

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN RICHARD SIMPKINS, on February 9,  
1995, at 8:30 A.M.

#### ROLL CALL

##### Members Present:

Rep. Richard D. Simpkins, Chairman (R)  
Rep. Matt Denny, Vice Chairman (Majority) (R)  
Rep. Dore Schwinden, Vice Chairman (Minority) (D)  
Rep. Matt Brainard (R)  
Rep. Patrick G. Galvin (D)  
Rep. Dick Green (R)  
Rep. Antoinette R. Hagener (D)  
Rep. Harriet Hayne (R)  
Rep. Sam Kitzenberg (R)  
Rep. Bonnie Martinez (R)  
Rep. Gay Ann Masolo (R)  
Rep. William Rehbein, Jr. (R)  
Rep. George Heavy Runner (D)  
Rep. Susan L. Smith (R)  
Rep. Carolyn M. Squires (D)  
Rep. Jay Stovall (R)  
Rep. Lila V. Taylor (R)  
Rep. Joe Tropila (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Sheri Heffelfinger, Legislative Council  
Christen Vincent, Committee Secretary

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

##### Committee Business Summary:

Hearing:	HB 410, HB 423, HB 427, HJR 19
Executive Action:	HB 327 DO PASS AS AMENDED
	HB 392 DO PASS
	HJR 19 DO PASS

{Tape: 1; Side: A.}

EXECUTIVE ACTION ON HB 327

Motion: REP. HEAVY RUNNER MOVED HB 327 DO PASS. REP. HARRIET HAYNE MOVED THE AMENDMENTS.

Discussion:

REP. HAYNE stated the amendment had been offered as a technical amendment by the sponsor of the bill. EXHIBIT 1

Vote: Motion carried unanimously with REP. HAGENER and REP. SQUIRES as excused.

Discussion:

REP. BRAINARD asked what other federal elections there are besides the Presidential election.

REP. JOE TROPILA stated there is a congressional election after two years.

Angela Fultz, Secretary of State's Office, stated this bill has been misinterpreted. With the amendment there is a new subsection that makes the "inactive elector". There is also a new section.

REP. MATT DENNY asked if this would change the process currently being used or if they would still count the inactive members.

CHAIRMAN SIMPKINS stated they would determine the electors by rolls.

Ms. Fultz stated the inactive members would still be able to vote in bond elections.

Ms. Heffelfinger stated there needed to be a change. The committee could insert active in the proposed amendment.

REP. REHBEIN suggested they strike section 3 of the bill.

Motion/Vote: REP. JOE TROPILA MOVED TO AMEND SECTION 3 OF THE BILL. Motion carried 17-3 with REP. BRAINARD, REP. REHBEIN AND REP. TAYLOR voting no.

Motion: REP. HEAVY RUNNER MOVED THE AMENDMENT. EXHIBIT 2

{Tape: 1; Side: B.}

Discussion:

REP. DENNY stated there were many people who protest the bond election. He thought this would only muddy the waters more.

REP. REHBEIN asked if this was an attempt to lower mill levies, what would it accomplish.

Ms. Heffelfinger stated there are a large number of mill levies and the list is growing.

CHAIRMAN SIMPKINS stated under current law it is easier than having inactive and active lists. If the amendment were to pass it would be harder to pass the bond proposals.

REP. BONNIE MARTINEZ asked what the purpose of the amendment was.

CHAIRMAN SIMPKINS stated it was not to making it harder to pass bond issues.

REP. MARTINEZ asked what the purpose of the bill was.

CHAIRMAN SIMPKINS stated the purpose of the bill was to bring our laws into compliance with the motor voter act and federal law.

REP. MARTINEZ asked how long the people would be kept off the lists.

CHAIRMAN SIMPKINS stated until they re-register.

REP. MARTINEZ asked what they would do to keep the two lists separate.

CHAIRMAN SIMPKINS replied they would keep them separate by not voting. They would merge for the total amount.

Vote: Motion carried 11-7 with REP. BRAINARD, REP. GREEN, REP. MARTINEZ, REP. REHBEIN, REP. SMITH, REP. STOVALL, and REP. TAYLOR voting no.

Motion/Vote: REP. HEAVY RUNNER MOVED THE AMENDMENT. Motion carried unanimously.

Motion: REP. REHBEIN MOVED THE AMENDMENT. EXHIBIT 3

Discussion:

REP. REHBEIN stated the intent was to take the rule-making authority out of the bill. He asked how this would affect the Secretary of State's Office.

Ms. Heffelfinger stated with subsection (a) it makes this more broad than the voter's registration act. They are taking out language that is too broad. It will tighten up the bill.

Ms. Fultz stated she had no objection to the amendment.

REP. HEAVY RUNNER stated he was not opposed to the amendment.

Vote: Motion carried unanimously.

Motion: REP. REHBEIN MOVED THE AMENDMENT. EXHIBIT 4

Discussion:

REP. HEAVY RUNNER and Ms. Fultz stated they had no opposition to the amendment.

