of the law you are seriously undermining the initiative that was passed in 1980."

Opponents' Testimony: None

Questions From Committee Members:

REP. BETTY LOU KASTEN asked how the bill will affect people such as school superintendents and board members from local coops when it comes to paying. Ms. Colburg said when you go to rule making, public officials by further definition in the rules only goes so far as those people who are elected or appointed to public office by the Governor. If any of those at the local level are elected, then by the law they would be a public official. Therefore, it would cover a school board but it would not cover a superintendent who was employed by a school board. Pg. 5, Ln. 18 of the bill, states that an elected official means a public official holding a state office filled by a state-wide vote of all the electors of Montana or state district office. Local county officials are not covered by the lobbying law; therefore, people who appear before those boards, commissions and agencies need not register nor report any lobbying expenditures.

REP. ERNEST BERGSAGEL asked if there is a state-wide organization and the body is elected state wide, even though they are not elected like a Public Service Commissioner, would their members be required to file a report if they lobby the Legislature on a specific matter? Ms. Colburg said no, they would not have to if they are like a union who elects their own officers. Any of their union members who would chose to lobby on a specific issue or, for instance, the chamber of commerce would be excluded from the law if they were just being reimbursed for their travel and over night expenses and only coming to the Legislature one or two times.

CHAIR BROWN said she would like clarification on CPP's testimony (see Exhibit 14, Pg. 4) when she said the proposed legislation she presented did not delete all of subsection (4) (b). "I couldn't tell if you were saying you were supporting putting it back in or leave it the way they did it." Ms. Colburg said she wanted to be honest because when she had submitted the bill she had intended for the period to go after public official in Subsection 4B. It was not planned nor intended on her part to strike the whole subsection. Even though "I had never intended to strike that whole section, maybe it is appropriate to do so. . . I will support it because . . . of the supreme court decision that looked at the initiative that was passed that the district court threw out totally because they found it flawed. The supreme court decided not to throw it out totally but made extensive amendments in the initiative. Contrary to what Mr. Pearson said, the initiative that was passed overwhelmingly by the people is not pristinely reflected in the law. It was severely and extensively amended by the supreme court. I am surprised the supreme court left the language in about public official and quasi-judicial when they said public officials and state government have discretion to make decisions and are, therefore, quasi-judicial . . . which says . . . it is not applicable."

Closing by Sponsor:

REP. JANE DEBRUYCKER closed by thanking the Committee for its time.

EXECUTIVE ACTION ON HB 472

Motion: REP. JIM SOUTHWORTH MOVED HB 472 DO PASS.

Motion/Vote: REP. SOUTHWORTH moved the amendments. The motion on the amendments carried 17 - 1 with Rep. Roger DeBruycker voting no.

Motion/Vote: REP. SOUTHWORTH MOVED HB 427 AS AMENDED DO PASS. The motion carried unanimously.

EXECUTIVE ACTION ON HB 456

Motion/Vote: REP. SPRING MOVED HB 456 DO PASS. The motion carried unanimously.

EXECUTIVE ACTION ON HB 450

Motion: REP. FRITZ DAILY MOVED HB 450.

Motion/Vote: REP. DAILY moved the amendments for HB 450.

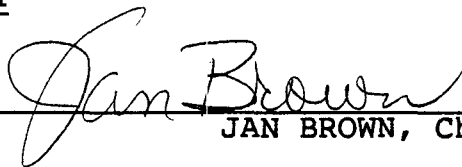
Discussion: REP. SIMPKINS asked for a clarification. Are we deleting the entire Subsection 3 and 4? CHAIR BROWN said we are deleting Subsection 4 and 5. REP. SIMPKINS said Subsection 5 is the only place where each report shall list the payments. REP. PHILLIPS said that is all in existing law, the Committee would just be deleting it from HB 450.

Vote: HB 450 AMENDMENTS DO PASS. EXHIBIT 16 Motion carried unanimously.

Motion/Vote: REP. DAILY MOVED HB 450 AS AMENDED DO PASS.  
EXHIBIT 15 The motion carried unanimously.

ADJOURNMENT

Adjournment: 10:45 a.m.

  
\_\_\_\_\_  
JAN BROWN, Chair

  
\_\_\_\_\_  
JUDY BURGGRAFF, Secretary

JB/jb

# HOUSE OF REPRESENTATIVES

## STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 2/8/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JAN BROWN, CHAIR	✓		
REP. VICKI COCCHIARELLA, VICE-CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. GARY BECK	✓		
REP. ERNEST BERGSAGEL	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. JANE DEBRUYCKER	✓		
REP. ROGER DEBRUYCKER	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER			✓
REP. PATRICK GALVIN	✓		
REP. HARRIET HAYNE	✓		
REP. BETTY LOU KASTEN	✓		
REP. JOHN PHILLIPS	✓		
REP. RICHARD SIMPKINS	✓		
REP. JIM SOUTHWORTH	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		



205  
2-8-11  
JDB

HOUSE STANDING COMMITTEE REPORT

February 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 472 (first reading copy -- white) do pass as amended .

