

MINUTES

MONTANA SENATE  
54th LEGISLATURE - REGULAR SESSION  
COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN ETHEL HARDING, on February 8, 1995,  
at 10:00 AM

ROLL CALL

**Members Present:**

Sen. Ethel M. Harding, Chairman (R)  
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)  
Sen. Mack Cole (R)  
Sen. Mike Foster (R)  
Sen. Don Hargrove (R)  
Sen. Vivian M. Brooke (D)  
Sen. Bob Pipinich (D)  
Sen. Jeff Weldon (D)

**Members Excused:** N/A

**Members Absent:** N/A

**Staff Present:** David Niss, Legislative Council  
Gail Moser, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB279 HB295  
Executive Action: SB279 DO PASS  
SB202 DO PASS  
SB265 DO PASS

{Tape: 1; Side: A; Approx. Counter: 51.6}

HEARING ON SB279

Opening Statement by Sponsor:

SEN. LINDA NELSON, Senate District 49, Medicine Lake, said SB279 will provide a stipend of \$25 per month to legislators to assist with phone bills during the interim for calls to state agencies. The \$25 could accumulate, but no legislator could receive more than \$300 per year, except the leadership which now has credit cards. Personal phone bills (or a copy) would have to be

submitted to the Legislative Council for verification with the legitimate calls highlighted. Prior to 1991, legislators were allowed to call through the citizen advocate number to be transferred to the agency needed. That method worked well, but a few legislators abused that privilege, so it was discontinued. **SEN. NELSON** said one of the main ideas for promoting SB279 is to help with the expense of educating legislators in the many areas involved with being a legislator. That education comes from contacting many different agencies for information. **SEN. NELSON** said that during this session, there has been discussion about healthy raises for statewide government officials such as the Governor, Secretary of State, and many in the judicial system. She believes legislators should be giving themselves more respect, and SB279 is long overdue. **SEN. NELSON** said money that would be saved by ending the session one day early would cover the costs of SB279.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses:

**SEN. MIKE FOSTER** asked Senator Nelson to clarify that some type of claim would be submitted with calls to state agencies delineated but not calls to constituents. **SEN. NELSON** said the claim would be a copy of a phone bill submitted to the Legislative Council with the appropriate calls highlighted. **SEN. NELSON** added it is only for calls to state government agencies, not calls to constituents.

**SEN. BOB PIPINICH** said he is in favor of SB279, but doesn't think it should be limited to calls to state agencies. **SEN. NELSON** said the reason for that limitation is that it has been so difficult to get any reimbursement out of the legislature, and this thorough definition would at least be a beginning.

**SEN. MACK COLE** asked Senator Nelson for clarification on the accumulation of the \$25 per month. **SEN. NELSON** said if you went over the \$25 limit the first month, you would only be reimbursed \$25.

**SEN. VIVIAN BROOKE** asked Senator Nelson if it would be simpler to use credit cards for the calls to state agencies rather than having to submit a copy of a phone bill. **SEN. NELSON** said she isn't sure how the credit card method would work within the confines of the \$25 limit. **SEN. BROOKE** said you just wouldn't be reimbursed. It would be a special personal credit card.

**SEN. KEN MESAROS** asked Senator Nelson for clarification that a legislator would submit 12 bills per year when not in session or

submit one bill for 12 months. **SEN. NELSON** said she believes the procedure may be open, and it could be one bill per year or quarterly, or semi-annually, but she added that perhaps the Legislative Council would address that when they send out information to legislators regarding the procedures.

**SEN. MESAROS** asked if this issue is addressed in the bill.

**SEN. NELSON** said she didn't know if it was completely clear in the bill as it was in her draft copy, but she assumes the Legislative Council would handle those details. **SEN. MESAROS** commented that he believes it would be more efficient to submit one bill at the end of the year. **SEN. NELSON** agreed that it would be less book work to submit one bill.

**CHAIRMAN HARDING** commented that the bill states "a legislator may not be reimbursed more than \$300 in any 12-month period" and questions whether that is enough guideline for the Legislative Council to establish procedures.

**CHAIRMAN HARDING** closed the Hearing on SB279.

#### HEARING ON HB295

##### Opening Statement by Sponsor:

**REP. DON HOLLAND, House District 7, Forsyth,** said HB295 was requested by the Commissioner of Political Practices after a legislative audit found his office was not complying with technical aspects of current law. HB295 allows the Commissioner to exercise *discretion* in issuing orders of non-compliance for failure to meet campaign finance reporting requirements. Current law requires the Commissioner, upon determination of non-compliance, to immediately issue an order of non-compliance. The Commissioner's office has been using a more discretionary method because of staff and finance restraints.

##### Proponents' Testimony:

**Ed Argenbright, Commissioner of Political Practices,** said many campaign treasurers are volunteers who are responsible for providing the financial reporting for a campaign, and therefore, there are many circumstances which make timely reporting difficult for those volunteers. **Mr. Argenbright** said the requirement still exists for reports to be submitted for open financial disclosure, but HB295 will allow for discretion to deal with the various circumstances that can arise.

**John Northey, Legislative Auditor's Office,** said they found that the Commissioner was not following the *technical* requirements in the law of notification. **Mr. Northey** said he believes the Commissioner's office is handling situations in a *practical*

manner, but, from a *technical* standpoint, it did not comply with the law.

Opponents' Testimony:

**Jonathon Motl, representing Montana Common Cause**, said the Commissioner is generally required to act mandatorily, and the reason for that is to insulate the Commissioner as much as possible from difficult situations that may arise because of natural friendships that develop with people. **Mr. Motl** discussed the purposes of finance campaign reporting during elections and after elections. He believes the reporting requirements during elections should be left as they are, but the Commissioner could be allowed additional time for inspection of reports submitted after elections.

**J.V. Bennett, representing Montana Public Interest Group (MONTPIRG)**, said they also oppose HB295 because it allows the Commissioner too much discretion, and it can put the Commissioner in a difficult situation for the reasons **Mr. Motl** discussed.

Questions From Committee Members and Responses:

**SEN. DON HARGROVE** asked Ed Argenbright to clarify that he has not issued orders of non-compliance in the past. **Mr. Argenbright** said eight were issued in 1992, and three were issued in 1994.

**SEN. COLE** asked Ed Argenbright to clarify that those were ALL of the non-compliance orders issued. **Mr. Argenbright** said his office attempts to work with people in a practical manner to ensure the reporting requirements are met, and the order of non-compliance is the *final* official order issued.

**SEN. COLE** asked Ed Argenbright what type of non-compliance is most common. **Mr. Argenbright** said there was an extreme case where a report was not filed and it was because the person didn't even have the money for a stamp. He said normally, if a report is submitted but missing a small piece of information, his office will simply call for the missing information. He said the non-compliance order is generally only used when a report is not submitted at all.

**CHAIRMAN HARDING** asked Mr. Northey to comment on the technical requirements of the reports since Mr. Argenbright has stated his office feels the most important thing is to get the report. **Mr. Northey** explained that his office does "compliance testing" and does not have discretion in reporting instances where the law is not being technically complied with. In such situations, his office will make an optional recommendation -- either comply with the law, or seek change. The Commissioner is seeking change.

Closing by Sponsor:

REP. HOLLAND believes HB295 is necessary unless the legislature will appropriate a large amount of funding for the Commissioner to immediately issue civil action suits which the law would require. REP. HOLLAND said in the last election, the Commissioner had 1,269 filed candidates to deal with. HB295 will allow him to provide appropriate services to all candidates while fulfilling the necessary requirements of his office.

CHAIRMAN HARDING closed the Hearing on HB295.

EXECUTIVE ACTION ON SB279

Motion/Vote: SEN. WELDON moved that SB279 DO PASS.  
The MOTION CARRIED 7-1 on oral vote with SEN. HARGROVE voting no.

EXECUTIVE ACTION ON SB202

Motion: SEN. PIPINICH moved that SB202 DO PASS.

Discussion: SEN. MESAROS said he was responsible last session for placing the "sunset" on the Hotline to see how the program would work. He said he is convinced the program works and is beneficial.

SEN. WELDON commented that there had been a proponent during the Hearing on SB202 who was quite upset about a call he had made, but the auditor stated they never actually found record of his call. Senator Mesaros was going to speak with that person.

SEN. WELDON asked Senator Mesaros if he had learned any more about the situation. SEN. MESAROS said it had been decided that perhaps the call had been placed with the Citizen's Advocate or some other office. SEN. MESAROS added that he did discuss that proponent's concern, but it actually involved issues other than the Hotline.

Vote: The MOTION CARRIED UNANIMOUSLY on oral vote.

EXECUTIVE ACTION ON SB265

Motion: SEN. MESAROS moved that SB265 DO PASS.

Discussion: SEN. WELDON expressed his concern that the limit for contributions going into the Fund was set at \$250 or more rather than a lower amount or any amount, but said if all the library people are comfortable with it, then he will be, also.

Vote: The MOTION CARRIED UNANIMOUSLY on oral vote.

MISCELLANEOUS DISCUSSION

SB30  
SB193

ADJOURNMENT

Adjournment: 10:50 AM

  
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ETHEL M. HARDING, Chairman

  
\_\_\_\_\_  
GAIL MOSER, Secretary

EMH/gem



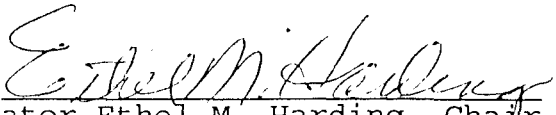


SENATE STANDING COMMITTEE REPORT

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February 8, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration SB 279 (first reading copy -- white), respectfully report that SB, 279 do pass.

Signed:   
Senator Ethel M. Harding, Chair


Amd. Coord.  
Sec. of Senate

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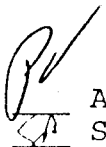
SENATE STANDING COMMITTEE REPORT

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MR. PRESIDENT:

We, your committee on State Administration having had under consideration SB 202 (first reading copy -- white), respectfully report that SB 202 do pass.

Signed: Ethel M. Harding  
Senator Ethel M. Harding, Chair



Amd. Coord.  
Sec. of Senate

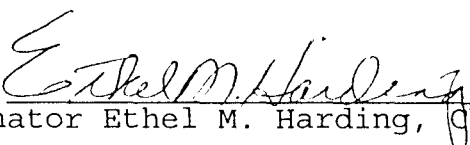
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SENATE STANDING COMMITTEE REPORT

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MR. PRESIDENT:

We, your committee on State Administration having had under consideration SB 265 (first reading copy -- white), respectfully report that SB 265 do pass.

Signed:   
Senator Ethel M. Harding, Chair

  
Amd. Coord.  
Sec. of Senate

331347SC.SPV

DATE: DL-08-95 <sup>Wen</sup>

SENATE COMMITTEE ON STATE ADMINISTRATION

BILLS BEING HEARD TODAY: SB279 / HB295

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<i>Ed Caspary</i>	<i>Com. Pol Practices</i>	<i>295</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>John W. Brothers</i>	<i>OLA</i>	<i>295</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Smith</i>	<i>Comm. course</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>J.V. Bennett</i>	<i>Mont PERG</i>	<i>295</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY