

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 14, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales on the above date in Room 317, State Capitol.

ROLL CALL: Seventeen members present with Rep. Smith absent.

CONSIDERATION OF HOUSE BILL NO. 816: Rep. Mel Williams, District #85, sponsor of the bill, explained that four years after putting the word "Montana" on the state flag they have to change the type of lettering in order to coincide with the law.

PROPOSERS: There were no proponents.

OPPOSERS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 816: There were no questions from the Committee.

The hearing was closed on HB 816.

CONSIDERATION OF HOUSE BILL NO. 771: Rep. Ben Cohen, District #3, said that the bill was drafted at the request of Montana Common Cause, however, he had talked to several members of the Committee and it was decided that only one additional reporting date was needed. He said if the Committee feels there is a need for an additional reporting date and there is some strong bipartisan support for such a bill he would be happy to carry the bill on the floor.

PROPOSERS: Robert Anderson, representing Montana Common Cause, read his prepared testimony, Exhibit #1 attached, stating that there is too much time between the report following the primary and the report of October 25. This does not leave enough time between the October 25th reporting date and the general election.

Margaret S. Davis, Montana League of Women Voters, appeared in support of HB 771 and read her attached Witness Statement, Exhibit #2, stating that this disclosure must be accessible to the public and the press.

OPPOSERS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 771: Rep. Phillips questioned Mr. Anderson why the October 25th date couldn't be moved back another five days. Mr. Anderson said they need the October 25th reporting because the money really comes in just before election but they would like another reporting date because sometimes that October 25th reporting is not

available until just before the general election.

Rep. Pistoria asked both Mr. Anderson and Rep. Cohen if they had worked with the Campaign Commissioner on this bill. Both replied they had not.

Rep. Fritz asked what the two dates were on the original bill. Rep. Cohen said it was September 5 and October 5 but also said the Committee would be more appropriate to pick the suitable date.

There being no further questions, Rep. Cohen closed saying he was very surprised that there was only the one reporting date following the primary election. The Commissioner is very lenient and sometimes those October 25th reportings are not available until the following week.

CONSIDERATION OF HOUSE BILL NO. 641: Rep. Harry Fritz, District #56, Missoula, said this was his version of a free enterprise bill and called it his "jiffy bag bill". This would allow the State agencies to purchase supplies and commodities, if available, at a price lower than through other sources. This would allow the purchaser to pick locally available or catalog prices for a better deal and bulk supplies would allow them to look around for a better deal. He submitted some proposed amendments to the bill which had been worked out in conjunction with the Department of Administration. (Exhibit #3)

PROPOSERS: George Allen, Montana Retail Association, supported HB 641 and submitted written testimony, Exhibit #4. He also stated that the agencies must buy through Central Stores and they don't have an option. This is not being enforced. If the bidding process is all that great why is the Department here to oppose this bill? He asked if the Central Stores should become like a PX to the military. The Central Stores has grown to a full fledged office supply store and they are selling to county and city governments.

Tom Naegle, Naegle's Office Furniture and Supplies, Helena, said they have three things going for them - availability of products, can service what they sell and competitive prices. He said their prices are competitive and if the government is going to be in competition with them perhaps the State should be able to buy from them.

Terry Harris, Capital Office Equipment, said that in the past the State has purchased toner, etc. for copy machines that they have purchased. The toner or paper has not been the right product for a certain machine and their firm has been called upon to correct the problem, service the machine and then charge for that service, thus costing the State more in the long run. They were in support of the bill.

Robert Lindgren, Thurber Printing, said their supply business has dropped off approximately \$5,000 per month since Central Store creation. They have, in the past, bid on State contracts and have been successful at times and at other times have not.

Dennis Burns, The Printers - Office Supply, said he had been on both sides of the fence as he had also been a purchasing agent for the State of Montana. The biggest frustration he experienced was that supplies could be gotten cheaper than what the State was getting them for. The State should be able to be a wise consumer just as the public sector.

OPPONENTS: Laurie Ekanger, Administrator of the Purchasing Division of the Department of Administration, pointed out their reasons for opposition to the bill. She stated two exceptions to competitive sealed bidding in the bill, the first being that it dramatically increases the discretionary authority of the state's purchasing agent and the second being that it singles out a specific commodity - office supplies - for special treatment. Her prepared testimony is attached as exhibit #5.

Dan Roberts, Monroe System for Business, said that in the process of obtaining successful bids they were required to meet some stringent requirements. His attitude was to wait and see if this bill passes - why should he expose his lowest bid. He said his dealings with the State have been fair and there has been no partial treatment. If every agency has a purchasing agent, in the long run it would cost the State more money that could be spent elsewhere.