Signed: Jan Brown  
Jan Brown, Chairman

And, that such amendments read:

1. Title, line 10.  
Following: "5-7-102,"  
Insert: "5-7-103,"

2. Page 5, line 25.  
Following: line 24  
Insert: " Section 3. Section 5-7-103, MCA, is amended to read:  
"5-7-103. Licenses -- fees -- eligibility. (1) Any adult of good moral character ~~who is a citizen of the United States and~~ who is otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license application form. The application form may be obtained in the office of the commissioner and filed therein. Upon approval of the application and receipt of the license fee of \$10 by the commissioner, a license shall be issued which entitles the licensee to practice lobbying on behalf of one or more enumerated principals. Each license shall expire on December 31 of each even-numbered year or may be terminated at the request of the lobbyist.

(2) No application may be disapproved without affording the applicant a hearing. The hearing shall be held and the decision entered within 10 days of the date of the filing of the application.

(3) The fines and license fees collected under this chapter shall be deposited in the state treasury."

Renumber: subsequent sections

2-8-91  
T.D.B

HOUSE STANDING COMMITTEE REPORT

February 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report  
that House Bill 456 (first reading copy -- white) do pass .

Signed: \_\_\_\_\_

Jan Brown, Chairman

12 30  
2-11-91  
JDB

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 450 (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

Jan Brown, Chairman

And, that such amendments read:

1. Title, line 10.

Following: "PROVIDING FOR"

Strike: "THE"

2. Title, lines 10 and 11.

Following: "ENFORCEMENT" on line 10

Strike: "AND" through "NONCOMPLIANCE" on line 11

3. Title, line 14.

Strike: "5-7-208,"

4. Page 3 line 19 through page 6 through line 21.

Strike: sections 4 and 5 in their entirety

Renumber: subsequent sections

5. Page 10, line 9.

Strike: "Sections"

Insert: "Section"

Following: "3"

Strike: "and 4"

Strike: "are"

Insert: "is"

6. Page 10, line 11.

Strike: "sections"

Insert: "section"

Following: "3"

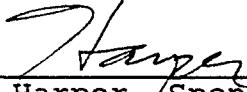
Strike: "and 4"

EXHIBIT 1  
DATE 2/08/91  
HB 450

February 8, 1991  
Page 1 of 1

Madam Chairwoman: I offer to the House State Administration Committee amendments to House Bill 450 (introduced copy--white) and ask they be adopted.

Signed: \_\_\_\_\_

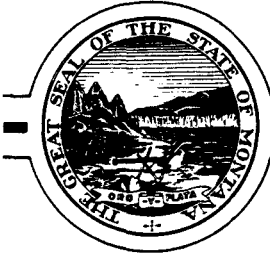
  
Hal Harper, Sponsor of HB450

AMENDMENTS TO HOUSE BILL 450

1. Title, lines 10 and 11.  
Strike: "AND REVIEW OF ORDERS OF NONCOMPLIANCE"
2. Title, line 14.  
Strike: "5-7-208,"
3. Pages 3 to 6.  
Strike: Sections 4 and 5 in their entirety.  
Re-number sections accordingly.
4. Page 10, line 9.  
Strike: "[Sections 3 and 4] are"  
Insert: "[Section 3] is"
5. Page 10, line 11.  
Strike: "[sections 3 and 4]."  
Insert: "[section 3]."

COMMISSIONER OF  
POLITICAL PRACTICES

EXHIBIT 2  
DATE 2/08/91  
HB 450



STATE OF MONTANA

DOLORES COLBURG  
COMMISSIONER  
TELEPHONE (406) 444-2942

CAPITOL STATION  
1205 EAST EIGHTH AVENUE  
HELENA, MONTANA 59620-2401

February 8, 1991  
House State Administration Committee  
Hearing on HB 450

TESTIMONY IN SUPPORT OF HB 450

For the record, I am Dolores Colburg, Commissioner of Political Practices. I appear before the committee this morning in support of HB 450.

One of the two main purposes of this bill is to provide some additional leverage for the commissioner to obtain lobbying reports from principals. As is the case in the campaign finance laws, this bill would authorize the commissioner to issue noncompliance orders when reports either are not received or are incomplete. Right now, the only recourse is to go to court against delinquent filers--an expensive and time consuming proposition. Sending out orders of noncompliance to errant candidates and committees has proved to be an effective way to obtain required reports and, hence, compliance with the law. I believe noncompliance orders would prove equally effective in rousing principals to their duty--especially since they routinely would be given to the media when issued.

Also in the enforcement area, the bill provides that any principals who have not filed required reports will be denied lobbying registration automatically next time around. As it is now, a hearing would be required to deny registration. That's also expensive and time consuming. In fairness to those who faithfully file their lobbying reports, those who do not should not be allowed re-register if they still have lobbying reports outstanding.

The second major area in the bill concerns the time that a civil action may be brought and the attendant time that lobbying records must be maintained. Right now, the law allows up to 7 years for a civil action to be brought. That's too long. The Montana Code generally provides two or three years to bring a civil action. This bill, then, reduces the period from 7 to 3 years that a civil action may be brought concerning lobbying. Similarly, it reduces from 7 to 3 years the period of time that principals must keep lobbying records.

In addition to these substantive issues, the bill clarifies that the dates of receipt of reports are entered on the docket, not the reports themselves. Other changes are stylistic in nature and were made by the code commissioner.

Finally, as Representative Harper indicated, one of his amendments to the bill simply removes a section that is addressed in a separate bill, HB 472, that you also are scheduled to hear this morning. The other amendment removes judicial review of

Dolores Colburg  
Testimony on HB 450  
Page three

orders of noncompliance by an aggrieved party who receives such an order. If a recipient believes an order has been wrongly issued, then that person ought to be able to make his or her case directly to the commissioner before having to go to court.

