

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By Senator Eleanor Vaughn, on February 10, 1993,  
at 10:00 a.m.

**ROLL CALL**

**Members Present:**

Sen. Eleanor Vaughn, Chair (D)  
Sen. Jeff Weldon, Vice Chair (D)  
Sen. Jim Burnett (R)  
Sen. Harry Fritz (D)  
Sen. John Hertel (R)  
Sen. Bob Hockett (D)  
Sen. Bob Pipinich (D)  
Sen. Bernie Swift (R)  
Sen. Henry McClernan (D)

**Members Excused:** None.

**Members Absent:** Sen. Larry Tveit

**Staff Present:** David Niss, Legislative Council  
Deborah Stanton, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 268, HB 86, SR 4  
Executive Action: SR 4

**HEARING ON SR 4**

**Opening Statement by Sponsor:**

Sen. Weldon, Vice-chair of State Administration, opened the hearing. Sen. Vaughn presented SR 4, which is the confirmation of Jon Noel as Director of the Department of Commerce.

Mr. Jon Noel, spoke of his qualifications. Mr. Noel came from a business background. He spent most of his career in the business world, working in large corporations and small corporations. For the last five years, he worked as a consultant in a variety of business areas primarily in the area of total quality management, implementing total quality management programs, which is one of

the reasons Governor Racicot was interested in having me apply for this position.

**Proponents' Testimony:**

Christine Mangiantini, League of Women Voters, testified on behalf of herself and spoke in support of SR 4. She spent many months traveling around the state visiting small manufacturing firms around the state including the six manufacturing firms owned by native Americans, one of which is the largest in the state. One of the problems in the state is that we have not modernized the workforce, the equipment or the training programs. Mr. Noel brings that expertise into the State and can provide national and international resources into the business community.

**Opponents' Testimony:**

None.

**Questions From Committee Members and Responses:**

Sen. McClernan asked if he ever hired any illegal aliens. Mr. Noel stated he has never had any form of in-home help.

Sen. Hockett asked Mr. Noel about his thoughts on working with the economic development area in Montana. Mr. Noel said he believed economic development should be primarily a local effort and the role of the Department of Commerce is to provide resources that may not be available at the local level. There are some functions that need to be done on a statewide basis, for example, the area of business recruiting. We don't need to have five different communities all independently going to 3M corporation trying to get a particular project. He spent time talking to the Montana Ambassadors, read the material on the Montana Futures Commission and all of the work done by the competitive Council. We have some phenomenal resources available in the state, in the mineral, the timber and agricultural assets. We also have a lot of highly qualified people that are willing to donate time and we've got to make the maximum utilization of that. Economic development is not the province of the Department of Commerce. The Department of Commerce is a resource to be used in that regard.

Sen. Weldon asked Mr. Noel about the Montana Competitive Council. Mr. Noel referred to Ms. Mangiantini. Ms. Mangiantini stated she was the technical counsel to the Competitive Council. The council is a group of private sector representatives, the Montana Power Company, Burlington Northern, rural and electric cooperatives, both University Presidents, the Director of the Department of Commerce, the Director of the Montana Indian Manufacturers Network and probably five or six others which were not mentioned. "We came together a year ago January in an effort to increase the competition on Montana enterprises, private

sector to private sector. We have no federal or state or public funding of any sort. We are funded by private sector contributions and foundation grants. We have several programs operating in the State of Montana. We are a low-key effort and we don't seek any publicity. We seek to identify problems pertaining to modernization of competition and move to provide private sector solutions to those. We have recently initiated an environmental consultants network in the State which is comprised of about 20 different small and large consulting firms that have come together with ARCO and EXXON and the Stonehouse Corporation and others to see how we can expand and broaden the contract for superfund and other environmental litigation programs in the state to our local entities. Our solutions are private sector to private sector. Our Chairman is Jim Scott from Billings."

**Closing by Sponsor:**

Sen. Vaughn thanked Mr. Noel for taking the time to come and talk to the committee. She urged the committee to pass SR4.