Vote: Motion carried 14-4 with REP. BRAINARD, REP. GREEN, REP. MARTINEZ, and REP. SMITH voting no.

Motion/Vote: REP. HEAVY RUNNER MOVED THAT HB 327 DO PASS AS AMENDED. Motion failed 10-8 with REP. SIMPKINS, REP. SCHWINDEN. REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. KITZENBERG, REP. STOVALL, and REP. TROPILA voting yes.

#### HEARING ON HJ 19

Opening Statement by Sponsor:

REP. BOB PAVLOVICH stated this resolution would require these people to meet at least six times over the interim period and make things consistent with what was done in the last interim.

Proponents' Testimony:

Hal Manson, American Legion, spoke in favor of the bill.

Dick Baumberger, Disabled American Vets, spoke in favor of the bill. He stated there needs to be a review done on a periodic basis.

Larry Longfellow, Veterans of Foreign Wars, spoke in favor of the bill.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. SUSAN SMITH asked if these positions are volunteer.

REP. PAVLOVICH stated they are appointed.

CHAIRMAN SIMPKINS asked to have an explanation of the study commission for the committee.

REP. PAVLOVICH stated they meet at least four to five times a year depending on the money available. They determine where the bills can come from.

CHAIRMAN SIMPKINS asked how long.

REP. PAVLOVICH stated the last one was during the 1993 interim.

CHAIRMAN SIMPKINS asked if this was different than Human Services.

REP. PAVLOVICH stated this would bring the studies into line.

REP. REHBEIN asked what this would cost.

REP. PAVLOVICH stated this would cost between \$8-12,000.

REP. REHBEIN asked how many more people they were going to have to employ to implement this idea.

REP. PAVLOVICH stated there would be no more people than there already are.

CHAIRMAN SIMPKINS stated there is a pot of money at the end of the session for resolutions like this determined by Appropriations. Each member must decide which resolutions are the most important and rank them. The most important ones will receive the most money and there will be less for the resolutions down the line until the money runs out.

REP. SMITH stated her father was a veteran and asked why they couldn't figure this out and why they had to keep doing this again and again.

REP. PAVLOVICH stated the numbers keep changing.

Closing by Sponsor:

REP. PAVLOVICH closed.

HEARING ON HB 410

Opening Statement by Sponsor:

REP. BOB PAVLOVICH, HD 37, read the title of the bill. He stated this would carry the mining industry.

Proponents' Testimony:

Chuck Rose, Seven Up Pete Joint Venture, stated this is a joint ventureship between two companies. It requires many approvals. They are not suggesting the employer should be punished. He stated one of the questions raised was how they could do this and

regulate it at the same time. These people should report to the Secretary of State if they are members of special interest groups. They need to follow the codes set for them and they should include the employees. The people who violate this will discredit everyone.

{Tape: 2; Side: A.}

**John Malee, Montana Federation of Teachers, Montana Federation of Teachers and State Employees**, stated they should have a contract for state employees. Ethics and behavior on the job are important. He gave examples of what he was relating to. He stated there are conflicts of interest as the finances become an issue. This doesn't restrict opinions. If the people are involved there is an obligation to disclose that information. He urged the committee to give the bill a do pass recommendation.

**Cary Hegreberg, Montana Wood Products Association**, stated they have the right to expect objectivity which has occasionally been misplaced. He asked to the committee to support the bill and to give it a do pass recommendation.

**David Owen, Montana Chamber of Commerce**, stated there has been dramatic change. There is no old traditional sense of ownership anymore. With this bill they aren't saying public employees are bad people. He asked the committee for their favorable recommendation.

**Gary Langley, Montana Mining Association**, spoke in favor of the bill.

**Russ Ritter, Montana Resources**, spoke in favor of the bill and hoped the committee would give the bill a do pass recommendation.

**Opponents' Testimony:**

**James Jensen, MEIC**, stated they need to uphold the constitution and not flaw it. Everyone has the right to free association. This bill does not define organization. There needs to be a right to privacy that might not be upheld if this bill were to pass. A person's constitutional right equals protection. He urged the committee to defeat the bill.

**Don Judge, ALF-CIO**, stated this has to do with big government. This would be an intrusion into private lives. They may require people to say they are part of an organization and he felt that was a wrong thing to do. He stated this is bad legislation and unconstitutional. He asked the committee to consider the fiscal note to this bill. The bill doesn't just deal with Natural Resources. He urged the committee to give the bill a do not pass recommendation.

**Terry Minow, Montana Federation of Teachers, Montana Federation of State Employees**, stated this was a dangerous idea to think

about. She opposed the disclosure authority and hoped the committee would defeat the bill.

**Mark Cadwallader** objected to spending taxpayers' money to implement this proposal. He urged the committee to defeat the bill. He submitted written testimony. **EXHIBIT 5**

**Debra Smith, Common Cause**, stated this bill would violate the constitutional rights of people. It doesn't apply to all groups but only a few. This would be a revolving door. She asked the committee to consider a senate bill that dealt with ethics reform and sensible financial disclosure.