Jack Noble, Montana University System, said they did have concerns and could provide examples of problems that have occurred. The 1983 Legislature did review the State purchasing laws - they are more efficient, more central and more flexible and the situation is improving. The central purchasing makes the best deals for the State and we must retain the viability of the bidding process. This would be a potential for costing the State thousands of dollars.

Bill Salsbury, Department of Highways, said that the cost of carrying the inventory and the manpower to research this at a local level was prohibitive as they have over 100 possible locations to do this purchasing. They have delegated authority under the Department of Administration at the present time rather than storing supplies, taking inventory, etc.

There being no further opponents, the hearing was opened to questions from the Committee.

DISCUSSION OF HOUSE BILL NO. 641: Rep. Peterson, in referring to the federal government spending thousands of dollars for small items, asked Mrs. Ekanger what her answer was to that

type of purchasing. Ms. Ekanger said that the federal government establishes term contracts for everything - they don't use the bidding process. Rep. Cody asked Ms. Ekanger if it is required by statute that all agencies buy from Central Store to which she replied they are supposed to, however, the Legislative Auditor catches that if they don't. They don't have enforcement authority beyond bringing it to their attention.

Ms. Ekanger said that the prices average 50% off the suggested retail price from Central Store. Term contract prices average about 15% off retail. Rep. Cody asked the length of the contracts and she replied most are for one delivery within 30 days. Term contracts are awarded through sealed bids but they are for a period of one year rather than 30 days. The cost of shipping, handling, inventory, etc. are added costs to the price of these term contract items.

In closing, Rep. Fritz thanked Ms. Ekanger and George Allen for working closely with him on the bill. He said he had no intention of blowing up the bidding system. They can't beat the bid after the fact but bulk prices ought to be cheaper.

The hearing was closed on HB 641.

CONSIDERATION OF HOUSE BILL NO. 572: Rep. Gene Donaldson, District #43, sponsor, submitted proposed amendments to HB 572 stating that in the past the Legislature has unconstitutionally been setting their salary and these amendments would remedy that. The bill would simply freeze the salaries of all elected State officials. The State budget, as far as can be seen at the present time, is out of balance between \$30-\$60 million. There are more strings attached to federal money and much of this will not be accepted because we can't meet all the requirements. Many of these State officials live in Rep. Donaldson's district and the Legislature must be willing to freeze their own salaries as well to try to balance the state budget. He said people are better off with a job than with a raise.

PROPOSERS: There were no proponents.

OPPOSERS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 572: Rep. Moore asked if the county commissioners would be included in this bill but Rep. Donaldson said it was only for elected State officials.

Rep. Fritz asked if the amendments concerning the legislative salaries be adopted but not freeze the salaries. Rep. Donaldson replied that perhaps they could work with Bob Pearson

on that matter.

Rep. Harbin was concerned about the people this would not reach such as department heads. Rep. Donaldson said they are probably going to have to address the employees under the matrix system. This would freeze all salaries except a certain segment.

In closing, Rep. Donaldson, said he would hope that we would not have to pass this bill but asked the committee to give this bill a do pass until the problem with the budget is solved.

CONSIDERATION OF HOUSE BILL NO. 613: Rep. Tom Hannah, District #86, said this bill was at the request of the Secretary of State because of the recent Supreme Court decision on the balanced budget amendment to strike it from the ballot. There were problems with the timing of the Court's decision. The Court needs to wait until after the election and then declare it unconstitutional.

PROPOSERS: Larry Akey, Chief Deputy for the Secretary of State, said that the clerks and recorders have told him about the problems getting ready for an election and they have always considered the ballot certification a green light to go ahead and have the ballots printed. In this case the Court could have said it was unconstitutional and told them not to canvass the vote instead of striking it from the ballot and have to have them reprinted. He urged a Do Pass on HB 613.

Carol Mackin, Citizen's Legislative Coalition, read her prepared testimony as a proponent to this bill. She said it would encourage people to bring their lawsuits in a timely manner. (See Exhibit #7)

John Larson, appearing as a private citizen, said he was an attorney defending these lawsuits. He agreed to the damage these court cases cause and had some proposed amendments to HB 613, Exhibit #8. He said this is going to continue to happen until a policy is set by the Legislature.

Alan Robertson, Chief Advisor to the Secretary of State, said that this happens not only on the state level but also on the county level and was in support of the bill.

OPPOSERS: Margaret Davis, Montana League of Women Voters, said they do not think restricting judicial review is a solution to the problem. Her prepared testimony is attached as Exhibit #9.

Nancy Hart, Montana Democratic Party, said they are very worried about chipping away at the initiative process and

said the voters would be very confused if the litigation came after the election.

Jonathan Motl, Montana Common Cause, opposed the bill. He said they would like to study the problem and come up with some response to make sure the initiative process is not hurt. He asked this Legislature to give Common Cause time to study the initiative process and not pass any laws concerning this.

Don Judge, AFL-CIO, didn't think this was an abused process. He asked if the Legislature was going to make the Secretary of State the final authority as to whether or not it is a valid issue. He said the people of Montana have a right to review through the courts and urged a Do Not Pass.

There being no further opponents, the hearing was open to questions from the Committee.

DISCUSSION OF HOUSE BILL NO. 613: Rep. Fritz asked if there was some other way of accomplishing this goal. Rep. Hannah said there was not and suggested that maybe the ballot should be given to the Court in the beginning and ask them to determine the constitutionality of the items. The approval of the initiative process is quite involved. There is a lot of time for these cases to be decided before the ballots are printed. There were some people that were disenfranchised and there were a lot of problems with absentee ballots.

In reply to Rep. Phillips concerning the California initiative on the balanced budget, Mr. Motl said it was decided approximately 10 days prior to the Montana Supreme Court's decision.

Mr. Akey said there are several remedies the Courts can use - tell them not to canvass those votes, not to certify the vote count, etc. instead of striking it from the ballot.

In closing, Rep. Hannah said there is plenty of time in the process for those concerned about an initiative to bring it before the courts and he said there is a real danger that people are going to be unhappy with the initiative process.

The hearing was closed on HB 613.

The Committee then went into executive session while waiting for Rep. Keyser.

DISPOSITION OF HOUSE BILL NO. 816: Rep. Pistoria moved that HB 816 DO PASS, seconded by Rep. Phillips. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 771: Rep. Campbell moved that HB 771 DO NOT PASS, seconded by Rep. Garcia. Motion CARRIED with Reps. Harbin, Fritz, Cody, Peterson, Moore, Holliday

State Administration Committee

February 14, 1985

Page 7

and O'Connell voting "no" - 10-7.

CONSIDERATION OF HOUSE BILL NO. 604: Rep. Kerry Keyser, District #74, sponsor of the bill, said it would establish an October 1 effective date for all administrative rules except emergency rules by the governor or rules required to maintain federal eligibility. He said that the agencies don't like this bill. He cited the number of rules adopted by different agencies for a period of one year; department of administration 237, health and environmental sciences 570, labor and industry 274, revenue 453 and SRS 1116. There were over 4000 rules adopted in a year's time over and above the laws of the Legislature. There ought to be one effective date so the people that deal with these rules and regulations would know that they have one whole year without changes. The bill doesn't limit the governor or the federal eligibility requirements.

PROPOSERS: Chip Erdmann, Montana School Boards Association, said this was a concept that they really agreed with as they are continually being subjected to new rules and this makes a lot of sense. Regarding the governor being able to make emergency rules, he stated he thought that ought to extend to any elected officials, not just the governor.

John Larsen, representing the Office of Superintendent of Public Instruction, supported the bill, however, he did say that July 1 would be a better effective date for the school and concurred with Mr. Erdmann.

Hidde Van Duym, Secretary of the Board of Public Education supported the bill but said that October 1 was not a good date and suggested that all rules should be effective by July 1 rather than October 1. They should be adopted by December 1 of each year.

Tanya Ask, on behalf of the State Auditor's Office, agreed with the amendment proposed by Mr. Erdmann.

Rep. Cody asked to be on record as being a proponent of HB 604.

OPPOSERS: Mona Jamison, Legal Counsel to Governor Schwinden, in opposing the bill, said that this legislation affects three units of state government; the Governor, the Legislature and the people and the agencies that administer the laws of the state. By being able to declare emergency rules, the Governor could nullify the October 1 date. She also stated that the agencies are the best ones to determine if an emergency does exist. The bill also involves the Governor in daily routine matters and that is not the function of the Governor. She also said that the only time the Governor has controlling jurisdiction over the other elected officials is in a disaster situation.

The agencies don't initiate the rules. The laws are passed by the Legislature with rule making authority. This bill would be delaying the will of the people. She said this did not accomplish the democratic process of getting these rules passed. There are approximately 750 bills passed by the Legislature and of these 40-50%, conservatively, contain rule making authority. There have been only two bills proposed by the Administrative Code Committee this session which says something about the way they have worked with the Code Committee since they are not in here this session with bills. She asked the Committee to not make the process unworkable and urged a Do Not Pass.

Lee Tickel, Department of Social and Rehabilitation Services, submitted testimony prepared by Dal Smilie, Attorney for the SRS, see Exhibit #10 attached. He also said there were 512 changes in a one year period in the child support program which they were mandated to carry out.

Steven Pearlmutter, Attorney from the Department of Health and Environmental Sciences, said they know better than anyone where the problems are and didn't feel that HB 604 would help the agencies and would cut the public out of the process. At \$30 per page filing fee to the Secretary of State he didn't think anyone had to worry about too many rules. They are trying to abolish some of the unnecessary rules as it is. See his attached Exhibit #11.