**EXECUTIVE ACTION ON SR 4**

**Motion/Vote:** Sen. Swift moved SR4 DO PASS. Motion SR4 DO PASS CARRIED UNANIMOUSLY.

**HEARING ON SB 268**

**Opening Statement by Sponsor:**

Sen. J.D. Lynch, Senate District #35, presented SB 268. "The purpose of SB 268 is another attempt to have available to the citizens of Montana an additional way to register to vote. The fiscal note is rather fascinating. I cannot imagine that every single fisherman and hunter is not registered to vote. I'm suggesting that the percentage of people already registered to vote in this category is well above 80%. The bill ought to be changed in a couple of places. One is that you do not need a card attached to every single license. I would suggest that the cards be available for people to pick if they want to register to vote. The other proposed change is on line 17 to strike "permit or certificate," simply because you already have a license in order to get a permit or certificate, so it would be redundant. I am not trying to increase the burdens of those who sell licenses. This is just another way to get people to vote, and is aimed at hunters and fishermen. I have supported every possible avenue to get people to vote. If we can do this without causing undue hardship than we should do it. I suggest that knowing the activities of both central committees, the central committees would be more than happy to come down and pick the cards up and deliver them to the courthouse. The clerk and recorders will probably be willing to pick them up. This is just another avenue to get people to vote."

**Proponents' Testimony:**

Gary S. Marbut, on behalf of the National Rifle Association, Gun Owners of America, the National Citizen Committee for the Right to Bear Arms, the Montana Shooting Sports Association, the Western Montana Fish and Game Association, and the Big Sky Trap Shooting Club spoke in support of SB 268. "We believe that if motor voter makes sense, then it makes sense to offer the opportunity to register to vote to all the people who buy hunting licenses every year. Because we thought it was a good idea, we went to the Fish, Wildlife, and Parks Commission almost two years ago and suggested it to them. We asked them to at least begin a pilot project and to test this somewhere and see how it would work. This did not happen. As Sen. Lynch mentioned we don't envision any major paper work problem. People who sell hunting licenses such as the sporting goods stores, would have registration forms available for people to register if they are not registered when they come to buy hunting licenses. They don't have to if they don't want to but it would be a very simple service. We are concerned about the fiscal note. We were told the Secretary of State's office implemented the motor voter bill for \$9600 and that included \$6000 for computer programs. So apparently they had \$3000 worth of expense into implementing motor voter in which they registered 20,000 voters. We believe that is very cost effective government. We propose that this registration of hunting license applicants would be at least as cost effective and at least as worthwhile. I do concur with Sen. Lynch that on line 17, "permit and certificate" ought to be stricken. That was not part of the original intent. We think people who come into sporting goods stores to buy conservation and hunting licenses ought to be able to register to vote there. I have spoken with some of the sporting goods stores in Missoula and they agree with the intent of the bill and they find no problem with it.

Joe Kerwin, Election Bureau Chief, Secretary of State's Office, spoke in support of SB 268 and gave written testimony (EXHIBIT #1). "The Secretary of State's office implemented the motor voter program for under \$10,000. We registered over 22,000 people in the first year. It is important because it brings us back to what government is, serving the public. We are offering people another opportunity to register to vote rather than setting up obstacles. We are saving them a trip to the courthouse. They can register while they buy their hunting licenses. This is good legislation and it is also in keeping with the federal motor voter bill which is pending before the Senate now. It passed the House. We strongly support his bill."

Christine Mangiantini, lobbyists for the League of Women's Voters, spoke on behalf of the 200 members in support of SB 268. "We also concur with the proposed amendment on line 17, striking the three words. We're interested in working out the details of this legislation because it provides a continual process in the voter registration versus waiting until the last minute and

having all those cards pile up on the desks of the electoral personnel in the courthouse. Training is also provided with the Secretary of State's office if it is necessary. We are in concurrence with the general concept of this bill.

Tootie Welker, Montana Alliance for Progressive Policy, spoke in support of SB 268. "Anything that we can do to increase voter registration and make it easier for Montanans to be registered is great and we believe the details can be worked out."

Julie Weddle, Common Cause/Montana, spoke in support of SB 268. On behalf of our more than 800 members we speak in support of this bill. We support any effort to make voter registration easier to the public and to increase voter participation. We think this bill is similar to the motor voter bill which has been very successful in getting Montanans to vote. It makes government more accessible to the people and to Montana citizens who have shown they are interested in the process. We think it is a very creative idea.

Melissa Case, representing Montana People's Action, rose in support of SB 268. "Anything we can do to increase voter registration is a good thing to do and we encourage the committee to pass this bill."

#### Opponents' Testimony:

Bob Lane, Legal Counsel for the Department of Fish, Wildlife and Parks gave written testimony (EXHIBIT #2) neither in support or opposition to the bill.

