

MINUTES

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

Call to Order: By **CHAIRMAN ETHEL HARDING**, on March 28, 1995,
at 10:35 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: SR 4
Executive Action: SR 4 DO PASS
HB 327 TABLED

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HEARING ON SR 4

Opening Statement by Sponsor:

SEN. ETHEL HARDING, Senate District 37, Polson, said SR 4 is the second resolution confirming Governor's appointments. She said all of the people investigated have been highly recommended for the positions on the various boards.

Proponents' Testimony:

Betti Hill, Chief of Staff for the Lieutenant Governor, said her only concern was that the Board of Housing was not included in this set of appointments, but that it would be included in the next set.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

VICE CHAIRMAN KEN MESAROS closed the Hearing on SR 4.

EXECUTIVE ACTION ON SR 4

Motion/Vote: SEN. BOB PIPINICH moved that SR 4 DO PASS.
The MOTION CARRIED UNANIMOUSLY on oral vote.

EXECUTIVE ACTION ON HB 423

Motion: SEN. JEFF WELDON moved that HB 423 BE REMOVED FROM THE TABLE.

Discussion: SEN. WELDON said he has prepared amendments for HB 423 which adjust the levels of campaign expenditure limitations. He said everyone has heard that money plays too big a role in politics it shouldn't. He said that has been addressed in part by placing limitations on the amount of money a candidate can receive from individuals and corporations, and this is the next step. SEN. WELDON explained the reason the limits must be done on a voluntary basis is because of Supreme Court precedents involving First Amendment issues. SEN. WELDON said that given the scope and significance of the issue, he hopes HB 423 can be removed from the table to consider his amendments and send it to the Senate floor for deliberation.

SEN. VIVIAN BROOKE said in Montana, particularly in the legislative arena, candidates are not "professional politicians", and in order to keep that image alive and well, it's good to be subjected to voluntary limits. SEN. BROOKE added that, regarding the statewide elected officials, she thinks Montanans want to keep campaign levels at a reasonable rate.

Vote: The MOTION FAILED 3-5 on roll call vote.

EXECUTIVE ACTION ON HB 327

Motion: SEN. BROOKE moved that HB 327 BE CONCURRED IN AS AMENDED.

Discussion: SEN. BROOKE said that since HB 327 has been amended by the Clerks & Recorders and appears to be acceptable to all parties, she believes it is somewhat dangerous to leave the bill as not acted upon if the Committee's actions will have to be defended in court.

CHAIRMAN HARDING commented that David Niss had "cleaned up" (but not changed) amendments that were presented at the last discussion on HB 327.

SEN. WELDON said that as the Committee has heard from the Secretary of State and the Department of Justice, the consequences to Montana of not adopting this in some fashion would be significant and grave. He believes the full Senate should deliberate HB 327.

SEN. DON HARGROVE asked if the amendments were ones that had been considered previously. VARIOUS COMMITTEE MEMBERS responded yes, that David Niss had only cleaned up some technical items on the amendments.

Mike Cooney, Secretary of State, said they have examined the amendments after Mr. Niss made technical corrections. He said he also spoke with Betty Lund and she indicated that although not every Clerk & Recorder was going to agree, many support the bill with the amendments.

SEN. HARGROVE asked for clarification regarding national legislation which, if passed, would remove the threat of litigation. Mr. Cooney said there are a number of bills before Congress to either repeal or somehow amend the NVRA. His understanding is that they are not high priority bills and even if they pass, the President has indicated he will veto them and there will not be enough votes to override a veto. As HB 327 is written, it would allow cutting back in the necessary areas should Congress pass some sort of amendment or repeal the law.

SEN. KEN MESAROS said as he understands HB 327, even with the amendments, there would be a considerable amount of increase in administration and costs associated with its implementation. He believes there is a certain inherent risk with or without the bill -- litigation on one side, and increased administration and costs on the other side.