Robert Nelson, Public Service Commission, said that this bill would hurt most of the general public, there would be a loss of flexibility and would affect the consumers that the Commission is meant to protect.

There were no further opponents.

DISCUSSION OF HOUSE BILL NO. 604: Rep. Cody asked if the "extension of authority" can be eliminated from the bills. Rep. Keyser said if the agency has rule making authority and we give them more that is the reason for that language, otherwise all these bills would have to have a statement of intent accompanying them.

There being no further questions, Rep. Keyser closed saying that this will affect all departments but the concern is with the public. Who is going to be affected the most? Who is here? The departments are the ones opposing the bill. Sometimes the departments go above and beyond the rule making authority which we have given them and agreed that the public may be affected the first time around.

CONSIDERATION OF HOUSE BILL NO. 631: Rep. Kerry Keyser, District #74, sponsor of the bill, explained that under this bill paper ballots may be used only where voting machines are used and defines voting machine.

This bill basically affects only those counties using voting machines. The reason is to try to cut down on the time and cost in the counting of ballots in these areas.

PROPONENTS: Joanne Peres, President of Montana Association of Clerks and Recorders, told the Committee that there are presently three methods of casting and counting votes; (1) paper ballots which have to be counted, the lever machines and the punch out type where a stylus or pencil is used and are counted by scan. This will only affect the counties that use the automatic device. She suggested an effective date of July 1.

Mary Lou Dietz, Clerk and Recorder and Election Administrator of Fallon County, said the paper ballot is not necessary. She had one request for a paper ballot which cost the county \$500 for that one ballot. She submitted written testimony to the Committee, Exhibit #12, and also submitted letters from Custer County which used one paper ballot in the primary and one in the general and also from Park County with 15 paper ballots at a cost of \$93 each. When there are only one or two paper ballots the secrecy of the vote is lost.

Geraldine Nile, Rosebud County Clerk and Recorder, said that the first time they used the machine there were five requests and the last election they used three ballots at a cost of \$500 per ballot. She also submitted written testimony, Exhibit #13.

Lorraine Molitor, Madison County Clerk and Recorder, said that the people who request the paper ballot are not infirm, etc. They are people who just refuse to use the voting machines.

Bill Driscoll, Butte-Silver Bow County Clerk and Recorder, said in the last four elections there were 60,242 voters. The cost of printing the paper ballots has been \$5800 and were used by two people. This money could be spent elsewhere in the counties.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 631: There were no questions from the Committee.

In closing, Rep. Keyser said it becomes a tremendous cost to the counties as they have to print the paper ballots and very few are used.

The Committee then went into executive session.

DISPOSITION OF HOUSE BILL NO. 631: Rep. Hayne moved that HB 631 DO PASS, seconded by Rep. Compton. Rep. Fritz told the committee that with the problems in the past in Missoula County they have upwards of 25% of their voters insisting on the paper ballots. This did dwindle during the 1970's but is now on the rise again after the problems in the last general election.

Motion CARRIED with Reps. Cody, Pistoria and Moore voting "no".

DISPOSITION OF HOUSE BILL NO. 641: Rep. Fritz moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Campbell. Motion CARRIED UNANIMOUSLY.

Rep. Fritz then moved that HB 641 DO PASS AS AMENDED, seconded by Rep. Campbell. Motion CARRIED with Reps. Holliday, Harbin, Pistoria, O'Connell, Sales and Kennerly voting "no".

DISPOSITION OF HOUSE BILL NO. 572: Rep. Jenkins moved that HB 572 DO PASS seconded by Rep. Compton. Rep. Harbin stated again that he had problems with this bill because of the segment of people it does not address. Therefore, he made the SUBSTITUTE MOTION TO TABLE HB 572, seconded by Rep. Garcia. The motion CARRIED on a 10-8 vote with Reps. Hayne, Pistoria, Moore, Phillips, Holliday, Campbell, Sales and Compton voting "no".

DISPOSITION OF HOUSE BILL NO. 613: Rep. Campbell moved that HB 613 DO PASS, seconded by Rep. Jenkins. Rep. Fritz said this was an extremely dangerous restriction and said it would probably be declared unconstitutional.

Rep. Garcia made the SUBSTITUTE MOTION DO NOT PASS. No second received.

Rep. Cody asked if there was anyone that could tell the Committee if this would be declared unconstitutional. Lois Menzies had talked with attorneys and no one could give her an opinion. Mr. Akey didn't believe it could be declared unconstitutional because it only limits one remedy of the court.

The time being 12:00 noon and the House going into session at this time, the meeting was adjourned. The Committee will meet at 8:00 a.m. February 15 for executive action on the remaining bills.



WALTER R. SALES, Chairman

HB. 631 - No -

HB - 641 yes

HB - 604 - no

HB - 572 - yes

Rep Moore

STANDING COMMITTEE REPORT

February 14

95

19.....

MR. **SPEAKER**.....

We, your committee on **STATE ADMINISTRATION**.....

having had under consideration **HOUSE**..... Bill No. **771**

First reading copy (**White** color)

ADDED REPORTS BY CANDIDATES & PACS TO COMMISSIONER OF CAMPAIGN PRACTICES

Respectfully report as follows: That **HOUSE**..... Bill No. **771**

DO NOT PASS

~~DO PASS~~

STANDING COMMITTEE REPORT

February 14

19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 816

First reading copy (white)
color

SPECIFYING TYPE OF LETTERING ON STATE FLAG

Respectfully report as follows: That HOUSE Bill No. 816

DO PASS

STANDING COMMITTEE REPORT

February 14 19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 631

First reading copy (White color)

PROVIDING THAT ELECTORS MAY REQUEST A PAPER BALLOT WHEN VOTING MACHINES ARE USED

Respectfully report as follows: That HOUSE Bill No. 631

BE AMENDED AS FOLLOWS:

1) Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2) Page 1.

Following: line 20

Insert: "~~NEW~~ SECTION. Section 2. Effective Date.

This act is effective July 1, 1935."

AND AS AMENDED

~~DO PASS~~

STANDING COMMITTEE REPORT

February 14

1955

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

641

having had under consideration Bill No.

First

White

reading copy (_____)
color

**ALLOW ADVERTISED OR CATALOG PRICES TO COUNT AS BIDS FOR
STATE PURCHASES**

HOUSE

641

Respectfully report as follows: That

BE AMENDED AS FOLLOWS:

1) Title, line 6.

Strike: "AND SERVICES"

2) Title, line 7.

Following: ";"

Insert: "ALLOWING SPECIAL PURCHASING PROCEDURES FOR OFFICE
SUPPLIES;"

3) Page 2.

Following: line 6

Insert: "(4) Notwithstanding 18-4-123 (19), "office supply"
means an item included under the office supply commodity
class codes maintained by the department."

Renumber: Subsequent subsections

DO PASS

Continued on page 2

.....
Chairman.

State Administration

February 14

19 85

HB 641

4) Page 3, line 13.
Following: "department"
Strike: " , "
Insert: "or"

5) Page 3, lines 13 through 15.
Strike: " , or" on line 13 through "procured" on line 15

6) Page 3, line 15.
Strike: "or service"

7) Page 3, line 18.
Following: "Any"
Insert: "office"
Strike: "or service"

8) Page 3, line 20.
Strike: "using"
Insert: "purchasing"

9) Page 3, line 24.
Following: "which the"
Insert: "office"
Strike: "or service"

10) Page 4, line 1.
Following: "state"
Insert: "office supply"

AND AS AMENDED
DO PASS

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/17/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde			

Ex. #1
HB-771
2/14/85

Testimony of Montana Common Cause
Before the House State Administration Committee
In Support of HB771

February 14, 1985

Good morning, Mr. Chairman and members of the committee. For the record, my name is Robert Anderson and I am a lobbyist for Montana Common Cause. I speak today on behalf of the 750 members of our organization in support of House Bill 771.

Candidate and political action committee financial reports serve a number of different purposes: they give the Commissioner of Political Practices a way to ensure that campaign finance rules are being followed; they allow the public (usually via the media) a way to look in on campaigns and examine the type of support a candidate is receiving; and they give the candidates themselves a way to keep track of what their opponents are spending and where the money is coming from.

Candidate and PAC reporting dates are spread out during a campaign because the functions I've just mentioned wouldn't be very useful if the information wasn't available until after the election was over. In Montana, we have traditionally had two sets of reporting dates - one for statewide races and one for district races. Statewide candidates have always had to report more frequently than have district candidates and PACs and the reason for this is a simple one - there has always been more money involved in statewide campaigns and, therefore, more reason to look in frequently on their financing. At the moment, candidates involved in statewide races have to file at least eight financial reports during the course of one campaign. Candidates for district office and the PACs that support them are currently

required to file five reports.

The bill before you this morning would add one reporting date, Oct. 5, to those required for PACs and candidates involved in campaigns for district offices. There are two reasons why this is necessary.

First, the statute that this bill seeks to amend was drafted at a time when district races involved far less money than they do today. In the last nine years, the amount of money spent on legislative races alone has nearly tripled, and I think that everyone in this room would have to agree that money plays a more significant role in the mounting of a successful campaign today than it did in 1976. It follows then that the need, for you as candidates, for the Commissioner's Office and for those of us on the outside, to keep track of campaign financing is greater today than when this law was originally written.

Second, there have been some real problems with the four-month gap in district office reporting dates that currently exists. Attached to this testimony is a copy of the reporting requirements form sent by the Commissioner of Political Practices Office to candidates and PACs involved in district races in 1984. You will notice that following the post-primary reporting date of June 25, no subsequent report is required until Oct. 26. This date represents the statutory 10-day pre-general reporting date. In 1984, Oct. 26 fell on a Friday, which meant that reports mailed out on that date were not available to the public until the following Monday. In other words, the only opportunity during the entire general election campaign for the media, the Commissioner's Office or the candidates themselves to examine the finances of legislative candidates and PACs came barely a week before the election itself, which, as you know, is really too short a time for the information to be useful to you or us.

Montana Common Cause believes Oct. 5 constitutes a reporting date both

far enough along in the general campaign to provide significant information and far enough ahead of the election date to allow timely use of the reports by interested parties. We hope you will support this bill.

Thank you.

C A L E N D A R
for
S T A T E D I S T R I C T

CANDIDATES AND COMMITTEES FINANCIAL REPORTS

Primary and General Elections

1 9 8 4

A financial report (Form C-5) must be filed for each reporting period. It is to disclose only those transactions which occur during the specific reporting period.

Type of Reports	Reporting Period Covered	Filing Deadline
1st Report Pre-election	Date of beginning contribution or expenditures thru May 21, 1984.	May 25
Report only	if you receive a contribution of \$100 or more from a single source between May 22 and June 5 on Form C-6 within 24 hrs.	Within 24 hrs.
Post-election	May 22 thru June 20 <u>Must</u> be filed by <u>all</u> candidates. (May be filed as a "Closing" Report by a losing candidate if all debts are paid and no more funds will be received or expended, otherwise a closing report must be filed 5 days after account is closed.)	June 25
Pre-General	June 21 thru Oct. 22	Oct. 26
Report only	if you receive a contribution of \$100 or more from a single source between Oct. 23 and Nov. 6 on Form C-6 within 24 hrs.	Within 24 hrs.
Post-general or Closing	Oct. 23 thru Nov. 21 <u>Must</u> be filed by <u>all</u> candidates. (May be filed as a "Closing" Report if all debts are paid and no more funds will be received or expended, otherwise a closing report must be filed 5 days after account is closed.)	Nov. 26

COMMISSIONER OF POLITICAL PRACTICES
Capitol Station
Helena, Montana 59620
Phone: (406) 444-2942

EX #2
HB-771
2/14/85

WITNESS STATEMENT

NAME Margaret S Davis BILL NO. HB 771
ADDRESS 816 Florence, Helena MT 59601 DATE 14 Feb 85
WHOM DO YOU REPRESENT? League of Women Voters of Montana
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The League supports full and timely disclosure of campaign contributions and expenditures. This disclosure must be accessible to the press and public and the additional Oct 5 date furthers the original intent of this law.

Ex. # 3
HB 641
2/14/85

PROPOSED AMENDMENT TO HB 641 - INTRODUCED BILL

1. Page 2, line 6

Following: line 6

Insert: "(4) Notwithstanding 18-4-123 (19), "office supplies" means those items included under the office supply commodity class codes maintained by the department."

Renumber: Subsequent subsections

2. Page 3, line 13

Following: "the department"

Strike: ", "

Insert: "or"

3. Page 3, line 13 through line 15

Following: "purchasing agency" on line 13

Strike: remainder of line 13 through "procured" line 15 on page 3.

4. Page 3, line 15

Following: "supply"

Strike: "or service"

5. Page 3, line 18

Following: "any"

Strike: "supply or service"

Insert: "office supply"

6. Page 3, line 20

Following: "by a"

Strike: "using"

Insert: "purchasing"

7. Page 3, line 24

Following: "which the"

Strike: "supply or service"

Insert: "office supply"

8. Page 4, line 1

Following: "state"

Insert: "office supply"



Executive Office
P.O. Box 440
34 West Sixth
Helena, MT 59624
Phone (406) 442-3388

Ex. # 4
HB 641
2/14/85

TESTIMONY
HB 641

Mr Chairman and Members of the Committee:

For the record, my name is George Allen, representing the Montana Retail Association supporting HB 641.

Central Stores started several years ago with a good idea, bulk purchasing on certain things with a discount to save the state money. Unfortunately, what we have seen grow out of this idea is now a full fledged office supply store, that may or may not be saving the state money.

I would like to call your attention to the investment the tax payers in Montana have in Central Stores. Cash, \$80,383.00; receivables, \$219,709.00; inventory, \$475,468.00; fixed assets, \$76,424.00; total assets, \$851,984.00. With that investment and annual volume of \$1,648,184.00, I would like to suggest if that were a private enterprise it would be out of business.

