

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN RICHARD SIMPKINS**, on March 20, 1995,
at 8:00 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: NONE
Executive Action: SJR 8 DO CONCUR AS AMENDED
HB 593 DO PASS AS AMENDED
SB 98 DO CONCUR AS AMENDED
SB 193 DO CONCUR
SB 324 DO CONCUR AS AMENDED

{Tape: 1; Side: A.}

EXECUTIVE ACTION ON SJR 8

Motion: REP. GAY ANN MASOLO MOVED SJR 8 BE CONCURRED IN.

Motion: CHAIRMAN SIMPKINS MOVED THE AMENDMENTS.

Discussion:

CHAIRMAN SIMPKINS proposed an amendment making the event a one year event. He submitted EXHIBITS 1 and 2.

REP. LILA TAYLOR asked what the handout was for.

CHAIRMAN SIMPKINS stated it was just for information. He stated this was a resolution making Native American Indian Day. He stated this was already in legislative statute, therefore this resolution being proposed didn't need to be an every year event.

Vote: Motion carried 14-3 with REP. DORE SCHWINDEN, REP. SAM KITZENBERG, and REP. SQUIRES voting no and REP. GEORGE HEAVY RUNNER abstaining from voting.

Motion/Vote: REP. MASOLO MOVED SJR 8 BE CONCURRED IN AS AMENDED. Motion carried 13-2 with REP. REHBEIN and REP. SQUIRES voting no and REP. SCHWINDEN, REP. KITZENBERG, and REP. HEAVY RUNNER abstaining from the vote.

EXECUTIVE ACTION ON HB 593

Motion: REP. DENNY MOVED HB 593 DO PASS. REP. DENNY MOVED HIS AMENDMENTS.

Discussion:

Sheri Heffelfinger reviewed the amendments with the committee and said they were technical amendments to the bill.

Vote: Motion carried 17-1 with REP. HEAVY RUNNER voting no.

Motion: CHAIRMAN SIMPKINS MOVED THE MONTANA POWER AMENDMENTS.

Discussion:

CHAIRMAN SIMPKINS explained the amendments to the committee. He stated under current terms their terms expire January 1, 1997.

REP. LILA TAYLOR asked what areas they serve now. She asked if they would be appointed to the office by areas or at random.

CHAIRMAN SIMPKINS stated they will be appointed by areas.

REP. DORE SCHWINDEN stated he was against the amendment and the bill. He stated this bill had the fingerprints of the Majority

Leader and the monopoly industry. These would be the only people to gain from the bill. People in rural areas in Montana will receive less representation from the Public Service Commission (PSC) if this bill were to pass. He thought the bill was a bad idea that came at a bad time.

REP. HEAVY RUNNER stated he was opposed to the Montana Power amendments because they were self-serving. He thought this would allow Montana Power to maximize profits at the expense of the rural people of Montana.

REP. BILL REHBEIN stated people are concerned with how this bill will affect the people of eastern Montana. He stated most of eastern Montana is served by local co-ops and the PSC doesn't affect them anyway. He stated they will be an appointed position and if they don't carry through with this bill there may be a problem in the future of representation. This bill takes politics out of the office and the Governor will appoint qualified officials to hold the office. He favored the bill and the amendment.

REP. SAM KITZENBERG stated he favored the amendment. There are 42 states where the PSC is appointed and 3 states where the PSC members are elected. He stated he believed the states where the PSC members were appointed are working better than those states where the members are elected. He stated the state is moving in the direction of more qualified positions and this bill would take politics out of the office and strike a balance that isn't currently there. He stated this isn't like legislative districts, the PSC members already represent large areas of the state. He stated this could save the state some money and was a good idea.

REP. STOVALL stated he was in favor of the amendment. The Governor could appoint qualified responsible individuals for the office. He stated with this bill they could look at the facts and not the politics.

REP. MASOLO stated she was in favor of the bill because it would be non-political.

REP. TAYLOR stated originally she had had a concern with the people already there not being able to fulfill their term and with this amendment they would be able to do that. She stated she was not as concerned about the bill with this amendment and she supported the amendment.

REP. TROPILA gave history of a past bill of this kind as a point of information.

REP. KITZENBERG asked what year they increased the members from three to five.

REP. TROPILA stated it was in 1974.

REP. KITZENBERG asked if members of the legislature that made the members of the PSC five had in fact created jobs for themselves since three went on to serve on the PSC.

REP. TONI HAGENER stated their reason for doing so was because of the large workload. Three members couldn't get all of the work done so they increased the number to five.

REP. KITZENBERG stated they have lost the trucking regulation so they now have less of a work load.

{Tape: 1; Side: B.}

Vote: Motion carried 14-6 with REP. SCHWINDEN, REP. BRAINARD, REP. HAGENER, REP. HEAVY RUNNER, REP. SQUIRES, AND REP TROPILA voting no and REP. SCHWINDEN voting by proxy.

Motion: REP. DENNY MOVED HB 593 DO PASS AS AMENDED.

Discussion:

REP. GALVIN stated the name of the PSC is the Public Service Commission and if this bill were to pass they would be taking the public out of it.

REP. HAGENER stated this bill was not recommended in the Governor's plan and they had had no comment on where he stood on the issue. She stated this was said to be a revenue bill and she wasn't positive it was. There was little time for public comment on the bill and she opposed the bill and was embarrassed by the whole idea.

REP. HEAVY RUNNER agreed with REP. HAGENER and stated the commissioners in his district felt insulted that they weren't asked about this idea. He thought this should have been discussed more with these people and others before coming before the committee. He thought this bill wasn't fair and went through the system too fast.

REP. REHBEIN stated there were 25 people that did testify on this bill. He stated this bill got more representation than any other bill in the committee. He stated the Governor may not have supported this bill but there were many bills that went through the system without the Governor behind them. He stated it is their right as legislators to bring bills to the attention of the legislature that the people they represent want to be introduced.

REP. TROPILA stated he was right saying that 25 people testified at the hearing, but 5 were proponents for the bill and 20 were opponents. He asked the committee what would happen if the state had a Governor in office that was like Hitler and held a dictatorial hand on things. He stated he was against the bill.

REP. TAYLOR stated if the hearing on the bill wasn't fair in this committee it would be a fair hearing in the Senate if it makes it.

REP. KITZENBERG stated one of his concerns was the lack of representation in eastern Montana. He had changed his mind on that because he found out that these people don't always stay in that district, they move. He stated another reason he changed his mind was because of the co-ops in eastern Montana. He had done some studying on economic development and often utility rates enter into the economic development. This bill gives a sense of fairness and balance and three people can do the job and hold down rates.

CHAIRMAN SIMPKINS stated as of 8:30 a.m. on March 13, 1995 the bill was posted for a meeting at 8:00 a.m. on March 15, 1995. He stated in the House of Representatives there wasn't an advance notice rule and there had been ample advance notice for the hearing.

REP. STOVALL stated he supported the bill. He thought it was a good move for streamlining government and it was good to look at the facts not the politics when dealing with this office.

CHAIRMAN SIMPKINS stated he had greater faith in the form of government than was stated previously. He stated there are many checks and balances in the system and there would be no way to have a Governor like Hitler. He stated there are different views but they were elected to use their best judgment and that was what he was here to do.

Vote: Motion carried 11-7 with REP. SCHWINDEN, REP. BRAINARD, REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. SQUIRES, and REP. TROPILA voting no. REP. SCHWINDEN voted by proxy.

EXECUTIVE ACTION ON SB 98

Motion: REP. HEAVY RUNNER MOVED SB 98 BE CONCURRED IN.

Discussion:

Ms. Heffelfinger briefly explained the bill for the committee.

REP. GALVIN asked who decides what a person's character or morality is. He asked if it is necessary to put this in law.

CHAIRMAN SIMPKINS stated any judge is the one to make that decision. He stated that was a judgment factor and is left up to the judges to decide.

REP. SUSAN SMITH stated the key word is false. Any statement that is false should not be said. What isn't true isn't true.

REP. DENNY stated it could be anything. If a person makes a false statement this bill would make it illegal. If it is true it is left up to the judgment of the voters to decide.

REP. REHBEIN asked if this would be referring to not calling a thief a thief unless he was a thief.

CHAIRMAN SIMPKINS stated that was true.

REP. MASOLO asked if this was in many different laws.

{Tape: 2; Side: A.}

Ms. Heffelfinger stated she didn't know if there were many laws with this in it. She stated the false statement is the issue and she couldn't comment on how many laws had this in the statute.

REP. DENNY stated they were talking about the false statements made by different people. Hopefully, this bill will help to stifle some of the false accusations.

REP. GREEN stated the key word is false; if it is true they would be able to tell it. If it wasn't, they shouldn't say a thing.

REP. SMITH stated she had a concern with part of the bill that she thought was going to be taken out.

REP. HEAVY RUNNER stated if this bill is passed and there are problems with it, they could be dealt with during the next session.

Motion: REP. TROPILA MOVED THE AMENDMENT.

Discussion:

Ms. Heffelfinger stated they were unable to amend the bill in that way because it was not within the scope of the title.

REP. TROPILA asked if they would be able to strike lines 6 and 7 of the bill.

Ms. Heffelfinger stated he would be able to strike the wording but wouldn't be able to replace the wording with what was proposed by REP. BRAINARD.

REP. TROPILA WITHDREW HIS MOTION.

Motion: CHAIRMAN SIMPKINS MOVED HIS AMENDMENT.

Discussion:

Ms. Heffelfinger explained the amendment.

REP. SMITH asked if this would create a system where the Clerk and Recorders would have to keep another list to regulate.

REP. DENNY stated originally it was amended in the Senate and they weren't able to do this because it wasn't within the scope of the bill.

Ms. Heffelfinger stated the issue was that there was an exception to the amendment. That was the reason why they couldn't amend the bill in the way they had wanted to.

CHAIRMAN SIMPKINS stated there were two issues the committee needed to look at. One was the issue of jury duty and the other was civil penalties. He stated this would be creating a complex situation to keep the lists for the Clerks and Recorders.

REP. TROPILA stated this would, in fact, be creating a problem for them to do this.

REP. STOVALL stated they should take everything out dealing with the juries.

REP. MASOLO thought the bill should be amended to leave this out and the jury issue should be researched and addressed next time.

REP. GALVIN stated he didn't see how doing nothing solves the problem. He asked if the problem simply disappears. He stated that was something for the committee to consider.

REP. STOVALL stated he didn't think jury duty should be a problem because if the person gave the judge a legitimate excuse they would be excused from duty.

REP. MASOLO stated she disagreed. It is a problem and it is harder to get off jury duty than it used to be.

REP> GREEN stated he had sat on several juries and he hated to think people that had nothing better to do were the ones sitting on the juries.

REP. HEAVY RUNNER stated this was not the best time to address the issue but it did need to be dealt with and worked out.

REP. SMITH asked if there were lists of people that lived in the counties that they would be able to use for these juries.

CHAIRMAN SIMPKINS stated the law states that they must be registered voters in order to serve on a jury. He stated they could strike registered electors and use residents.

REP. TAYLOR asked if they amended that section out of the bill if it would go back to the Senate committee.

REP. SIMPKINS WITHDREW HIS AMENDMENT.

REP. BRAINARD stated the new section of the bill had been added after the bill had been introduced.

Motion/Vote: REP. HAGENER MOVED TO AMEND THE BILL STRIKING SECTION ONE IN ITS ENTIRETY. Motion carried 15-2 with REP. REHBEIN and REP. GALVIN voting no and REP. SCHWINDEN excused and REP. SQUIRES voting by proxy.

Motion: REP. STOVALL MOVED SB 98 BE CONCURRED IN AS AMENDED.

Vote: Motion carried 17-1 with REP. GALVIN voting no and REP. SCHWINDEN and REP. SQUIRES voting by proxy.

EXECUTIVE ACTION ON SB 193

Motion: REP. TROPILA MOVED SB 193 BE CONCURRED IN.

Discussion:

Ms. Heffelfinger gave a synopsis of the bill.

Rep. TROPILA stated there are many small district elections and the people had asked why they wouldn't consolidate them and have them at the same time as other elections. This bill does that when it is possible for the elections to be combined and held at the same time.

REP. MASOLO stated the Clerks and Recorders are for the bill.

CHAIRMAN SIMPKINS stated this would cut the cost of elections and mail ballots would still be an option.

Vote: Motion carried 18-0 with REP. SCHWINDEN and REP. SQUIRES voting by proxy.

EXECUTIVE ACTION ON SB 324

Motion: REP. HAGENER MOVED SB 324 BE CONCURRED IN.

Motion/Vote: REP. MASOLO MOVED THE AMENDMENT. Motion carried 18-0 with REP. SCHWINDEN and REP. SQUIRES voting by proxy.

Motion/Vote: REP. DENNY MOVED SB 324 BE CONCURRED IN AS AMENDED. Motion carried 18-0 with REP. SCHWINDEN and REP. SQUIRES voting by proxy.

ADJOURNMENT

Adjournment: 9:45 a.m.


RICHARD SIMPKINS, Chairman


CHRISTEN VINCENT, Secretary

RS/cdv

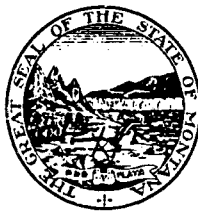
HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE March 20, 1995

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

March 20, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 98 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Simpkins

And, that such amendments read:

1. Title, lines 4 and 5.
Strike: "GENERALLY" on line 4 through "ELECTIONS;" on line 5
2. Title, line 12.
Following: "ELECTIONS,"
Insert: "AND"
3. Title, line 13.
Strike: "; AND AMENDING"
4. Title, line 14.
Strike: "SECTION"
Strike: "3-15-402,"
Strike: "MCA"
5. Page 2, lines 1 through 11.
Strike: Section 1 in its entirety
Renumber: subsequent sections
6. Page 5, lines 16 and 18.
Strike: "2"
Insert: "1"

-END-

Committee Vote:
Yes 17, No 1.

641312SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 20, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 324 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Masolo

And, that such amendments read:

1. Page 1, line 15.

Strike: "refuse to provide"

Insert: "make the provision of"

Strike: ", which"

Insert: "that"

2. Page 1, line 16.

Strike: ", unless"

Insert: "contingent on"

Strike: "takes"

Insert: "taking"

-END-

Committee Vote:

Yes 18, No 0.

641310SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 20, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 193 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Tropila

Committee Vote:
Yes 18, No 0.

641308SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 20, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Joint Resolution 8 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Simpkins

And, that such amendments read:

1. Title, line 5.
Strike: "EACH YEAR"
Insert: "1995"
2. Page 1, line 28.
Strike: "each year"
Insert: "1995"

-END-

Committee Vote:
Yes 13, No 2.

641306SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 20, 1995

Page 1 of 9

Mr. Speaker: We, the committee on State Administration report that House Bill 593 (first reading copy -- white) do pass as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Title, line 5.

Following: "MEMBERS;"

Insert: "EXTENDING TERMS FROM 4 YEARS TO 6 YEARS;"

2. Title, line 6.

Strike: "ELECTION" in 2 places

Insert: "APPOINTMENT"

Strike: "ON A NONPARTISAN BASIS"

3. Title, line 8.

Following: "SECTIONS"

Insert: "5-7-102, 13-12-207
13-37-216, 13-37-226,"

Following: "69-1-105,"

Insert: "69-1-106, 69-1-107,"

Strike: "69-1-224"

Insert: "69-1-403"

4. Page 1, line 11.

Insert: "Section 1. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Business" means:

(a) a holding or interest whose fair market value is greater than \$1,000, in a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association,

Committee Vote:

Yes 11, No 7.

641356SC.Hbk

self-employed person, holding company, joint stock company, receivership, trust, or other entity or property held in anticipation of profit, but does not include nonprofit organizations; and

(b) present or past employment from which benefits, including retirement allowances, are received.

(2) "Commissioner" means the commissioner of political practices.

(3) "Docket" means the register of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(4) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including but not limited to legislators, ~~public service commissioners~~, and district court judges. The term "official-elect" also applies to the offices.

(5) "Individual" means a human being.

(6) "Lobbying" means:

(a) the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature by a person other than a member of the legislature or a public official; and

(b) the practice of promoting or opposing official action by any public official.

(7) "Lobbying for hire" includes activities of the officers, agents, attorneys, or employees of a principal who are paid, reimbursed, or retained by the principal and whose duties include lobbying. If an individual is reimbursed only for his personal living and travel expenses, which together are less than \$1,000 per calendar year, that individual is not considered to be lobbying for hire.

(8) (a) "Lobbyist" means a person who engages in the practice of lobbying for hire.

(b) Lobbyist does not include:

(i) an individual acting solely on his own behalf; or

(ii) an individual working for the same principal as a licensed lobbyist if the individual does not have personal contact involving lobbying with a public official on behalf of his principal.

(c) Nothing in this section deprives an individual not lobbying for hire of the constitutional right to communicate with public officials.

(9) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value.

(10) "Payment to influence official action" means any of the following types of payment:

(a) direct or indirect payment to a lobbyist by a principal, such as salary, fee, compensation, or reimbursement

for expenses, excluding personal living expenses; or

(b) payment in support of or assistance to a lobbyist or a lobbying activity, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist.

(11) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision of state or local government, or other organization or group of persons.

(12) "Principal" means a person who employs a lobbyist.

(13) "Public official" means an individual, elected or appointed, acting in ~~his~~ an official capacity for the state government. The term does not include those acting in a judicial or quasi-judicial capacity or performing ministerial acts.

(14) "Unprofessional conduct" means:

(a) violating any of the provisions of this chapter;

(b) instigating action by a public official for the purpose of obtaining employment;

(c) attempting to influence the action of a public official on a measure pending or to be proposed by:

(i) promising financial support; or

(ii) making public any unsubstantiated charges of improper conduct on the part of a lobbyist, a principal, or a legislator; or

(d) attempting to knowingly deceive a public official with regard to the pertinent facts of an official matter or attempting to knowingly misrepresent pertinent facts of an official matter to a public official."

Section 2. Section 13-12-207, MCA, is amended to read:

"13-12-207. Order of placement. (1) The order on the ballot for state and national offices ~~shall~~ must be as follows:

(a) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line ~~shall~~ must be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party ~~shall~~ must be grouped together.

(b) United States senator;

(c) United States representative;

(d) Governor and lieutenant governor;

(e) Secretary of state;

(f) Attorney general;

(g) State auditor;

~~(h) Public service commissioners;~~

~~(i)~~ (h) State superintendent of public instruction;

~~(j)~~ (i) Clerk of the supreme court;

- ~~(k)~~(j) Chief justice of the supreme court;
- ~~(l)~~(k) Justices of the supreme court;
- ~~(m)~~(l) District court judges;
- ~~(n)~~(m) State senators;
- ~~(o)~~(n) Members of the house of representatives.

(2) The following order of placement ~~shall~~ must be observed for county offices:

- (a) clerk of the district court;
- (b) county commissioner;
- (c) county clerk and recorder;
- (d) sheriff;
- (e) coroner;
- (f) county attorney;
- (g) county superintendent of schools;
- (h) county auditor;
- (i) public administrator;
- (j) county assessor;
- (k) county treasurer;
- (l) surveyor;
- (m) justice of the peace.

(3) The secretary of state shall designate the order for placement on the ballot of any offices not on the ~~above~~ lists in subsections (1) and (2), except that the election administrator shall designate the order of placement for municipal, charter, consolidated, or confederated local government offices and district offices when the district is part of only one county.

(4) Constitutional amendments ~~shall~~ must be placed before statewide referendum and initiative measures. Ballot issues for a county, municipality, school district, or other political subdivision ~~shall~~ must follow statewide measures in the order designated by the election administrator.

(5) If any offices are not to be elected they ~~shall~~ may not be listed, but the order of the offices to be filled ~~shall~~ must be maintained.

(6) If there is a short-term and a long-term election for the same office, the long-term office ~~shall~~ must precede the short-term."

Section 3. Section 13-37-216, MCA, is amended to read:

"13-37-216. **Limitations on contributions.** (1) (a) Aggregate contributions for each election in a campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as follows:

(i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$400;

(ii) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$200;

(iii) for a candidate for any other public office, not to exceed \$100.

(b) A contribution to a candidate includes contributions made to the candidate's committee and to any political committee organized on the candidate's behalf.

(2) (a) A political committee that is not independent of the candidate is considered to be organized on the candidate's behalf. For the purposes of this section, an independent committee means a committee which is not specifically organized on behalf of a particular candidate or which is not controlled either directly or indirectly by a candidate or candidate's committee and which does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions.

(b) A leadership political committee maintained by a political officeholder is considered to be organized on the political officeholder's behalf.

(3) All political committees except those of political party organizations are subject to the provisions of subsections (1) and (2). For purposes of this subsection, "political party organization" means any political organization that was represented on the official ballot at the most recent gubernatorial election. Political party organizations may form political committees that are subject to the following aggregate limitations from all political party committees:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$15,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$5,000;

~~(c) for a candidate for public service commissioner, not to exceed \$2,000;~~

~~(d)~~ (c) for a candidate for the state senate, not to exceed \$800;

~~(e)~~ (d) for a candidate for any other public office, not to exceed \$500.

(4) A candidate may not accept any contributions in excess of the limits in this section.

(5) For purposes of this section, "election" means the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which the contribution limits apply."

Section 4. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of

Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

(b) on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days preceding the date on which an election is held and within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before and the day of the election;

(c) not more than 20 days after the date of the election; and

(d) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that an issue subject to a referendum is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before the election and the day of the election;

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, ~~the public service commission,~~ or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held and within 24 hours after receiving a contribution of \$100 or more if received between the 17th day before and the day of the election;

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

(4) Candidates for any other public office and political

committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file reports:

(a) on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) not more than 20 days after the date of the election in which it participates by making an expenditure; and

(c) a closing report at the close of each calendar year, on a date to be prescribed by the commissioner.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are not primary political committees but are incidental political committees shall report their politically related activities in accordance with this chapter.

(7) All reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-225(2) and this section."

Renumber: subsequent sections

5. Page 1, lines 14 and 15.

Following: "electors" on line 14

Strike: remainder of line 14 through "district" on line 15

Following: "."

Insert: "The members of the commission must be appointed by the governor and confirmed by the senate. Not more than two of the members may be members of the same political party."

6. Page 1, line 19.

Strike: "elected on a nonpartisan basis"

Insert: "appointed"

7. Page 2, line 6.

Strike: "5"

Insert: "11"

8. Page 2, line 7.

Strike: "elected"

Insert: "appointed"

9. Page 2, line 8.

Strike: "for other state officers"

Strike: "election"

Insert: "appointment"

10. Page 2, line 10.

Strike: "elected and qualified"

Insert: "appointed and takes office"

11. Page 2, line 12 through page 3, line 20.

Strike: section 4 in its entirety

Insert: "Section 8. Section 69-1-106, MCA, is amended to read:

"69-1-106. **Vacancies.** Any vacancy occurring in the commission ~~shall~~ must be filled by appointment by the governor. ~~Such appointee shall hold office until the next general election and until his successor is elected and qualified. At the biennial election following the occurrence of any vacancy in the commission, there shall be elected one member to fill out~~ If the senate is adjourned, the appointment is subject to confirmation when the senate is in session. An appointment to fill a vacancy is for the unexpired term for which such the vacancy exists."

Section 9. Section 69-1-107, MCA, is amended to read:

"69-1-107. **Chairman Presiding officer of commission.** A ~~chairman shall presiding officer~~ must be selected by the commission from its membership at the first meeting of each odd-numbered year after a general election."

Section 10. Section 69-1-403, MCA, is amended to read:

"69-1-403. **Determination and collection of fee.** (1) The fee provided for in 69-1-402 to be paid by regulated companies must be determined in the manner set forth in 69-1-224 for determining the consumer counsel fee, except that gross revenues from sales to other regulated companies for resale, as calculated by the public service commission, must be excluded from the determination of the total gross operating revenue pursuant to 69-1-224.

(2) The department of revenue shall give notice by mail to each regulated company of the percentage determined pursuant to 69-1-224 and this section to be applied to gross operating revenues reported under 69-1-223, excluding gross revenues from sales to other regulated companies for resale.

(3) The fee provided for in 69-1-402 may be computed and collected in the manner provided in 69-1-225 through 69-1-227. The fee calculated under this section in August 1997 must take into account the provisions of 69-1-103.

(4) All fees paid by a regulated company pursuant to this section are immediately recoverable by the regulated company in its rates and charges. Within 30 days after the issuance by the department of revenue of the notice required by 69-1-224(1), the public service commission shall by separate order authorize each regulated company to fully recover in its rates and charges, on an annual basis, the fees levied by this part.""

Renumber: subsequent sections

12. Page 3, lines 23 through 26.

Following: "commissioners" on line 23

Strike: remainder of line 23 through "term." on line 26

Insert: "continue until expiration of the term. The governor shall appoint initial members to staggered terms in order to provide for the expiration of a term every 2 years."

