

**MINUTES**

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

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIR JAN BROWN**, on February 18, 1991, at 8:00 a.m.

**ROLL CALL**

**Members Present:**

Jan Brown, Chair (D)  
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)

**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:**

**CHAIR BROWN** thanked Rep. Jane DeBruycker for bringing donuts for the Committee.

**CHAIR BROWN** announced the Campaign Reform Subcommittee had met. They will have recommendations for the Committee on all the bills on Wednesday.

## HEARING ON HB 769

### Presentation and Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, House District 59, Missoula, introduced HB 769 to clarify continued membership rights for employees in the Public Employees' Retirement System (PERS) who terminate covered employment. She distributed an amendment because a section was omitted when the bill was drafted. EXHIBIT 1 She said the bill does not change or modify anything in the law; it only clarifies what happens to state employees' Public Employees Retirement System (PERS) when they have worked for more than five years or less than five years.

### Proponents' Testimony:

Linda King, Assistant Administrator, Public Employees Retirement Division (PERD), testified the bill was requested by the Board to help clarify to PERS members what their membership rights are in the System. It represents no change over current board policy and current law. It only clarifies their rights. In PERS, members are vested with five years of service. In the first section, HB 769 clarifies that if a member terminates employment, after having accumulated five years of creditable service, they are eligible when they terminate (their PERS-covered employment) to buy service -- if eligible to buy service under different sections of the law and also to retire when they meet minimum retirement eligibility or to wait until anytime after that. Those people who terminate covered employment before having accumulated five years of membership service may leave their contributions on deposit and continue to draw interest. If they come back into PERS covered service in the future, they can earn additional service credits. But those members are not eligible, because they are not vested, to buy additional service while they're not an active member. They are not eligible, if they never come back and accumulate at least five years of service, for a monthly retirement benefit. But they would be eligible at any time they wanted to take a refund of their contributions, plus the interest that has accumulated on that until the date of the withdrawal of those membership contributions. The amendment adds Sect. 2 back into the bill. It ties with Sect. 1 to clarify that a member who has attained age 65, while employed in a PERS-covered position, is eligible for service retirement. You cannot have three years of service and quit working for a PERS employer at age 25 and wait forty years until you are age 65 and then draw a monthly retirement benefit. The change from "state" to "creditable" service just assures those local government employees that they, too, can retire regardless of age when they have accumulated thirty years of service. We never said that local employees had to have thirty years of state service to retire.

Opponents' Testimony: None

### Questions From Committee Members:

REP. PATRICK GALVIN asked if a retiree had to be 60 years of age with five years of service to withdraw his retirement. Ms. King

responded they would have to be 60 for regular retirement; a person could retire as early as age 50 with early retirement with only five years of service.

REP. ROGER DEBRUYCKER said then a person could come in three days before their 65th birthday, work three days and then retire. Ms. King said, "Yes, that is absolutely true. If they had three days of service, their retirement benefit would be "really tiny," but they would be eligible for a benefit for life.

Closing by Sponsor:

REP. COCCHIARELLA closed.

HEARING ON HJR 25

Presentation and Opening Statement by Sponsor:

REP. TIMOTHY WHALEN, House District 93, Billings, introduced HJR 25 to "send a message" to the Department of Administration to bargain in good faith with state employee unions and to start future negotiations at least one year before submission of the Executive Budget to the Legislature. He said, "It is my understanding that in the current negotiating process, the administration official is coming to the table without any authority to do anything other than what is in the governor's budget. We are putting the cart before the horse. There needs to be a time prior to the governor's budget (being assembled) for some negotiation between the Administration and state employees. Then based on the outcome of the good-faith negotiations between those parties, the governor's budget would be put together."

Proponents' Testimony:

Jim McGarvey, Montana Federation of Teachers/State Employees, said that in 1973, the Legislature provided collective bargaining for all state employees in Montana except faculty in the university system and the public school teachers. The following year, the faculty was amended into the law and the year following that the public school teachers were provided collective bargaining. It is important for collective bargaining to take place in the following five areas: 1) counties, 2) cities, 3) school districts, 4) state, and the 5) university system. The faculty at four of the six university systems have bargaining rights, and bargain at each unit as do all of the vocational-technical centers. But the classified employees at the vocational-technical centers do not have bargaining rights. They are stuck with whatever happens in the general pay matrix in state government. This Committee now has all of the unions before it presenting their cases as a result of "virtual failure since 1973." The classification system was enacted at the same time as state employees were given bargaining rights. For a short period of time, state employees were allowed to negotiate

grades to appeal classifications. He believed the unions were "beat up on" in the 70's. "We lost the right to negotiate grades . . . (and) to appeal classifications." The terms and conditions of a classification system were never discussed at the bargaining table. Rep. Whalen's resolution would insist that the real intent of negotiations, back in '73, would be rethought. Problems cannot be negotiated if "sixty unions sit around a table and negotiate one pay system, for 14 thousand state employees, that has 13 hundred different classifications . . . . Many of the big classifications are large numbers of people who could simply and easily negotiate on their own. It would be good for the agencies. . . . We have to take a long, hard look at collective bargaining -- where it has been and where it is going. Otherwise, all of those sixty unions . . . are going to be in here trying to negotiate with you from this Legislature forward."

Tom Schneider, Montana Public Employees' Association (MPEA), disagreed with Mr. McGarvey in a few areas, saying, "Until 1981, we had some semblance of collective bargaining for state employees. It worked fairly well to a certain degree because there was at least an attempt on the part of the administration to want to bargain in good faith. This "just simply disappeared in 1981 and has not reappeared since." From 1981 to 1983, there was a blue ribbon commission put together by the Legislature and appointed by the governor to study the problems of state collective bargaining. Mr. Schneider was a member of the Committee. They did make some "decent recommendations," but "never even attempted to put (them) in place." The Committee looked at how bargaining worked in other states. Some good recommendations were patterned after Wisconsin and Minnesota, which -- to some degree -- included the legislative process through the bargaining process. So it didn't appear at the end of bargaining that it was "simply a rubber stamp of whatever the executive had decided to do." He suggested the Committee look at the report from the Blue Ribbon Commission as he believed they would find it very informative. "There has been no collective bargaining since 1981 for state employees, which . . . (can be) attributed to the economy of the state. (MPEA) demand(s) bargaining the same as the other unions . . . . and prior to the Legislative session. We don't get a meeting to make presentations . . . or (receive) any information . . . lead(ing) us to believe that anyone really cares about starting bargaining . . . seriously. It is a law. It is on the books. We do have the right to bargain. There are a lot of complicating factors . . . with 83 different bargaining units in state government . . . (plus) federal laws that provide that we have to have equal pay for equal work. It is frustrating because . . . there is no attempt to try to bargain on what is provided by the law. It leaves the employees and unions frustrated. Obviously, it is going to leave you frustrated because the problem is now, and has been since 1983, in your lap. You're the people that have to come up with a solution to the problem." He felt it would be better if "there was something more than a resolution, which doesn't have a lot of teeth in it . . . but it is a good attempt."

Passage of the resolution would at least give the message that the Legislature intends the executive to follow the law and bargain as provided (by the statutes)."

**Don Judge, Montana State AFL-CIO,** said HJR 25 should send a signal to the Administration that public employees are entitled to the same rights to collectively bargain as people in the private sector. State workers are not allowed true collective bargaining. "We think they ought to have that." He stated the law has not been followed since it was passed in 1973.

**Eric Feaver, Montana Education Association (MEA),** stated that MEA also represents persons who work for the state of Montana at Pine Hills and Mountain View. They encouraged adoption of HJR 25.

### Opponents' Testimony:

**Steve Johnson, Chief, State Labor Relations Bureau, and Chief Negotiator, Executive Branch, State Government, Collective Bargaining,** said he believes the passage of HJR 25 would produce the exact opposite of the result that is intended. The union that is responsible for HJR 25 as well as HB 430 -- which would mandate that economic negotiations begin a year before the submission of the executive budget to the Legislature -- currently has 16 collective bargaining units with the state. About one-third of those agreements do not provide for pre-budget negotiations. Therefore, the union is apparently attempting to get something from the Legislature that is properly achieved through collective bargaining. The contracts that do provide for pre-budget negotiations generally state that those negotiations must be conducted sufficiently in advance of the budget submittal to allow a reasonable opportunity for negotiations to take place. If the union does not believe that the state has complied with this language, it has the right to file a grievance under the agreement. It is ironic that the union has chosen to completely circumvent the collective bargaining unit, which was negotiated in good faith, and has chosen to air its grievance before the Legislature. ". . . instead of encouraging the state to bargain in good faith, it will encourage unions to do just the opposite." The state began economic negotiations with the unions that represent state employees in October. The state came in with an idea to implement a completely new philosophy of state employee pay. The idea was pursued because it was believed it was a comprehensive solution to the problems currently afflicting state employee compensation. Mr. Johnson, during negotiations, expressed a willingness to consider any ideas put forth by any of the unions he met with and he was willing to alter his bargaining position if confronted with reasonable alternatives or ideas. The administration disagrees with the pay plan being split up with each agency having its own pay plan. The administration believes that pay problems must be addressed in a comprehensive, rather than fragmentary, fashion. Currently, the state and the unions are between \$80 and \$180 million apart in their negotiations. "As long as the unions believe they can get more

from the Legislature than they can get at the bargaining table, the situation you are confronted with now will not change." The issues as to when and how long the parties meet should be addressed at the bargaining table, not at the Legislature.

Questions From Committee Members:

**REP. VICKI COCCHIARELLA** asked how long it normally takes to complete meaningful negotiations with any union in the state. **Mr. Johnson** said it varied dramatically. Even when the parties are negotiating all the aspects of a contract, not just economics, but language items also, it typically takes five to six meetings to boil the issues down to the point where there is either a narrow difference or the parties agree to disagree on major issues. **REP. COCCHIARELLA** asked if the five or six meetings usually happen within a month. **Mr. Johnson** responded that it totally depends on the schedules of the negotiators and the conflicting schedules of the parties involved. It could take from one month to six months. **REP. COCCHIARELLA** questioned if the governor's budget was supposed to include the amount he wants to pay state employees and if that amount was to come from prior negotiations. **Mr. Johnson** said the state does basically the same thing that any other public or private employer does. The parameters of economic negotiation are set, and the state negotiates within those parameters. "Yes, the governor's budget does set forth the parameters in which I bargained during the last few months. We're no different than any other employer in that regard."

**REP. JOHN PHILLIPS** commented that public employees are supposed to serve the public, who are the taxpayers; Legislators are supposed to represent not only the public employees but the taxpayers. If a group comes in that has already bargained, and then says, "Mr. Legislator, here is how much money we need; it takes it completely out of our hands. He asked **Mr. Whalen** what he thinks. **REP. WHALEN** said he did not think the resolution says "we are strongly encouraging the governor to accept Jim McGarvey's plan or Tom Schneider's plan or Don Judge's plan or Eric Feaver's plan or the governor's plan. The resolution just says it makes sense to sit down, well in advance of the Legislature meeting, and try and resolve some of these problems so you and I, as Legislators, are not trying to resolve this problem in a crisis atmosphere. . . . I think the underlying assumption of your question is that they'll never be able to come together on some issues. I don't think that is necessarily true." **REP. PHILLIPS** said that in our changing economy we are not sure how much money we will be able to spend. "I would like a Cadillac, but I can only afford a 'Chevie,' if there are no parameters, as **Mr. Johnson** mentioned, I tell myself that this is all I can afford to spend." We do not always know a year in advance how the economy will shift. "Don't you think that is when the tail is wagging the dog?" **REP. WHALEN** answered, "We, at the Legislature, decide every two years how much money we are

going to raise and where we are going to raise it and in what manner we are going to spend it, including the number of employees we will have." We don't necessarily have to fund the number of employees being requested by the various bureaucratic departments . . . We do need to attempt to pay the ones, we decide we want working, in state government a fair wage. That is all that negotiations come down to."

**REP. WILBUR SPRING** said there are two figures that came out during the testimony concerning unions. One figure was that there are 60 different unions; someone else mentioned that there are 83 different bargaining units. What is the difference between the two numbers? IS 60 the number of true unions and 83 the number of "just groups?" **Mr. McGarvey** answered that it is in the high 60's, but he thought **Mr. Johnson** would have the specific figure. It could be there are a number of internationals having a number of bargaining units. "I think he mentioned that we have 16 of those 60. Another union could have 15 or more. Most state employees are represented in three unions. Two of the unions are: MPEA and Montana Federation of State, County and Municipal Employees. All of the rest are AFL-CIO affiliated, except the Montana Nurses Association and the Montana Education Association." **REP. SPRING** said **Mr. McGarvey** suggested that each group would bargain individually. **Mr. McGarvey** responded, "No, I said where it will work . . . and where the employees desire it."

**REP. JIM SOUTHWORTH** asked **Mr. Schneider** to comment on the statement concerning grievances and **Rep. Phillips'** question about buying cars. **Mr. Schneider** said that MPEA went through mediation that resulted in nothing. Grievances can be filed but they take conservatively a year to go through the process. Since they take so long, they are not a viable option to change the bargaining process. "As far as the car situation, everything else aside, we have to do something with pay. . . ." We have 14 thousand people who are counting on us to do something with pay, we really have to do that before we leave this session.

**REP. GARY FELAND** asked that if things are so tough with the state, why is it hard to find employees in his area (Shelby). "But when a state job opens, we have 85 people applying for these jobs?" **Mr. McGarvey** said he did not know the specifics, but the faculty in the state of Montana, in terms of the U.S., are 49th (in pay). "Correctional officers at the state prison are 51st, - they might be 50th -- (in pay)." Many correctional officers whose families are of the correct size can get government assistance. **REP. FELAND** said if that is the case, how many openings are there that are not filled in those jobs? **Mr. McGarvey** responded that "there are about 20 percent or better vacancies open across the board." But those vacancies have been used to fund state government for some time.

Closing by Sponsor:

REP. WHALEN said this resolution is not complicated. It is only fair, in the appropriations process, that when the Legislator is being asked to fund employees, she/he know what the true cost will be based upon negotiations prior to the Legislature meeting. The resolution will send a message that "we want to get started a little bit earlier in (the negotiation) process."

HEARING ON HB 758Presentation and Opening Statement by Sponsor:

REP. BEVERLY BARNHART, House District 80, Bozeman, said the intent of HB 758 is to allow the adoptive parent to have parental leave if a child up to one year of age is adopted. She distributed an amendment. EXHIBIT 2 The bill, as amended, would include fathers.

Proponents' Testimony:

Linda Saul, Interdepartmental Coordinating Committee for Women (ICCW), presented written testimony. EXHIBIT 2A

Tom Schneider, MPEA, supported the bill by saying: "We did look at other sections of the county. We found that this (leave) is very prevalent and handled in the same way as other maternity leaves. Montana will not be a leader by passing the bill; they will just be joining the mainstream."

Terry Minnow, Montana Federation of State Employees, stated they support the bill. "It makes the law much more fair to adoptive parents," and asked for a Do Pass Recommendation.

CHAIR BROWN passed a letter from John Wheaton, Billings, to the Committee. EXHIBIT 3

Opponents' Testimony: None

Questions From Committee Members:

REP. WILBUR SPRING asked to have the difference explained between a father and a birth father. REP. BARNHART said there are two kinds of fathers, a birth father and an adoptive father. For the purpose of the bill, we have to put that in. "I don't think there is any difference."

Closing by Sponsor:

REP. BARNHART closed by saying it was her chance to have gender balance in a bill.

HEARING ON HB 314 and HB 765Presentation and Opening Statement by Sponsor:

REP. ANGELA RUSSELL, House District 99, Big Horn County and Crow Reservation, introduced HB 314 to change the close of voter registration from 30 days before any election to 10 days before any election. It will make it easier for the citizens of Montana to take advantage of their right to vote by making a longer period for voter registration. Supporters of HB 314 believe it will increase the number of registered votes within the state. States with a registration deadline that is the same day, or within a few days, of the election have substantially higher voter turnout. Studies consistently show that the closing date of voter registration is the most important influence on electoral turnout. There is a decrease of voter turnout of about .3 percent each day the registration deadline precedes the election. People can no longer register when campaigns have reached their highest peak, which causes frustration. HB 314 should increase voter turnout by up to 30 thousand. In Big Horn County, the Clerk and Recorder, Janet Crooked Arm, endorses the bill by saying, "When it comes right down to it, we need all the time possible to register electors." HB 765 would require a voter registration form be attached to the driver and vehicle license applications. This would provide for voter registration at the time of application. Rep. Russell said there is an amendment for Sects. 1 and 2 to specifically deal with 61-5-107, RCM, which is the portion of the application for a license instruction permit for commercial vehicle operator's endorsement and the motorcycle endorsement. It adds language beginning on Ln. 22, "a voter registration form for mail registration shall be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept their registration and forward the form to the election administrator." On Sect. 2, it amends 61-3-303, RCM, application for registration. The same language is inserted beginning on Pg, 3, Ln. 21. HB 765 is commonly referred to as "Motor Voter." There are some definite benefits of this legislation which include: 1) the fact that registrations can be kept accurate and up to date; it meets the needs of a rapidly growing and increasing mobile voting-age population; 3) easing the burden on local election officials by providing a more even flow of transactions; 4) providing an effective prevention of fraud because a person's eligibility can be cross checked on driver license records; and 5) a non-partisan form of registration. Iowa uses Motor Voter. Nearly 90 percent of their voter registration has come from Motor Voter. Michigan uses Motor Voter. They believe it has increased registration by more than 15 percent. Other states using Motor Voter are: Nevada, Colorado, Arizona, North Carolina, Maine and Rhode Island. Washington, D.C. also uses Motor Voter. There is a pilot project ongoing in Louisiana. A news report indicated that Maine consistently ranks among the national leaders in terms of the percentage of the voting-age population that actually casts ballots. Rep. Russell distributed photocopies of

facsimiles from: Janet Crooked Arm, Big Horn County, Clerk and Recorder, and Margaret C. Perez, President, Director of Fort Belknap Voter Registration Project, and a photocopy of a letter from Sandra J. Steinbach, Director of Elections, Iowa.

**EXHIBIT 3A**

**CHAIR BROWN** announced that proponents and opponents could testify on one or both bills at the same time.

**Proponents' Testimony:**

**Mike Cooney, Secretary of State,** urged support for HB 765 as it would let Montana join a number of other states in implementing a supplemental system for voter registration. He commented that Motor Voter would help to keep up with an increasingly mobile population. Each year, roughly 200 thousand Montanans will go to their drivers' license bureau to apply for a license, or to renew their license or to change their address on their current license. For the new licensee and for those changing their addresses, the addition of a voter registration card to the licensing procedure will be a great asset to both the applicant and the county. This convenience will encourage applicants to update their voter registration on a timely basis. The process is simple and it works. He has visited with fellow secretaries of state regarding Motor Voter. He has not found a single instance when the program has not increased both voter registration and turnout at minimal cost to state and local governments. Letters of testimony from his colleagues who support Motor Voter registration were submitted. **EXHIBIT 4** This is the fifth time that Motor Voter registration legislation has been introduced and is pending in Congress. He "ideologically" supports the federal bill but feels that Montanans know what is best for the state and they can implement a better program than Congress would mandate. HB 765 would comply with the Motor Voter provisions of the federal legislation, and he thinks it will become a federal law this year. It is better to take positive action today, than to wait for direction from Washington, D.C. on how to run the Motor Voter registration program.

**Tootie Welker, Montana Alliance for Progressive Policy,** presented written testimony. **EXHIBIT 5**

**Brad Martin, Executive Director, MontPIRG,** said they strongly support HB 314 and HB 765. MontPIRG was organized to specifically to work on issues of environmental, consumer and good government concerns to both students and citizens of Montana. There are similar strengths in both bills and they address the needs of: 1) Montana's highly mobile and dynamic population; 2) a real increase in the number of registrants; 3) turnout in Montana's elections; and 4) turning out Montana's youngest voters. There is a "very narrow window" to register students between the time they arrive on campus until the closing of registration. With the quarter system, it could be as short

as 15 days, and no more than 30 to 40 days on a semester system. MontPIRG is responsible for programs that registered thousands of students since its formation in 1983. They specifically endorse Motor Voter because it address the issue of dynamic population and is very accessible and nonpartisan. Early registration leads to a "lifetime of increased participation."

**Marguerite Burns, Common Cause/Montana,** presented written testimony. EXHIBIT 6

**Betty T. Lund, Clerk and Recorder/Election Administrator, Ravalli County,** presented written testimony on HB 765. EXHIBIT 7

**Duane Tooley, Chief, Drivers' Services Bureau (DSB), Department of Justice,** said they support the concept of HB 765 and made the following comments: There will be some costs involved that should be addressed for the printing of the application with the voter registration attached. The Committee should be aware the addition of a new duty to the DSB staff is apt to cause some delay in the process. "We think we can handle it with our existing staff, but we are almost at the limit of what we can do."

**Don Judge, Montana State AFL-CIO,** supports both HBs 314 and 765 as both the state and the national organization have been urging the "sweeping away of any unnecessary hindrances and restrictions between citizens and their rights to participate in democracy. We think both these bills will do that." North Dakota, Maine, Oregon, Wisconsin and Minnesota permit election day registration and voting and have no problems. Neither of these bills provide for election day registration, but they make registration more accessible to our citizens. HB 765 will help primarily the "young people," who are receiving their new licenses, to think about registration at that time. The most common reason in Montana for people to not vote is because of hunting season. HB 314 will give them time to get back from hunting and register to vote. He did not believe it would be a "tremendous burden" to the clerks and recorders to enter the new registrations in the precinct registers. There is nothing in the law that says they have to wait between the primary and the closing of registration before they put those people into their system. "If they are doing their jobs right, they are going to do it on an on-going basis. They will only have a few hundred people, (in the smaller precincts and) possibly one to two thousand people (in the larger precincts) to put into the system in the last 20 days. "That simply is not that great a burden."

**REP. JIM SOUTHWORTH** announced that he had received a letter from **Peggy Zielie, Election Administrator, Yellowstone County,** who favors HB 765 and said she thought it was a good idea.

**Joe Tropila, Cascade County, Clerk and Recorder,** and a member of the **Legislative Committee of Montana Association of Clerks and Recorders,** supports HB 765 because they know the federal

government will send regulations out to the state mandating Motor Voter. "We know it is coming; we know it is going to be there, and we would like to get a jump on it." It will create a lot of duplication because there are people who are now registered to vote who have not voted. They have not been purged because they probably voted in the last presidential election. They will fill out one of the cards causing duplication. This will cause a considerable amount of searching between the cards and all the registration files. "The more people you have registered, the lower the percentage of turnout we think we will have."

### Opponents' Testimony:

Betty T. Lund, Clerk and Recorder/Election Administrator, Ravalli County, presented written testimony on HB 314. EXHIBIT 8

REP. JIM SOUTHWORTH read a letter he had received from Peggy Zielie, Election Administrator, Yellowstone County, who expressed a strong opposition to HB 314. EXHIBIT 9

REP. WILBUR SPRING said he is opposed to HB 314 for the same reasons as the Yellowstone County Election Administrator. He has received a letter from Shelly Cheney, Clerk and Recorder, Gallatin County, who said it is "humanly impossible" to have only ten days prior to an election to record all of those names. He wondered if Mr. Judge had ever worked in a clerk and recorder's office.

Joe Tropila, Cascade County, Clerk and Recorder, and a member of the Legislative Committee of Montana Association of Clerks and Recorders, opposed HB 314 for the reason stated by Peggy Zielie. Cascade County processes from three to four thousand registration cards at the close of registration. Many registrations arrive in the mail, which would be three days following the closing of registration. This would shorten the time period to seven days from thirty days to complete their work. "It is a logistical nightmare. Don Judge, please walk a mile in my shoes before you support something like this. I think it is well intentioned . . . but we are talking about disenfranchisement. Some voters will be (disenfranchised) because there is no possible way for me to get those people on the rolls and in the precinct registers and out to the precincts in time for them to vote on election day." Cascade County now hires extra people and pays overtime "to try and get everybody in before all the supplies are sent out to the precincts. . . . We will do anything in our power to get a greater turnout . . . but we can't do it by having registration close ten days prior to an election . . . . We are strapped for budgets and have no extra money to hire extra people to help us to do this. . . . (Cascade County) had 500 people register the last day of voter registration. Whatever you set the deadline at, that is when the people are going to register. . . . Cascade County had an 80 percent voter turnout last time. "If we open registration (up) like we would like to, we won't have (a) 60 percent turnout."

CHAIR BROWN requested Shelley Cheney's (Gallatin County Clerk and Recorder, regarding HB 314) and Wendy Cromwell's (Clerk and Recorder, Treasurer, Missoula County, regarding HB 314 and SB 325) facsimile letters be entered into the record and passed them to the Committee to read. EXHIBIT 10

Questions From Committee Members:

REP. BETTY LOU KASTEN questioned Rep. Russell regarding the Motor Voter bill by asking if it would be possible to just have the application available at the counter and not attach it to the driver's license form. This might curtail duplication of registration. REP. RUSSELL said, "We prefer that it be attached because we are looking for 100 percent voter registration. If it is detached, it may not be filled out."

REP. ROGER DEBRUYCKER questioned Mr. Cooney regarding HB 765 by asking who would pay the minimal cost and how much it would be. Mr. Cooney said they had tried to ascertain the cost of printing the cards. This was the figure supplied for the fiscal note. He assumed the cost would be picked up by the state since it was state mandated. He was given permission to respond further to Rep. Kasten's question and said, "The federal legislation, which is pending, mandates the attaching of the cards to "each other." If the legislation passed, the state would not be in compliance with the law if it was not attached. It is not mandated that the voter registration part of the card be filled out. Those people who know they are registered, would not fill it out. REP. DEBRUYCKER said that Sect. 3 of HB 314 had been completely struck where the language for correction of mistakes is written. How would mistakes, if any, be remedied if the bill were to pass? Mr. Tropila answered they wouldn't have time to correct mistakes. REP. DEBRUYCKER questioned what would happen if there was a close election vote. Mr. Tropila said they are trying to eliminate voter fraud but admitted they will have problems.

REP. PATRICK GALVIN asked if Mr. Tropila had any suggestions to limit voter registration. Mr. Tropila said he would amend the bill to 45 days.

REP. CAROLYN SQUIRES questioned if Mr. Tropila anticipated that all the cards would come in just 10 days before the registration. Mr. Tropila said no, and they worked those cards continuously when time permitted.

REP. SIMPKINS asked Mr. Tropila to clarify for the Committee that a voter booth was set up prior to the 30-day closing of the registration cutoff. Mr. Tropila replied that it was set up for absentee voting which starts 45 days prior to the election. They are taking care of absentee voting at the same time they are registering voters. REP. SIMPKINS said that for the last two general election the radio and television stations notified the citizens they had an extra day to register because the last day of registration falls on a holiday. Cascade County had 500, or

more, new voters or changes of addresses. He asked Mr. Tropila if the county had met the deadline to have all voter cards out and all people notified with a confirmation that they were registered to vote. Mr. Tropila said, "We make our deadline just barely . . . because we hire extra help and have money in the budget for overtime. We would need a lot more money with this bill. . . . We presently work Saturdays and Sundays to do this."

REP. VICKI COCCHIARELLA questioned if Ravalli and Cascade Counties had computerized systems and whether or not they scan the cards or if they were put in by hand. Mr. Tropila said they are put into the computerized system by hand. Ms. Lund said they also have a computer, but they do not have scanners as they are too expensive.

REP. BARNHART asked the county clerks if voter registration had ever been tried to be shortened. Mr. Tropila answered, ". . . I think we shortened it from 45 days to 30 days. It gave us a logistical nightmare. . . . This would be three times worse." Ms. Lund said she had been in office for 18 years. She thought voter registration closed 45 days before the election about five to ten years prior to her taking office. "I think that the clerk and recorders would look at 20 days as a compromise, but the ten (days) is "scary."

Closing by Sponsor:

REP. RUSSELL said the idea behind both bills is to make voter registration easier and more accessible for Montanans to exercise their right to vote. The clerks and recorders, we know, do a great job with what they have to work with. The democratic process is supposed to encourage all people from all walks of life to work. The convenience of the clerks and recorders isn't the issue here. Should the issue of money for the clerks and recorders disenfranchise segments of our population from voting? Rep. Southworth said Ms. Zielie opposed HB 314. She recalled the recent close election in Yellowstone County and said that possibly their election would have been more decided if they had registered 3 thousand more voters. Rep. Simpkins mentioned that voters were given an extra day to register due to the holiday and that on the last day he registered approximately 159 more voters. That is an argument to lessen the days. Too many people are not informed of the electoral process and do not know there is a registration deadline. She urged the Committee to once more look at the bill where it states there are 10 extra days following the closing of registration where corrections can be made. Iowa and North Dakota are not on a computerized system and they are able to do this. Information she has leads her to believe there is no problem with voter fraud when the registration deadline is lengthened. Rep. Russell proposed an amendment to HB 765 as follows: Pg. 1, Ln. 23, insert after "mail registration" the language "as prescribed by the secretary of state" and to do the same thing on Pg. 3, Ln. 21. This language is needed to establish a central monitoring figure to oversee implementation

of the Motor Voter program and to monitor its administration.

### HEARING ON 624

#### Presentation and Opening Statement by Sponsor:

REP. MIKE KADAS, House District 55, Missoula, introduced HB 624 to increase lobbyist license fees and appropriate the fees to the Political Practices Commissioner (PPC). The bill would require the PPC to conduct random audits of 2 percent of the following: 1) candidate filings, 2) Political Action Committee (PAC) filings, and 3) lobbyist disclosure filings. HB 624 would require the reports be made available to the public and that an organizational statement be filed by political committees. The purpose of HB 624 is to try to maintain the integrity within those public documents. The bill will be paid for by the filing fees that are in Sect. 1 of the bill. The lobbying fees will increase from \$10 to \$25 and an additional \$20 for each additional principal that a lobbyist represents. The PAC fees will be \$100. The PPC is required to make the audits, so she will have to hire an auditor. Rep. Kadas requested the Committee change the bill to make it more cost effective by changing the language from "shall audit" to "shall have audited." This way the PPC can contract for the audits to be done, which would be cheaper since a full-time equivalent (FTE) would not have to be hired and the PPC office would not have to be remodeled. The fiscal note states the bill will generate \$28 thousand. The expenses should fall within the revenue generated by the bill. There should be no General Fund requirements. He said, "We have all dealt with a campaign ourselves and with a public perception that there are real problems in (the way) campaigns are financed. Montana has one of the best set of campaign financing and PAC laws in the nation. The main rationale for the bill is to legitimize, for the public, that the reports that are collected are honest and accurate and we are receiving the best information from those reports." The bill would legitimize campaigning activities and individuals' rights to support those activities through their contributions in an above-board manner with honest and fair accounting.

#### Proponents' Testimony:

C. B. Pearson, Executive Secretary, Common Cause/Montana, presented written testimony. EXHIBIT 11

#### Opponents' Testimony:

Don Judge, Montana State AFL-CIO, said he was "uncomfortably" rising in opposition to HB 624. He did not urge the Committee to kill the bill but to address the following five concerns:

1. Current law on Pg. 4, Ln. 8 through Ln. 13, requires a political committee to file the certification and organizational statement one time. New Subsection (2)

requires, in addition to the certification and organizational statement already filed, that an organization, such as the AFL-CIO, may have to file in any even-numbered year if it makes a political expenditure. On Pg. 4, Ln. 25 through Ln. 3 on Pg. 5, the AFL-CIO may have to pay "double the fees on organizational statements." That is not necessarily an "onerous" thing for us to do, it means a couple hundred bucks instead of a hundred bucks. But it could cause the political committee -- like the local county party -- of either party to pay. Groups that don't raise a lot of money, might find that paying \$100 twice is difficult.

2. The law already allows random audits under Sect. 4 on Pg. 5. (The ALF-CIO is not concerned about being audited.)
3. There needs to be some clarification of the portion of law on Pg. 6, Lns. 2 - 5, where it states you cannot audit candidates for office in "political subdivisions or political committees supporting or opposing candidates for office or issues concerning political subdivisions." He questioned what would happen if the Legislature decided to have an initiative calling for local option taxes. Because that issue would concern political subdivisions, does that mean the committees formulated in support or opposition to that particular issue could be audited under HB 624? There are a number of other issues that the Legislature may submit to the voters which directly affect or concern political subdivisions. He was not certain those should be excluded from the law.
4. He would like "authorized activities" of a political committee defined on Pg. 6, Ln. 8, and who would establish what "authorized activities" of a political committee are? Is one of those activities giving to the boy scouts or is it not? Is one of those activities soliciting contributions? Or is it just contributions to candidates?
5. On Pg. 6, Lns. 13 - 16 (c) "any reports and statements required by law -- and I suspect this means also candidates as well as political committees -- must be prepared in accordance with standard principles of accounting. What are standard principles of accounting? You all know that at the height of a campaign, standard principles of accounting may not necessarily be followed, although you are trying your 'darndest' to keep track."

Questions From Committee Members:

REP. COCCHIARELLA asked the PPC if she had the authority to conduct audits now. Ms. Colburg said she has authority under both the campaign finance laws and the lobbying disclosure laws. REP COCCHIARELLA questioned how many audits are being done and how they are conducted. Ms. Colburg responded by saying she conducted -- under the campaign finance and practice laws -- in 1987, a specific audit where she contracted with a CPA to audit Jim Waltermire's campaign. She reviewed all ten gubernatorial candidates in the 1988 elections for the purpose of seeing whether their books and records were set up in a way that would be compatible with the requirements of the law. The other audits have surrounded "those areas of reporting where we have had questions. I am not sure you would use the word audit for those or whether it would be review and inquiries. We have had candidates where we have either gone to their place of residence or . . . (they) bundled (up their records) and sat down in the office and (we) meticulously (have) gone through those in order to clear up any discrepancies in their reports. . . . Basically we have had audits and inquiries based on when we see evidence (on which we) need to have more information, and/or something may be amiss." There have been no audits of lobbying records and reports, but inquiries have been made when questions arose.

REP. SPRING asked Rep. Kadas why, if he felt Legislators now have integrity, he thought the system was deteriorating. REP. KADAS responded that he thought it was deteriorating in certain areas. He cited the increase of PAC participation in campaigns having a negative effect.

REP. FELAND asked what was wrong with Carl Weisman running an ad as an individual. Mr. Pearson said that Carl Weisman & Son is a corporation. Therefore, under statute, they must file as an incidental committee. There is nothing wrong with running the ad, it just was not disclosed. REP. FELAND asked if an individual could run the ad. Mr. Pearson said he understood that a corporation would have to report to the PPC, but he did not know whether or not an individual would have to report. REP. FELAND stated he thought that was similar to "putting out gag orders if a person could not express his opinion on a certain bill without jumping through all these hoops and two or three Chinese fire drills." He asked if that was what HB 624 would do. Mr. Pearson said it would not change the law on what must now be disclosed. The bill would encourage compliance with the law because we believe there is a problem.

REP. SQUIRES said she "kind of likes the bill," but that it has some problems. She asked if Rep. Kadas would be amenable to some amendments to the portion of the bill that reads: "non-federal races including ballot issues audits must include all candidates and political committees whose primary purpose is to support or oppose the candidate or ballot issue in the race selected for the audit candidates or political committees." Rep. Squires requested the bill be amended to read that if the candidate was audited, their opponent would also be audited. REP. KADAS said

he thought that was already covered in the bill. **REP. SQUIRES** commented that "there is a question as to whether it is clear." The amendment would mean that when the PPC's random selection chose, for instance, the tobacco industry, their opponent would also have to be audited. The amendment would include candidates and ballot issues as well. **REP. KADAS** said he would not have a problem with the amendment as long the total amount of audits was not doubled. "You would have to change the language to say instead of each account being audited, each race would be audited." **REP. SQUIRES** said another area of concern she had would be the fee for \$100 being charged to a small club such as Havre's Women's Club. **REP. KADAS** responded, "You might want to exempt the local party PACs because they are . . . pretty small."

**CHAIRMAN BROWN** requested that Rep. Squires work on the amendments with the sponsor before the Committee acts on the bill.

**REP. SIMPKINS** asked if the PPC had a problem concerning what the bill is trying to address. **Ms. Colburg** said she had been quoted in the Montana newspapers prior to the session concerning the overall agenda of Common Cause/Montana as saying that her perception -- having gone through two complete election cycles -- is that she believes candidates and committees really do try in every way possible to do a good job. And "we in Montana can be justifiably proud of the fact that our elections are cleanly run and above board." She still maintains that perception. **REP. SIMPKINS** said that last session there was a situation that arose with the students of the University of Montana using a postage meter on a mailing concerning their position as a student body. The students were questioned. It was ascertained that they had paid for their own postage. What would happen if a corporation or company was given a check by a group to do some mailing using the corporation or company's postage meter if the corporation reported the check on their campaign political practice form? Would this be a violation? **Mr. Pearson** said that he believes disclosure has occurred. He would need to know more particulars. The reason the Coca Cola example was brought up in his testimony was to show the large amounts of lobbying monies -- \$2.8 million in 1989 -- coming into campaigns and ballot issues in Montana without any sort of review as to whether or not their reporting is accurate. Five million dollars was spent on the following campaigns in 1988: for a district judge, the governor, and for the state legislative races.

**REP. SOUTHWORTH** asked the PPC to comment on the fiscal note. **Ms. Colburg** responded that she had prepared the fiscal note at the request of the Office of Budget and Program Planning. **Rep. Kadas** was correct, **Scott Seacat**, Legislature Auditor, indicated the function could be done by a contracted service rather than by adding a staff person. **Mr. Seacat** pointed out to **Ms. Colburg** that the audits could not be accomplished with a grade 12 person, and that contracting the job "out" might be covered with the fees in the bill. The \$28 thousand in fees were predicated on the fact that there are 280 political committees, 200 of which are

political party committees at the local level. Nearly every party has a central committee and a women's club at the party level. Ms. Colburg had decided that a few counties wouldn't pay so she used the figures of  $50 \times 4 = 200$ . If all of the political committees were exempted from the \$100 fee, there would only be \$8 thousand in the fiscal note.

#### Closing by Sponsor:

REP. KADAS said he would be glad to work with Rep. Squires regarding any problems that were discussed that day. "I think we are losing credibility as public officials and lobbyists have always had a credibility problem. We want to try to raise the standards of the 'playing field.'"

#### HEARING ON HB 687

#### Presentation and Opening Statement by Sponsor:

REP. JAMES MADISON, House District 75, Jefferson City, introduced HB 687 by saying the bill is controversial because it affects the Committee members personally and no one likes "big brother messing in their affairs." He does not see a problem "out there right now" that the bill is supposed to address. However, he does see Legislative campaigns becoming more expensive. Some campaigns have been run that have cost \$20 and \$30 thousand. Whenever this happens, there is an opportunity to build a "war chest." When this situation occurs, fairness goes out the window as that person can carry that money forward to the next campaign. The main purpose of HB 687 is to provide that "you cannot carry a campaign war chest from your present campaign over to your next one." The second purpose of the bill is to have four new filing periods. Since he realized that four were too many, he distributed and explained his amendment that would eliminate two filing periods. EXHIBIT 12 The first amendment would make sure that HB 687 would apply only to legislative campaigns. He did take the "coward's approach" in not having it cover the governor's, secretary of state's and attorney general's races. The bill would say "we're regulating ourselves and we will make the situation fair in the legislative races. If that works, . . . we can carry this process forward." The second amendment deals with the filing dates.

#### Proponents' Testimony:

John McCarthy, lobbyist, Common Cause/Montana, presented written testimony. EXHIBIT 13

#### Opponents' Testimony:

Don Judge, Montana AFL-CIO, testified that they believe there are difficulties with the bill as follows:

1. A political committee, for instance the Montana AFL-CIO's committee, is an on-going committee. They do not have a closing. They file a closing statement, but it is a continuing committee that carries forward a balance.
2. Pg., 1, Ln. 18, Subsection (b), "compensating legislative interns employed pursuant to Title 5, chapter 6, part 1;" would probably violate IRS codes. You cannot use the same money for campaign contributions that you use for legislative lobbying activities or congressional lobbying activities. Someone doing that could potentially get themselves into trouble. He thought the IRS applies about a 45 percent tax penalty in those cases.
3. Another area that could cause a problem with taxes is on Pg. 2, Ln. 2, Subsection (f), "returning the money to the contributors." In Montana there are tax credits for contributions on the state level but not on the federal level. What would happen if the money were returned? Would there be some state tax reporting to deal with?
4. Pg. 1, Ln. 13, subsection (1). Could we, as a nonprofit organization, give ourselves our own money? It looks like that is probably the case.

The AFL-CIO understands the efforts of the proponents to do something about the problem, but we think it is a "solution in search of a problem. We don't think there are massive problems with a carry-over of funds from PACs or with candidates who have not expended all of their money. We do not think the bill is well thought out."

**Eric Feaver, Montana Education Association (MEA), Chairperson, Montana Education Association Political Action Committee,** said he thinks HB 687 is in pursuit of solutions to problems that don't exist or are alleged or imaginary. "I find this whole body of legislation unnerving because it is completely unnecessary. Common Cause demonstrated the MEA PAC gave \$14 thousand plus to legislative candidates in the last election, and we did. We were the second largest giver. We have a state affiliate in Idaho that routinely gives \$30, \$40 and \$50 thousand to single legislative races. There is no analogue between Idaho and Montana. When all MEA affiliates get together . . . and they look at the restrictions (in Montana) . . . they are utterly amazed. I don't think it is PACs that are driving the costs of legislative races forward. I don't consider \$20 thousand in an urban area . . . a humongous amount of money in order to get one's name out there to run for public office. Common Cause's own evidence shows that incumbents don't necessarily win those races . . . the big spenders don't necessarily win. He then reiterated the high points of Don Judge's testimony. MEA has never taken the voluntary contributions of their members and

commingled dues monies with PAC voluntary dollars. That is what this bill invites MEA to do.

Questions From Committee Members:

REP. PHILLIPS asked how, if he had any money left, he could close out his required report (with HB 687) by not first giving it away. Ms. Colburg said without thoroughly reviewing HB 687, she believed that you could not file a closing report unless and until you showed that you had disposed of any surplus funds once all your campaign debts were retired to a permissible entity.

REP. PHILLIPS asked if he were to put \$300 into his campaign and not call it a loan, would he be able to get that back. Ms. Colburg answered, "I have an alternative view of that. The Accounting and Reporting Manual states you may show a contribution to your campaign as a contribution or you may show it as a loan. Regardless of whichever way you show those, you can treat it as either one." If you put \$300 in at the outset, you can then pay yourself back for the contribution you made yourself or the loan. Having done that, you would show it as an expenditure of your campaign back to yourself.

REP. SPRING referred to Pg. 2, Ln. 2, (f), "returning the money to the contributors within 60 days," and asked if at the end of his campaign he had \$200 left over from 100 contributors, would he return \$2 to each contributor. REP. MADISON answered, "The way I viewed that particular item is that the last one in would be the first one back."

REP. SIMPKINS commented the constituent service account set up is a weakness within the system. He has been told by Ms. Colburg not to use campaign accounts for constituent services, keep them separate. HB 687 does not address that problem. We still would not be able to move money into a constituent service account without falling under the campaigning practice laws of the state. He asked if Ms. Colburg knew if there were any bills in the Legislature that would handle that weakness. Ms. Colburg clarified the question by giving the Committee the following history: Two years ago Rep. Simpkins asked for a ruling regarding the use of his surplus campaign funds after closing out his campaign, not his campaign account. He asked if those funds could be used for constituent services. "My answer then and now is, absolutely. There is nothing in the campaign and finance laws that prohibits your using campaign funds for any purpose whatsoever. . . . Surplus funds can be used, under current law, for constituent services and you do not have to report to PPC because those are non-campaign monies." You can move money out of a political campaign account into a constituent services account to use for those purposes, but you may not later on move those constituent monies back into the campaign account or you violate the provision of commingling of monies. REP. SIMPKINS said the way he read HB 687, the monies in the newsletter account

could not be used for postage stamps or constituent services. When the candidate closes out his accounts, that money must be given to charity. The money is donated to the candidate. Technically it must be reported as earnings. Technically postage stamps and constituent services must be reported as a business expense. The bill will not allow these monies to be exempt from your own personal income. **MS. COLBURG** said she is not going to make any IRS rulings. **REP. SIMPKINS** asked if he wanted to comply with HB 687 could he spend any money left over to buy, for instance, campaign buttons for his next election and report it in this campaign? **Ms. Colburg** said if you purchased materials for your succeeding campaign, you would be violating the "spirit of the law."

**REP. FELAND** asked if the excess spending in Sen. Baucus's campaign is what lead to this type of legislation. **REP. MADISON** said he didn't believe that was what prompted HB 687. It was the instances happening in other states where unfair situations occur.

Closing by Sponsor:

**REP. MADISON** said to answer Mr. Judge, it is his understanding that a political committee that is ongoing never files a final report. Also, the public expects some viable campaign reforms. This bill is one way we can do that.

EXECUTIVE ACTION ON HB 769

Motion: **REP. PHILLIPS MOVED HB 769 DO PASS.**

Motion/Vote: **REP. PHILLIPS** moved the amendments. The amendments carried unanimously.

Motion/Vote: **REP. PHILLIPS MOVED HB 769 DO PASS AS AMENDED.** The motion carried unanimously. **EXHIBIT 13A**

Motion/Vote: **REP. SIMPKINS MOVED HB 769 BE PLACED ON THE CONSENT CALENDAR.** The motion carried unanimously.

EXECUTIVE ACTION ON HB 758

Motion: **REP. SOUTHWORTH MOVED HB 758 DO PASS.**

Motion/Vote: **REP. SOUTHWORTH** moved the amendments. The motion carried unanimously.

Motion/Vote: **REP. SOUTHWORTH MOVED HB 758 DO PASS AS AMENDED.** The motion carried 12 to 7 with Reps. Roger DeBruycker, Bergsagel, Hayne, Kasten, Phillips, Feland and Spring voting no. **EXHIBIT 13B**

Motion/Vote: REP. DAILY MADE A SUBSTITUTE MOTION TO TABLE HJR 25. The motion carried unanimously. EXHIBIT 15

EXECUTIVE ACTION ON HB 679

Motion: REP. DAILY MOVED HB 679 DO PASS.

Discussion:

Ms. Heffelfinger distributed amendments requested by Reps. Scott and Kasten. EXHIBIT 16 and EXHIBIT 17

Motion: REP. DAILY moved Rep. Scott's amendments.

Discussion:

Ms. Heffelfinger explained the amendments as follows: Rep. Scott's amendments were to "round off" the number from four digits to three digits. Rep. Kasten's amendments would strike "by" through "Firefighters" from the title. The second amendment strikes the remainder of (2) and inserts new language. (See exhibit 17). The third amendment does the same thing for sick leave. These three amendments would take out of statute the prorated amounts that are limited to firefighters and allow an employee that works regularly scheduled hours, more than the 40-hour week, to be eligible for a prorated sick leave and vacation accrual based on what the employee and the employer work out.

Vote: HB 679 REP. SCOTT AMENDMENT DO PASS. Motion carried unanimously.

Motion: REP. KASTEN moved to adopt her amendments.

DISCUSSION:

REP. KASTEN said we have to put in the law the regularly scheduled hours. In the hearing it was stated these amendments should be made as many individuals check in and out at different time and accumulate extra hours. The employer must be aware of the hours worked and the hours the individual has been scheduled to work. In essence, the amendment says that unless you are scheduled to work the overtime hours, you do not accrue vacation and sick leave. It is not up to the employee to decide when he works, it is up to the employer.

REP. BARNHART asked if Rep. Kasten proposed the amendment because firefighters are regularly scheduled to work more hours. REP. KASTEN answered, "There are many people scheduled to work additional hours over and above their 40 hours per week. This means if the employer did not schedule them to work overtime, they do not accrue sick leave and vacation.

REP. COCCHIARELLA asked if overtime was based on paying for hours

Motion/Vote: REP. DAILY MADE A SUBSTITUTE MOTION TO TABLE HJR 25. The motion carried unanimously. EXHIBIT 15

EXECUTIVE ACTION ON HB 679

Motion: REP. DAILY MOVED HB 679 DO PASS.

Discussion:

Ms. Heffelfinger distributed amendments requested by Reps. Scott and Kasten. EXHIBIT 16 and EXHIBIT 17

Motion: REP. DAILY moved Rep. Scott's amendments.

Discussion:

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Vote: HB 679 REP. SCOTT AMENDMENT DO PASS. Motion carried unanimously.

Motion: REP. KASTEN moved to adopt her amendments.

DISCUSSION:

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REP. COCCHIARELLA asked if overtime was based on paying for hours

worked over 2080 per year. Ms. Heffelfinger said she wasn't sure but 2080 is the figure used to figure the 40-hour work week. Under the current law, overtime pay doesn't give an individual accrual of annual leave and sick leave because you are not regularly scheduled for overtime. REP. COCCHIARELLA said that technically there is leap year so you couldn't use 2080 hours as there would be an additional 8 hours. She did not think the amendment, technically, would work very well. REP. KASTEN said the amendment would not affect the paying of overtime. It merely addresses sick leave and vacation leave. REP. DAILY said he would like to speak against the amendments because they would strike from the bill what the Committee just changed. "Also, I think we are probably opening up the biggest can of worms that I've ever seen open because it applies to all employees. We're talking about private sector employees and public employees. I don't think we have the data to deal with this kind of a decision. I think the bill was presented to deal with a problem firefighters have, and I think we can correct that problem with the bill."

REP. SIMPKINS said this proposal does everything that everyone is talking about -- negotiations. This simply states that this is negotiated at the local level.

Vote: HB 679 REP. KASTEN'S AMENDMENT DO PASS. Motion failed 9 to 10. EXHIBIT 18

Motion/Vote: REP. DAILY DO PASS AS AMENDED. Motion carried 11 to 8. EXHIBIT 19 and EXHIBIT 20

#### EXECUTIVE ACTION ON HB 314

Motion: REP. SQUIRES MOVED HB 314 DO PASS.

Motion/Vote: REP. SQUIRES moved to amend HB 314 by substituting 20 days for 10 days. The motion failed 3 - 16 with Reps. Beck, Bergsagel, Daily, Davis, Jane DeBruycker, Roger DeBruycker, Feland, Forrester, Galvin, Hayne, Kasten, Phillips, Simpkins, Southworth, Spring and Brown voting no.

#### Discussion:

REP. SIMPKINS said there is a good voter turnout in Montana and he does not see how HB 314 would improve that. The bill would create havoc in the present system.

Motion/Vote: REP. SPRING MADE A SUBSTITUTE MOTION THAT HB 314 BE TABLED. The motion carried 16 - 3 with Reps. Barnhart, Squires and Cocchiarella voting no.

#### EXECUTIVE ACTION ON HB 765

Motion: REP. ROGER DEBRUYCKER MOVED HB 765 DO PASS.

Motion/Vote: REP. DAILY moved Rep. Russell's amendment.

Discussion:

Ms. Heffelfinger explained the amendment: "Pg. 1, Ln. 23, "after registration" you would insert "as prescribed by the secretary of state." The same amendment would be on Pg. 3, Ln. 21. The amendment says that the registration form that would be attached to the driver's license application would be a form prescribed by the secretary of state.

Vote: HB 765 REP. RUSSELL'S AMENDMENT DO PASS. Motion carried unanimously.

Motion/Vote: REP. ROGER DEBRUYCKER MOVED HB 765 DO PASS AS AMENDED.

Discussion:

REP. SIMPKINS asked if the Committee would go along with allowing the form to be offered and not attached. During testimony, the only valid reason given to attach the form was because it was expected the federal government would tell the states it must be done. "Is there any to way to word (an amendment) to say 'be offered or as required by federal law.'" CHAIR BROWN asked if the Russell amendment addressed that. Ms. Heffelfinger said no, the only thing prescribed by the Russell amendment would "say the registration form itself would be prescribed." The rest of the law says the registration form shall be attached to each driver's license application. REP. SQUIRES said she wants the form attached to the driver's license so they have the opportunity to fill out the card. REP. SIMPKINS responded, "What we're really doing is providing forms to 100 percent of the people to take care of about 10 percent. It would be a tremendous cost."

Vote: HB 765 DO PASS AS AMENDED. Motion carried 17 to 2 with Reps. Simpkins and Kasten voting no. EXHIBIT 21

EXECUTIVE ACTION ON HB 687

Motion: REP. SQUIRES MOVED HB 687 DO NOT PASS.

Discussion:

REP. SIMPKINS said he agreed with Rep. Squires. All the testimony basically said the bill was not needed.

Motion/Vote: REP. PHILLIPS MADE A SUBSTITUTE MOTION THAT HB 687 BE TABLED. Motion carried 18 to 1 with Rep. Barnhart voting no.

EXECUTIVE ACTION ON HB 324

Motion: REP. SOUTHWORTH MOVED HB 324 DO PASS.

Discussion:

Ms. Heffelfinger distributed Rep. Dowell's amendments and explained them: The amendments strike "appropriating funding from intervenor compensation" from the title. On Pg. 3, subsection (6), it strikes the definition entirely of "substantial contribution," because the wording is charged and there is no need for the definition. On Pg. 5, Lns. 12 and 13, with the amendments it would read: The intervenor saved consumers at least twice the amount asked for in compensation." It then strikes "makes a substantial contribution." The same amendment is on Pg. 6, Lns. 5 and 6. On Pg. 9, Lns. 19 - 22, it strikes section 10, the appropriation.

Motion: REP. SOUTHWORTH moved Rep. Dowell's amendments.