I would like to call to your attention to the purchasing departments rules 2.5.201, in which they define Central Stores. Within Central Stores they've established controlled items which includes office supplies. Then I'd like to call your attention to sub chapter 3 in their procedures 2.5.301, paragraph 3, where they say using agencies must buy controlled items from Central Stores. What we have seen grown out of a good idea now has grown to a full fledged office supply store with a department administration adopting the rules stating that state agencies must buy regardless of price, quality or anything else through Central Stores.

That brings us to the intent of this bill. This bill gives the option to a state agency to go to a retail store, providing the price is less than Central Stores, they then can buy their pencils, paper clips, or what they need in their office from that store. That gives for an example, the University in Missoula the flexibility to go to their local store to buy their product.

Mr. Chairman and members of the Committee, we don't feel it was the intent of the legislature when they set up Central Stores for them to grow to this magnitude. I guess we must ask ourselves a question - how big do we want state government to get, how far into the private sector do we want them to creep? Do we want Central Stores in the future to be a PX for state employees, such as the PX is for the military, where you can buy t-shirts, watches, tennis shoes, groceries?? This might sound far fetched, but to the merchant on main street who is trying to make a living selling office supplies, this is no joking matter. They are having a hard time keeping their heads above water. Paying taxes, creating jobs, trying to be a good citizen in the community is tough when their number one competitor is the state government.

Respectfully,

George Allen
Montana Retail Association

Ex - 1
HB 641
2/14/85

DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION



TED SCHWINDEN, GOVERNOR

MITCHELL BUILDING, ROOM 165

STATE OF MONTANA

(406) 444-2575

HELENA, MONTANA 59620

February 14, 1985

TESTIMONY IN OPPOSITION OF HB 641

Presented by Laurie Ekanger, Administrator,
Purchasing Division, Department of Administration,
to the House State Administration Committee.

Mr. Chairman and Committee members, my name is Laurie Ekanger and I am the Administrator of the State Purchasing Division of the Department of Administration. I appear before you today in opposition of HB 641.

The Department has reviewed the proposed amendments and, while the amendments limit the arena where the purchasing problems will occur, the bill still creates major purchasing problems.

This bill changes the Montana Procurement Act which was passed by the 1983 Legislature. The Montana Procurement Act was based on the American Bar Association Model Procurement Act and has only been in effect since January 1984. The Montana Procurement Act sets forth competitive sealed bidding as the prescribed method for procuring all state supplies and services, except under certain specific circumstances (e.g., sole source, exigencies). This bill adds two sweeping exceptions to competitive sealed bidding.

1. The first exception (subsection (2) on page 3) dramatically increases the discretionary authority of the state's purchasing agents by allowing them to open all the sealed bids submitted by vendors, look at the prices, reject them and then go purchase from a non-bidding vendor of their choosing based on a price list or an advertisement. On behalf of the State's purchasing agents I am telling you we don't want that discretion for the following reasons: the potential for fraud and mistakes is greatly increased; advance verification of non-bid prices is nearly impossible; vendors who do bid are not treated fairly and will probably stop bidding; the present system works very well.
2. The second exception (subsection (3) on page 3) singles out a specific commodity - office supplies - for special treatment. This section allows office supply dealers to offer pricing to the state not at the time the bids are opened, but after the sealed bid process has been completed and contracts have been awarded. Office supply dealers represented by the Montana Retail Association do not want the State to bulk purchase office

Testimony HB 641
Page 2
February 14, 1985

supplies. They say that local dealers will meet the volume purchase prices voluntarily without volume bidding. This has not been our experience in the past. Regardless, we feel strongly that making special exceptions in purchasing law for a commodity sets out a damaging precedent and an invitation to vendors of other commodities to also seek exemptions from the bidding laws.

Both of these proposed exceptions open the back door to the State's business for vendors who either have not been successful bidding to the State or have not bothered to bid to the State. As soon as vendors and buyers start meeting by the back door, the fairness and integrity of the entire state purchasing system will suffer, and the sealed bid system used by public jurisdictions everywhere will start to break down in Montana.

I strongly urge you to give HB 641 a "DO NOT PASS" recommendation. Thank you for your consideration.

HB641/LAURIE

LE/ct

Ex. # 6
HB-572
2/14/85

Proposed amendments to HB 572

Purpose: to put the Legislature on a constitutionally sound basis for its compensation.