Maxine Moorhouse, Capitol Sports and Western Wear, Helena, spoke in opposition to SB 268. Their concerns in opposing this bill are that they would be required to be registrars. "We have no opposition to passing out cards to people who are interested in registering. If we are required to act as registrars, we don't feel we are presently compensated enough to take on that extra duty. We already have public relations problems with the customers when they come in to buy licenses just because of the nature of people. Everyone waits until the last minute to buy their licenses. We have long lines of people and they are impatient because they have to stand in line. We have to hire extra people during that time in order to accommodate the license buyers and the people we hire already have to deal with the legalities of who is and who is not a resident and who is eligible to buy a license according to age and residence. It's hard enough to train them to do that without training them to be voter registrars also. We also feel we are not a state agency and we do not want to become one.

**Questions From Committee Members and Responses:**

Sen. Fritz asked Mr. Lane how the license agents are selected. Mr. Lane said they are selected in each community and enough are selected to provide services to people. "We hire enough to cover the needs and at the same time limit the numbers so administratively we can handle that. Basically, if there are license agents in good standing we continue with those people. When we see a need, we look at all the sporting goods services in the community who wish to be license agents and choose just the number we need to serve the public."

Sen. Fritz asked if the people apply for these positions and if there are more applications than there are license agents. Mr. Lane answers yes to both questions.

Sen. Fritz asked if it was a coveted position to be a license agent. Ms. Moorhouse stated if you are in the sporting goods business it is almost a necessity. If you don't offer the license you have already put yourself at a disadvantage. It is a convenience to the customers and it is necessary to be competitive.

Sen. Fritz said by his calculations there is \$700,000 profit made by 400 license agents in the State of Montana. Mr. Lane said that would be correct. There is no compensation for the application but there is a compensation for the licenses.

Sen. Pipinich asked Gary Marbut if he talked to Sportsmen Surplus about this bill. Mr. Marbut stated he did talk to Mr. Grady about it and he also talked to the Black Sheep. The Sporting Goods stores may object to be registrars but they probably have no objection to offering people the opportunity to register and filling out a card. There is a lot of competition to become a license agent. It brings in a lot of customers. The license agents would probably accept this legislation with good grace.

Sen. Swift asked Mr. Kerwin if the only thing an agent has to do is witness the registration. Mr. Kerwin answered the agent would make sure the card has been filled out properly and it is not a very timely process.

Sen. Swift asked Mr. Kerwin if you have to be 18 years old to vote. Mr. Kerwin answered yes.

Sen. Swift asked Mr. Lane if the vendor has to check for certification of youth for anyone under 15 years of age. Mr. Lane said they do have to check for age and it includes the proper safety training if they are under 18 years of age. They also have to check to see whether they qualify as residents of the state. Mr. Lane stated his concern was the employee of the store being under age. The concern is to make sure the card is filled out correctly and those are the duties of the registrar.

Sen. McClernan asked Mr. Kerwin if there were any problems in getting the cards to the license agents. Mr. Kerwin said the county can provide them. There is no problem.

Sen. Weldon said Sen. Lynch stated in his opening statement a measure that the Secretary of State requested concerning streamlining registration process. One of the points is dropping the witness requirement. He asked Mr. Kerwin what that provision would do by dropping that requirement. The registrar now is a person who is trained to register any person in any county in the state. Now you have to be a registered voter in that same county. They are trained by the county election administrator. There is legislation introduced that would do away with that provision. The person would sign an oath like they do now saying that they have met all of the qualifications and that card is sent in. The staff would not have to witness that card. They would just have to send it in to the county. It shifts the burden off the person who is witnessing and onto the person who is signing the card.

**Closing by Sponsor:**

Sen. Lynch said that we were coming to an agreement and he has no problem with the people not being registrars. We came up with a concept but there are problems. The first problem is the witness, how much time does it take to witness. The second problem is how do we get the cards after they are filled out to the courthouse. One suggestion was volunteers from the Central Committees. Another was metered postal cards, that only those mailed in would be charged against the county or state. That would be the logical solution for rural areas. But we could still pick them up within 15 days. It still is an intriguing concept. Quite a few more people will register to vote. He urged support from the committee

**HEARING ON HB 86**

**Opening Statement by Sponsor:**

Rep. Marian Hanson, House District #100, presented HB 86. HB 86 is an act which would clarify the residency for candidates to the Legislature. It would require persons filing for nomination to the Legislature to notify the Secretary of State after changing residence.

**Proponents' Testimony:**

None.

**Opponents' Testimony:**

None.

**Questions From Committee Members and Responses:**

Sen. Burnett asked Rep. Hanson what the penalty was if the candidate does not notify the Secretary of State's Office. Rep. Hanson said that issue was not addressed. At the present time there is no penalty if they do not notify the office.

Sen. McClernan asked if the Secretary of State had an opinion on this bill. Mr. Kerwin said they had no position.

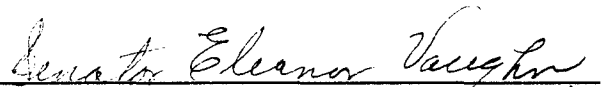
**Closing by Sponsor:**

Rep. Hanson urged the committee to concur with the residency problem.

Sen. Weldon announced that the committee would be meeting in room 325 on Feb. 12 to hear HJR 9 with the House State Administration Committee.

**ADJOURNMENT**

**Adjournment:** 12:00 a.m.

  
\_\_\_\_\_  
Senator Eleanor Vaughn, Chair

  
\_\_\_\_\_  
DEBORAH STANTON, Secretary

EV/ds



# ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 2-10-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz	✓		
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit		✓	
David Niss	✓		

FC8

Attach to each day's minutes

PRELIMINARY

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 10, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 4 (first reading copy -- white), respectfully report that Senate Resolution No. 4 be adopted.

Signed: Senator Eleanor Vaughn  
Senator Eleanor Vaughn, Chair

PRELIMINARY

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 10, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 4 (first reading copy -- white), respectfully report that Senate Resolution No. 4 be adopted.

Signed: Senator Eleanor Vaughn  
Senator Eleanor Vaughn, Chair

EXHIBIT NO. 1

DATE 2-10-93

BILL NO. SB 268

①

MADAM CHAIR AND MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS JOE KERWIN, ELECTIONS AND LEGISLATIVE BUREAU CHIEF FOR SECRETARY OF STATE MIKE COONEY. WE SUPPORT SENATE BILL 268 BECAUSE OF THE IMPORTANCE OF MAKING VOTER REGISTRATION AS ACCESSIBLE TO AS MANY MONTANANS AS POSSIBLE.

OUR OFFICE HAS WORKED CLOSELY WITH THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF JUSTICE IN IMPLEMENTING "MOTOR VOTER" LEGISLATION, WHICH SET UP A PROGRAM SIMILAR TO THAT PROPOSED BY SB 268, WHEREBY ANY PERSON UPDATING OR OBTAINING A DRIVER'S LICENSE COULD REGISTER TO VOTE. THIS PROGRAM HAS BEEN AN OVERWHELMING SUCCESS AND WE FEEL THAT A SIMILAR PROGRAM FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS COULD BE JUST AS SUCCESSFUL.

TODAY, PEOPLE SEEM TO HAVE AN INCREASINGLY CYNICAL VIEW OF GOVERNMENT, WITH THE PERCEPTION OF GOVERNMENT "SERVICE" BEING THAT YOU ARE MADE TO WAIT IN LONG LINES TO PAY A LARGE FEE JUST FOR A SLIP OF PAPER. BUT THE REACTION TO "MOTOR VOTER" HAS BEEN OUTSTANDING BECAUSE HERE IS GOVERNMENT PROVIDING AN EXTRA SERVICE, GOING BEYOND JUST WHAT IS NECESSARY TO HELP THE PUBLIC. INSTEAD OF HAVING TO SAY, "FOR THAT YOU NEED TO SEE SOMEONE ELSE," MOTOR VEHICLE STAFF CAN SAY "IF YOU WOULD LIKE TO REGISTER TO VOTE, I CAN DO THAT FOR YOU."

THIS IS WHAT GOVERNMENT IS SUPPOSED TO DO, SERVE THE PEOPLE. I AM SURE THAT IF VOTER REGISTRATION IS OFFERED TO ANYONE OBTAINING A HUNTING OR FISHING LICENSE THAT THE PUBLIC RESPONSE WILL BE JUST AS ENTHUSIASTIC AND FAVORABLE. WE STRONGLY SUPPORT THIS BILL.

SB 268  
February 10, 1993

**Testimony presented by Bob Lane, Dept. of Fish, Wildlife & Parks  
before the Senate State Administration Committee**

SB 268 proposes to have voter registration cards provided by all license agents, wardens and employees of the Department of Fish, Wildlife & Parks at the time of application for each license, permit or certificate. The license agent, warden or employee shall forward the voter registration card to the election official.

First, I would like to provide you with some information:

1. We have 400 license agents who sell 1 million licenses and distribute 250,000 applications each year. We have 90 department agents who sell 400,000 licenses and distribute almost 100,000 applications each year.
2. There are about 4.5 million license copies and applications to process and distribute annually.
3. The proposed legislation requires the voter registration card to be attached to each form. This would add an additional 1.75 million forms to be processed. A common complaint from our license agents concerns the vast quantities of forms and copies that are processed.

4. Many license agents provide services to customers in several different counties every day. Mail registration laws require cards to be witnessed by a registered voter in the county or witnessed by a notary public before being sent to the election administrator. Many of our license agents hire youths who are not eligible voters and are unable to witness.
5. Mail registration laws require the card to be mailed in 15 days. The license agents would have to mail the cards at their expense on a timely basis.
6. We have completed an informal survey of 41 representative license agents. They are opposed to this legislation by 5 to 1. The license agents who do not oppose it generally are small license agents. License agents are paid a commission of \$.50 to sell each hunting and fishing license. A majority of the agents polled would want additional compensation to process voter registration cards. This compensation could not come from license fees because it would be a diversion of funds.

While the department supports voter registration, we are concerned about the way this program affects our license agents. It is our goal to make the license issuing process as efficient as possible. The proposed legislation would seem to interfere with that goal.

SB 268 License Agent Poll

2-10-93  
SB-268  
02/03/93

Agent No.	Business Name	City	Position		Compensation	
			Support	Oppose	Yes	No
800	Rainbow Sport Shop	Anaconda		1	1	
776	Drew's Hardware	Arlee		1	1	
907	Bigfork Hardware	Bigfork		1	1	
795	Gibson's	Billings		1	1	
224	The Powder Horn	Bozeman		1		1
721	Kirby Saloon	Busby	1		1	
533	Bob Ward's	Butte		1	1	
822	Slide Inn	Cameron		1	1	
428	Paulson Hardware	Chinook	Indifferent		1	
684	Circle Service Center	Circle	1		1	
299	Ben Franklin	Cutbank		1	1	
315	Frontier Anglers	Dillon		1	1	
759	Fishing Headquarters	Dillon		1		1
520	Swede's Place	Drummond		1	1	
274	Ennis's True Value	Ennis		1	1	
772	Schmitt's Live Bait	Fairview		1	1	
509	Fishtail Store	Fishtail		1	1	
148	Forseyth Hardware	Forseyth		1	1	
883	Scheel's Hardware	Gt. Falls		1	1	
498	Bob Ward's	Hamilton	1			1
335	Bing + Bob's Sport Shop	Havre		1	1	
594	Capital Sporting	Helena		1	1	
363	Snappy Sport Center	Kalispell		1	1	
435	Don's	Lewistown		1	1	
252	Libby Sport Shop	Libby		1	1	
920	I + J Market	Lima		1		1
666	Montana's Master Angler	Livingston		1	1	
287	Westside Self Service	Malta		1	1	
652	Montana Trophy Angler	Melrose		1	1	
718	Sportsman Surplus	Missoula		1	1	
255	Grizzly Hackle/Fishing	Missoula		1		1
513	K-Mart	Missoula		1	1	
554	Zeidler hardware	Plentywood		1	1	
738	Sir Michael's Sport Shop	Red Lodge	1		1	
360	Ronan Sports + Western	Ronan		1	1	
470	Coast-to-Coast	Sidney		1	1	
496	Stang's Food Center	St. Regis		1	1	
202	Goose Bay Marina	Townsend	1			1
134	Trout Creek Archery	Trout Creek	1		1	
412	Christians Meat + Grocery	Valier	1		1	
127	Farmers Union Oil	Wolf Point		1	1	
			<u>7</u>	<u>33</u>	<u>35</u>	<u>6</u>

DATE 2-10-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: SB 268, HB 86, SR 4

Name	Representing	Bill No.	Check One	
			Support	Oppose
Julie Weddle	Common Cause	268	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Toots Welker	MAPA	268	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHRISTINE MANGIANTINI	League of Wm. Voters	268	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Kerwin	Secretary of State	268	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maxine Morehouse	Capital Sports Western	268	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GARY S. MARBUT	NRA, GOA, CCRKBA, MSSA, WMFA, BSPSC	268	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**VISITOR REGISTER**

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY