

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on January 30, 1991, at 10 A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Members Absent: Senator Harry Fritz

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion: None

HEARING ON HOUSE BILL 79

Presentation and Opening Statement by Sponsor:

Representative Linda Nelson, House District 19, stated that House Bill 79, is an act removing the name and address of the commercial printer from the election materials it prints. This portion of statute produces problems. It is unnecessary clutter on printed materials of excess information. It does afford free advertising for the printer and creates animosity between printers that reflects on the candidate. If that name did not have to be on the material a person could go where they could get the best dollars without creating flack among printers. The law is somewhat optional anyway. All you have to do is send a copy of the printed material to the Office of Political Practices and say it was inadvertently omitted.

Proponents' Testimony:

Dolores Colburg, Commissioner of Political Practices, appeared in support of House Bill 79. She submitted written testimony. (Exhibit 1)

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock wondered if having the printer's name on the advertising gave them a small break. Sometimes there is a big issue, similar to the cigarette issue, that involves much out of state money. Also, your election opponent could use that as an issue against you. Representative Nelson answered that they can track through the Commissioner of Political Practice, and if you want to print out of state you can send one to the Commissioner with the inadvertently omitted excuse.

Senator Pipinich asked Linda Nelson about candidates who are supported by out of state groups. If it's printed out of state, or in state, it is seen right there on the signs.

Dolores Colburg responded that all candidates are required to file copies of campaign finance reports in the County Clerk and Recorders' office so that they are accessible in their home locales. When you get into really big money campaigns, the press is diligently covering those people. They usually come to the state, hire a consultant, have printing done here, and finalize their campaign. When money is dumped into campaigns, as frequently happens in those last critical weeks before the election, all candidates must file with her office and County Clerk and Recorders the famous 24 hour notice of contributions of \$100 or more. That is for the purpose of shedding light on where large sums of money are coming from and how they're being spent.

Senator Blaylock asked if we don't have that requirement on the books, will they have their printing done in their home state?

Probably not, the campaigns are generally coordinated in the state where the legislation is supported. There is nothing to prevent those who choose to put that on their materials, from having it on the signs.

Closing by Sponsor:

Representative Linda Nelson feels that laws which have large loop holes and are voluntary should be removed from the statute. Please do pass this bill. Senator Hockett will carry House Bill 79 to the Senate floor.

Motion:

Senator Burnett MOVED that we DO CONCUR IN HOUSE BILL 79.

Discussion:

None

Recommendation and Vote:

The VOTE was 7 yes and 1 no. Senator Pipinich voted no. Senator Fritz was absent. Senator Swift was excused. House Bill 79 will be carried to the Senate floor by Senator Hockett with a DO CONCUR recommendation.

HEARING ON HOUSE BILL 243Presentation and Opening Statement by Sponsor:

Representative Jan Brown said House Bill 243 is an act abolishing the state employee sick leave advisory council and transferring its function to the state employee group benefits advisory council.

Proponents' Testimony:

Laurie Ekanger, Administrator of the State Personnel Division, outlined four reasons for supporting this bill. The first reason is the sick leave advisory council was established to develop a sick leave fund program and they have accomplished their goals. Briefly, this program outlines the framework whereby employees can share their sick leave with a needy employee. The second reason to eliminate the council is that it has no reason to meet anymore. The last time they met was November, 1988. The third reason is they are not eliminating advice for this program, or an oversight committee, because they're transferring that function to the state employees benefits group advisory council which meets 5 and 6 times a year. This is an appropriate roll for that group to assume along with the other benefit programs of state employees. The fourth reason is this would be more efficient and consolidating with similar benefit programs under one council would increase productivity and cost effectiveness. Please pass House Bill 243. (Exhibit 3)

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock asked Ms. Ekanger if the purpose of that council was to get the program going? She said yes, that's the reason. In the beginning there was a big job to get the perimeters set around the program. Now their mission is

accomplished.

Closing by Sponsor:

Representative Brown closed the hearing by saying that Senator Beck had agreed to carry the bill if it passes. Thank you.

EXECUTIVE ACTION ON HOUSE BILL 243

Motion:

Senator Blaylock made a motion that we DO CONCUR IN HOUSE BILL 243.

Recommendation and Vote:

The VOTE was UNANIMOUS that we DO CONCUR IN HOUSE BILL 243. Senator Beck will carry it to the Senate floor.

EXECUTIVE ACTION ON SENATE BILL 167

Discussion:

Chairperson Vaughn asked Attorney Niss to explain the amendments to this bill. He explained the amendments outlined on exhibit 4. and showed the committee the Statement of Intent (exhibit 4 also)

Amendments, Discussion, and Votes:

Senator Blaylock made a motion to ACCEPT the AMENDMENTS to Senate Bill 167 as presented in exhibit 4. The VOTE was UNANIMOUS in favor of accepting the amendments.

Recommendation and Vote:

Senator Blaylock MOVED that SENATE BILL 167 DO PASS AS AMENDED. The VOTE was UNANIMOUS in favor of Senate Bill 167.

ADJOURNMENT

Adjournment At: 10:45 A.M.


ELEANOR VAUGHN, Chairman


DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 1-30-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ		X	
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			excused

Each day attach to minutes.

January 30, 1911

State Administration

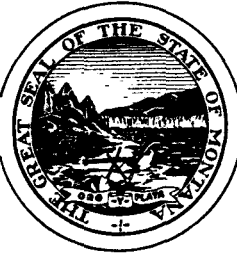
VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

COMMISSIONER OF
POLITICAL PRACTICES

STATE ADMIN.
ENLIST NO. 1
DATE 1-30-91
BILL NO. HB 79



DOLORES COLBURG
COMMISSIONER
TELEPHONE (406) 444-2942

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

STATE OF MONTANA

January 30, 1991
Senate State Administration Committee

TESTIMONY IN SUPPORT OF HB 79

For the record, I am Dolores Colburg, Commissioner of Political Practices. I appear before the committee this morning in support of HB 79.

This bill would amend section 13-35-225, MCA, which is titled "Election materials not to be anonymous," by deleting the the requirement that commercially printed election materials must bear the name and address of the printer.

The printer requirement has proved to be a nuisance to both candidates and to political committees. Frequently, space does not easily permit the printing of the required printer information. Candidates and committees then file the election piece with my office, as the law permits, along with the name and address of the printer.

More importantly, the identification of the commercial printer is not a key element in determining the source of the election materials. The names and addresses of persons who pay for election materials that advocate the success or defeat of a candidate or issue are the critical pieces of information that

Dolores Colburg
Testimony on HB 79
Page two

must appear on election materials to assure that they are not anonymous. That requirement, of course, would remain intact under HB 79.

Whatever contributes to open, fair and decent political campaigns is deserving of support. However, requirements such as the printer designation on election materials currently in law does not, in my view, make such a contribution. Indeed, it has proved to be a nuisance requirement that candidates and political committees often trip over which others delight in pointing out.

I hope the committee will act favorably on HB 79.



SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 1-30-91

BILL NO. HB 79

DONALD R. JUDGE
EXECUTIVE SECRETARY

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

(406) 442-1708

January 30, 1991

The Honorable Eleanor Vaughn
Montana State Senate
Capitol Station
Helena, Montana 59610

Dear Eleanor:

Let me first apologize for not being able to appear personally before you today when your committee hears testimony regarding HB 79. This bill would delete the requirement that the name and address of the commercial printer be placed on all election material printed at that establishment.

The Montana State AFL-CIO understands that the current requirement causes some inconvenience for printers who may not be aware of the law requiring them to provide this information. It may also inconvenience those candidates who fail to point out to their printer that this information may be required.

We also understand that this provision creates numerous inquiries to the state Commissioner of Political Practices, and has not been listed as a top priority for enforcement, because its absence is not necessarily critical to an election outcome.

However, we are concerned about any regulation that would further weaken Montana's campaign reporting and requirement laws. We believe that HB 79 is just one such measure.

Let me provide a brief scenario for you to illustrate our concerns. If I were interested in defeating a candidate running for the Montana legislature, and my morals were such that I would do things not considered appropriate by an average Montanan, I may create an anonymous flier saying something highly derogatory about that candidate.

For example, if I called Candidate A in House District 200 a baby killer, and intentionally left my name off that flier, which is also illegal under current law, the source of my flier could still be tracked through the listing of the printer's name and address on that material.

Although it could be said that the type of person producing slanderous material would take them to an out of state printer to avoid being detected, not everyone is that mindful of that device.

The Honorable Eleanor Vaughn
Page Two
January 30, 1991

It seems to us that the current requirement of listing the printer's name and address on all campaign material provides one more avenue of tracking derogatory or slanderous materials back to their source of origin. We would respectfully ask this committee to consider the implications of removing this requirement.

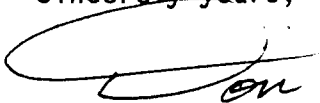
One last point, Madam Chair. One of the problems that Montana is facing today is the loss of jobs and lack of any meaningful effort to retain jobs. HB 79 simply opens the flood gates for more opportunity to lose jobs and economic activity in Montana.

As the law is now, Montana voters can clearly see that candidates are keeping their printing business in our state. Without this requirement, candidates could very well opt to do their printing at larger, out-of-state firms.

For these reasons, we would ask your committee to give House Bill 79 a "do not pass" recommendation. Thank you.

With best regards, I am

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Don", is written over a large, loopy circular flourish.

Donald R. Judge, Executive Secretary
Montana State AFL-CIO

cc: All members of the Senate State Administration Committee

SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 1-30-91

BILL NO. HB 243

PD 1/91

TESTIMONY SUPPORTING HB243 - DEPARTMENT OF ADMINISTRATION
Abolishing State Employee Sick Leave Fund Advisory Council
and Transferring Duties

This bill is introduced at the request of the Department of Administration for the following reasons:

- The Sick Leave Fund Advisory Council was established to develop an employee sick leave fund program. That mission has been very successfully accomplished.
- The Sick Leave Fund Advisory Council meets very infrequently because the program is in place and operates smoothly. (The last meeting was November 2, 1988.)
- The State Employee Group Benefits Advisory Council meets at least quarterly, usually more often. It advises the department on health, dental, life and disability insurance programs and on the deferred compensation benefit program. The sick leave fund program is an appropriate benefit for this council and will not substantially impact its workload or meeting frequency.
- Efficiencies and increased productivity are achieved by consolidating similar benefit programs under one council rather than maintaining and staffing two councils.

The Department of Administration urges DO PASS HB243.

For more information or for a copy of the Sick Leave Fund Quarterly Report, call Laurie Ekanger or Mark Cress, State Personnel Division, 444-3871.

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 30, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 243 (third reading copy - blue), respectfully report that House Bill No. 243 be recommended in

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

LT 1/30/91
Amd. Coord.

SP 1/30/91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 30, 1991

MR. PRESIDENT.

We, your committee on State Administration having had under consideration House Bill No. 79 (third reading copy -- blue), respectfully report that House Bill No. 79 be concurred in.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

LB 1/30/91
Amd. Coord.

SP 1/30 11:00
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
January 30, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 167 (first reading copy -- white), respectfully report that Senate Bill No. 167 be amended and as so amended do pass:

1. Title, line 9.
Following: "BY THE"
Insert: "RULES OF THE"

2. Page 1.
Following: line 17
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [sections 1 through 3] grant to the public employees' retirement board the authority to adopt rules setting time frames for agency payments into the retirement systems that the board administers and rules requiring reports.

(1) The legislature understands that capabilities for expediting deposits to the retirement systems are afforded by the increasing computer resources of both employers and the retirement system.

(2) Therefore, it is the intent of the legislature that

(a) contributions payable to the retirement systems administered by the board be paid within timeframes that are reasonable and cost-effective to contributors and the retirement system ;

(b) while expedited deposits can result in increased investment earnings for the retirement systems and the individual members of those systems, current contribution deadlines may not be shortened unless the resulting increase in investment income would help forestall increases in employer contribution rates required to actuarially fund the system; and

(c) employers be responsible for providing accurate reports containing sufficient information to allow the board to both account for overall retirement system contributions and precisely record and credit membership service, monthly compensation, and membership contributions to individual member's accounts.

3. Page 2, line 1.
Following: "by the"
Insert: "rules of the"

4. Page 2, line 17.
Following: "requires"
Insert: "by rule"

5. Page 2, line 21.
Following: "by the"
Insert: "rules of the"

6. Page 3, line 11.
Following: "~~requires~~"
Insert: "by rule"

7. Page 3, line 17.
Following: "by the"
Insert: "rules of the"

8. Page 4, line 9.
Following: "board"
Strike: "requires"
Insert: "rules require"

Signed: _____
Eleanor Vaughn, Chairman

1-30-91
And. Coord.

1-30-91
Sec. of Senate