SEN. BROOKE commented that Beth Baker is present and asked if she could have Ms. Baker answer questions regarding costs of litigation. Beth Baker, Department of Justice, said she could

not speak directly to what it would cost to defend a case if they were sued by the U.S. Department of Justice, but she said they bring a tremendous amount of resources that need to be matched.

Ms. Baker added that she understands HB 327 has a contingent provision that if the U.S. Congress repeals the NVRA, HB 327 would be void. She thinks from a lawyer's point of view, if Congress does repeal the NVRA, then Montana would not face a lawsuit from the Justice Department. **Ms. Baker** said letters have been received from U.S. Justice Department Attorney General Reno advising that the law is taken seriously and will be pursued. She said a lawsuit is virtually certain, the outcome is not.

CHAIRMAN HARDING commented that the Clerks have established 93% of eligible voters are already registered in Montana. She asked Beth Baker how that figure would compare with other states. She said it must be considered that there are religious groups that will not vote, people who will not register because of jury selection, etc. **CHAIRMAN HARDING** said that forcing those people to register would be taking rights away from them. **Ms. Baker** agreed that Montana does have one of the highest voter registration rates in the country, and she cannot say at this point if that would be used as an argument in a lawsuit. She said her purpose in being here is to express that if there is litigation, it will be expensive regardless of the ultimate outcome.

REP. GEORGE HEAVY RUNNER said his primary concern is to get HB 327 onto the Senate floor for debate and not leave the Committee fully responsible in respect to the potential litigation.

SEN. COLE asked what would be the cost if HB 327 goes into effect. **CHAIRMAN HARDING** said there were several pieces of information regarding costs. She said most of the counties indicated they would have to hire one full-time election administrator.

SEN. COLE asked for clarification that the state would not provide any money to implement HB 327 and counties would be required to absorb all costs. **CHAIRMAN HARDING** said that is true.

SEN. PIPINICH believes there has been enough discussion and the Committee should vote on the motion.

SEN. HARGROVE commented he was interested to know if there has been any federal action since this bill was heard. He believes it would cost a lot of money overall. He said that since he had previously voted to put the bill on the floor for further debate, he has had a lot of conversation with his county Clerk. He doesn't believe the effort would produce significant results since Montana's voter registration is already so high.

CHAIRMAN HARDING referred to a newspaper article regarding the U.S. Senate approval (91-9) of an unfunded mandate measure and that it is expected the House will also approve it, and it is favored by the President. She believes HB 327 is an unfunded mandate. **CHAIRMAN HARDING** explained that there are six measures in the Congress now that may impact the NVRA, two of them making state compliance voluntary, two that would repeal the act entirely, and two that would delay enforcement of the act until the funds are appropriated for implementation. She doesn't believe HB 327 is needed in Montana.

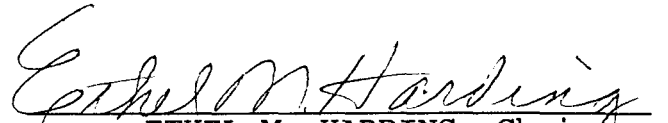
Vote: The **MOTION FAILED 3-5** on roll call vote.

Motion: **SEN. COLE** moved that **HB 327 BE TABLED**.

The **MOTION CARRIED 5-3** with Committee members agreeing to reverse the previous roll call vote.

ADJOURNMENT

Adjournment: 11:05 AM


ETHEL M. HARDING, Chairman


GAIL MOSER, Secretary

EMH/gen

PRELIMINARY
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 29, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration SR 4 (first reading copy -- white), respectfully report that SR 4 do pass.

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

PW

Amd. Coord.
Sec. of Senate

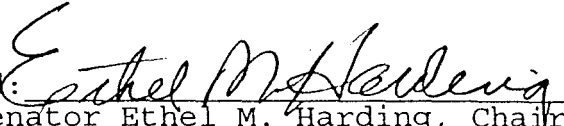
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
FINAL
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 3, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration SR 4 (first reading copy -- white), respectfully report that SR 4 do pass.

Signed: 
Senator Ethel M. Harding, Chair

 Amd. Coord.
 Sec. of Senate

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