**J.V. Bennett, MontPIRG** stated this would not contribute to good government and he urged the defeat of the bill.

**Arlette Randash, Eagle Forum**, spoke against the bill.

**Tom Schneider, MPEA**, stated this is not a good condition for employees. He stated the fiscal note says there would be no fiscal impact when in fact there could be an impact.

**Informational Testimony:**

none

**Questions From Committee Members and Responses:**

**REP. JAY STOVALL** asked why this would be unconstitutional. When they become Representatives they have to fill out a finance statement and other forms disclosing information.

**Mr. Jensen** stated there is a difference between elected officials and employees.

**Closing by Sponsor:**

**REP. PAVLOVICH** closed stating this bill was not unconstitutional.

**HEARING ON HB 427**

**Opening Statement by Sponsor:**

**REP. BOB RANEY** stated anything to move information electronically should be made available for people to use. He submitted **EXHIBIT 6**. He made reference to the book he handed out in his exhibit. The state should adopt this policy. **EXHIBIT 7** It is a valuable thing. The cost of doing this would be spread out.

Proponents' Testimony:

George Ochenski stated this is the next logical step. It is a small investment with no mandates. He hoped the committee would give it a do pass recommendation.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. TROPILA asked what the 1 FTE would be that he had made mention of.

REP. RANEY stated the FTE would be from a reduction in government.

REP. STOVALL stated this was a good idea. He stated there was a larger question. He asked how much money would be involved.

Ms. Herberg stated the bulletin board system would be the beginning. She then referenced the charts in the back of the handout.

REP. STOVALL asked if they would have to enlarge the technical cap.

Ms. Herberg stated if it is successful they wouldn't have to. In the fiscal note the employee needs to contribute for money for the operation of the project.

REP. DENNY asked about Page 1, Section 3, Part 2. He asked how they would go about executing that and what the rates would be.

Ms. Herberg stated it is a proprietary program. There is a variety of rates depending on what they are. Local government would be about \$295 a month. In Raney's bill they would have to look at what each would want and it would depend on what they want accomplished.

REP. DENNY asked if they have sufficient capacity to do this.

Ms. Herberg stated they probably don't. His budget won't be able to do it. It would depend on how fast the expenses occur and they will have to address this as it happens.

REP. DENNY asked how they would enforce the system.

REP. RANEY stated he didn't know.



REP. HEAVY RUNNER stated as they move into the next century they must encourage people to do this as well.

REP. RANEY stated he was correct and they have to encourage people to do this especially in business.

CHAIRMAN SIMPKINS asked why the budget proposed was necessary.

Ms. Herberg stated the budget is a natural thing in slowing things down. The direction of this is agreed with. They need to make it clear and have the legislature agree to it. It is a good policy decision.

CHAIRMAN SIMPKINS asked if it wouldn't be necessary for them to expand.

Ms. Herberg stated it wouldn't be absolutely necessary.

REP. GREEN asked how Mr. Oschenski would respond to the same question.

Mr. Ochenski stated there would be no need in 1995 to make the bulletin board a part of government. Agencies can do this if they have the will. By sending this message they are moving forward.

REP. DENNY asked if they would have a problem addressing the audit GAAP.

REP. RANEY stated he would have no problem with another standard.

Closing by Sponsor:

REP. RANEY stated this is a pilot project. They need to nurture growth among the people. He believed this is a good idea and hoped the committee would give the bill their favorable consideration.

HEARING ON HB 423

Opening Statement by Sponsor:

REP. HAL HARPER, HD 52, stated this is not a new idea. They have been working on this for six years. The bill establishes limits so they are doing this in a way that is constitutional. There are a few amendments to the bill. They tried to address the campaign season. There needs to be something done about negative responses to companies. They worked on this bill with the Secretary of State's Office. With this bill they would not be dealing with federal elections. Within 30 days of signing up they would have to decide if they wanted to set a campaign limit. This would not be totally fixed on the numbers. There would be

finances for those people who violated this. There would be benefits if people were to file in this way.

**Proponents' Testimony:**

Doug Mitchell, Secretary of State's Office, stated campaign spending is a big problem. They need to make campaigns more understandable and reasonable.

Debbie Smith, Common Cause, stated this idea would be self-funding and she hoped the committee would give the bill their favorable recommendation.

J.V. Bennett, MontPIRG, spoke in favor of the bill and hoped the committee would give the bill a do pass recommendation.

Brad Martin, Montana Democratic Party, stated they were in favor of the bill and hoped the committee would give it a do pass recommendation.

**Opponents' Testimony:**

none

**Informational Testimony:**

none

**Questions From Committee Members and Responses:**

REP. SCHWINDEN asked given that the candidates are made to voluntarily limit spending under this bill what would require them to the severance clause.

REP. HARPER stated it would be standard common practice.

REP. GALVIN asked what would stop them from paying the fine.

REP. HARPER stated the actual portion of money over the amount they had specified would go to the Commissioner of Political Practices.