I hope the committee will act favorably on this bill.

Thank you for your consideration. I will be pleased to take any questions you may have.



EXHIBIT 3  
DATE 2/08/91  
HB 450

DONALD R. JUDGE  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 450 BEFORE THE HOUSE STATE  
ADMINISTRATION COMMITTEE ON FEBRUARY 8, 1991.

Madam Chair, members of the committee, for the record my name is Don Judge and I'm appearing here today in behalf of the Montana State AFL-CIO in support of House Bill 450.

This is a good bill that would tighten up the provisions for issuance of lobby licenses. It would strengthen the powers of the Commissioner of Political Practices as it relates to enforcement of Montana's Lobby Disclosure Laws. And, HB 450 would require the Commissioner to review lobbyist reports, and issue orders of non-compliance when appropriate.

Almost as an aside, this bill would also reduce the time period required for the principals which employ lobbyists to retain records related to compilation of their reports from seven to three years.

We concur with all of the changes recommended in HB 450.

The Montana State AFL-CIO has long been a supporter of full disclosure of costs related to lobbying the members of the Montana Legislature. We were deeply involved in the efforts to establish our original disclosure laws, and we have generally been deeply involved with efforts to improve on these laws. We believe that House Bill 450 is just such an effort, and we encourage you to give it your full support as well.

The sponsor and the preceding proponents have given you the details of this legislation, so I won't repeat them for you. We just want to assure you that, as a regulated lobby organization, we can support these changes and would urge you to give them a "do pass" recommendation. Thank You.



Amendments to House Bill No. 424  
First Reading Copy

Requested by Representative Jessica Stickney  
For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 8, 1991

1. Title, line 4.

Following: "THAT"

Insert: "BY JANUARY 1, 1994,"

2. Title, line 7.

Following: "POSSIBLE"

Strike: ";

Following: "AND"

Strike: "TO PROVIDE"

Following: "THAT"

Strike: "BY" through "1994,"

3. Title, line 9.

Following: "MINORITIES"

Insert: "; AND TO REQUIRE THAT THE SECRETARY OF STATE PUBLISH  
INFORMATION ON APPOINTMENTS AND OBTAIN GENDER AND MINORITY  
STATUS INFORMATION FROM APPOINTEES"

4. Page 1, line 19.

Following: line 18

Insert: "(3) Pursuant to subsections (1) and (2), the secretary  
of state shall:

(a) publish in the Montana Administrative Register on  
a monthly basis the recent appointments made by the  
executive branch and the upcoming vacancies on executive  
boards and commissions; and

(b) develop a questionnaire to obtain the gender and  
minority status of appointees and distribute the  
questionnaire with copies of the oath of office."

# MONTANA WOMEN'S LOBBY

P.O. Box 1099

Helena, MT 59624

406/449-7917

EXHIBIT 5

DATE 2/08/91

HB 424

HB 424

Sponsor: Jessica Stickney

Women make up over half of the Montana population, half of the Montana taxpayers, yet represent only one third of the governor appointees. The 51st Legislature passed HJR 28 which urged gender-balancing governor appointments. But clearly, HJR 28 has not resulted in the governmental appointments process adequately addressing the goal of equal representation of women in government. The goal is not better representation; it is equal representation. That is why at this time we urge you pass HB 424, which mandates gender-balancing all appointive boards, and in addition provides that by 1994, minorities represent 10% of governor appointees.

When public policies reflect the perspectives of less than 50% of the population, important needs and values of the society go unaddressed. Women and minorities identify different priorities, perspectives, problems, and solutions. They take into consideration factors that may go unnoticed by a board consisting exclusively of white men. The lack of representation of women and minorities can result in failed policies, which reveal themselves as other societal ills, such as the disproportionate number of women, children, and minorities living in poverty. If public policy was serving all people equally, the percentage of the have-nots would not be crowded as it is with minorities and women. And it is difficult to change the situation when representative voices of those in it are absent from the problem-solving process.

Boards balanced for gender and race leads to not only better policy issuing from the boards, but it also can lead to better policy issuing from the legislature. Boards and commissions serve as stepping stones in governmental services. Appointees gain experience, knowledge, exposure, and the political and personal connections necessary to further their public leadership careers. Access to these positions is access to officeholding. This is especially true for women.

According to a study by the Center for the American Woman and Politics, 55% of elected women legislators have held one or more appointive governmental positions. This is true only for about 25% of elected men legislators. Thus, appointive positions cultivate female leadership at other levels of government, leadership we sorely need if we are to solve the multifarious problems of inequity that we face. Women and minority appointees and officeholders also serve as role models, revealing and reminding others of their own possibilities and potential. Children are told in this country that anyone can grow up to be president, yet those anyones consist exclusively of white men. I

# MONTANA WOMEN'S LOBBY

doubt children see this as a peculiar coincidence because children are not modeled by heroes. Children model their ambitions after persons, not platitudes. Equal opportunity begins with the equal opportunity to aspire.

We needn't cultivate role models at the expense of expertise. Montana possesses a generous pool of talented women and minorities. Many of them possess the traditional qualifications for a given board. However, in balancing our boards we also are awarded with the opportunity to recognize that "qualified" may include experiences previously unrecognized, valid experience which often may be unique to women or minorities. This previously discounted experience can bring a broadened perspective to our public policies. To reach these both traditionally and non-traditionally qualified individuals, the governor may need to more effectively recruit, perhaps requesting aid from various organizations. Far from there being a shortage of qualified women and minorities, women and minorities represent a virtually untapped resource.

