

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By WILBUR SPRING, VICE CHAIRMAN, on February 9, 1993, at 8:04 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chair (R)
Rep. Wilbur Spring, Vice Chair (R)
Rep. Ervin Davis, Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

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

Committee Business Summary:

Hearing: HB 404
Executive Action: HB 404; HB 227 (postponed)

HEARING ON HB 404

Opening Statement by Sponsor:

REP. ROGER DEBRUYCKER, House District 13, Floweree, introduced HB 404 by request of the Department of Military Affairs. The bill clarifies funding for the state veterans' cemetery. He

distributed two amendments for the committee's consideration.

EXHIBIT 1, 2

Proponents' Testimony:

Jim Jacobsen, Administrator, Veterans Affairs Division, stated HB 404 clarified funding for the state veterans' cemetery and revises the eligibility for purchase of veterans' license plates.

Mr. Jacobsen explained a special revenue fund existed in statute for the state veterans' cemetery. This fund depends on revenue generated through the sale of veteran license plates, private donations, federal plot allowances, and federal matching funds. The fund is used for construction, operation, and maintenance of the cemetery as appropriated by the legislature. He stated the bill, with the proposed amendment, adds "administration" to the fund uses. The bill also authorizes the Department of Military Affairs to solicit donations and license plate sales. He explained the need for promoting license plate sales and to publicize the existence of the cemetery. **Mr. Jacobsen** explained the bill, with the second proposed amendment, also revises the eligibility for purchase of veteran license plates to include surviving spouses of a veteran and active duty personnel who have completed one term of service. **EXHIBITS 1, 2**

Hal Manson, American Legion of Montana, stated the bill clarified the administration of money from donations and the sale of license plates. He said because of the fiscal condition of the state, the survival of the veterans' cemetery will depend on donations. He urged support of the bill.

George Poston, United Veterans of Montana, supported HB 404.

Robert McKenna, State Board of Veterans' Affairs, pointed out the veterans' cemetery was for all veterans and urged support for the bill.

Dick Baumberger, Disabled Veterans of America, spoke in support of the bill.

Thaddeus Mayer, Board of Veterans' Affairs, supported HB 404.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. DEBRUYCKER stated the bill would not require state funds and urged passage of the bill.

EXECUTIVE ACTION ON HB 404

Motion: REP. HAYNE MOVED HB 404 DO PASS.

Motion/Vote: REP. MASON moved to amend HB 404. EXHIBITS 1, 2
Motion carried unanimously.

Motion/Vote: REP. HAYNE MOVED HB 404 DO PASS AS AMENDED. Motion
carried unanimously.

Motion/Vote: REP. GALVIN moved HB 404 be placed on the consent
calendar. Motion carried unanimously.

EXECUTIVE ACTION ON HB 227

Discussion:

The committee discussed amendments to HB 227 requested by REP.
HOWARD TOOLE, sponsor of the bill. EXHIBIT 3

Sheri Heffelfinger reviewed each amendment. She said the first
amendment inserts "particular cases or" to limit the restriction
on a former public employee's ability to represent a private
agency to specific situations in which the former employee had
involvement.

REP. MOLNAR asked if this amendment addressed the problem in HB
227 of restricting the former director of the department of state
lands from representing the gambling industry. Ms. Heffelfinger
responded that was REP. TOOLE'S intent with the amendment.

REP. DAVIS expressed curiosity about the use of "particular"
as compared to "specific" and asked Ms. Heffelfinger for
clarification. Ms. Heffelfinger said "particular case" would be
applied to situations in which a public employee had worked on a
specific case, for example, a specific mining application.

Ms. Heffelfinger stated amendments 2 and 5 exempted public school
board trustees from financial disclosure requirements of the
bill.

REP. SPRING asked whether HB 227 would affect everyone else. Ms.
Heffelfinger said it would affect everyone who met the definition
of public official or official-elect except school board trustees
and legislators. REP. WALLIN asked if representatives of the
soil conservation board were affected. REP. DAVIS said he
thought the amendment's intent was to eliminate the financial
disclosure requirements on soil conservation board members,
election judges, fire district trustees, and similar officials.

Ms. Heffelfinger stated amendments 3 and 4 remove the financial
report requirement, and amendments 6 and 7 create a triggering
mechanism for the financial report. She said financial

disclosure could be required only if the Commissioner of Political Practices had reasonable grounds to believe a public official had violated statutes.

REP. ROSE expressed concern disgruntled individuals could trigger the requirement for a financial report from any elected official by complaining to the Commissioner of Political Practices. REP. SIMPKINS acknowledged the bill would give the Commissioner discretion in responding to complaints.