REP. GALVIN asked if they wouldn't then allow them to go beyond what they had specified.

REP. HARPER stated as soon as a candidate goes over the limit they would have to notify the Commissioner.

REP. MASOLO asked if this would favor incumbents.

REP. HARPER stated this is a legitimate criteria for incumbents to some degree. They always have the ability to access more money. He stated they needed to get the campaigns back to the issues.

REP. REHBEIN stated Mr. Martin had supported HB 399 which is in conflict with this bill. He asked him to explain why he was in favor of both bills.

Mr. Martin said both bills have measures that need to be taken.

REP. TAYLOR asked if at the end of the campaign the person a candidate is running against does something in which they need to respond to and they have no money, how would they be able to cover these instances.

REP. HARPER stated they would try to cover these things. If a person is donating time, how do people put a value on it? He stated there is more than one problem they are dealing with.

REP. REHBEIN asked if there would be anything to make up Mr. Martin's mind.

Mr. Martin stated there are strong incentives. One bill was clear of the constitution. There are questions on the limits of what is spent in a campaign.

REP. REHBEIN asked if he would be opposed to rolling caps in HB 399 to what is in Harper's bill.

Mr. Martin said he wouldn't be opposed to that.

REP. DENNY asked how they would proposed to address the loop-hole that would occur with this bill.

REP. HARPER stated he didn't know how they would address that problem.

REP. HEAVY RUNNER stated there is an issue of values. Money doesn't need to be the primary factor in campaigns.

CHAIRMAN SIMPKINS asked if they would have to pay the fine even though they were in agreement.

REP. HARPER stated they would be ill-advised to sign the agreement if they knew they were going to go over the limit.

CHAIRMAN SIMPKINS asked if it was unreasonable to penalize people in this way.

REP. HARPER said that he could decide what was right.

Closing by Sponsor:

REP. HARPER thanked the committee for their time and hoped they would give the bill a do pass recommendation.

EXECUTIVE ACTION ON HB 392

Motion: REP. TROPILA MOVED THAT HB 392 DO PASS. REP. BRAINARD MOVED THE AMENDMENT.

Discussion:

REP. REHBEIN stated he supported the bill, but wouldn't support it with the amendment.

REP. BRAINARD stated this is important to do and he supported the bill.

REP. SMITH stated she didn't like having to go to District Court.

REP. DENNY stated there would be a chance of voter fraud.

REP. TROPILA stated with the amendment it would create more work and he was against that.

REP. REHBEIN said there must be a better way to do this than to go through District Court.

Vote: Motion failed 5-13 with REP. DENNY, REP. BRAINARD, REP. REHBEIN, REP. SMITH, and REP. STOVALL voting yes.

Vote: Motion carried unanimously with REP. HEAVY RUNNER and REP. SQUIRES voting by proxy.

EXECUTIVE ACTION ON HJ 19

Motion: REP. HAYNE MOVE THAT HJ 19 DO PASS.

Discussion:


REP. REHBEIN stated there is a home being built in Glendive. He asked why they couldn't fill the beds.

REP. SMITH stated if the resources decrease, government will help.

Vote: Motion carried 14-4 with REP. BRAINARD, REP. MARTINEZ, REP. REHBEIN and REP. SMITH voting no.

ADJOURNMENT

Adjournment: 11:30 a.m.

  
RICHARD SIMPKINS, Chairman

  
CHRISTEN VINCENT, Secretary

RS/cdv

# HOUSE OF REPRESENTATIVES

## State Administration

ROLL CALL

DATE 2-9-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		




## HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that **House Joint Resolution 19** (first reading copy -- white) **do pass.**

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

  
Committee Vote:  
Yes 14, No 4.

341151SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that **House Bill 392** (first reading copy -- white) **do pass.**

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

*SS*  
Committee Vote:  
Yes 18, No 0.

341153SC.Hdh



# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-95 BILL NO. HB NUMBER 327

MOTION: Rep. Hayne moved the amendment

hb 032701.agg.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority <sup>excused</sup>	—	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener <sup>Excused</sup>	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <sup>excused</sup>	—	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-95 BILL NO. HB NUMBER 327

MOTION: Rep. Joe Tropila moved to amend sect. 3 on the amend.

hbo32703-ash

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard		✓
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein		✓
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor		✓
Rep. Joe Tropila	✓	

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-95 BILL NO. HB NUMBER 327

MOTION: Rep. Heavy Runner moved the  
amendment

hb32701.ash

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-95 BILL NO. H3 NUMBER 327

MOTION: Rep Heavy Runner moved the amendment.

hb032703.ash

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard		✓
Rep. Pat Galvin	✓	
Rep. Dick Green		✓
Rep. Toni Hagener	✓	
Rep. Harriet Hayne <i>By Proxy</i>	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	<del>name</del>	✓
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein		✓
Rep. Susan Smith		✓
Rep. Jay Stovall		✓
Rep. Carolyn Squires	✓	
Rep. Lila Taylor		✓
Rep. Joe Tropila	✓	