Although HJR 28 urged gender-balancing to address the foresaid concerns, mandating is warranted because the resolution is not working. 50% is about as objective as a goal can be. Yet, when it comes to gender equity, our conditioning can interfere with the most basic of computations. Writer-researcher Dale Spender did a study wherein she taped conversations between women and men, and then asked them afterward what percent of the conversation they believed they had. In every case, both men and women believed the woman to hold "her share" of the air time whenever she held 8% - 38% of it. The statistics were even worse for other forms of air time. Magazine publishers felt they were giving female authors equal time when only 20% of the book reviews covered books by women. I believe this reveals that as a result of our conditioning, our logic is able to defy mathematics when it comes to equal representation of women. Left to our instinctual sense of "fairness", we will be unfair. Our traditional sense of what is women's fair share is less than what her numbers indicate. We must mandate equity if we are ever to witness equity. Dale Spender said that it is difficult for a woman to get 50% of air time because in order to get it she must break every rule in the book. It feels unfair, rude, and objectionably overbearing.

We're going to have to get over that. And I believe we can. We can educate ourselves in equity in our process of achieving it. We have faith that our elected governors want the best for all Montanans. This mandate will help our governors produce equitable public policies. We believe this mandate will serve Republican and Democrat governors, liberal and conservative ones, our present governor, and any future governor in her work to make Montana a state truly governed by the people. All of the people.



EXHIBIT 6  
DATE 2/06/91  
HB 424

The Montana League of Voters supports H.B.424 requiring racial and gender balance on all appointed boards, commissions and councils in the state.

The Board of Health and Environmental Sciences does not have any female members now. This is a reversion to old practices we do not like to see. Formerly League members Rita Sheehy and Grace Edwards have served on this board. This is a prime example of using the talents of all citizens to serve the state.

The League has urged the inclusion of women and Native American on the Montana High School Board. We urge passage of H.B.424 so that all citizens are represented in policy-setting bodies in the state.

Sincerely,

Martha L. (Marty) Onishuk  
Social Policy Director  
5855 Pinewood Lane  
Missoula, Mt. 59803

**MISSOULIAN EDITORIAL**

# Male slant tips balance

## Regents picks missed the boat and half the population

**T**he state Board of Regents, by law, must be balanced. No more than four of the seven members can belong to the same political party; each half of the state must be represented by at least three members; at least one of the members must be a college student.

There is no specific requirement that the board include both men and women as members — one shouldn't be needed. Common sense, alone, should tell any governor that a board made up entirely of members of one gender is inherently unbalanced and unrepresentative of the state and its university system.

However, that's precisely the kind of board Gov. Stan Stephens has assembled.

Stephens last week nominated former state Sen. Paul Boylan to replace Elsie Redlin. Our quarrel isn't with Boylan, who is perfectly qualified to be a regent, but with Stephens. The first-term Republican governor has appointed five regents in a little more than a year, all of them men. It would be foolish for anyone to

contend that there aren't any number of highly qualified women capable of serving as regents. Either the governor hasn't thought to appoint women to the board, or he hasn't wanted to. Either way, the results are the same: Not only is the all-male board unrepresentative of the public it serves, but its members — drawn from just half the population — lack the full range of experience and perspectives needed to manage the university system well.

Certainly, the Board of Regents isn't the only institution where women have gotten the short shrift. American society is evolving slowly toward equality, and it has far to go. But a governor has a special ability — and responsibility — to lead the way. By 1991, you'd have thought we might have reached the point where the importance of including men and women as equal participants on governing bodies like the Board of Regents would be understood. Instead, Gov. Stephens has set the clock back a couple of decades. At a point when we should be drawing on the diverse talents of a well-balanced Board of Regents, we're back to the point where women must fight for even a single seat at the table.

EXHIBIT 8  
DATE 2/08/91  
HB 424

State Admin  
Comm.

House

Rm 312-1

8:00

HB 424

Gender and racial balance bill

2-2-91

Madame Chairperson and Members of the Committee

Dr. Joanne Cortese from Butte, representing the American  
Association of University Women

which supports HB 424

Thank you for allowing me to express concerns about the  
importance of gender balance and the significance of HB 424 to  
the future of Montana. Preparing these remarks, I was reminded  
of the research of Professor Carol Gilligan of Harvard  
University, a noted researcher on the contributions of males and  
females to American culture and history. Gilligan states the  
folly of many who believe, "Keep quiet and notice the absence of  
women and say nothing" and the subsequent loss to progress in  
many arenas of American life. HB 424 recognizes the unique  
contributions of women to all phases and stages of progress in  
numerous endeavors. It clearly sends a message to all corners of  
state government and to the private sector as well that equitable  
representation of women in decision-making roles is in the best  
interests of both women and men. Moreover, it is in the best  
interests of the future of Montana.

Equitable representation of women and minorities on appointive boards, commissions, committees, and councils of the state is a matter of simple justice. In government agencies concerned with the promulgation of justice, why does injustice persist? That injustice has arisen innocently enough - throughout history, men have dominated the workplace. As a result, male patterns and rules have determined the status quo. That status quo generates and repeats the cycle of positions of decision-making and power relegated to men. HB 424 invites justice by insisting on equitable representation of women and of minorities. Granted, it challenges the status quo. Promulgation of justice, however, demands that challenge.