REP. RICE asked whether the bill extended its financial disclosure provisions too extensively by including all elected and appointed offices. REP. SIMPKINS suggested the bill would have no purpose unless it applied to all offices.

REP. SQUIRES suggested the bill's sponsor should be asked to consider the issue of who is affected by the bill. She noted the merits of the bill: (1) moving the ethics laws from the Secretary of State to the Commissioner of Political Practices; and (2) considering the question of conflict of interest. REP. SIMPKINS stated the intent of the bill from his view was to prevent department directors from becoming lobbyists in their field of expertise and to move the authority for enforcement of the ethics codes to the Commissioner of Political Practices.

REP. BARNHART said she was willing to work with the sponsor to further revise the bill. REP. GERVAIS suggested a subcommittee be selected to work out provisions of the bill and bring recommendations to the committee. REP. DAVIS agreed with the subcommittee concept.

REP. SIMPKINS appointed REPS. BARNHART, ROSE, and REHBEIN to a subcommittee to report on HB 227 by February 15.

ADJOURNMENT

Adjournment: 9:15 a.m.


DICK SIMPKINS, Chair


DOROTHY POULSEN, Secretary

HOUSE STANDING COMMITTEE REPORT

February 9, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 404 (first reading copy -- white) do pass as amended and be placed on consent calendar .

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Page 10, line 14.

Following: "successor"

Insert: "or documents showing an other-than-dishonorable discharge or a reenlistment"

2. Page 11, line 21.

Following: "for"

Insert: "administration,"

3. Page 20, line 24.

Following: "successor"

Insert: "or documents showing an other-than-dishonorable discharge or a reenlistment"

4. Page 22, line 6.

Following: "for"

Insert: "administration,"

-END-

Amendments to House Bill No. 404
First Reading Copy

Requested by Rep. Roger DeBruycker
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
February 3, 1993

1. Page 11, line 21.
Following: "for"
Insert: "administration,"

2. Page 22, line 6.
Following: "for"
Insert: "administration,"

EXHIBIT 1
DATE 2/9/93
HB 404

Amendments to House Bill No. 404
First Reading Copy

Requested by Rep. Pavlovich
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
February 8, 1993

1. Page 10, line 14.

Following: "successor"

Insert: "or documents showing an other-than-dishonorable
discharge or a reenlistment"

2. Page 20, line 24.

Following: "successor"

Insert: "or documents showing an other-than-dishonorable
discharge or a reenlistment"

EXHIBIT 2
DATE 2/9/93
HB 404

Amendments to House Bill No. 227
First Reading Copy

Requested by Rep. Howard Toole
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
February 4, 1993

1. Page 6, line 4.
Following: "on"
Insert: "particular cases or"
2. Page 14, lines 3 and 4.
Following: "official-elect"
Strike: "[other]" on line 3 through "legislator]" on line 4
Insert: " other than [a legislator or] a school board trustee covered under 20-9-204"
3. Page 14, lines 7 and 8.
Following: "provide" on line 7
Strike: "the" through "(i)" on line 8
4. Page 14, lines 11 and 12.
Following: "family" on line 11
Strike: "; and" through "(3)" on line 12
5. Page 14, line 17.
Following: "official-elect"
Strike: "[other]" through "legislator]"
Insert: "other than [a legislator or] a school board trustee covered under 20-9-204"
6. Page 14, lines 21 through 24.
Following: "commissioner" on line 21
Strike: "may" through "interest" on line 24
Insert: "shall require a public official or official-elect other than [a legislator or] a school board trustee covered under 20-9-204 to report additional financial data if the commissioner has reasonable grounds to believe that there is a violation of a provision of 2-2-103, 2-2-104, 2-2-121, 2-2-125, or 2-2-131"
7. Page 14, line 25.
Following: "reported"
Insert: "under this subsection (3)"
8. Page 16, line 3.
Following: "(4)"
Insert: "The commissioner may require the disclosure of financial information not listed in subsection (3) if the information is necessary for determining if there is a conflict of interest and may adopt rules to implement the provisions of this section.
(5)"

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

State Administration COMMITTEE

BILL NO. HB 404

DATE 2/9/93 SPONSOR(S) Rep. DeBruycker

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim Jacobsen	Montana Veterans Affairs Dir	X	
Buddy Reilly	" " " "	X	
MARIC WINMAN	" " " "	X	
Tony Cumming	American Legion	X	
THADDEUS MAYER	MT Veterans Board	X	
Dick Bamberger	Disabled American Veterans	X	
Larry Longfellow	UFW	X	
George Poston	UVC	X	
Hal Hanson	AMERICAN LEGION	X	
^{Robert} DeBruycker Chairman	Chairman Vet Affs	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.