

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN ETHEL HARDING, on January 18, 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: SB37 SB89
Executive Action: N/A

HEARING ON SB37

Opening Statement by Sponsor:

SEN. AL BISHOP, Senate District 9, Billings, said that SB37 is a result of one of the recommendations of the Governor's Task Force to Renew Montana Government. What SB37 does is submit a constitutional referendum to the people of the State of Montana to vote whether or not to abolish the office of the Secretary of State and merge it with the office of Lieutenant Governor. The bill is to be voted on in November 1996, with a delayed effective date of January 1, 2001.

SEN. BISHOP referred to a handout of amendments. The bill started out using the designation that the Governor and the Secretary of State would run as a team. The amendments put it back so that the team will be the Governor and the Lt. Governor,

and the bill simply does away with the office of the Secretary of State and puts all of the functions of that office into the Lt. Governor's office. One reason for retaining the Lt. Governor office and removing the Secretary of State office is that most people do not clearly understand the function of the office of the Secretary of State, but they do understand the team of Governor and Lt. Governor. There seems to be a ground-swell across the country for this type of streamlining of government. The fiscal note with SB37 indicates there would be savings of about \$129,000 per year. More importantly, though, SB37 puts more policy-making in the office of the executive and makes it easier to identify who exactly is responsible for the things that are happening. If there is any concern about a reduction of the number of elected executive officials, consider that there are three states that have just one elected executive official. Montana has six: the Governor, Lt. Governor, Attorney General, Secretary of State, Superintendent of Public Instruction, and the Auditor. There are other statewide elected offices, but these are the executive officers.

Last September, the Media Task Force and Montana State University of Billings conducted a professional telephone poll. Of the Montanans polled, 62.4% of them agreed that it was a good idea to merge these two offices (even without the information regarding the dollar savings).

Another reason for the bill: under the Constitution, the only responsibility that the Lt. Governor has is that of succession. That is, if something should happen to the Governor where he/she were unable to act, the Lt. Governor would step in as Governor. The Lt. Governor does have other duties as assigned by the Governor. What SB37 is doing, then, is giving the Lt. Governor something to do.

SEN. BISHOP stated that there was a problem with State Board of Land Commissioners. If SB37 passes with amendments, the office of Secretary of State would be eliminated. That would eliminate one of the five positions of the State Board of Land Commissioners. The Lt. Governor would not be placed on that Board as that would essentially give the Governor two votes. The four members of that Board would be the Governor, the Attorney General, Superintendent of Public Instruction, and the Auditor. Per one of the amendments, those four members would select a fifth member to act on the Board. If they are unable to do so, the Chief Justice of the Supreme Court will appoint a member.

Proponents' Testimony:

Dennis Rehberg, Lt. Governor, stated there were some changes in 1972 with the new Constitution tying the two elected officials together - the Governor and the Lt. Governor - so that they would at least be tethered in principle. In the past, Mr. Rehberg has made some changes in the office of Lt. Governor, essentially reducing the number of staff in the Lt. Governor's office and

utilizing the staff of the Governor's office instead.

Mr. Rehberg said he currently has a staff of two who are able to fulfill the current requirements, i.e., the Boards and the Commissions appointments including background checks, logistics, phone calls, etc. **Mr. Rehberg** also stated that there is some duplication of work between the Lt. Governor's office and the Secretary of State's office.

Mr. Rehberg stated that the goal is not to reduce the number of elected officials versus appointed, just that we don't need as many elected officials as we have. **Mr. Rehberg** stated that we still need to understand the succession issue. There is probably not much appreciation for the person taking over until that situation occurs. Preparation is the key. For example, in disaster and emergency services, who wants to spend money on helmets and sandbags, etc., until that flood or fire happens. The same is true with the office of the Governor and having someone who is prepared to take over as Governor if needed. Also, the reason for asking that these two officials be tied together and run as a team is that it would provide less disruption and a more orderly transition and progression than if the Governor was Republican and the Lt. Governor was Democrat (or vice versa). It would be what the people voted for initially.

Opponents' Testimony:

Eric Feaver, Montana Education Association, stated that he did not want to rise as an opponent to what Sen. Bishop and the Task Force are trying to do. **Mr. Feaver's** testimony is very particular in nature and has nothing to do with the office of the Secretary of State and Lt. Governor being combined, it has everything to do with the Land Board. **Mr. Feaver** urged the Committee to adopt Sen. Bishop's proposed amendments regarding the Land Board. This would, maybe, resolve disputes that could arise over having the Secretary of State be the running-mate to the Governor and both of them serving on the Land Board at the same time.