Equitable representation of women and minorities on appointive boards, commissions, committees, and councils of the state is a matter of common sense. Communication styles of women and men are unique and individual, and Boards and Commissions with equitable representation tap the finest qualities of both genders. Research indicates that *you can experience* men both talk and interrupt more when participating in group interaction, while women ask more questions and encourage the participation of other members of a group. All of these qualities are needed in effective decision-making. If women are underrepresented, it's quite likely that decisions will be reached less effectively and less efficiently.

Finally, State governments need to establish models for the private sector to imitate. In some instances, industry and education recognized the unique qualities which women bring to the decision-making process and do encourage equitable representation. However, state government should take the lead in promoting gender and racial balance. HB 424 states that principle and I encourage your support of that principle and HB 424 to allow Montana to speak loudly as a model of justice and of economic growth.


2nd  
M.T. -   
↓  
Bd. of R -  
white male  
personally disheartening





EXHIBIT 9  
DATE 2/06/91  
HB 424

DONALD R. JUDGE  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE BEFORE THE HOUSE STATE ADMINISTRATION  
COMMITTEE ON HOUSE BILL 424, FEBRUARY 8, 1991.

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Madam Chair, members of the Committee, for the record, my name is Don Judge representing the Montana State AFL-CIO, and we are here today in support of House Bill 424.

This is a great bill that would mandate that all appointive boards of the state be gender-balanced to the greatest extent possible. Boards would include all commissions, committees, and councils of the state. House Bill 424 would also require that, by 1994, 10% of the total membership of these boards must represent minorities resident in Montana.

Montana's heritage is rich in ethnic diversity. Montana is home to seven Native American reservations. Ranchers, homesteaders, miners, railroaders, and other settlers came to this state from nearly every nation in Europe. Montana women have made their mark, too, and Montana holds the great honor of electing the first woman to the U.S. Congress, Jeanette Rankin.

Testimony of Don Judge, HB 424  
Page Two  
February 8, 1991

To exclude any of these people from their rightful role in our society would be shameful. Our present strength and perseverance as a state comes from our diversity. In order to confront our future with the same strength, we must insure that our diversity is not broken up, discounted, or ignored.

House Bill 424 would have an effect on all citizens of this state, whether they are directly appointed to those boards, or live by their decisions. To ignore any of these groups would be to short change the entire state.

Requiring gender equity and racial integrity for Montana's appointed boards and commissions would insure that those qualities that we hold deepest, as Montanans, will continue for generations into the future.

For these reasons, we strongly urge your favorable consideration of House Bill 424.

Thank You.

TESTIMONY PRESENTED TO THE  
HOUSE STATE ADMINISTRATION COMMITTEE

February 8, 1991

Chairwoman Brown, Members of the Committee:

My name is Lynda Saul. I represent the Interdepartmental Coordinating Committee for Women, known as ICCW. ICCW was established in 1977 and was re-established in 1990 by Governor Stephens, through Executive Order. Our main purpose is to promote the full participation of women at all levels of state government.

House Bill 424 will allow women to more fully participate at all levels of state government by providing equal representation on each appointive Board, Commission, Committee and Council of the state.

Women are involved in all professions at all levels and make up 50 percent of the population of the state. Women should be equally represented on the Boards, Commissions, Committees and Councils governing their jobs.

Examples of current imbalances on these Boards as of December 31, 1990 are:

	Men	Women
Board of Housing	7	0
Board of Investments	8	0
Judicial Nomination Commission	6	1
Prison Branch Advisory Council	6	0
Reserved Water Rights Compact Commission	9	0
Data Processing Advisory Council	20	2

There is also an imbalance in the other direction, for example the following:

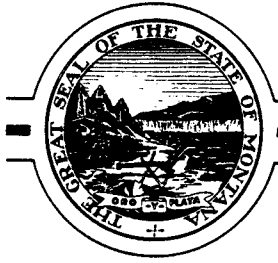
Board of Nursing	1	8
Board of Cosmetologists	1	6
Board of Occupational Therapy Practice	0	5

House Bill 424 would provide gender balance to each State Board, Commission, Committee and Council and would ensure a commitment to gender balance from one administration to the next. This bill is vital to assuring full participation of all Montana citizens in state affairs.

ICCW supports House Bill 424 and urges you to vote in favor of this Bill.

COMMISSIONER OF  
POLITICAL PRACTICES

EXHIBIT 11  
DATE 2/08/91  
HB 456



STATE OF MONTANA

DOLORES COLBURG  
COMMISSIONER  
TELEPHONE (406) 444-2942

CAPITOL STATION  
1205 EAST EIGHTH AVENUE  
HELENA, MONTANA 59620-2401

February 8, 1991  
House State Administration Committee  
Hearing on HB 456

TESTIMONY IN SUPPORT OF HOUSE BILL 456

For the record, I am Dolores Colburg, Commissioner of Political Practices. I appear before the committee this morning in support of House Bill 456.

The bill has two main points.

One, it provides that statewide ballot issue committees must begin reporting their contributions and expenditures in the spring of an election year--just as candidates and other political committees do. Right now, statewide ballot issue committees do not need to report until September of an election year. Yet, as the recent election on I 115 showed, massive amounts of money were donated and spent well in advance of September. I believe that the public interest would be served better with more frequent and timely disclosure as this bill provides.