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-95 BILL NO. HB NUMBER 327

MOTION: Rep. Rehbein Moved the amendment.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 2-9-95 BILL NO. HB NUMBER 327

MOTION: Rep. Rehbein moves the amendment.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard		✓
Rep. Pat Galvin	✓	
Rep. Dick Green		✓
Rep. Toni Hagener	✓	
Rep. Harriet Hayne <i>By Proxy</i>	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez		✓
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith		✓
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

# HOUSE OF REPRESENTATIVES

as  
amend

## ROLL CALL VOTE

### State Administration

DATE 2-9-85 BILL NO. HB NUMBER 327

MOTION: Rep. Heavy Runner move do pass  
as amended.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority		✓
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard		✓
Rep. Pat Galvin	✓	
Rep. Dick Green		✓
Rep. Toni Hagener	✓	
Rep. Harriet Hayne		✓
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez		✓
Rep. Gay Ann Masolo		✓
Rep. Bill Rehbein		✓
Rep. Susan Smith		✓
Rep. Jay Stovall		✓
Rep. Carolyn Squires	✓	
Rep. Lila Taylor		✓
Rep. Joe Tropila	✓	

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-95 BILL NO. HP NUMBER 19

MOTION: Rep. Hayne moved to Pass

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard		✓
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez		✓
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein		✓
Rep. Susan Smith		✓
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	



# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-96 BILL NO. HB NUMBER 388

MOTION: Rep. Tropila moved To Pass

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner <i>By Proxy</i>	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <i>By Proxy</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-9-95 BILL NO. HB NUMBER 392

MOTION: Rep. Brainard moved the amendment

NAME	AYE	NO
Rep. Dick Simpkin, Chairman		✓
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin		✓
Rep. Dick Green		✓
Rep. Toni Hagener		✓
Rep. Harriet Hayne		✓
Rep. George Heavy Runner		✓
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez		✓
Rep. Gay Ann Masolo		✓
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires		✓
Rep. Lila Taylor		✓
Rep. Joe Tropila		✓

COMMITTEE PROXY

Date 2-9-95

I request to be excused from the State Ad.

Committee meeting this date because of other commitments. I  
desire to leave my proxy vote with Matt Denny.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO


SENATE BILL/AMENDMENT AYE NO


Rep. Harriet Hoynes  
(Signature)

EXHIBIT 1  
DATE 2/9/95  
HB 327

Amendments to House Bill No. 327  
First Reading Copy

Requested by Representative Heavy Runner  
For the Committee on State Administration

Prepared by Greg Petesch  
February 6, 1995

1. Page 4, line 30.  
Strike: "presidential"  
Insert: "federal general"

EXHIBIT 2  
DATE 2/9/95  
HB 327

Amendments to House Bill No. 327  
First Reading Copy

Requested by Rep. Heavy Runner  
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger  
February 7, 1995

1. Title, line 11.

Following: "ELECTORS;"

Insert: "REVISING THE PERCENTAGE OF QUALIFIED ELECTORS REQUIRED  
FOR APPROVAL IN CERTAIN LOCAL AND SCHOOL ELECTIONS;"

Following: "SECTIONS"

Insert: "7-7-2237, 13-1-101,"

2. Title, line 12.

Strike: "AND"

Following: "13-19-313,"

Insert: "AND 20-9-428,"

3. Page 1.

Following: line 20

Insert:

**Section 1.** Section 13-1-101, MCA, is amended to read:

**"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

EXHIBIT 1  
DATE 2/9/95  
HB 327

*Rep. Heavy  
runner*

## Do what it takes to register voters

What kind of county recorder is Vickie Zeier, that she lobbies against a bill aimed at increasing voter registration (Missoulain, Feb. 2)? Lazy, at any rate!

Is she unaware that her new computers can easily handle the increased record-keeping and printing the bill specifies? A few thousand dollars in postage is much less than candidates spend to get us to vote, but in a partisan manner. (City Council members do it unpartisan — like for free. Some, such as Councilman Al Sampson, unfortunately also broadcast, during the council meeting the day before last November's election, that citizens should not vote on some ballot questions.)

Here Zeier is, discouraging Missoulians from voting, "Just because it increases registration, does that mean people will take the time to go vote?" We pay her keep so that she may both register as many voters as possible and urge them to vote. Yet she quietly dissuades us from voting. I call that dereliction of duty, and think she should not register herself — for re-election.