Mr. Feaver said there is another Constitutional amendment (HB228) that has just been introduced in the House that would eliminate the Superintendent of Public Instruction as the chief State school officer and take that position away from the Land Board. If HB228 were to pass and the people were to accept it, and SB37 passed, as introduced, the Land Board would be four persons: Governor, Secretary of State, Auditor, and Attorney General. If HB228 passes and SB37 passes with the amendments, then the Land Board would be the Governor, Auditor, Attorney General, and a fifth member, but no fourth member, and there would be no representative of school lands.

Questions From Committee Members and Responses:

SEN. BOB PIPINICH asked Sen. Bishop if the entire sheet of amendments were what Sen. Bishop wanted put into SB37.

SEN. BISHOP said they were, and that the amendments had been prepared by Greg Petesch in the Legislative Council office.

SEN. PIPINICH also commented that there is an amendment for Section 4 regarding the appointment of a fifth member to the Land Board which would take care of some of Mr. Feaver's concerns.

SEN. BISHOP responded that he had addressed that issue and rather than having a four-member board (which could likely result in deadlock) that a five-member board is a good size. **SEN. BISHOP** also addressed Mr. Feaver's concern about not having a representative of Education on the Land Board if HB228 does pass.

SEN. BISHOP said that at that point, the Governor would be the representative for Education.

Leo Giacometto, arrived with a white copy of a fiscal note for SB37 which was handed to all committee members.

SEN. JEFF WELDON suggested, because of the scope of the amendments, the committee request a "gray copy" of SB37. A "gray copy" will integrate the amendments as if they were being passed.

SEN. MACK COLE asked the Lt. Governor, Dennis Rehberg, about the reduction of three FTE and the "Long Range Effects" total on the fiscal note of \$129,000. Where exactly would this reduction come from. **Mr. Rehberg** answered that two of the reductions would be the combination of the two offices, i.e., there would naturally be a reduction of the administrative need -- secretarial services, reception, or the duplication on the Boards and Commissions work. The other FTE is either the Lt. Governor or the Secretary of State, depending on which amendments are accepted.

SEN. MIKE FOSTER asked Mr. Rehberg to clarify that the fiscal note would not be impacted if this Committee were to adopt the amendments. **Mr. Rehberg** stated that that is true, and in fact, the fiscal note was written with these amendments accepted. **Mr. Rehberg** added that he cannot speak regarding the Land Board issue but that issue could be dealt with at another time. **Mr. Rehberg** said that the most important issue at this point is who will be on the ballot and how is it going to be presented for the general election in 1996. The peripheral issue of the makeup of the Land Board can be changed at the election in the year 2000.

Closing by Sponsor:

SEN. BISHOP said that the Code Commissioner will be kept very busy if SB37 passes because there are so many references in the existing law that will have to be changed. Also, SB37 will affect the Board of Examiners, but that has to do with statutory issues, not constitutional, and will probably be dealt with the in the 1997 session. The important thing now is to get this bill

out to the people to see if they want to vote to streamline government, save money, and ensure more precise accountability.

CHAIRMAN HARDING closed the hearing on SB37.

HEARING ON SB89

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, Senate District 24, Great Falls, said that in the "good old/bad old days" people who gathered signatures on petitions generally did so for altruistic reasons and because they believed in the issue enough to take the time to work to convince their fellow Montanans of the value of the issue. However, that altruism may be gone in these days, and the attempt to get ballot signatures is now big business with the spectre of money having been added to the process. **SEN. DOHERTY** stated he did not, in any way, want to affect the voluntary exercise of people attempting to convince their neighbors that they ought to act on specific issues. But that he does want "truth in lobbying" to extend to citizens when they act as legislators. **SEN. DOHERTY** stated that when somebody is voting or signing their name to a petition, they are acting on laws, and they are using the power of the people to act as legislators. **SEN. DOHERTY** believes there should be laws that regulate the way that Montanans are treated or what they are told when they are asked to sign a ballot petition. **SEN. DOHERTY** also believes people are entitled to know why someone is carrying that petition for signatures -- if they're doing it for hire. **SEN. DOHERTY** related a personal experience where he was given incorrect information by individuals attempting to get his signature. When he discussed it with them, they said "well, that's just what I was told". SB89 would provide for licensing of those people and provide enforcement of the new provisions.