Two, the bill restores a single threshold amount, as used to be the case, for reporting by name an individual's contribution to a candidate or a political committee. Now, there are two

Dolores Colburg  
Testimony on HB 456  
Page Two

reportable threshold amounts: \$35 for some and \$75 for others. Not only will one threshold amount clear up any confusion among candidates and committees; it also will save the expense of printing two different sets of reporting forms and will treat all candidates and committees equally.

The bill also clarifies that "place of business" means "employer." Some candidates have thought place of business meant street address. The change in the bill to employer clears up that confusion.

I hope the committee will act favorably on this bill.

Thank you for your consideration. I will be pleased to take any questions you may have.



EXHIBIT 12  
DATE 2/08/91  
HB 456

DONALD R. JUDGE  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 456 BEFORE THE HOUSE STATE  
ADMINISTRATION COMMITTEE ON FEBRUARY 8, 1991

Madam Chair, members of the committee, for the record my name is Don Judge and I'm appearing here in behalf of the Montana State AFL-CIO in support of House Bill 456.

House Bill 456 is an attempt to fill up a glaring hole in Montana's political reporting requirements as they relate to disclosure of campaigns and contributions surrounding ballot issues.

All too often, it's ballot issues that generate public distrust of elections in Montana. When issues are controversial, or when passage of a ballot issue can cause significant economic impact on persons or industry, dollars seem to flow from every corner to advocate passage or defeat.

Montana's history is repleat with examples of big money campaigns run to pass or defeat ballot issues. We need only to look at the cigarette tax initiative on the ballot in 1990 to see what I'm referring to. We could also look back to Montana's ballot issues dealing with disposal of nuclear waste or recycling to gain further examples.

House Bill 456 does not advocate that you place clamps on the sources of or the expenditures of money related to ballot issues. But, what it does advocate is a more timely and, therefore, useful disclosure of these activities.

As an organization representing thousands of Montana citizens, and as a public interest advocate, we believe that anyone's ballot initiative activities aimed at persuading the general public should be fully disclosed to the public.

House Bill 456 would also amend the disclosure laws regarding the reporting of individual contributions to candidates and political committees. This bill would lower the threshold for reporting individual contributions from \$75.00 in aggregate for candidates for statewide office to \$35.00, thereby making the limits the same for Legislative and statewide office candidates.

And, although some may argue that this change would make it more difficult for statewide candidates to comply with the reporting requirements, we would say hogwash! Full disclosure and the public's right to know outweigh any inconvenience which may be created by requiring a little extra bookkeeping.

Madam chair, members of the committee, House Bill 456 is a good bill and we urge you give it a "do Pass" recommendation. Thank You.

February 8, 1991  
Page 1 of 1

Madam Chairwoman: I offer to the House State Administration Committee amendments to House Bill 472 (introduced copy--white) and ask they be adopted.

Signed: Jane DeBruycker  
Jane DeBruycker, Sponsor of HB472

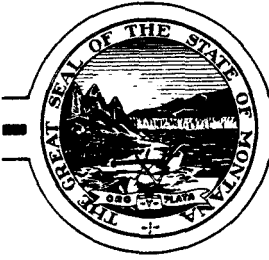
AMENDMENTS TO HOUSE BILL 472

1. Title, line 10.  
Insert after "5-7-102,":  
"5-7-103,"
2. Page 5, after line 24.  
Insert:  
"Section 3. Section 5-7-103, is amended to read:  
  
5-7-103. Licenses--fees--eligibility. (1) Any adult of good moral character ~~who is a citizen of the United States and~~ who is otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license application form. The application form may be obtained in the office of the commissioner and filed therein. Upon approval of the application and receipt of the license fee of \$10 by the commissioner, a license shall be issued which entitles the licensee to practice lobbying on behalf of one or more enumerated principals. Each license shall expire on December 31 of each even-numbered year or may be terminated at the request of the lobbyist.  
  
(2) No application may be disapproved without affording the applicant a hearing. The hearing shall be held and the decision entered within 10 days of the date of the filing of the application.  
  
(3) The fines and license fees collected under this chapter shall be deposited in the state treasury."
3. Renumber sections accordingly.



COMMISSIONER OF  
POLITICAL PRACTICES

EXHIBIT 14  
DATE 2/6/91  
HB 472



STATE OF MONTANA

DOLORES COLBURG  
COMMISSIONER  
TELEPHONE (406) 444-2942

CAPITOL STATION  
1205 EAST EIGHTH AVENUE  
HELENA, MONTANA 59620-2401

February 8, 1991  
House State Administration Committee

TESTIMONY IN SUPPORT OF HOUSE BILL 472

For the record, I am Dolores Colburg, Commissioner of Political Practices. I appear before the committee this morning in support of HB 472.

This bill addresses three areas: definitions concerning lobbying, more timely reporting of lobbying activity, and unrestricted participation in government. Let me start with the easiest first.

Currently, the lobbyist law limits lobbying to "citizens." This bill deletes the requirement that only citizens may speak to issues before the legislature--either on their own behalf or for others. As the law now stands, foreign exchange students, for example, would be barred from addressing the legislature on issues affecting them. This bill would correct that circumstance and other instances when it would be to our benefit to hear from our international friends. Thus, "citizen" has been deleted in the bill and "individual" has been substituted.

In making that change, one statute was overlooked, however, during bill drafting. The amendment offered to the committee

this morning corrects that oversight.