Missoulain  
2/8/95

— Anthony Tweedale,  
224 E. Pine St., Missoula

Amendments to House Bill No. 327  
First Reading Copy

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

Prepared by Sheri S. Heffelfinger  
February 7, 1995

1. Title, line 9 through line 11.  
Strike: "REVISING" on line 9 through "ELECTORS;" on line 11
2. Title, line 12.  
Strike: "13-2-203, 13-2-207, 13-2-402, 13-2-512,"  
Insert: "AND"  
Strike: "AND 13-19-313,"
3. Page 2, line 6.  
Strike: ":"
4. Page 2, lines 7 and 8.  
Strike: subsection (a) in its entirety
5. Page 2, line 9.  
Strike: "(b)"
6. Page 2, line 10.  
Strike: ":"
7. Page 2, lines 11 and 12.  
Strike: "(i)" on line 11  
Following: "registration" on line 11  
Strike: "; and" on line 11 through "requirements" on line 12
8. Page 3, line 14 through page 5, line 17.  
Strike: Sections 4, 5, 6, and 7 in their entirety  
Re-number: subsequent sections
9. Page 6, line 3 through line 21.  
Strike: Section 9 in its entirety  
Re-number: subsequent sections
10. Page 6, line 30 through page 7, line 7.  
Strike: Section 11 in its entirety  
Re-number: subsequent sections
11. Page 7, line 11.  
Strike: "Sections 10 and 11"  
Insert: "Section 5"  
Strike: "are"  
Insert: "is"
12. Page 7, line 13.  
Strike: "sections 10 and 11"  
Insert: "section 5"

EXHIBIT 4  
DATE 2/9/95  
HB 327

Amendments to House Bill No. 327  
First Reading Copy

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

Prepared by Sheri S. Heffelfinger  
February 7, 1995.

1. Title, line 13.

Following: "DATE"

Insert: "AND A CONTINGENT TERMINATION DATE"

2. Page 7.

Following: line 9

Insert:

"NEW SECTION. Section 13. Contingent termination. [This act] terminates on the date that the secretary of state certifies to the governor that the National Voter Registration Act of 1993 is discretionary."

Renumber: subsequent sections



BEFORE THE HOUSE COMMITTEE ON STATE ADMINISTRATION

Testimony of Mark Cadwallader  
Opposing House Bill No. 410  
February 9, 1995

Good morning Mr. Chairman, members of the committee. My name is Mark Cadwallader. I am here today speaking as a private citizen in opposition to House Bill 410. I have taken leave time from my job in order to be here this morning.

I oppose House Bill 410 because I object the waste of my tax money on make-work projects that keep state employees from doing their jobs. Don't let the proponents of this bill tell you that there is no financial impact associated with this bill. This bill would require every agency to make a master list of every organization that appears before it each year and distribute that list to every agency employee. Each and every agency employee would have to then take on-the-clock time to review that list to see if they are a member of any of the organizations listed.

But that is not all. Each agency (or somebody in state government) will have to get a list of every organization that lobbies the Legislature. Once that list is compiled, each agency will have to determine what issues that organization lobbied on, and whether any of the issues fall within the jurisdiction of the agency. Now I'm not sure how that is going to be determined, but I suppose that means that each organization will have to be interviewed to see which issues it lobbied on. Because there are hundreds of registered lobbyists in the state, that's going to take quite some time, all at taxpayer expense.

But we're still not done. From that list of lobbyists, with a list of issues that were lobbied, each and every agency employee will have to review that list to see if he or she is a member of one of the organizations on that list. If so, the taxpayers of the state, and that includes me, will have to pay to have all the affected state workers look through their financial records to see how much they paid to that organization in the last year.

Once each state employee has looked at two lists, then the employees will have to prepare a report about it. I assume that every state employee will have to fill out the report, in order to document that they are complying with the law. There will need to be three copies of the report made: one for filing with the Secretary of State; one for the agency records (to show compliance if the Legislative Auditor comes to check), and a copy for the employee to keep.

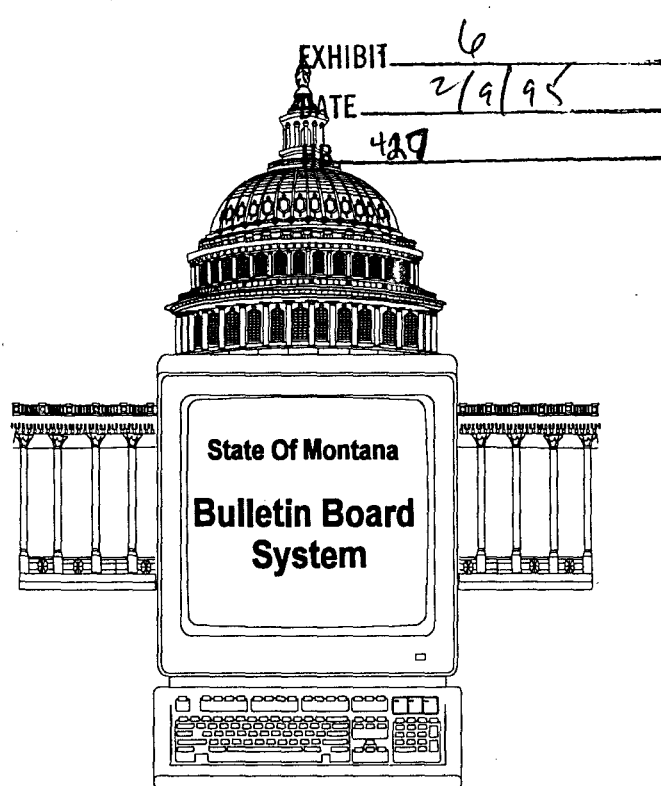
Testimony of Mark Cadwallader  
Opposition to HB 410  
February 9, 1995  
page 2

And guess what? If this bill is enacted, in order to make the first report, each agency will have to go back two years and create the lists for 1993 and 1994! How long will that take?