Proponents' Testimony: None

Opponents' Testimony:

Deborah Smith, attorney, representing Common Cause of Montana, rose in opposition to SB89. **Ms. Smith** stated that members of the Board of Common Cause are willing to work with Sen. Doherty to find other solutions to any problems that may exist concerning the initiative process. The overall impression that Common Cause has of this initiative process in Montana is that it is working. Common Cause would like to form perhaps a sort of working group of people involved in the initiative process to determine if there are abuses being made of the process by paid signature gatherers. **Ms. Smith** agreed with Sen. Doherty that often times the paid signature gatherers are not always well informed regarding a particular initiative, but that that doesn't just apply to the paid signature gatherers. **Ms. Smith** also claimed that, in fact, paying someone to gather signatures may even

increase the chance that they would spend more time learning what the initiative is all about than someone who cares deeply but doesn't have much time. Common Cause also feels that the office of the Commissioner of Political Practices is already overburdened; and the issues of SB89 could be dealt with at other levels if in fact it were determined that abuses in this process clearly exist. **Ms. Smith** also stated that the condition in SB37 of having the paid signature gatherers register in each county where they gather signatures may be quite onerous.

Susan Good, of CI67, commended Common Cause for their offer to help put together a group to work on initiative process issues because there are issues that need work. She stated that it doesn't make sense to have a law that says the truth must be told whether someone is paid or unpaid. She stated her group would be happy to work with Common Cause in any way.

Laurie Koutnik, representing Christian Coalition, stated that she believes SB89 is the beginning of an expansion of regulations into the people's right to the initiative process. The Christian Coalition believes the process as it exists is working as evidenced by the increase in initiatives placed on the ballot as well as an increase in voter turnout. She said that her organization does not hire signature gatherers, but that she knows of a number of temporary services involved with hiring signature gatherers. **Ms. Koutnik** said she believes that those particular individuals working through temporary agencies are educated and have been given information and details on how to handle situations. **Ms. Koutnik** stated that time is often an issue in the ballot initiative process, and sometimes people are forced into hiring people to gather the necessary signatures.

Ms. Koutnik, stated that to keep the initiative process with the people, and that since it already functions well, we not begin to regulate this process. She stated that the Christian Coalition would also be willing to participate in a group to work on necessary reforms in this area.

Questions From Committee Members and Responses:

SEN. KEN MESAROS asked if there was a fiscal note with SB89. The secretary responded that the fiscal note had been requested on 01/12/95, but has not been delivered yet. **SEN. JEFF WELDON** suggested keeping the hearing open on SB89 so that the committee members could ask questions of the sponsor and opponents -- as the members are to be on the Senate floor now. **CHAIRMAN ETHEL HARDING** asked the other members who still had questions. Many of the committee members indicated that they did have questions. **CHAIRMAN HARDING** agreed to reconvene, for the Questions portion of the hearing, in the morning if the sponsor and opponents would return.

ADJOURNMENT

Adjournment: 10:55 AM



ETHEL M. HARDING, Chairman



GAIL MOSER, Secretary

EMH/gem

WFO
01-18-RV

DATE _____

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DATE: WED
01-18-95

SENATE COMMITTEE ON STATE ADMINISTRATION

BILLS BEING HEARD TODAY: SB89 SB37

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Check One

Name	Representing	Bill No.	Support	Oppose
Sen. Al Bishop	self	37	<input checked="" type="checkbox"/>	
DAVE MITCHELL	SECRETARY OF STATE	37	<input checked="" type="checkbox"/>	
Deborah Smith	Common Cause	89		<input checked="" type="checkbox"/>
Bette Hye	St. Joe			
127 W				
Ed Argenbright	Com. Pol Practices			
Laurie Kautzick	Christian Coalition MT	89		
Lison Good	CI-67	89		<input checked="" type="checkbox"/>

Lt. Governor

Dennis ROSEBERG

ERIC FEUER

MT EDUCATION
ASSOC.

VISITOR REGISTER

ED STATEMENT WITH COMMITTEE SECRETARY