A second substantive area addressed in the bill concerns the time allowed for principals to file their post-session lobbying reports. Principals now have 60 days in which to file reports after the legislature adjourns. That much time gives people too much opportunity to forget about the reports altogether. In fact, nearly one out of four principals failed to file their reports on time following adjournment of the 51st Legislative Assembly in 1989. This bill cuts the time in half from 60 days to 30, still an ample amount of time to file post-session reports.

Other changes in the bill that relate to reporting dates simply state that reports are due by a certain date rather than due before a certain date. The reporting dates themselves remain unchanged.

The last area of substantive change concerns definitions of "lobbying" and "lobbyist" and "principal." The ambiguous and even contradictory language in the definitions of these terms in section 5-7-102, MCA, centers largely on the figure of \$1,000 which is used in three different ways in three different places.

In subsection (5)(a), page three of the bill, we read that a lobbyist is ". . . any person who engages in the practice of lobbying for hire." Subsection (6) then defines "lobbying for hire" to include

Dolores Colburg  
Testimony on HB 472  
Page three

activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed, or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that individual shall not be considered to be lobbying for hire. [Emphasis added.]

Clearly, this subsection ties the \$1,000 threshold figure to reimbursed personal living and travel expenses only. One may then infer that any other kind of payment, such as salary or fee, of whatever amount paid by a principal to a retained individual makes the employed person a lobbyist.

But the whole picture is clouded by the language in subsection (8) that defines a principal as ". . . any person who makes payments in excess of \$1,000 per calendar year to engage a lobbyist." [Emphasis added.] Curiously, the \$1,000 now is not restricted to just living and travel expenses.

Then to really complicate matters, subsection (4) defines lobbying as both the practice of trying to influence legislative action and the practice of trying to influence ". . . official action by any public official in the event the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses." [Emphasis added.]

Whew!

This bill would make clear that the \$1,000 is tied purely and simply to the meaning in subsection (6) of section 5-7-102, MCA, by deleting references to that figure in the definitions

Dolores Colburg  
Testimony on HB 472  
Page four

for principal and for lobbying. Thus, a principal is someone who employs a lobbyist, period. Changes in the definition for lobbying are, as you see, more extensive and require explanation.

The draft of the proposed legislation that I prepared and that was submitted for bill drafting did not delete all of subsection (4)(b), lines 22 through 25, page 2 of the bill; rather, my draft placed a period after "official" on line 23 and then struck the rest of (4)(b). I expect the deletion of all of (4)(b) in the bill has caused some consternation among some folks while others think it is fine.

Although the entire deletion of this part of the law was not planned, the unintended consequences may be appropriate. If the deletion of subsection (4)(b) stands, then the effect is that lobbying will be defined in law as limited to trying to influence legislative action. It will not include trying to influence "official action by any public official." However, since public official, as defined in subsection (3), ". . . does not include those acting in a judicial or quasi-judicial capacity . . ." and since legal counsel tells me that virtually all public officials, other than the judiciary, act in quasi-judicial capacities, the law now is essentially without effect.

Finally, this bill changes the name of the disclosure that principals file from "accountings" to "reports." It also includes some stylistic changes made by the code commissioner.

Thank you for your consideration.



EXHIBIT 15  
DATE 2/08/91  
HB 472

DONALD R. JUDGE  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 472 BEFORE THE HOUSE STATE  
ADMINISTRATION COMMITTEE ON FEBRUARY 8, 1991

Madam Chair, members of the committee, for the record my name is Don Judge and I'm here today representing the Montana State AFL-CIO in support of House Bill 472.

This is a good bill which would clarify the language in Montana's Lobby Disclosure Laws and tighten up on the reporting requirements contained in those laws.

Under current law, lobbyists and their principals are required to report expenses incurred in lobbying the Montana Legislature to the Commissioner of Political Practices generally only twice. The first report is due before the 16th of February and the second is due 60 days following adjournment of the session. Additional reports may be required IF the principal has expenditures exceeding \$5,000.00 in one month, although I suspect this doesn't apply to most Montana lobbyists.

Under the provisions of HB 472, the principals would be required to make their final report within 30 days following adjournment of the session. This provision would give the public quicker access to information regarding the dollars spent on attempts to influence the passage or defeat of legislation. It would also encourage those lobbyists and principals which tend to forget about those reports to get them in.

There are other suggested changes to Montana's lobby disclosure laws provided in HB 472. One is to clarify that a principal need not spend \$1,000.00 to fall under the Act's provisions. Another is to establish that a lobbyist doesn't have to be a citizen in order to lobby the Montana Legislature.

We concur with both suggested changes.

Reporting is not an onerous task for principals or lobbyists and the \$1,000 threshold was not necessary.

And, we expect that growing numbers of non-citizens will be engaged in lobbying our legislature as the world economy becomes more intertwined and foreign interests seek influence in our state. House Bill 472 would simply apply those same principals of disclosure to non-citizens that our citizens now have to follow.

All in all, we believe that House Bill 472 is worthy of your support and would urge you to give it a "do pass" recommendation. Thank You.

Amendments to House Bill No. 450  
First Reading Copy

Requested by Representative Hal Harper  
For the Committee on

Prepared by Sheri S. Heffelfinger  
February 8, 1991

1. Title, line 10.  
Following: "PROVIDING FOR"  
Strike: "THE"

2. Title, lines 10 and 11.  
Following: "ENFORCEMENT" on line 10  
Strike: "AND" through "NONCOMPLIANCE" on line 11

3. Title, line 14.  
Strike: "5-7-208,"

4. Page 3 line 19 through page 6 through line 21.  
Strike: sections 4 and 5 in their entirety  
Renumber: subsequent sections

5. Page 10, line 9.  
Strike: "Sections"  
Insert: "Section"  
Following: "3"  
Strike: "and 4"  
Strike: "are"  
Insert: "is"

6. Page 10, line 11.  
Strike: "sections"  
Insert: "section"  
Following: "3"  
Strike: "and 4"

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

1 of 3

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 424

DATE 2/8/91

SPONSOR(S) REP. STICKNEY

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Joanne Cortese - Butte	AAUW	✓	
Joy Bruck	OF MONTANA LEAGUE OF WOMEN VOTERS	✓	
Ken Toole	Office of Public Inst	✓	
Margaret Murphy	AAUW + Montana Women's Lobby	✓	
Tottie Welker	MAPP	✓	
Kate Cholewa	MT Women's Lobby	✓	
Diane Sands	MT Women's Lobby	✓	
MKTolson, MT	self. AAUW	✓	
Jane Lapp	AAUW	✓	
Sara Young	self	✓	
Mary Gibson	MT Women's Lobby	✓	
Angela Russo	HD 99	✓	
Don Judge	mt State AFL-CIO	X	
Lynda Saw	ICCW	X	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

FRANCIS BELGARDE  
Glenn Hartman-Chie

HELINA INDIAN ALLIANCE ✓  
Business & Professional Women's  
Association ✓

**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

2 of 3

STATE ADMINISTRATION

COMMITTEE

BILL NO.

HB 424

DATE 2/8/91

SPONSOR(S)

REP. STICKNEY

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Evelene Lewis	AAUW	✓	
Constance B. Lord	AAUW	✓	
Julie Parker	AAUW	✓	
Mary Holt	AAUW	✓	
Connie Kicioric	AAUW	✓	
Foulette Bailey	self	✓	
Arlene HANNAWALT	Self	✓	
Sib Clark	MT Univ. System	✓	
Tamara Blank	self	✓	
Bethany McLaughlin	MT U. System	✓	
Landra Kempe	AAUW	✓	
Barbara Chybrow	AAUW	✓	
Stacy Jovick 410 S. 8th Livingston	President AAW State	✓	
Arlene Tett	AAUW	✓	

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

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STATE ADMINISTRATION

COMMITTEE

BILL NO.

424

DATE 2/8/81

SPONSOR(S)

REP. STICKNEY

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Lee Hipster	AAUW	X	
Elaine Felton	AAUW	X	
Clarice Walters	AAUW	X	
Kandice Kandice Morse	AAUW	X	
Marge Morse	AAUW	X	
Anna Marie Clouse	AAUW	X	
Carol J Harris	Self (Sex Equity Coord for Voc Ed)	X	
Ruth L. Long	AAUW	X	

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 472

DATE 2/8/91

SPONSOR(S) REP. JANE DEBRUYCKER

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DOLORES COLOURG	COMMISSIONER OF POLITICAL PRACTICES		
Diane Sands	MT Women Lobby	X	
Don Judge	MT STATE AFK-CIO	X	
Lyle Nagel	mt. st. vol. Fire Fighters Assn	X	
<del>Esther Davis</del>	<del>MT</del>	X	
Nora M. K.	Self	X	
<del>Esther Davis</del>	<del>MT</del>	<del>X</del>	
GEORGE CCHENSKI	SELF (LOBBYIST)	X	
Tottie Welker	MAPP	X	
Mike Pichette	MT. Power	✓	
Jane Debruycker	Rep II		

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

STATE ADMINISTRATION COMMITTEE BILL NO. HB 456  
DATE 2/8/91 SPONSOR(S) REP. JIM RICE

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DOLORES COLBURG	COMMISSIONER OF POLITICAL PRACTICES	X	
Deane Sands	MT. Women's History	X	
Roger Torgy	Self	X	
Dan Judge	MT STATE AFL-CIO	X	
<del>Lee H. H. H.</del>	<del>AAAL</del>	<del>X</del>	
GEORGE OCHENSKI	SELF (LOBBYIST)	X	
Tooth (Weller)	MADP	X	

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 450

DATE 2/8/91 SPONSOR(S) REP. HAL HARPER

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DOLORES COLBURN	COMMISSIONERS OF POLITICAL PRACTICES	X	
John Albe	Mont. Society of Association Executives	X	
Aileen Sands	MT Women Lobby	X	
Mike Pichette	MT Power	✓	
Ed Judge	MT STATE AFL-CIO	X	
Lyle Nadel	Mont. Vol. Fire Fighters Assn	X	
<del>Adeline Hett</del>	<del>PAOWE</del>	<del>X</del>	<del>X</del>
Margaret Myhre	self	X	
B. Penson	Common Cause/Montana	X	
George Ochenski	SELF (LOBBYIST)	X	
Tootie Welker	MATA	X	

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COMMITTEE PROXY

Date

2/8/91

I request to be excused from the

State Admin

Committee meeting this date because of other commitments. I

desire to leave my proxy vote with

Jim Brown

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 456	X	
472	X	
450	X	
Amendment on 450		

SENATE BILL/AMENDMENT AYE NO


Rep.

(Signature)

Victor Castaneda