I find it inconceivable for Legislature to want to waste the tax dollars of Montanans with this sort of make-work. Think about whether your constituents sent you here to Helena to come up new ways to decrease the productivity of every state worker. Even if you ignore the fact that this bill proposes to invade the privacy of every state worker, and even if you don't believe that this bill is intended to chill the First Amendment rights of state workers, think about the cost to every taxpayer in this state. And then vote to kill this bill.

Thank you for your time and attention. I ask that my written comments be entered into the record.

HB410.tst



**State  
Government  
Information...**

**A COMPUTER  
SCREEN AWAY!!**

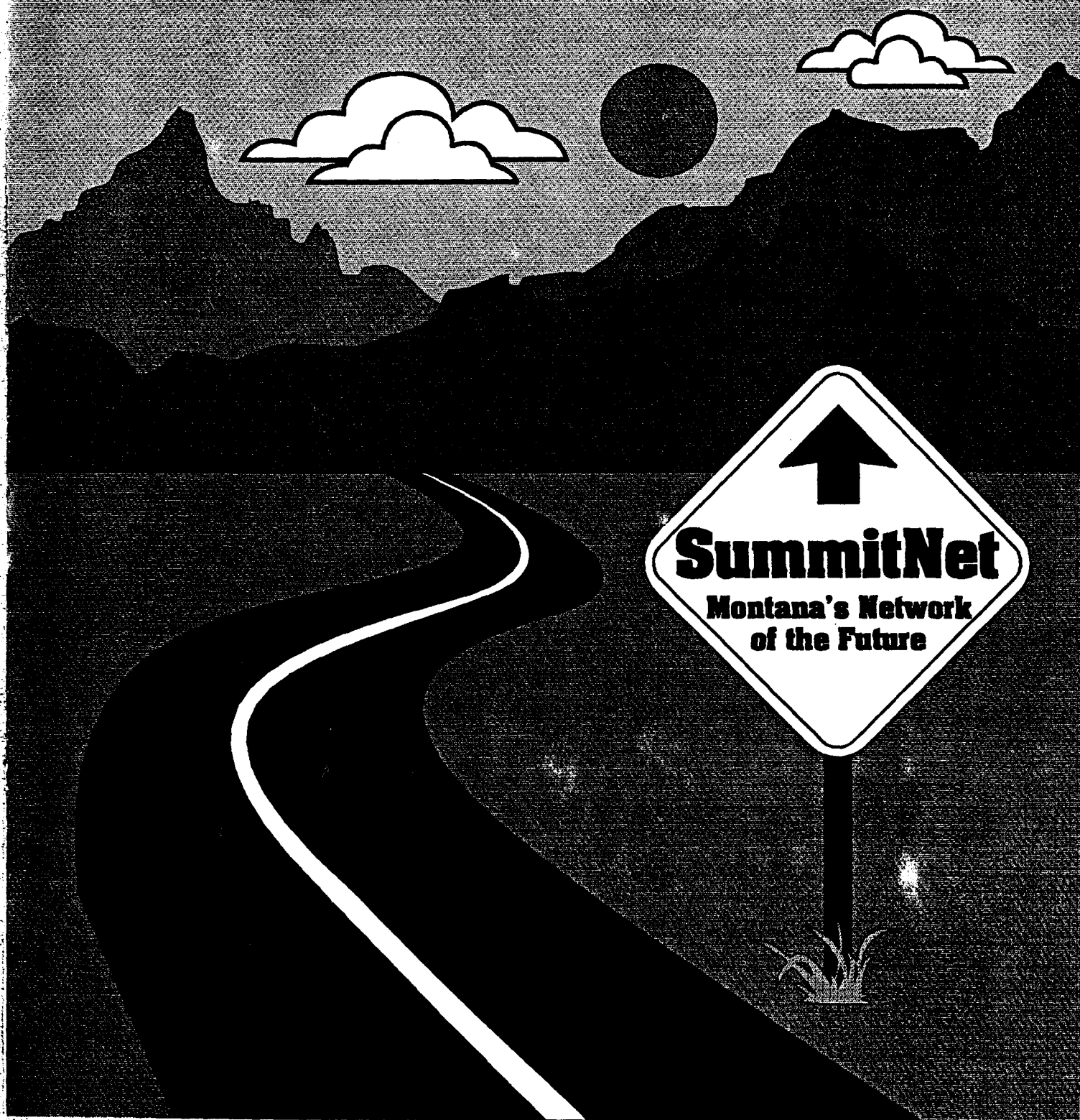
**State Of Montana  
Department Of Administration  
Information Services Division**