Vote: HB 324 REP. DOWELL'S AMENDMENTS DO PASS. The motion failed 5 to 14. EXHIBIT 22 and EXHIBIT 22A

REP. FORRESTER said the testimony indicated that the Montana Consumer Council is doing its job. We do not need any more layers of bureaucracy. He opposed the bill.

REP. SPRING said Rep. Joe Quilici, who is a real champion for the every-day people, testified we do not need this bill. "This makes a believer of me. I am speaking against the bill."

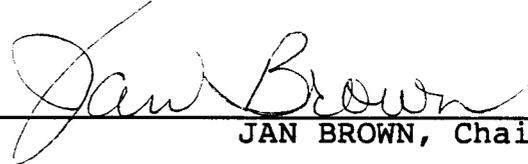
REP. PHILLIPS said he did not oppose HB 324 during the hearing. He sits on the Consumer Council Committee. He requested the Committee keep in mind, we are the only state with a constitutionally mandated Consumer Council (CC). The CC's biennium budget is approximately \$800 thousand, which the utilities are willing to pay. Expert witnesses are hired on all rate cases. The man representing irrigators testified the CC didn't do their job. Keep in mind the CC has to look out for the "other folks" too. Irrigator's rates are .047 for the first 3800 kilowatt hours and then .028 after that. Compare this to residential rates of .07007 in the winter and .047404 in the summer. The power company is still entitled to make money on their investment, so if they lower one class they shift the burden onto another class. I do think CC does a good job. He strongly urged the Committee to kill the bill.

REP. BARNHART pointed out there were many proponents who spoke from the Human Resource Development Council, a lawyer from the seniors and low-income people and others representing low-income people.

Motion: REP. SIMPKINS MADE A SUBSTITUTE MOTION TO TABLE HB 324. Motion carried 10 to 9. EXHIBIT 23

ADJOURNMENT

Adjournment: 11:45 a.m.

  
\_\_\_\_\_

JAN BROWN, Chair

  
\_\_\_\_\_

JUDY BURGRAFF, Secretary

JB/jb

2/18/91

**EXECUTIVE ACTION** on HB 504 was not transmitted with the minutes.  
Exhibit 14 is a roll call vote on HB 504.

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 2/18/91

| 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                | ✓       |        |         |
|                                     |         |        |         |
|                                     |         |        |         |
|                                     |         |        |         |
|                                     |         |        |         |
|                                     |         |        |         |

5:00  
2-18-91  
JDB

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 769 (first reading copy -- white) do pass as amended and be placed on the consent calendar.

Signed: \_\_\_\_\_  
Jan Brown, Chairman

And, that such amendments read:

1. Title, line 7.

Following: ";"

Insert: "CLARIFYING RETIREMENT ELIGIBILITY;"

2. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "19-3-401"

Insert: "AND 19-3-901"

3. Page 2.

Following: line 18

Insert: "

Section 2. Section 19-3-901, MCA, is amended to read:

"19-3-901. Eligibility for service retirement. A member who has attained the age of 60 and completed 5 years of qualified service is eligible for service retirement. A member who has attained age 65 while employed in a position covered by a public employee retirement system is eligible for service retirement regardless of his years of creditable service. A member who has completed 30 years or more of ~~state~~ creditable service is eligible for service retirement regardless of his age."

Renumber: subsequent sections

5:00  
2-18-91  
JDB

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 758 (first reading copy -- white) do pass as amended .

Signed: Jan Brown  
Jan Brown, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "EMPLOYEES"

Insert: "WHO ARE NATURAL FATHERS OR ARE"

2. Page 1, lines 9 and 10.

Following: "regulations" on line 9

Strike: "promulgated" through "Administration" on line 10

3. Page 1, line 24.

Following: "employees"

Strike: "adopting children"

4. Page 2, lines 1 through 3.

Following: "employees" on line 1

Strike: remainder of line 1 through "age" on line 2

Following: "employee" on line 2

Strike: "adopting" through "age" on line 3

5. Page 2, line 5.

Following: "for"

Insert: "maternal"

Following: "leave"

Insert: "due to disability"

6. Page 2, line 6.

Following: "child"

Insert: "if:

(1) the employee is adopting a child under 1 year of age;

or

(2) the employee is a natural father"

5100  
2-18-91  
JDR

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 679 (first reading copy -- white) do pass as amended .

Signed: Jan Brown  
Jan Brown, Chairman

And, that such amendments read:

1. Page 1, line 25.

Following: "years"

Strike: ".0576"

Insert: ".058"

2. Page 2, line 1.

Strike: ".0692"

Insert: ".069"

3. Page 2, line 2.

Strike: ".0807"

Insert: ".081"

4. Page 2, line 3.

Strike: ".0923"

Insert: ".092"

5. Page 3, line 13.

Strike: ".0461"

Insert: ".046"

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 765 (first reading copy -- white) do pass as amended.

Signed: Jan Brown  
Jan Brown, Chairman

And, that such amendments read:

1. Page 1, line 23.

Following: "mail registration"

Insert: "as prescribed by the secretary of state"

2. Page 3, line 21.

Following: "mail registration"

Insert: "as prescribed by the secretary of state"

50  
2-18-91  
JDB

HOUSE STANDING COMMITTEE REPORT

February 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 504 (first reading copy -- white) do pass.

Signed: J. Brown  
Jan Brown, Chairman

February 18, 1991

EXHIBIT 1DATE 2-18-91HB 769

Page 1, Line 7, following "...EMPLOYMENT;"  
insert: "CLARIFYING RETIREMENT ELIGIBILITY;"

Page 1, Line 8,  
add: "S" to "SECTION" to read "SECTIONS"

following: "19-3-401"  
insert: "and 19-3-901"

Page 2, Line 19, Insert the following new section:

"SECTION 2. Section 19-3-901, MCA, is amended to read:

**19-3-901. Eligibility for service retirement.** A member who has attained the age of 60 and completed 5 years of qualified service is eligible for service retirement. A member who has attained age 65 while employed in a PERS covered position is eligible for service retirement regardless of his years of creditable service. A member who has completed 30 years or more of state creditable service is eligible for service retirement regardless of his age."

Page 2, Line 19,  
Strike: "2"  
Insert: "3"

Amendments to House Bill No. 758  
First Reading Copy

For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 16, 1991

1. Title, line 6.  
Following: "EMPLOYEES"  
Insert: "WHO ARE NATURAL FATHERS OR ARE"
  
2. Page 1, lines 9 and 10.  
Following: "regulations" on line 9  
Strike: "promulgated" through "Administration" on line 10
  
3. Page 1, line 24.  
Following: "employees"  
Strike: "adopting children"
  
4. Page 2, lines 1 through 3.  
Following: "employees" on line 1  
Strike: remainder of line 1 through "age" on line 2  
Following: "employee" on line 2  
Strike: "adopting" through "age" on line 3
  
5. Page 2, line 5.  
Following: "for"  
Insert: "maternal"  
Following: "leave"  
Insert: "due to disability"
  
6. Page 2, line 6.  
Following: "child"  
Insert: "if:  
    (1) the employee is adopting a child under 1 year of age;  
or  
    (2) the employee is a natural father"

TESTIMONY PRESENTED TO THE  
HOUSE STATE ADMINISTRATION COMMITTEE  
HOUSE BILL 758

February 18, 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 758 as amended is an important state employee bill because it requires that all employee parental leave requests are treated equally within an agency and between agencies. The bill also guarantees that employees can return to their original or equivalent position after their parental leave.

Montana has many fragmented policies for a piece meal approach to parental leave. Newly adoptive parents and birth fathers may take annual leave, compensatory leave, leave without pay, or request an alternate work schedule. All of these options are currently available but there is no policy that requires an employee's supervisor to grant any of these requests. Unlike maternity leave, there is no guarantee that newly adoptive parents or birth fathers can use accumulated leave time and have their job held until they return. There is also no policy to guarantee that employee leave requests are treated equally within an agency or between agencies. House bill 758 would require these two provisions.

The State of Montana maternity leave policy is found under the human rights title, illegal discrimination chapter of the Montana code 49-2. Section 310 states that it shall be unlawful for an employer to:

- 1) terminate a woman's employment because of her pregnancy,
- 2) refuse to grant to the employee a reasonable leave of absence for such pregnancy,
- 3) deny an employee disabled due to pregnancy compensation or benefits due to her
- 4) require that an employee take mandatory maternity leave for an unreasonable length of time.

Section 311 of the maternity leave law state that, at the end of her leave of absence, an employee shall be reinstated to her original job or to an equivalent position with equivalent pay and benefits.

EXHIBIT 217  
DATE 2-18-91  
HB 758

So that the current maternity leave policy is not discriminatory against parents adopting children or birth fathers, it should be updated to include a guaranteed reasonable leave of absence for adoptive parents and paternity leave for birth fathers.

An adoptive leave policy would provide parents with the critical opportunity to bond with their newly adopted child. Unlike birth parents who have 9 months to physically bond with their new child, adoptive parents need time once their new infant finally arrives to physically bond. Birth parents also have 9 months to prepare for the arrival of a new infant to their lives. However often after years of waiting, couples may be given only a week or a days notice that their new infant is ready to be picked up and taken home. This bill would provide the opportunity that is needed for permanent state employees as parents to adjust to and bond with their new infant.

A paternity leave policy would allow fathers to fully participate in the important first weeks of his child's life.

ICCW supports House Bill 758 as amended and urges you to vote in favor of this bill.

EXHIBIT 3  
DATE 2-18-96  
HB 758

Chairperson Jan Brown  
State Administration Committee  
Capitol Station  
Helena, MT 59620

Dear Chairperson Brown;

I would like to go on record as a supporter of HB 758. My wife, Billie Kaye, and I have adopted two children. In both of our adoptions, we noticed the bonding process was a direct result of time spent with the child. I took a one month break in my employment and the bonding process went very well. I bonded with Scott (our eldest), and he bonded with me. During that month, we became a family. I feel that a valuable part of that process was my being home, so that mother son and father were together.

During our second adoption, I did not take time off work, and the bonding seemed slower. I felt

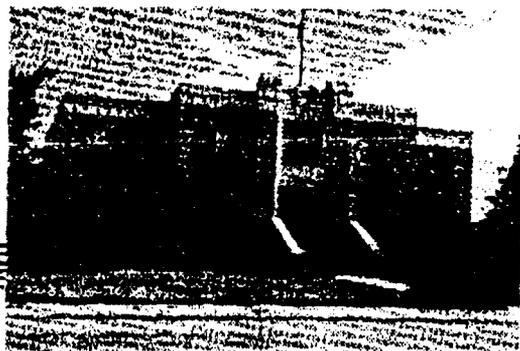
that the bonding occurred from Kelsey (our youngest) through Scott, to Billie Kay and I. Of course, personalities play a major role in building family ties, but the time spent together makes a very big difference.

Bonding is important in any family, but especially in adoptive families, since there is no chance for bonding in the womb.

As I understand HB 758, it would help to equalize treatment by employers of adoptive families and birth families. This is an important step in strengthening the American family values. After all, adoptive families are just as American and just as Montanan as birth families, no matter what the nationalities. (You should see Korean born Scott in his cowboy hat!!)

Very Sincerely  
John Wheaton  
2925 Nye Lane  
Billie Kay

# BIG HORN COUNTY



CLERK AND RECORDER  
P. O. Drawer H  
(406) 665-1506

HARDIN, MONTANA 59034

EXHIBIT 3A  
DATE 2-18-91  
HB 765

February 14, 1991

Representative Angela Russell  
House District 99  
Capitol Station  
Helena, MT 59620

RE: HB 314 Close Voter Registration 10 Days Before  
HB 765 Motor Vote

Dear Angela,

I am in favor of HB 314 and I hope this makes it all the way! When it comes right down to it-we need all the time possible to register electors. I have seen people come in here to register to vote after the deadline not realizing the cutoff date is a month before election day.

The only problem Coralie and I can see that HB 314 would bring is that there would be little or no time to prepare the voter registration list after the deadline. Otherwisc we have no problem with this one.

As for HB 765, is this suppose to go along with our regular registration process? If not I see problems down the road, working along side the Treasurer's Office, I'm afraid this wouldn't be accurate enough. Coralie did not go for this too well either.

I appreciate you taking the time to write.

Sincerely,

Janet Crooked Arm

cc: file

EXHIBIT 3A  
DATE 2-18-91  
HB 765

# Fort Belknap College

(406) 353-2205 or (406) 353-2803  
P.O. Box 159  
Harlem, Montana 59526



February 15, 1991

Jan Brown, Chairperson  
House State Administration Committee  
Box 961  
Helena, MT 59601

Dear Committee Members:

I am writing for the purpose of voicing my support for the MOTOR VOTER bill which is being sponsored by Angela Russell. This particular bill would be an excellent solution to assist Montanans with voter registration. In our rural areas, many of our state residents live as far as 100 miles from our County Court Houses. All people must get their motor vehicles registered so this would make the entire process easier on the many rural residents of Montana.

The other bill that I am in full support of is the omnibus bill which is being introduced by Senator Harry Fritz and will include same day registration and agency based voter registration. This bill would make it as simple as possible for people to become registered voters. I understand that in the States where this is practiced, the voter turnout has increased as much as 20%.

I firmly believe that the voter apathy in the State of Montana can be alleviated by these two important bills.

Sincerely,

Margarett C. Perez  
President/ Director of Fort Belknap Voter Registration Project

## TESTIMONY ON VOTER REFORM

DATE 2-18-91

My name is Luanne Belcourt. I am an enrolled member of the 4B765 Chippewa-Cree tribe of the Rocky Boy Indian Reservation. I am the Rocky Boy Alliance for Progressive Policy Coordinator, which is an organization that supports voter education and voter education reform. The Rocky Boy Indian Reservation falls into two precincts, which is Precinct 28 and Precinct 18. The voter turnout in Precinct 18 was 64%. Meaning 64% of the registered voters went to the polls and voted. In precinct 28, the voter turnout was 56%, which means 56% of the registered voters went to the polls and voted. In 1987-88, the voter turnout was at 30%, then in 1990, the voter turnout was raised to 56%. We feel the Rocky Boy Alliance for Progressive Policy voter education activities contributed to the increase in the number of individuals that now vote. Rocky Boy Alliance for Progressive Policy operated a voter education project for three months. (Sept, Oct, Nov,) During the project period, Rocky Boy Alliance for Progressive Policy committee members register 107 new voters. We attribute our success to forming an active voter education committee that registered voters at the schools, churches, social activities, college registration, when firefighters were signing up to go out on the fireline, during native american week, lunches, and voter education workshops. We had volunteers do poll watching, provide voter transportation, and we had radio and newspaper announcements about the voter education activities. We did an all out voter registration activities campaign. It was a lot of work and it did cost money, but the objective was completed.

Some of the problems we encountered was the fact some community members did not have a phone, so door to door contact was necessary, many individuals confuse tribal voter education with the state and national election, some individuals did not want to register to vote as they did not want to serve on jury duty, some individuals did not want to vote as they felt their vote did not count.

I am testifying that RAPP supports a voter education reform bill that encouraged the youth to get involved in the voter education process at a young age.

We also know from experience it is necessary to combine several voter education tactics in getting people to register to vote.

We support Rep. Angela Russell's bill that would allow potential voters to register while applying for their drivers license. But a concern of ours is that not all potential voters have drivers licensenot, so other methods of registering voters would have to be included in this bill.

Thank you for the opportunity to give testimony to this pertinent issue.

signed,

*Luanne Belcourt*

395-4313



EXHIBIT 3A  
DATE 2-18-91  
HB 765

SECRETARY OF STATE  
STATEHOUSE  
STATE OF IOWA  
DES MOINES 50310

ELAINE BAXTER  
SECRETARY OF STATE

515-281-5864

February 13, 1991

Sean Gunshows  
MT Allinace for Progressive Policy  
P.O. Box 961  
Helena, MT 59601

Dear Mr. Gunshows:

I would like to take a minute to tell you of the successes of the many voter registration options available in Iowa. With the addition of motor-voter, agency-based registration, tax form registration, and a 10 day registration deadline Iowa has achieved consistantly high registration and turnout numbers despite declining population.

The Motor-Voter program was signed into law in 1989 for Iowa. Since its inception, a great many new residents to the state have commented on how convenient it is to register to vote while obtaining a new drivers license. In 1990, Motor-Voter accounted for well over 5,000 new registrations in Iowa. This procedure has proven to be both simple and effective.

Voter registration cards in tax forms have been another way that Iowa has made registering to vote as easy as possible. Over 10,000 registrations were received last year using this method.

Agency-based registration has achieved smaller, but none the less noteworthy results. As all state offices must now have voter registration cards available, citizens can register while they are completing other necessary interactions.

All of these possible ways to register are aided by the flexibility of mail-in registration. Allowing people to register through the mail adds a convenience which lets people focus on other aspects of their lives while registering as time allows. Instead of being able to register only at auditors offices, Iowans may now use any mail box as an auditors office of its own. Mail in registration allows for a

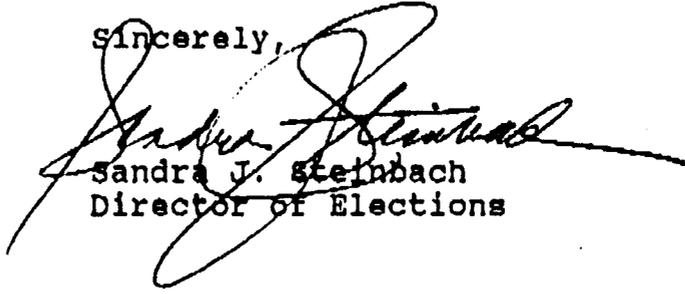
EXHIBIT 3A  
DATE 2-18-91  
HB 765

flexibility of schedules not afforded to people in those states which do not allow this option.

People today live very busy lives. Few have the time to stay on top of elections for months. Fewer still remember to register a month before an election will occur. For these reasons, registrations are accepted in Iowa up until 10 days before a primary or general election, and 11 days before school, city and special elections. People in Iowa may decide close to an election that they wish to register and vote, and they will not be denied that right because of unnecessarily early registration deadlines.