13. Page 3, lines 28 and 29.

Strike: section 6 in its entirety

Renumber: subsequent sections

14. Page 4, lines 7 and 8.

Following: "is" on line 7

Strike: remainder of line 7 through "period" on line 8

Insert: "void"

-END-

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 20, 1985 BILL NO. 55 NUMBER 8

MOTION: Rep. Masolo moved on Pass as amend.

Sj000802.ash

Simp.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	obtain	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	obtain	
Rep. Sam Kitzenberg	obtain	
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 March 20, 1995 BILL NO. 85 NUMBER 8

MOTION: Rep. Simpkins 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	obstain	
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 March 20, 1995 BILL NO. H B NUMBER 693

MOTION: Rep. Denny moved to pass as amended

11-7

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority ^{By Proxy}		✓
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 March 20, 1995 BILL NO. HB NUMBER 593

MOTION: Rep. Denny moved the amendments

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 March 20, 1995 BILL NO. HB NUMBER 593

MOTION: Rep. Simpkins moved the amendment.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority ^{By Proxy}		✓
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 March 20, 1995 BILL NO. SB NUMBER 98

MOTION: Rep. Stovall moved do concur as amended

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority <i>By Proxy</i>	✓	
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 <i>By Proxy</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 20, 1995 BILL NO. SB NUMBER 98

MOTION: Rep. Hagener moved to strike Section one.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority <i>By Proxy</i>	absent	
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 <i>By Proxy</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 20, 1995 BILL NO. SB NUMBER 93

MOTION: Rep. Tropila moved do concur

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority <i>By Proxy</i>	✓	
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 <i>By Proxy</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 3-20-95 BILL NO. 88 NUMBER 324

MOTION: Rep. ~~Denny~~ Denny do concur as amend

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority <i>By Proxy</i>	✓	
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 <i>By Proxy</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 3-20-95 BILL NO. SB NUMBER 324

MOTION: Rep. Masolo moved the amendment

SB032402.ash

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority <i>By Proxy</i>	✓	
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 <i>By Proxy</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

March 20

I give my proxy on all
votes before State Administration
Committee to Rep. Galvin
this day.

The Selich

EXHIBIT 1
DATE 3-20-95
SJR 8

Amendments to Senate Joint Resolution No. 8
Third Reading Copy

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

Prepared by Sheri S. Heffelfinger
February 28, 1995

1. Title, line 5.
Strike: "EACH YEAR"
Insert: "1995"

2. Page 1, line 28.
Strike: "each year"
Insert: "1995"

HOUSE JOINT RESOLUTION NO. 57

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DESIGNATING THE FOURTH FRIDAY IN SEPTEMBER OF EVERY YEAR AS "NATIVE AMERICAN INDIAN DAY" IN THE STATE OF MONTANA AND INVITING THE PEOPLE OF THE STATE OF MONTANA TO OBSERVE THAT DAY WITH APPROPRIATE CEREMONIES AND ACTIVITIES.

WHEREAS, Article X, section 2, of the Constitution of Montana recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity; and

WHEREAS, the knowledge of this important history and culture is gradually being lost to citizens of the state of Montana to the detriment of native Americans and all citizens of the state of Montana; and

WHEREAS, the history and culture of native American Indians is an integral part of the folklore and history of the nation and the state of Montana; and

WHEREAS, the legislature recognizes that all Montanans have an invaluable opportunity for cultural enrichment through contact with the folkways and philosophy of native Americans; and

WHEREAS, we live in a time of increasing awareness of the importance of our natural environment, it is important that we not lose the native Americans' respect for, and ability to live in harmony with, the forces of nature; and

WHEREAS, there is a general lack of understanding of the unique psychological background of native American Indians which can be understood only by sharing the views and beliefs of native American Indians; and

WHEREAS, the state of Montana contains the fourth largest Indian population of the several states of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Governor of Montana be encouraged to designate each year the fourth Friday in September as "Native American Indian Day";

(2) That the people of Montana be encouraged to participate in appropriate ceremonies and activities;

(3) That the Secretary of State send copies of this resolution to the Governor, to each County Clerk of the state of Montana for posting in a public place, and to each newspaper published in the state, for publication therein.

Approved March 25, 1975.