# Building The Information Highway To The 21st Century!

EXHIBIT 6

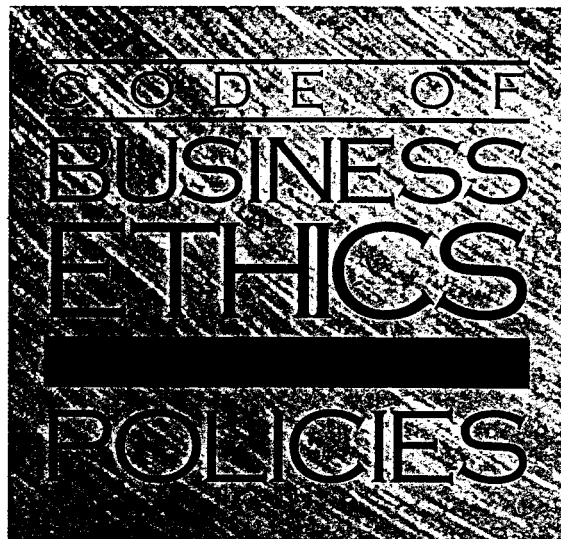
DATE 2/9/95

HB 427



PHELPS DODGE CORPORATION

EXHIBIT 7  
DATE 2/9/95  
HB 427



*An employee guide to company ethics and policies.*

SEPTEMBER 1993

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE 2-9-75

BILL NO. HB427

SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<del>Sen May</del>	DOT		
<del>Tony Herbert</del>	ISD		
RICHARD CROFTS	OCHF	✓	
GEORGE OCHENSKI	SELF	✓	

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

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE 2-9-95

BILL NO. 1+B423 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Ed Argenbrigt	C. of Pol Practices		
Doug Mitchell	S. OF STATE	X	
Deborah Smith	Common Cause	X	
J.V. Bennett	Mont PIRG	X	
Brad Martin	MT Democratic Party	X	

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

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE 2-9-95

BILL NO. HB 410 SPONSOR(S) PANLOVICH

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Jim Jensen	WETC		X
MARK CADWALLADER	self		X
Terry Munn	MFT/MFSE		X
Tom Schneider	MPERT	<del>X</del>	<del>X</del>
Russ Ritter	Wash Corp	X	<del>X</del>
Don Judge	MT STATE AFL-CIO		X
GARY LANGLEY	MT- MINING ASSN.	✓	
John M Ale	M.F.T./M.F.T.S.E		X
Chuck Rose	Seven-Up Pet Joint Venture	✓	
JD May	DOT		
Bob Williams	mt mining assn	X	
Dabbi Smith	Common Cause		X
J.V. Bennett	Mont PERL		X

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

Arlette Kordun  
Laurie Koutwik  
Tammy Johnson  
Cary Hegreberg

Eagle Forum X  
CC of MT X  
Cure  
MT Wood Prod. Assoc. X

mt chamber support



HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE 2-9-75

BILL NO. HQ 19

SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dick Baumberger	Disabled Am. Vets	X	
Herb Winsor	Self	X	
HAL MANSON	AMERICAN Legion	X	
Larry Longfellow	Veterans of Foreign Wars	X	
Monte Beck	Self citizen		X

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

election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(9) "Inactive elector" means a qualified elector who is placed on an inactive list under the provisions of 13-2-207(3) or 13-19-313(4).

(10) "Individual" means a human being.

~~(10)~~(11) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

~~(11)~~(12) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (2) of this section.

~~(12)~~(13) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(13)~~(14) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(14)~~(15) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(15)~~(16) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(16)~~(17) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(17)~~(18) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(18)~~(19) "Voting machine or device" means any equipment

registrar for such school bond election;

(b) determine the total number of qualified electors who voted at the school bond election from the tally sheet or sheets for such election;

(c) calculate the percentage of qualified electors voting at the school bond election by dividing the amount determined in subsection (1)(b) by the amount determined in subsection (1)(a); and

(d) when the calculated percentage in subsection (1)(c) is 40% or more, the school bond proposition shall be deemed to have been approved and adopted if a majority of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(e) when the calculated percentage in subsection (1)(c) is more than 30% but less than 40%, the school bond proposition shall be deemed to have been approved and adopted if 60% or more of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(f) when the calculated percentage in subsection (1)(c) is 30% or less, the school bond proposition shall be deemed to have been rejected.

(2) If the canvass of the vote establishes the approval and adoption of the school bond proposition, the trustees shall issue a certificate proclaiming the passage of such proposition and the authorization to issue bonds of the school district for the purposes specified on the ballot for such school district bond election.

(3) For purposes of this section, the total number of electors who were qualified to vote under subsection (1)(a) includes inactive electors who turn out and vote in the election."

{ssh Internal References to 20-9-428:

x20-6-206                      x20-6-318                      x20-15-404\*}

Renumber: subsequent sections

5. Page 7, lines 11 and 13.

Strike: "10 and 11"

Insert: "11 and 12"