I have enclosed a copy of the chapter of the Iowa Code dealing with voter registration laws. I hope that you will use these laws to help create legislation for use in Montana.

Sincerely,



Sandra J. Steinbach  
Director of Elections



JOAN ANDERSON GROWE  
Secretary of State  
ELAINE VOSS  
Deputy Secretary of State

State of Minnesota  
OFFICE OF THE SECRETARY OF STATE  
Saint Paul 55155

0004.051  
91-140

180 STATE OFFICE BUILDING  
Corporation Division: 612/296-2903  
UCC Division: 612/296-2434  
Election Division: 612/296-2803  
Office of the Secretary: 612/296-3288  
Office of Deputy Secy.: 612/296-2309

February 13, 1991

EXHIBIT 4  
DATE 2-18-91  
HB 765

Tina Brothers  
Elections Bureau  
Secretary of State  
Montana State Capitol  
Helena, MT 59620

Dear Ms. Brothers,

The Minnesota legislature enacted the "motor voter" law in 1987. The law requires that each person who applies for a new driver's license or for a license renewal receive a voter registration card as well. The form currently used consists of our standard voter registration card which is attached to the standard driver's license application. I have enclosed a copy of the combined form. The combined form is perforated to permit the completed voter registration card to be detached from the driver's license application. The cards are then sent either to our office and forwarded to the appropriate county auditor or sent to the auditors directly. The auditors then enter the information on the card into the statewide voter registration system.

The legislature initially appropriated \$80,000 for the 1988-1989 biennium to the Department of Public Safety to prepare the combined driver's license/voter registration forms. Our understanding from Public Safety is that there have no major problems in the implementation of the law.

Since November 1987, over 250,000 voter registration cards have been submitted to our office from driver's license applications. We believe that at least that many, if not more, voter registration cards were returned directly to the county auditors from driver's license agencies located in the county courthouses. Our experience has been that duplicate registrations (from persons who were already registered and did not need to re-register) account for no more than 12% of the total number of cards submitted.

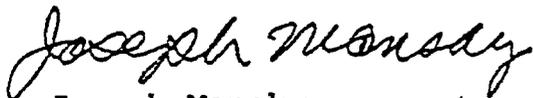
Prior to implementation of the "motor voter" law, we had a statute that required driver's license personnel to offer a voter registration card to each person who applied for a new or renewed driver's license. Over the years, we found that this approach was not very effective in registering voters. Use of the combined driver's license/voter registration form has proven far more effective.



Overall, we have been very pleased with the "motor voter" program. We have found it relatively easy and inexpensive to administer. In addition, we have found it to be a useful method of maintaining an accurate record of registered voters.

If you need any additional information on voter registration in Minnesota, please let me know.

Sincerely,



Joseph Mansky  
Director, Election Division

enc.  
02910140



G. WILLIAM DIAMOND  
SECRETARY OF STATE

State of Maine  
Office of  
Secretary of State

AUGUSTA, MAINE 04333

EXHIBIT 4

DATE 2-18-91 RECEIVED  
HB 765 HELENA, MONTANA

FEB 6 9 03 AM '91  
MIKE DOWNEY  
SECRETARY OF STATE

February 1, 1991

Montana State Legislature  
Montana State Capitol  
Helena, Montana 59620

Dear Montana Legislators,

I am writing to express my strong support for state agency-based voter registration assistance and to urge the implementation of a Motor-Voter program in the state of Montana. Maine's experience with Motor-Voter has been very positive, and I am confident that your state would enjoy similar results.

Our state's program began with a pilot project in four sites last April, and was expanded for full, statewide implementation in July. Since it's inception, more than 8,000 people have been served by Motor-Voter. Many are registering to vote for the first time, while others are taking advantage of the opportunity to change their address, party affiliation or other registration information.

The program's success is largely due to the fact that nearly everyone of voting age visits a Motor Vehicle Registry from time to time. Whether receiving or renewing a license, registering a vehicle or visiting a motor vehicle office for any other reason, one may now also register to vote.

Detractors of the program often cite fiscal impact and less efficient service to the public as reasons for their opposition. In reality, neither is a problem. With regard to costs, our program's budget is less than \$2,000 annually; a small price to pay for a substantial investment in our democratic system of government. As for service, the time required to complete a Motor-Voter transaction is negligible.

Motor-Voter alone is not a complete solution to the problem of declining rates of voter turnout and citizen participation in our electoral process. It is, however, an important part of any effort to address this waning sense of civic duty which is apparent in our society.

Your serious consideration of legislation authorizing Motor-Voter and other forms of agency-based voter registration assistance is urged. Please let me know if I can provide further information.

Sincerely,

Bill Diamond  
Secretary of State

BD/ps



State of Rhode Island and Providence Plantations  
OFFICE OF THE SECRETARY OF STATE

STATE HOUSE  
PROVIDENCE  
02903

Kathleen S. Connell  
*Secretary of State*

February 14, 1991

Montana State Legislature  
Montana State Capitol  
Helena, MT 59601

Dear Senators and Representatives:

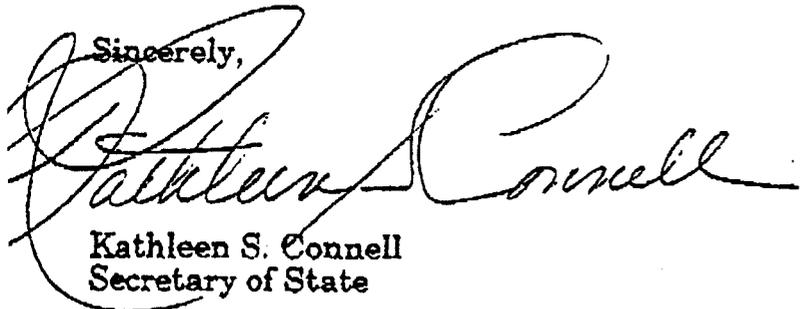
A pilot program allowing Rhode Islanders to register to vote at the Division of Motor Vehicles in Providence has proved successful, with over 2,500 voters registered since January 1990. The "Motor Voter" pilot program legislation was introduced at my request, and was enacted into law during the 1989 General Assembly session.

The legislation also establishes a passive registration program in all non-federally funded state agencies to begin by 1992, in time for the next presidential election. Prominent signs will be displayed in agencies and registration forms will be available upon request.

Yesterday, again at my request, another bill was introduced that would provide for the inclusion of a voter registration form within every application for a motor vehicle driver's license (or form used for change of address) issued by the State of Rhode Island. This legislation is modeled on federal legislation currently before Congress, and is a more aggressive form of agency-based voter registration.

I strongly advocate agency-based registration, and "Motor Voter" legislation enacted in any state is a way to begin the process of making voter registration more accessible to its citizens. You will find that when voter registration is made accessible, the people will respond.

Sincerely,



Kathleen S. Connell  
Secretary of State



EXHIBIT 4  
DATE 2-18-91  
HB 765

DEPARTMENT OF  
MOTOR VEHICLES AND PUBLIC SAFETY  
DRIVER'S LICENSE DIVISION  
555 Wright Way  
Carson City, Nevada 89711-0400  
(702) 687-5360

February 15, 1991

Tina Brothers  
Secretary of State  
State of Montana

Message for Montana State Legislature:

Nevada's Motor-Voter Program was created by legislation passed in 1987. During 1988 we processed 73,012 voter registration applications; from January 1990 through October 6, 1990 more than 58,000 voters registered through our program.

Early concerns that adding voter registration services would cause longer waiting times for our customers did not materialize. Our choice to use a separate voter registration application that each customer completes while his driver license or vehicle registration is being handled allows for expedient processing.

We feel the program has been extremely successful in providing Nevadans with a quick and easy way to register to vote.

If we can provide you with any additional information, please feel free to contact us.

Sincerely,

Wayne R. Teglia, Director

A handwritten signature in cursive script that reads "Donna Varin".

BY: Donna L. Varin, Chief  
Drivers License Division

RECEIVED  
HELENA MONTANA

FEB 8 8 47 AM '91

MISS HOUSTON  
SECRETARY OF STATE



**BOB TAFT**  
Secretary of State  
State of Ohio

February 1, 1991

Tina Brothers, Executive Assistant  
Montana Secretary of State's Office  
Montana State Capitol  
Helena, MT 59620

Dear Ms. Brothers:

Thank you for your recent inquiry about Ohio's voter registration program conducted by the our local bureau of motor vehicles.

The Ohio General Assembly enacted legislation, in 1977, mandating registrars and deputy registrars of motor vehicles to ask all applicants applying for (or renewing) driver's licenses or license plates if they are eligible to register as an elector, and, in addition if they are registered. If eligible and not registered; the registrar offers to register them. Thereafter, the registrars file the voter registrations with the local county board of elections where the applicants resides. Enclosed are relevant sections of the Ohio Revised Code pertaining to motor voter registration.

Although statistics on motor voter registrations are not available, the program has been quite successful in providing another means for citizens to register to vote. Additionally, registrars can identify individuals who have moved because the former and current addresses are reflected in records of renewal applicants, and they can inquiry as to whether applicants have updated their voter registration records. If not, registrars have applicants complete necessary change of address forms for voting purposes.

Ohio's 88 county boards of elections have established excellent communications and working relationships with their local bureaus of motor vehicles. Ohio has a thirty day deadline (prior to each election) for registrations to be filed with the boards of elections for eligibility to vote in that election. Some boards telephone registrars to remind them to submit the registrations prior the registration deadline. Other boards send employees to the bureaus to pick up registrations on the deadline day.

I hope this information is adequate. Please feel free to contact me at 614/466-2585, if further assistance to you on this or other matters.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Bender".

John F. Bender  
Elections Counsel

JFB:md  
Enclosures  
7208C



RECEIVED  
HELENA, MONTANA  
GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS  
DISTRICT BUILDING  
WASHINGTON, D.C. 20004-3084

EXHIBIT 4  
DATE 2-18-91  
HB 765

FEB 18 8 42 AM '91  
MIKE CONROY  
SECRETARY OF STATE

January 30, 1991

Ms. Tina Brothers  
Executive Assistant  
Office of the Secretary of State  
Montana State Capitol  
Helena, Montana 59620

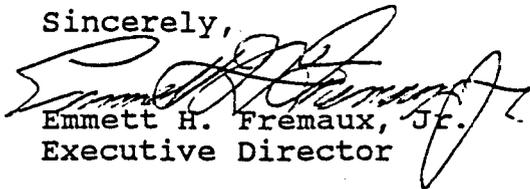
RE: Motor Voter Program

Dear Montana State Legislature:

At the request of Ms. Brothers, I am writing to provide an endorsement for the motor voter program. Enclosed are some materials that outline the success of the program here in the District of Columbia.

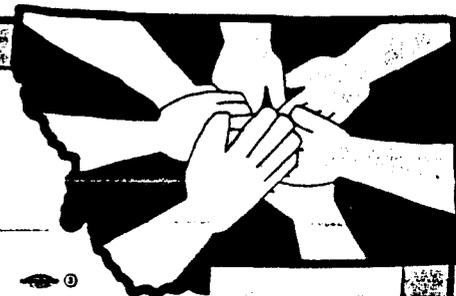
If you need more information, please call Leona Agouridis, Voter Services Manager, at (202) 727-2525.

Sincerely,

  
Emmett H. Fremaux, Jr.  
Executive Director

# The Montana Alliance for Progressive Policy

P.O. Box 961 Helena, MT 59624 (406) 443-7283



February 18, 1991

Madame Chair

Members of the House State Administration Committee

EXHIBIT 5

DATE 2-18-91

HB 765

For the record, my name is Tootie Welker. I'm here today representing Montana Alliance for Progressive Policy. MAPP is a coalition comprised of women, education, senior, low-income, Native American, labor and conservation groups. We represent over 60,000 Montana households.

MAPP has been involved in non-partisan voter participation projects since 1982. We have funded and implemented projects on all seven reservations and in most urban areas. MAPP staff helped set up these voter participation projects by forming local steering committees, procuring funds, and assisting where necessary. These projects have two goals: to register new voters and to get all voters to the polls on election day. This is why MAPP supports HB 314 and HB 765, plus the two proposed amendments to HB 765 recommended by the Secretary of State's office. We believe that both of these bills, closing registration to 10 days before an election and motor voter, will increase the number of Montanan's participating in the electoral process. The motor voter bill will enhance year round registration, thereby allowing our current voter projects to spend more time getting people to the polls to vote. According to a report from the National Association of Secretaries of State's Task Force on Barriers to Voting, "The cut-off date or deadline for registering to vote in an election has been shown to have a direct bearing on registration rates of the eligible electorate and therefore a direct bearing on the percentage of those participating from the eligible electorate. Generally, the closer the registration deadline is to election day, the higher the voter turnout." MAPP recognizes that these bills will create more work for the clerks and recorders who currently work under limited budgets. Montana's clerks and recorders do an excellent job despite their limited budgets. However if the goal of Montana is to enfranchise as many voters as possible then MAPP believes these bills will help to realize that goal. We hope this committee will give these bills a "do pass" recommendation. I am passing out supportive letters from states who now use either motor voter and/or have 10 day out voter registration. Included are letters from chairs of voter projects steering committees and a letter from the clerk and recorder of Big Horn County who are supportive of these bills. Thank you.

EXHIBIT 6  
DATE 2-18-91  
HBs 765 + 314



COMMON CAUSE TESTIMONY IN SUPPORT OF  
HOUSE BILLS 765 AND 314  
18 FEBRUARY 1991

P.O. Box 623  
Helena, MT  
59624  
406/442-9251

Madame Chairwoman and members of The House State Administration Committee, for the record my name is Marguerite Burns, a lobbyist for Common Cause/Montana.

On behalf of the members of our organization I would like to speak in support of both HB 765 and HB 314.

Truly democratic government is a result of the participation of all the members of its society. Both of these bills create easier access and more opportunity for the citizens of Montana to take advantage of their right to vote.

Ten day out voter registration, HB 314, is good reform in registration policy. Campaigns are typically most intensely directed at the public 30 days prior to the election. When most people are becoming most aware of campaign issues, they no longer have the means to participate where the current voter registration deadline stands. Studies have consistently shown that the closing date for voter registration is the largest factor influencing constituent turnout at the polls. In our view, the system should be benefiting those eligible to vote rather than disenfranchising them. Americans have, over the last several years, been accused of becoming apathetic

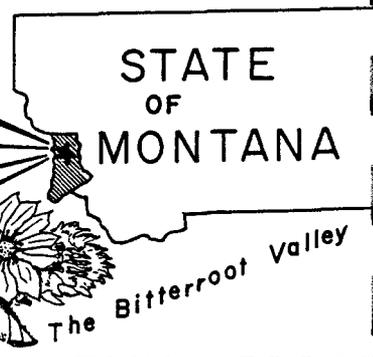
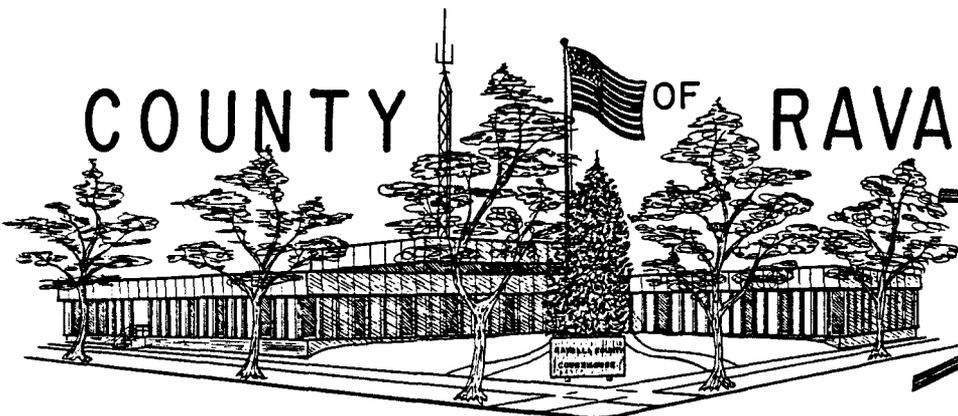
EXHIBIT 6  
DATE 2-18-91  
HBS 765 + HB 314

towards their government. We believe that Americans have not become apathetic, rather barriers in the registration system have been keeping the voting age population away.

Motor voter registration, HB 765, again is a positive move towards reform in the registration policies of this state. The convenience of becoming registered while applying for a drivers license is enfranchising the voters and removing difficulties in the system. Common Cause is strongly in support of any measures that make government more accessible to the people it serves.

Both of these bills are good government policies and have strong merit. We urge a "do pass" for House Bill 765 and House Bill 314.

# COUNTY OF RAVALLI



February 18, 1991

HAMILTON, MONTANA 59840

House State Administration Committee  
State Capitol  
Helena, MT 59620

EXHIBIT 7  
DATE 2-18-91  
HB 765

RE: House Bill 765 - An act requiring that a voter registration form be attached to driver's license et seq.

Madam Chairman and Members of the Committee:

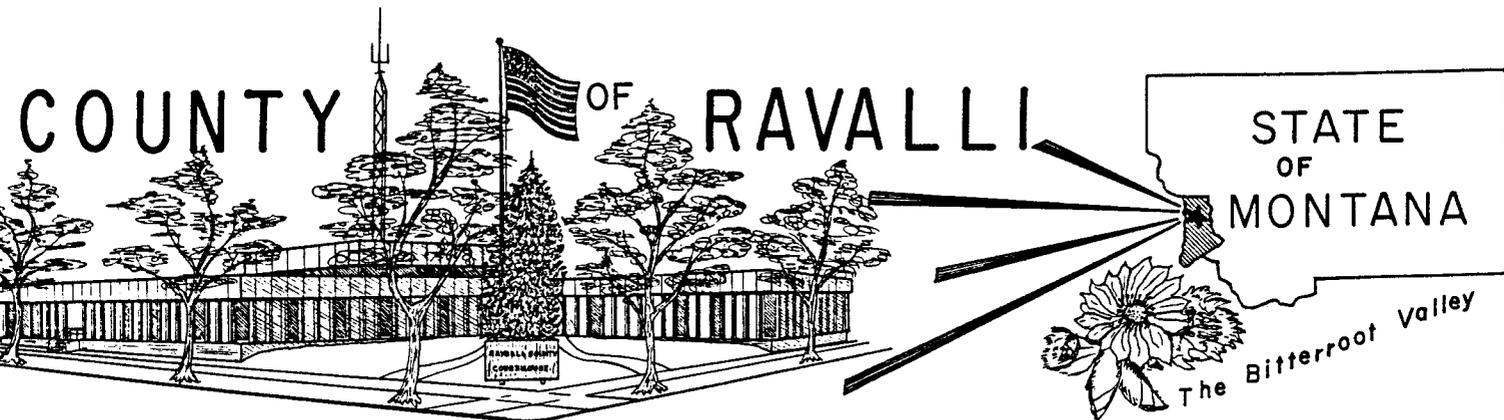
For the record, my name is Betty T. Lund, Ravalli County Clerk and Recorder/Election Administrator.

I rise in support of HB 765. This bill is an attempt for the state of Montana to have our own "Motor-voter" in place before the United States Congress passes federal legislation that would require this procedure. I believe we will be back in two years to amend this bill due to the fact that voter registration might increase but the voter turnout percentage might decrease. You can lead a horse to water but you can't make him drink.

Thank you for your attention.

*Betty T. Lund*

Betty T. Lund  
Ravalli County Clerk & Recorder



February 18, 1991

House State Administration Committee  
Capitol Station  
Helena, MT 59620

HAMILTON, MONTANA 59840

EXHIBIT 8

DATE 2-18-91

HB 314

RE: HB 314 - An act to change the close of voter registration from 30 days to 10 days.

Madam Chairman and Members of the Committee:

For the record, my name is Betty T. Lund, Ravalli County Clerk & Recorder/Election Administrator.

Please consider a DO NOT PASS for HB 314. Most lay persons do not know what happens after the close of registration. I hate to be lengthy but feel this important bill deserves our utmost attention. Most close of registrations fall on Sunday, 30 days before an election so basically close is 29 days before the election date. All election administrators have to wait three days to insure all mail registration cards and registration cards from the deputy registrars are into our office. (We are now at day 26) The law allows us 10 days to straighten out any problems that might arise with a registration card. (We are now at day 16 or 13 depending if there are any problems with the mail registration cards.) If every card is into the computer by this day, we begin printing the precinct registers (books you sign when you go to vote). In my county, that step takes about 2 days. After the precinct registers are printed, we check every voters name against the voter registration card file. We in Ravalli County do not like to give the voter 'the polling place run around.' This job usually takes 3 to 5 days depending on the work load in the Clerk & Recorder's office as all the employees work on election business also.

So you can see, with a 10 day close of registration, we could not complete our jobs before election day. I haven't even mentioned how most counties handle their absentee ballots, by putting the designation of 'Absentee Ballot' on the signature line, which also takes much time.

I ask for a DO NOT PASS for HB 314. Thank you for your attention.

Sincerely,

*Betty T. Lund*  
Betty T. Lund

CARD NO. \_\_\_\_\_

DATE 2-18-91

HB 314

# County of Yellowstone



ELECTION ADMINISTRATOR

P.O. Box 35002  
Billings, Montana 59107

TO: Representative Jim Southworth, State Admin. Committee

FROM: Peggy J. Zielie, Election Administrator *P. Zielie*

DATE: February 1, 1991

SUBJECT: House Bill 314

I am writing to express my strong opposition to House Bill 314 which changes the Close of Voter Registration from 30 days to 10 days before the election. ~~Please consider the following:~~

It is not unusual for Yellowstone County to receive 2000 to 3000 registrations and/or changes of residence at the close of registration. Needless to say, with 30 days, it's already a time crunch to enter the data, notify the voters and then prepare necessary supplies for the polling place. Ten days would make this an impossible task.

Ten days before an election is also a peak period in absentee voting. This allows no time during the day to be entering registration forms, thereby requiring this work to be completed after hours on overtime. Think of the thousands of dollars this will cost statewide!!

There will be no time to properly notify the voters as to their polling places causing hundreds of extra phone calls which most of us do not have the staff to handle. We will not be able to mail out the voter information pamphlets in a timely manner. This will interfere with voting on Election Day, because people will not have had an opportunity to study the issues beforehand.

This is just a brief sampling of the numerous problems passage of this Bill would create. I see it as a costly, impossible situation.

Your VOTE of "NO" on House Bill 314 is necessary to ensure that Election Administrators statewide may continue to perform their jobs in the efficient manner they are used to .

*I favor the 765 good idea*

**MISSOULA COUNTY**EXHIBIT 10DATE 2-18-91HB 314OFFICE OF THE CLERK AND RECORDER  
MISSOULA COUNTY COURTHOUSE  
MISSOULA, MONTANA 59801

February 15, 1991

State Administration Committee  
Montana House of Representatives  
State Capitol  
Helena, MT 59620

Re: House Bill 314

Mr. Chairman and Committee Members:

House Bill 314 would require that the close of voter registration be moved from 30 days before an election to 10 days before an election.

In a large county, a deadline so close to the election date would be exceedingly difficult to administer. Last fall, an "off-year" election, the Missoula County elections office received over 4,000 new registration cards and changes of name/address in the last few weeks before the close of registration. Four clerks worked eight hours a day for more than two weeks to complete the processing of the cards. Many times the applicants complete the cards incorrectly and must be contacted for corrections. Precinct registers must be printed at least a week before the election to allow time for preparation of supplies which must go to the polls the day before the election. In a presidential election year, we receive even more cards just before the deadline.

Today I sent to the Senate State Administration Committee testimony and suggestions for amendment\* on Senate Bill 325, which would allow election day registration for voters. I would prefer administering a carefully drafted procedure for election day registration to trying to cope with a 10-day close of registration period. Please consider supporting an amended version of SB 325 rather than this bill.

Sincerely,

Wendy Cromwell  
Clerk & Recorder/Treasurer

WRC

\* Copy attached

MISSOULA COUNTY COMMISSION TEL NO. 400-214040

# MISSOULA COUNTY

EXHIBIT 10

DATE 2-18-91

HB #B 325

OFFICE OF THE CLERK AND RECORDER  
MISSOULA COUNTY COURTHOUSE  
MISSOULA, MONTANA 59801

February 15, 1991

State Administration Committee  
Montana State Senate  
Capitol Station  
Helena, MT 59620

Re: Senate Bill 325

Mr. Chairman and Committee Members:

I have carefully reviewed Senate Bill 325, and offer the following suggestions and comments:

I have worked in Missoula County's Election Office as its supervisor for nearly twelve years (last fall I was elected Missoula County's Clerk & Recorder/Treasurer), and know firsthand how frustrating our statutory voter registration requirements are to citizens who wish to participate in our democratic process. The statutes were, however, drafted to prevent opportunities for voter fraud, and past legislatures have been reluctant to ease the registration restrictions. If this year's legislature is inclined to place more trust in the state's voters by passing SB 325, then the bill should be amended in several ways.

Page 1, Section 1 -- Change the language to the following (~~shading~~ denotes deletion):

"Election day registration. The registrar election administrator shall accept the voter registration form of an applicant who appears in person at the county election office on election day, and who otherwise meets the qualifications to vote in that election. The registrar election administrator shall issue to the applicant a certificate entitling the applicant to be placed on the voting list at the appropriately assigned polling place. Only one certificate may be issued to an applicant in any year."

Explanation:

The voter who wishes to register on election day should be required to appear at one central location. If deputy registrars could issue certificates anywhere in the county (a deputy registrar can legally perform any act required of a registrar), a voter could easily register and vote at several polling places in the same

EXHIBIT 10  
DATE 2-18-91  
#B 344

Testimony, SB 325, Feb. 15, 1991, Page 2

election. I considered adding language to allow a voter to change his address and polling place on election day, but that would mean that that voter's name would remain on the precinct register for his original polling place (prima facie evidence of his right to vote at that polling place), as well as provide him with a certificate to vote in his new polling place.

Page 5, Line 12 -- Retain the existing statutory language providing for a limited time to return completed registration cards. Change the time from 15 days to 30 days. If the limit is eliminated, there will be no incentive for organizations or individuals who register voters to return cards in time for those citizens to vote in a particular election, or before those citizens have moved to a new voting district. (Montana's voters are very mobile.) The voters involved in this situation would be disadvantaged because they would believe that their registration applications were immediately delivered to the election administrator, and would not know they would need to re-register on election day in order to vote.

Page 5, Lines 16-25 and Page 6, Lines 1-8 -- Retain all the original statutory language. Without any notice of a regular registration deadline, voters would not know whether their registration cards reached the election office in time for their names to be printed on the official register. It is not possible for the election administrator to have a cut-off for registration 20 days before the election and prepare the registers on the same day. In large counties, it takes nearly three weeks after the close of registration to process all the cards that arrive in the last few days before the close.

Page 6, Section 5 -- Rewrite -- "Registration immediately before an election -- cancellation of prior registration. (1) An individual who is not registered but who is otherwise qualified to vote in an election may register during the time when registration is closed preceding that any election the official precinct register is being prepared, and the election administrator shall issue to the applicant a certificate entitling the applicant to be placed on the voting list in the appropriately assigned polling place keep his registration form in a separate file until it can be properly entered after the election. If the applicant is not registering in person, the election administrator shall mail the certificate to the residence address appearing on the registration application.

(2) An individual who has registered under this section may register and vote on election day as provided in (section 1). A

EXHIBIT 10  
 DATE 2-18-91  
 # SB 325

Testimony, SB 325, Feb. 15, 1991, Page 3

person's election day registration replaces any prior registration. Notice of this provision must be posted on all registration forms."

(2) An individual who will not be qualified to vote in an election by election day may register during the time when registration is closed preceding an election, or on election day, and the election administrator shall keep his registration form in a separate file until it can be properly entered after the election.

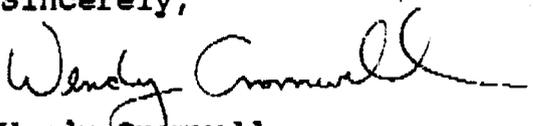
Page 7, Line 3 -- "judges or unless he has registered that day under {section 1} or Section 13-2-302 (1) and presents the certificate issued to him by the election administrator under those sections.

Page 7, Lines 20-21 -- "he has registered on election day under {section 1} or Section 13-2-302 (1), in which case subsection (2) applies.

Page 8, Line 7-12 -- "day under {section 1} or Section 13-2-302 (1) may receive a ballot or vote, he shall, in the presence of the election judge in charge of the precinct register, sign his name on the certificate provided under {section 1} or Section 13-2-3-2 (1). The election judge shall take place the certificate in to the election administrator with the precinct register.

Senate Bill 325 would represent a major change in procedure for all elections conducted in the state. The effects on school levy and bond elections, absentee balloting, and mail ballot elections should be considered. The opportunity for voter participation would be increased, as would the opportunity for voter fraud. It is up to the legislature to decide whether the benefits outweigh the risks.

Sincerely,

  
 Wendy Cromwell  
 Clerk & Recorder/Treasurer

WRC

cc: Betty Lund, Ravalli County Clerk & Recorder

EXHIBIT 10  
DATE 2-18-91  
HB 314

February 14, 1991

House State Administration  
Jan Brown, Chairman  
Capitol Station  
Helena, MT 59630  
Fax 444-4105

RE: HB 314

Dear Chairman Brown:

Please enter this correspondence into the record as testimony in OPPOSITION of HB 314.

My name is Shelley Cheney and I am the Clerk & Recorder and Election Administrator in Gallatin County.

I urge you to vote NO on HB 314. Gallatin County receives anywhere from 1500 new registered voters in even year primary elections to 4000 new registered voters in presidential general elections. We have 25-40 deputy registrars who register people to vote. Shortening the close of registration from 30 days to 10 days before an election will not allow this office adequate time to assign the elector a polling place. If the person did not register to vote in this office and was registered by a deputy registrar, we have to notify the person where they are to go to vote and which house and senate districts they can vote in. This is not adequate time for election administrators to get the information to the new registered voter.

If you have any questions, please feel free to contact me at 585-1430.

Sincerely,



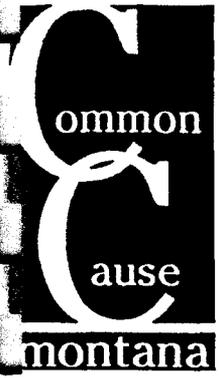
Shelley M. Cheney  
Gallatin County Clerk & Recorder  
311 West Main Room 204  
Bozeman, MT 59715

EXHIBIT 11

DATE 2-18-91

HB 624

pg 1 of 16



COMMON CAUSE TESTIMONY IN SUPPORT OF  
HOUSE BILL 624  
18 FEBRUARY 1991

P.O. Box 623  
Helena, MT  
59624  
406/442-9251

Madame Chairwoman and members of the House State Administration Committee, for the record my name is C.B. Pearson, Executive Director of Common Cause/Montana. I am here today on behalf of our members to speak in support of House Bill 624.

By way of introduction, Common Cause/Montana believes it is paramount that political practices laws benefit Montana citizens rather than elected officials, lobbyists, or political operatives. Yet, some elected officials, lobbyists, and political operatives will try to block and/or avoid such laws. Political insiders will try to prevent reforms, despite their public popularity, and seek to weaken or inhibit enforcement of such laws.

In the last decade and a half some political insiders have attempted to abolish the office of the Commissioner of Political Practices through legislation, restructuring of the office to render it ineffective, or legislating and lobbying against the office. In several cases, legislators have seemingly acted to weaken the office in retaliation for a ruling against those individuals in a heated campaign. This session is one of only two sessions in which the Commissioner's office has not been under attack since it was established in 1975.

EXHIBIT 1  
DATE 2-18-91  
HB 624

P. 2 of 16

The budgets of the Commissioner of Political Practices have ranged from \$72,470 in 1976 to a high of \$144,495 in 1984 to the current budget of \$106,111 in 1990. We believe that this constant state of siege has made successive Commissioners overly conscious of attacks by opponents and the legislature, and thus timid in their actions.

We are at a time when the question is not whether we will have a Commissioner or not but what type. While Common Cause/Montana has been a staunch supporter of the office, we believe it is now time for criticism of the office so that it can be improved and better serve the people of Montana. One of our biggest concerns is that the office doesn't have enough resources to fulfill its mandates. For example, an annual report as required by law has not been completed in the last ten years.

One area that needs work is auditing of the campaigns and lobbying contributions and expenditures that occur in Montana. Audits are traditionally used by businesses, non-profit groups, and government to ensure appropriate control of programs and operations. In this case, audits are a key administrative tool in analyzing compliance with Montana's campaign laws. Common Cause believes that there is a problem ensuring that parties comply with Montana's campaign laws.

#### Example One

From our perspective the recent complaints involving the Montana Republican Party raise a serious concern of non-compliance.

EXHIBIT 11  
DATE 2-18-91  
HB 624

p. 3 of 16

The public would not have known of the alleged violations of Montana's laws without the Merica trial. This is an unfortunate example of the weaknesses in our evaluation of compliance with Montana campaign laws.

#### Example Two

We have also identified several examples of activity during the 1988 campaign on Initiative 113 which was not reported to the office of the Commissioner of Political Practices. Members of Committee Against Forced Deposits: et Al made expenditures that remain unreported and were unreported throughout the campaign.

Carl Weissman and Sons did not register as a political committee as required by Montana law as a result of expenditures made by the corporation. (Exhibit 1) Weissman and Sons did not do so even though their responsibility under the law was explained to them. (Exhibit 2)

Coca-Cola affiliates also incurred expenses that have not been reported. In early October Coca-Cola of Missoula, a member of Committee Against Forced Deposits: et Al (CAFD), prepared and carried out a direct mail campaign aimed at various businesses and customers urging their opposition to I-113. The cost of this campaign has not be accounted for as a campaign expense as required by Montana law. (Exhibit 3)

Likewise Pepsi-Cola has not accounted for campaign expenses. In mid-October Bill Dimich, president of Committee Against Forced Deposits: et Al. and president of Pepsi-Cola of Billings, carried

EXHIBIT 11  
DATE 2-18-91  
HB 624

p. 4 of 16

out a direct mail campaign to participants in past running events in the Billings area urging them to vote against I-113. Dimich asserted:

Initiative 113 would not allow us to donate Pepsi products on many runs (due to a deposit charge that would be on cans.) It would simply cut out run contributions we could make. (Exhibit 4)

The cost of this blunt arm-twisting has not appeared in the CAFD accounts.

Coca-Cola of Missoula also mailed out an unknown number of post cards urging a vote against I-113. (Exhibit 5) Coca-Cola did not identify itself as the originator of the card (although CAFD appeared on the card) and has not recorded the expense as a contribution to CAFD.

Common Cause has been told of other direct mail efforts. We assume there have been many mailings that remain unaccounted for in the records of the opponents to I-113.

The Havre Day Recycling Center made an expenditure against I-113 and has not registered as a political committee or reported the contribution. (Exhibit 6)

While the Commissioner of Political Practices has the authority to audit lobbying accounting reports (5-7-212 MCA), to our knowledge, no audit has been conducted of any campaign, PAC report or lobbying disclosure report since the late 1970's.

The random audits proposed by HB 624, to occur following each election cycle, will provide greater confidence on the part of the public in the effectiveness of our campaign financing law. They

EXHIBIT 11  
DATE 2-18-91  
HB 624

p. 5 of 16

will assure the citizens of Montana that like any institution in which they put their trust, the legislature itself is making every effort to maintain the current high standards of fair and honest campaign practices.

We urge a do pass for HB 624.

EXHIBIT 11  
DATE 2-18-91  
HB 624

P. 6 of 16

**6B Great Falls Tribune**

Monday, October 31, 1988

**PAY MORE  
WHAT FOR?  
VOTE NO ON I-113**  
Sell us your Recycled cans  
Paid for by Carl Weissman & Sons

A-2—The Daily Inter Lake, Kalispell, Montana.

**If you like to recycle  
VOTE NO ON I-113**  
**And Forced Deposits**  
Paid for by Carl Weissman & Sons  
We Buy Aluminum Cans

The Daily Inter Lake  
755-7000

(6)

United States and Western Europe.

The 120-page document is an apostolic letter, which means it will be presented to Roman Catholics as church teaching but is not an infallible pronouncement.

"Here the Holy Father ... is offering us the essential and inescapable facts and principles that you need to sensibly debate the role and mission of women," Archbishop Jan Schotte said at a news conference where the document was presented. "It's not new in terms of content, but it's new in bringing together the teaching of Scriptures and the whole tradition of the church in a document that speaks to the theme of women now."

Schotte was secretary general of last year's worldwide synod of bishops on the role of the laity. The question of women played a major role at the synod.

culinity; they are merely different," the document said. "Hence a woman, as well as a man, must understand her 'fulfillment' as a person, her dignity and vocation, on the basis of these resources."

The pope links femininity to "maternal" characteristics such as sensitivity to human beings and a sense of responsibility for others.

A woman's vocation, he said, lies in devoting herself to other people — either through motherhood or "spiritual motherhood," in which a woman chooses long-term virginity to focus on a mission of service.

The document emphasizes Christ's respect for women and says his behavior showed he did not follow the norms of his times. Thus, the pope argues, Christ was not affected by the traditions of his day when he chose men as his top apostles, but intended that only they should fill that role.

the FBI," Director William Sessions said in a written statement Friday. "I am disappointed that the court has found that Hispanic special agents have been adversely affected by the policies of the FBI."

He said the bureau is working to

"THE  
HO AL  
706 - "

# Indian

Original SALE

## MINNIE HOMES

- '72 Travalle 18 1/2' minnie home, dash air cond., recently rebuilt engine & transmission, radial tires, Sharp!..... \$9,999 \$ 7,688
- '78 Brougham 20' minnie home, radial tires, dash air cond., only 39,000 miles, rack & ladder, dual gas tanks, eye level oven. Very Clean!..... \$14,999 \$11,988
- '77 Itasca 25' Seafarer minnie home, dash & roof air cond., 4KW generator, cruise, Hifi, new radials, food center, average mileage, Upgrade Unit!..... \$17,999 \$14,488
- '77 Midas 20' minnie home, 39,000 miles, radial tires, dash air cond., Chevrolet chassis, sleeps 6, Clean!..... \$13,999 \$10,488
- '86 Itasca Phazer, small aerodynamic luxury minnie home, front wheel drive, gas engine, auto trans., 18 MPG, dash & roof air cond., TV ant., sleeps 4, radial tires, less than 15,000 miles, Excellent Condition! \$29,999 \$24,988
- '84 Itasca Phazer, diesel engine, front wheel drive, over 20 MPG, stereo, cruise, dash & roof, air cond., radials, cruise, small, efficient, and Excellent Condition! \$22,999 \$19,988
- '75 Toga 22' minnie home, 360 engine, dash air cond., TV ant., self-cont., like new radial tires, sleeps 6, Nicel!..... \$12,999 \$10,488
- '76 Toga 20' minnie home, average mileage, dash air cond., rack & ladder, stereo, Everything Workal!..... \$9,499 \$ 7,788
- '84 Winnebago LaShore minnie home, front wheel drive, diesel engine, stereo, cruise, dash & roof air conditioners, over 20 MPG, radials, average mileage, aerodynamic small luxury motor home! Excellent Condition!..... \$23,999 \$19,988
- '76 Field & Stream 20' minnie home, rear dinette, radials, recently carpeted & upholstered, mechanically..... \$9,999 \$ 6,988
- '78 Gypsy Queen 17' minnie home, Datsun chassis, self cont., rack & ladder, stereo, economical, Checks O.K.!..... \$5,999 \$ 4,988
- '73 Brougham 21' minnie home, air cond., rear bath, Nicel!..... \$8,999 \$ 6,988
- '76 Rockwood 22' minnie home, Chev chassis, 41,000 miles, air cond., awning, lots of windows, Nicel Reduced!..... \$14,999 \$10,988
- '78 Brougham 22 1/2' minnie home, dash & roof air cond., generator, cruise, stereo, radials, sleeps 6, Great Buy!..... \$15,999 \$13,988
- '79 Coachman 22' minnie home, only 26,900 miles, dash & roof air cond., microwave, rack & ladder, bunks, nice Family Plan!..... \$21,999 \$18,988
- '75 Jamboree 22' minnie home, stereo, rack & ladder, rear bath, lot of space, Shows Care!..... \$12,999 \$ 9,988

- '72 Willier chassis, on Motor Home
- MOTORHO
- '79 Winnel & roof air radials, Etc
- '74 Champ rehab, rock Buy!
- '84 Itasca doors, hydr 2 roof air microwave, furnaces, F
- '77 Overlo generator, 42,000 mi
- '75 Winnel 39,000 mi radials, Far Average C.
- '77 Winne roof air co and uphol Nicel
- '83 Pace A dash & ro bed, micro
- '77 GMC month 12 drive, air cond., SKV modern d
- '85 Itasca 14,000 mi 6.5KW ge um, Beau in & Out!
- '74 Snowy nce, gas/ A Doll Hou
- '79 Homax Great Shop
- '74 Roadr sink, keba Wall kept!
- '73 Coach radial tires,

NO DISTRESS USED RV'S FR

COUPON

RECYCLING ALUMINUM CANS

CASH FOR CANS  
7¢ BONUS

Per Pound for Recycling Aluminum Cans

Bring your aluminum beverage cans and this coupon to Carl Weissman & Sons and receive 7¢ bonus. Special offer available only for aluminum cans at Great Falls locations. Offer good thru Mon. Oct. 31, 1988. Also accepting all can bonus coupons. We are still buying automobile batteries.

Dealers Excluded. Great Falls Location Only.

VOTE NO 6H 1-113  
Don't let them Force Deposit Laws and do away your right to Sell Cans!

CARL WEISSMAN & SONS INCORPORATED

300 3rd Ave. South HOURS: 761-4848 8.5 MON. SAT.

Ran 9/29/88 and 10/1/88 GREAT FALLS TRIBUNE

6

EXHIBIT 11  
DATE 2-18-91  
HB 624  
7416

EXHIBIT 11

DATE 2-18-91

HB 624

**CARL WEISSMAN & SONS**  
INCORPORATED

P. 8 of 16

CORPORATE OFFICES • 420 THIRD STREET SOUTH • P.O. BOX 1600 • GREAT FALLS, MONTANA 59403-1600 • TELEPHONE (406) 781-4848

October 1, 1988

State of Montana  
Commissioner of Political Practices  
1205 East Eighth Avenue  
Capitol Station  
Helena, Montana 59620-2401

RECEIVED

1988 3

THE COMMISSIONER OF  
POLITICAL PRACTICES

Attn: Dolores Colburg

Dear Dolores,

I have received the letter you have written to our Bozeman, Montana, branch on September 28, 1988, regarding Campaign reporting requirements.

In your letter you state: "We recently learned that your company has made a contribution to a committee organized to oppose I 113, the "bottle bill" measure....."

This is just not the case. We do not belong to any committee for or against this measure, we do not belong to any organization that contributes to any committee. We are a business corporation and we do business, that is all.

We have run ads in the Great Falls Tribune, to promote our business, offering a bonus coupon to buy aluminum recyclable cans, on this ad we remind can collectors to vote against I-113. We were not asked to do this by any committee, person or organization. We did this as Carl Weissman and Sons, Inc., on our own initiative. We are merely exercising our rights under the first amendment of the United States Constitution, guaranteeing our rights of free speech. We did not publish this in an anonymous fashion, our name clearly is on such an ad. I do not feel that your letter or statement that we are a political committee only incidentally is correct. I do not plan to file with your office in this manner.

Very truly yours,

*Jerrold A. Weissman*  
Jerrold A. Weissman  
President



COMMISSIONER OF  
POLITICAL PRACTICES

EXHIBIT 11  
DATE 2-18-91  
HB 624

p. 9 of 16

STATE OF MONTANA

DOLORES COLBURN  
COMMISSIONER  
TELEPHONE (406) 444-2942

CAPITOL BUILDING  
1205 EAST ROSS AVENUE  
HELENA, MONTANA 59601-2001

October 5, 1988

Jerrold A Weissman  
President  
Carl Weissman & Sons, Inc.  
P. O. Box 1609  
Great Falls, Montana 59403-1609

Dear Mr. Weissman:

I have your letter of October 1, 1988 in which you write that your company has made no contribution to the committee opposed to I 113. Your letter is in response to my memorandum of September 28, 1988 in which I wrote that I had learned of a contribution by your Bozeman office.

On a regular basis, this office receives notification from Suzanne Kopec, deputy treasurer for the committee against I 113 of business contributions to that committee. Ms. Kopec sent me notification of an in-kind contribution made by Carl Weissman & Sons, P. O. Box 128, Bozeman with the notation "James Richey" (see copy enclosed). If Mr. Richey is an employee of your corporation and if he devoted compensated time (i.e., regular work time for which your corporation pays him) or otherwise to I 113 matters, then that is indeed a contribution.

You noted that you had recently run ads in the Great Falls Tribune promoting your business and offering a bonus coupon in which you also asked the reader to vote against I 113. These ads, which ran on September 29 and October 1, also had been brought to my attention by a person from Great Falls. They, and any of a similar kind you run in the future, become political ads in part; therefore, you will need to assess the cost of the space devoted to the solicitation to vote no on I 113 and report that to this office as a direct expenditure (see the lower portion of Part II of the form C-4, which I trust you have along with my earlier memorandum).

I look forward to receiving by return mail the completed Part I of the C-4 form, as was requested earlier. The report portion, Part II, for Mr. Richey's contribution, for partial costs of ads and for anything else your corporation might expend or contribute

Jerrold A. Weissman  
October 6, 1988  
Page two

EXHIBIT 11  
DATE 2-18-91  
HB 624  
p. 10 of 16

in opposition to I 113 is due on October 28, 1988. Another report is due no later than 20 days after the election if contributions or expenditures are made against I 113 after your first report.

Finally, the same individual from Great Falls who mentioned your ads also reported to me that a quantity of handout cards opposed to I 113 and not bearing the complete, new name of the committee against I 113 were being distributed from your 302 South Third Street location. In keeping with a ruling that I made earlier, you should recall receiving a letter dated September 21, 1988 from Debbie Siders, Grassroots Director for the committee opposed to I 113, which stated in pertinent part:

Please immediately discontinue passing out the Recycling Fact Cards which you have in your possession. New fact cards with the identification tag line the Commissioner has approved are being printed. We will have the new recycling fact card to you as soon as possible.

You should verify that any campaign literature relating to I 113 being distributed from your business bears the correct identification.

Should you have any questions about the matters raised in this letter, please to not hesitate to call or to write.

Sincerely,

*Dolores Colburg*  
DOLORES COLBURG

Enclosure

EXHIBIT 11  
DATE 2-18-91  
HB 624

**CARL WEISSMAN & SONS**  
INCORPORATED

p. 11 of 16

CORPORATE OFFICES • 420 THIRD STREET SOUTH • P.O. BOX 1808 • GREAT FALLS, MONTANA 59403-1808 • TELEPHONE (406) 781-4848

October 17, 1988

Commissioner of  
Political Practices  
STATE OF MONTANA  
Capitol Station  
1205 East Eighth Avenue  
Helena, Montana 59620-2401

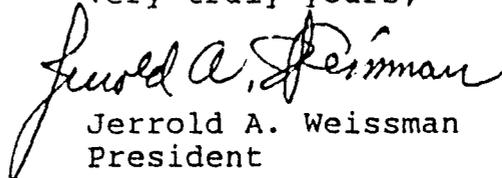
Attn: Dolores Colburg

Ms. Colburg,

I am responding to your letter of October 5, 1988. Your second paragraph is pure speculation. Carl Weissman and Sons, Inc., does not belong to any committee, period. Whatever Ms. Kopec dreams up is just that, dreams! We have not donated money or services or merchandise to the named committee in Bozeman. Mr. Richey, an individual, may have made some sort of contribution. Mr. Richey, is our manager in Bozeman, however he is his own man and can do what he wishes to do as an individual.

We have, however, notified the public by our own signs and ads of our opposition to I-113! Such notifications are usually buried in the framework of coupon ads we generally run. We note no difference in our cost from the print media. If this means we have to file your C-4, then we will. Send us the C-4, we have not seen one. You make reference to an individual who has reported various things to you concerning Carl Weissman and Sons, Inc. I cannot comment on any actions viewed by an anonymous entity; nor should you. I respect your right to make rulings. We follow the laws of this state; however we cannot be expected to correct everything that is alleged to us by un named individuals. If you find we are incorrect and you have a named person willing to stand back of their allegations, then we would be more than willing to investigate such charges!

Very truly yours,

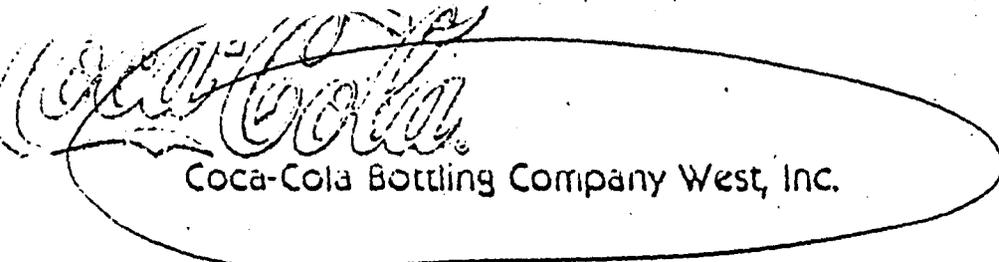
  
Jerrold A. Weissman  
President

**RECEIVED**

OCT 18 1988

THE COMMISSIONER OF  
POLITICAL PRACTICES





Coca-Cola Bottling Company West, Inc.

p. 12 of 16

To Our Valued Customers,

We need your help on an issue of vital importance to The Coca-Cola Company and to you. The issue is a forced deposit proposal, known as Initiative 113, appearing on the November 8 General Election ballot in Montana. The measure would require Montana consumers to pay at least a 5 cent deposit on all beer and soft drink containers and impose a 20 percent "handling fee" on each returned container (paid by distributors to retailers). Retail outlets would also be required to take back the beer and soft drink containers which they sold, refund the deposit, then store the empties until they can be returned to the distributor.

All sound complicated, cumbersome and unnecessary? In our viewpoint, and the viewpoint of hundreds of other Montana companies and organizations, it certainly is. So why even consider such a proposal at all? Proponents of the measure say that enactment of Initiative 113 would reduce litter throughout the state and create jobs. Sounds admirable. In reality, however, beverage container litter is only a small fraction of roadside litter. And because it has a high recycle value, it is picked up quickly by people who comb the highways looking for recyclable and valuable cans and bottles. And, while we grant that some bottle sorting, minimum wage type jobs would be created, it is estimated that the proposal could cause the loss of hundreds of highly skilled beverage industry jobs in Montana.

You should also be aware of what other detrimental effects Initiative 113 could have on our State. Montana has a strong and thriving voluntary recycling stem in place and working; by removing bottles and cans from the "voluntary business". The state would lose over \$267,000 in excise tax revenues. It is estimated the cost of a beer or soft drink six-pack would rise from 20¢ to 25¢ (not including the deposit). More trucks and fuel will be required to haul empties, small stores especially won't be able to handle the volume of returned containers... consumers will have the constant inconvenience of hauling all their empty beer and soft drink bottles back to the store (or be out their refunded money) and on and on. When you add it all up, the cost to the consumer, should Initiative 113 pass, will be \$13,000,000 per year.

So what are we asking of you? Because Initiative 113 should be defeated for the good of every Montanans we urge you to vote against Initiative 113. Tell your family, friends, and neighbors about the higher prices and consumer chaos that would come if Initiative 113 passes. We need your help to keep Montana free of forced deposit law. And we thank you ahead of time for your support.

Sincerely,

Steve Damron  
Sales Center Manager

EXHIBIT 11  
DATE 2-18-91  
HB 624

P. 13 of 66



PEPSI AND RUNNERS HAVE ALWAYS HAD A GREAT FRIENDSHIP . . .

NOW WE NEED YOUR HELP! Initiative 113 would not allow us to donate Pepsi products on many runs (due to a deposit charge that would be on cans). It would simply cut out our contributions that we could make.

We ask you to Vote Against Initiative 113 on November 8th. We believe recycling is the way to this problem.

THANK YOU!

*Bill Dimick*

X VOTE AGAINST INITIATIVE 113.

LET'S EDUCATE - NOT LEGISLATE!

p. 14 of 16

**FORCED DEPOSITS WILL COST YOU**

... **MORE MONEY.** Based on experience in forced deposit states, Montana consumers will pay an additional \$13 million each year due to extra handling costs for beverages under I-113 and forced deposits. A six-pack of soft drinks will cost about 20¢ more, and the price of a six-pack of beer will increase 25¢, plus the 30¢ deposit!

... **MORE HASSLE.** Forced deposits are very inconvenient, especially for the elderly! Consumers and retailers alike must collect and store empties until they can be returned. This creates a storage and sanitation problem for both, as the beverage residue in empties attracts flies, ants, rodents, and other vermin!

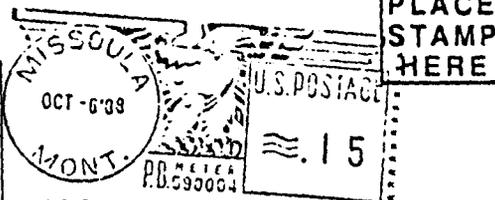
... **MORE GOVERNMENT.** The legislative fiscal analyst estimates forced deposits cost taxpayers, too. Montanans will have to pay \$185,000 a year in more government bureaucracy to administer a forced deposit law, if I-113 is passed!

... **MONTANA DOESN'T NEED FORCED DEPOSITS.** Montanans don't need forced deposits to force them to recycle. Our state already has one of the highest voluntary recycling rates in the nation ... as high as Massachusetts, where there's been a forced deposit law since 1983! A recent study shows we already recycle 70 percent of cans and bottles sold in the state! Montana voters overwhelmingly rejected a forced deposit proposal in 1980 by a 71% to 29% margin. If we didn't need forced deposits then, we certainly don't now!

**VOTE AGAINST INITIATIVE I-113!**

INITIATIVE 113, the proposed "bottle bill" would impose a forced minimum 5¢ deposit on all beer and soft drink cans and bottles sold in the state.

*Hi  
on my job I'm  
familiar with the  
problems Initiative 113  
will create for all  
Montanans. Join me  
in voting AGAINST I-113  
and forced deposits!*



PLACE  
STAMP  
HERE

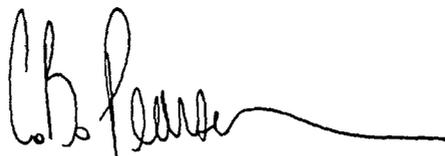
TO

SEAN Knight  
MONT ST. University  
BOZEMAN Mt

EXHIBIT 11  
DATE 2-18-91  
HB 624

P. 15 of 16

I, C.B. Pearson, on 9 January 1989 telephoned the main post office in Missoula, MT and asked for the name of the business or organization that uses meter 590004. I was told by the person in charge of mail meters that it was Coca-Cola.



9 January 1989

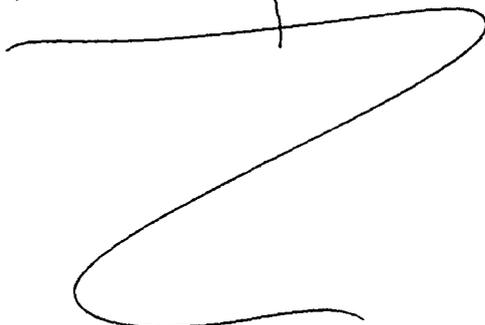


EXHIBIT 11  
DATE 2-18-91  
HB 624  
p. 16 of 16

HAVRE DAILY NEWS  
Havre, MT 59501  
(Mon.-Fri. 4,482)  
NOV 4 1988  
SUPERIOR CLIPPING SERVICE  
BILLINGS, MT 59105-0789

*44*

# FORCED DEPOSITS

will cost you!

Vote against **113**  
Initiative

Pol. ad. pd. for by Havre Day Recycling Center

EXHIBIT 12  
DATE 2-18-91  
HB 687

HB 687

**Amendments to HB 687**

On page 1, line 13, insert between "A" and "candidate"  
legislative. So the first line of the new section now reads: A  
legislative candidate or a political commitee....

On page 2 strike Subsection (2)

On page 3, line 19, strike: the 15th and 5th days preceding  
the date on which an election is to be held, and insert after held  
on line 19: and on the 10th day next preceding the date on which  
an election is to be held



EXHIBIT 13  
DATE 2/18/91  
HB 687  
pg 1065

TESTIMONY OF COMMON CAUSE/MONTANA

IN SUPPORT OF HOUSE BILL 687

18 FEBRUARY 1991

P.O. Box 623  
Helena, MT  
59624  
406/442-9251

Madame Chairwoman and members of the House State Administration Committee, for the record my name is John McCarthy, lobbyist for Common Cause Montana.

On behalf of the members of Common Cause Montana we would like to voice our support for passing House Bill 687.

We believe House Bill 687 is a good bill. This legislation addresses surplus campaign funds for legislative candidates, political committees and the addition of two new reporting periods for state legislative candidates.

Surplus Campaign Funds

Surplus campaign funds for all candidates and ballot committees is an area that is currently without any regulations. The lack of parameters leaves doubt of what is acceptable and what is not acceptable for the use of surplus campaign funds by legislative candidates after the election.

In addition it is important to the general public to know what candidates do with their donations. This issue was raised by the media in past years when former

EXHIBIT 13  
DATE 2-18-91  
HB 687  
Pg. 2 of 5

Secretary of State Jim Waltermire was killed in an accident during the middle of his campaign. See the newspaper clipping at the end of this testimony. Clarifying the issue and establishing parameters is doing a service for both legislative candidates and the public.

### 1988 Legislative Surplus Campaign Funds

Our review of surplus campaign funds from the 1988 election show that surplus funds do exist for Montana legislative elections. Nineteen out of 47 candidates for the Senate reported a total of \$13,340.55 in funds they did not use in their bids for office. In a report completed by the Commissioner of Political Practices the 19 candidates reported using surplus campaign funds in the following ways:

- 1 - legislative expenses
- 2 - legislative aide
- 2 - savings
- 3 - candidate
- 3 - future campaigns
- 7 - did not disclose
- 1 - one had no final report at the time of printing for the Commissioner's 'Campaign Financing 1988'.

The smallest Senate campaign surplus reported was \$ 25.00, while the largest Senate surplus reported was \$ 2,292.85.

For the House 90 candidates of 174 had surplus campaign funds for a total of \$37,908.15. Purposes listed included:

- 1 - to candidate and future campaign
- 1 - legislative expenses
- 1 - reimbursed candidate
- 6 - savings
- 6 - constituent services
- 8 - candidate
- 19 - future campaigns
- 48 - did not disclose.

EXHIBIT 13  
DATE 2-18-91  
HB 687  
p. 3 of 5

The smallest House Surplus listed was \$ 0.14, while the largest surplus listed was \$ 4,551.25.

From our research we identified 13 other states that have already enacted legislation addressing what can be done with campaign surplus funds.

Reasons to Address Legislative Surplus Campaign Funds

**Reason One**

This legislation is important because it stops what could become a potential problem in the future politics of this state, the growing practice of "war chest" building. War chests or building a large surplus of campaign funds is a concern at both the state and national levels. The recent "war chest" phenomena raises concerns for Americans and should raise concerns for Montanans. It has the potential to discourage challengers, which is not healthy for competitive races and a democratic society. Who would enter into a race against an incumbent who has marked a large sum of money from a previous election for use in their current campaigning expenditures? It is an unfair advantage and does not keep the playing field of campaigns level to all individuals.

**Reason Two**

When contributors give money to candidates they do so with the thought that it will be used in the candidates bid for office in a specific election or legislative session. It is only good practice to use the money for these purposes when considering this was the intent of the giver.

EXHIBIT 13  
DATE 2-18-91  
HB 687

pg 4 of 5

Additional Reporting Period by Legislative Candidates

Turning to the provision for additional reporting periods, there has been a growing interest in the public about campaign financing and expenditures. Requiring legislative candidates to file two additional reports prior to the election with the Commissioner of Political Practices puts information pertinent to the public interest available at a time when it is relevant to a campaign. Added filing is also warranted by the large growth of campaign contributions and expenditures in Montana legislative races.

In closing, Common Cause/Montana would argue that this legislation is pro-active and not reactive. A large problem does not exist with war chest building, but ensuring that it does not become a problem is also ensuring a continuing tradition of competitive races and good government in Montana.

We urge a do pass for House Bill 687.

EXHIBIT 13  
DATE 2-18-91  
ID 687

p. 5 of 5

MISSOULIAN  
Missoula, MT 59807  
(Daily 28,817) (Sunday 31,388)

APR 15 1988  
SUPERIOR CLIPPING SERVICE  
BILLINGS, MT 59105-0789

## Sands can take the money and not run

### Missoulian

144 Jim Waltermire's running mate will have a lot of latitude in deciding what to do with the campaign war chest, but he will be limited in how much he can use that money to help other GOP candidates, says the state commissioner of political practices.

Dolores Colburg said Thursday it will be up to Jack Sands, who was running for lieutenant governor on the Waltermire ticket, to decide how to use money collected as campaign contributions, after outstanding bills are paid.

He will be able to do nearly anything he wants with the money — including keep it himself, she said.

"Montana law is absolutely silent as to the disposition of excess campaign funds," said Colburg.

Numerous possibilities, she said, would include using the money for a Waltermire memorial, using some of it to help the party's eventual nominee, and using it to help other GOP legislative candidates.

She said her initial interpretation is that Sands would be able to give other gubernatorial candidates no more than \$1,500 each, because of legal limits on contributions. She called the issue "uncertain."

Amendments to House Bill No. 769  
First Reading Copy

For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 18, 1991

1. Title, line 7.

Following: ";"

Insert: "CLARIFYING RETIREMENT ELIGIBILITY"

2. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "19-3-401"

Insert: "AND 19-3-901"

3. Page 2.

Following: line 18

Insert: "

Section 2. Section 19-3-901, MCA, is amended to read:

"19-3-901. Eligibility for service retirement. A member who has attained the age of 60 and completed 5 years of qualified service is eligible for service retirement. A member who has attained age 65 while employed in a position covered by a public employee retirement system is eligible for service retirement regardless of his years of creditable service. A member who has completed 30 years or more of state creditable service is eligible for service retirement regardless of his age."

Renumber: subsequent sections

Amendments to House Bill No. 758  
First Reading Copy

For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 16, 1991

1. Title, line 6.

Following: "EMPLOYEES"

Insert: "WHO ARE NATURAL FATHERS OR ARE"

2. Page 1, lines 9 and 10.

Following: "regulations" on line 9

Strike: "promulgated" through "Administration" on line 10

3. Page 1, line 24.

Following: "employees"

Strike: "adopting children"

4. Page 2, lines 1 through 3.

Following: "employees" on line 1

Strike: remainder of line 1 through "age" on line 2

Following: "employee" on line 2

Strike: "adopting" through "age" on line 3

5. Page 2, line 5.

Following: "for"

Insert: "maternal"

Following: "leave"

Insert: "due to disability"

6. Page 2, line 6.

Following: "child"

Insert: "if:

(1) the employee is adopting a child under 1 year of age;

or

(2) the employee is a natural father"

EXHIBIT 14  
DATE 2-18-91  
HB 504

HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/18/91 BILL NO. HB 504 NUMBER 1

MOTION: Do Pass

| NAME                                | AYE | NO |
|-------------------------------------|-----|----|
| 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                | ✓   |    |
| REP. JAN BROWN, CHAIR               | ✓   |    |
| TOTAL                               | 11  | 8  |

EXHIBIT 15  
 DATE 2-18-91  
 HB HIR 25

HOUSE OF REPRESENTATIVES  
 STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2-18-91 BILL NO. HIR 25 NUMBER 1

MOTION: To table

| NAME                                | AYE       | NO       |
|-------------------------------------|-----------|----------|
| 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                | ✓         |          |
| REP. JAN BROWN, CHAIR               | ✓         |          |
| <b>TOTAL</b>                        | <b>19</b> | <b>0</b> |

Amendments to House Bill No. 679  
First Reading Copy

Requested by Rep. Scott  
For the Committee on

Prepared by Sheri S. Heffelfinger  
February 15, 1991

1. Page 1, line 25.  
Following: "years"  
Strike: ".0576"  
Insert: ".058"
2. Page 2, line 1.  
Strike: ".0692"  
Insert: ".069"
3. Page 2, line 2.  
Strike: ".0807"  
Insert: ".081"
4. Page 2, line 3.  
Strike: ".0923"  
Insert: ".092"
5. Page 3, line 13.  
Strike: ".0461"  
Insert: ".046"

Amendments to House Bill No. 679  
First Reading Copy

Requested by Rep. Kasten  
For the Committee on

Prepared by Sheri S. Heffelfinger  
February 15, 1991

1. Title, lines 5 and 6.  
Following: "EARNED" on line 5  
Strike: "BY" through "FIREFIGHTERS" on line 6
  
2. Page 1, line 22 through page 2, line 3.  
Following: "(2)" on page 1, line 22  
Strike: remainder of subsection (2)  
Insert: "For employees who are regularly scheduled to work more than 2080 hours a year, an employer may grant additional leave, on a prorated basis, for those regularly scheduled hours in excess of 2080 that do not result in overtime or compensatory time under federal law."
  
3. Page 3, lines 12 through 13.  
Following: "(2)"  
Strike: the remainder of subsection (2)  
Insert: "For employees who are regularly scheduled to work more than 2080 hours a year, an employer may grant additional sick leave, on a prorated basis, for those regularly scheduled hours in excess of 2080 that do not result in overtime or compensatory time under federal law."

EXHIBIT 18DATE 2-18-91HB 679

## HOUSE OF REPRESENTATIVES

## STATE ADMINISTRATION COMMITTEE

## ROLL CALL VOTE

DATE 2/18 BILL NO. 679 NUMBER 1MOTION: Commencement of Rep. Kasten De Pass

| NAME                                | AYE | NO |
|-------------------------------------|-----|----|
| 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                |     | ✓  |
| REP. JAN BROWN, CHAIR               |     | ✓  |
| TOTAL                               | 9   | 10 |

EXHIBIT 17  
DATE 2-18-91  
HB 679

HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/18/91 BILL NO. HB 679 NUMBER 1

MOTION: No Pass As Amended

| NAME                                | AYE | NO |
|-------------------------------------|-----|----|
| 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                | ✓   |    |
| REP. JAN BROWN, CHAIR               | ✓   |    |
| TOTAL                               | 11  | 8  |

EXHIBIT 20  
DATE 2/15/91  
HB 679

Amendments to House Bill No. 679  
First Reading Copy

Requested by Rep. Scott  
For the Committee on

Prepared by Sheri S. Heffelfinger  
February 15, 1991

1. Page 1, line 25.  
Following: "years"  
Strike: ".0576"  
Insert: ".058"
2. Page 2, line 1.  
Strike: ".0692"  
Insert: ".069"
3. Page 2, line 2.  
Strike: ".0807"  
Insert: ".081"
4. Page 2, line 3.  
Strike: ".0923"  
Insert: ".092"
5. Page 3, line 13.  
Strike: ".0461"  
Insert: ".046"

EXHIBIT 21  
DATE 2/18/91  
HB 765

Amendments to House Bill No. 765  
First Reading Copy

For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 18, 1991

1. Page 1, line 23.

Following: "mail registration"

Insert: "as prescribed by the secretary of state"

2. Page 3, line 21.

Following: "mail registration"

Insert: "as prescribed by the secretary of state"

EXHIBIT 22DATE 2/18/91HB 324

## HOUSE OF REPRESENTATIVES

## STATE ADMINISTRATION COMMITTEE

## ROLL CALL VOTE

DATE 2/18/91 BILL NO. HB 324 NUMBER 1MOTION: Amendments of sponsor

| NAME                                | AYE      | NO        |
|-------------------------------------|----------|-----------|
| 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                |          | ✓         |
| REP. JAN BROWN, CHAIR               | ✓        |           |
| <b>TOTAL</b>                        | <b>5</b> | <b>14</b> |

Amendments to House Bill No. 324  
First Reading Copy

Requested by Representative Dowell  
For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 11, 1991

1. Title, lines 6 and 7.

Strike: "APPROPRIATING" on line 6 through "COMPENSATION;" on line  
7

2. Page 3, lines 7 through 13.

Following: line 6

Strike: lines 7 through 13 in their entirety

3. Page 5, lines 12 and 13.

Following: "intervenor"

Strike: remainder of line 12 through "proceedings" on line 13

Insert: "saved consumers at least twice the amount asked for in  
compensation"

4. Page 6, lines 5 through 6.

Following: "intervention"

Strike: remainder of line 5 through "proceeding" on line 6

Insert: "provided a savings to consumers as specified in [section  
5]"

5. Page 9, lines 19 through 22.

Following: line 18

Strike: section 10 in its entirety

Renumber: subsequent sections

EXHIBIT 23  
DATE 2/18/91  
HB 324

HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/18/91 BILL NO. HB 324 NUMBER 1

MOTION: To Table

| NAME                                | AYE       | NO       |
|-------------------------------------|-----------|----------|
| 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                |           | ✓        |
| REP. JAN BROWN, CHAIR               |           | ✓        |
| <b>TOTAL</b>                        | <b>10</b> | <b>9</b> |

**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HJR 25

DATE 2/18/91

SPONSOR(S) REP. WHALEN

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING          | SUPPORT | OPPOSE |
|------------------|-----------------------|---------|--------|
| Steve Johnson    | State Labor Relations |         | ✓      |
| Tom Schneider    | MPEA                  | ✓       |        |
| Don Judge        | MT STATE AFL-CIO      | ✓       |        |
| Eric Flawr       | MSA                   | ✓       |        |
|                  |                       |         |        |
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**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 314

DATE 2/18/91

SPONSOR(S) REP. RUSSELL

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS       | REPRESENTING                             | SUPPORT | OPPOSE |
|------------------------|--|---------|--------|
| <i>Glen Southworth</i> |  |         | ✓      |
| Tootie Welker          | MAPP                                     | ✓       |        |
| Joe TROPILA C.F.       | CASCADE CO &<br>MT. ASSOC. OF CLERKS-REC |         | ✓      |
| BRAD MARTIN            | MontPIRG                                 | ✓       |        |
| Kristin Page           | MontPIRG                                 | ✓       |        |
| Marguerite Burns       | Common Cause                             | ✓       |        |
| Don Judge              | MT STATE AFL-CIO                         | ✓       |        |
| A. Russell             | HD 99                                    | ✓       |        |
| Betty T. Jurd          | Lovalle Co Club-Her                      |         | ✓      |
|                        |  |         |        |
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**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 765

DATE 2/15/91

SPONSOR(S) REP. RUSSELL

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING           | SUPPORT | OPPOSE |
|------------------|------------------------|---------|--------|
| Tootie Welker    | MAPP                   | ✓       |        |
| MIKE COONEY      | Sec of State           | ✓       |        |
| Diane Trolby     | Driver Services        | ✓       |        |
| BRAD MARTIN      | MontPIRG               | ✓       |        |
| Kristin Page     | MontPIRG               | ✓       |        |
| Marguerite Burns | Common Cause           | ✓       |        |
| Don Judge        | MT STATE AFL-CIO       | ✓       |        |
| Jini Smithwall   |                        | ✓       |        |
| A Russell        | HD 99                  | ✓       |        |
| Dotty Ford       | Lawall. Co. Club & Rec | ✓       |        |
|                  |                        |         |        |
|                  |                        |         |        |
|                  |                        |         |        |

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