1. Title, line 7.

Following: "LEVELS;"

Insert: "ESTABLISHING A METHOD FOR SETTING FUTURE LEGISLATIVE COMPENSATION;"

2. Page 2, line 10.

Following: "employee"

Insert: "in effect the day before the regular session convenes"

3. Page 2, lines 11 through 13.

Following: "session" on line 11

Strike: the remainder of line 11 through "level" on line 13

4. Page 3, line 23.

Following: "employee"

Strike: ", "

Insert: "in effect the day before the regular session convened, as"

5. Page 4, lines 1 through 3.

Following: "business" on line 1

Strike: the remainder of line 1 through "level" on line 3

Rationale for amendments proposed to HB 572

1. Article V, section 5 of the Montana Constitution says, "No legislature may fix its own compensation." Although specific constitutional language saying the Legislature is a continuous body for two-year periods was amended out of the constitution, for the purposes of compensation, the principle would still hold.

2. For several sessions, the Legislature has tied its salary to the level of the grade 8, step 2 employee of state government. Typically, the Legislature has provided pay increases for the grade 8, step 2 employee on July 1 of each year. Legislators who serve on committees during the interim and at special sessions have been paid based on those increases. Since the legislature has fixed that rate of pay and members of the same legislature have received the benefit of the increase, it appears that the Legislature may have been fixing its own compensation, which is not allowed.

3. The proposed amendment would change the bill to change the present method of setting compensation so that for every Legislature in the future the salary fixed for a grade 8, step 2 employee by the previous Legislature and in effect at the beginning of the regular session would be the salary for that Legislature for its full two year existence. By this means, the possibility of unconstitutionality is avoided.

4. If a future Legislature, say the next one, the 50th, decided that some salary other than grade 8, step 2 were more appropriate, that Legislature could amend the law to provide the next Legislature, in this case the 51st, and subsequent Legislatures the salary considered appropriate.



Ex. # 7
HB-613
2/14/85

CITIZEN'S LEGISLATIVE COALITION

Box 2184
Whitehall, Montana
59759

The Citizen's Legislative Coalition would like to go on record as proponents of HB 613.

This bill will encourage opponents of ballot issues to bring lawsuits in a timely manner. Lawsuits are usually filed before an election for one of two reasons. The proper reason for a lawsuit at this time is to challenge the procedure by which the petition was qualified for the ballot. However, lawsuits are also filed when the opponents come to believe that they cannot defeat the measure at the polls. Therefore their only recourse is to try to remove it from the ballot. This bill will not prevent such lawsuits but will let the opponents know that if they want the measure off the ballot, their suit must be timely.

Because the Supreme Court removed a duly qualified initiative from the ballot last year, we predict that this type of suit will become common place in the future. And, since it is usually late in the campaign before opponents decide they cannot defeat a measure at the polls, these suits will probably be filed after the ballot is certified. If we continue to allow these suits to interfere with the election process, the public will quickly become outraged with everyone involved. This means that all parties including the initiative process itself will lose in public confidence.

We urge the committee to give this bill a "Do pass" recommendation.

WITNESS STATEMENT

NAME CAROLE MACKIN BILL NO. 613
ADDRESS RT 2 BOX 2184, WHITEHALL, MT DATE 2-14-85
WHOM DO YOU REPRESENT? CITIZEN'S LEGISLATIVE COALITION
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Ex. #8
HB-613
2/14/95

AMENDMENT TO HOUSE BILL NO. 613

- 1. Title Line 7:
Following: Section 13-10-208
Insert: ", "
Strike: "AND"

- 2. Title Line 8:
Following: ", "
Insert: "AND 7-5-135"

- 3. Page 2:
Following: Line 19
Insert:

Section 3. Section 7-5-135, MCA, is amended to read:
constitutionality of petition and proposed action. (1) Before
submitting the question to the electors
the governing body may direct that a suit be brought in
district court by the local government to determine whether
the petition is regular in form and has sufficient signatures
and whether the proposed action would be valid and
constitutional. Once the ballot has been certified, no court
of this state may order changes in the ballot.

(2) The complaint shall name as defendants ~~not less than
10 or more than 20 of the petitioners.~~ In addition to the
names of the defendants, to the caption of the complaint there
shall be added the words: "And all petitioners whose names
appear on the petition for an ordinance filed on the ____ day
of _____, in the year _____", stating the date of filing.

defendant the election administrator who has determined the
initiative has sufficient signatures. the-person-or-persons
who-sumbitted-the-petition-for-approval-under-7-5-134.-- The
summons shall be similarly directed and shall be served on the
defendants named therein and in addition shall be published."

Ex # 9
HB-613
2/14/85

WITNESS STATEMENT

NAME Margaret S Davis BILL No. HB 613
ADDRESS 816 Florence Helena 59607 DATE 14 Feb 85
WHOM DO YOU REPRESENT League of Women Voters of Montana
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Restricting judicial review is not the solution to the problem raised by the suit this past fall involving a certified initiative. This bill seeks a solution that in and of itself would not meet a constitutional test. The case this fall, which I heard argued, was in my personal opinion an instance of poor timing and politics combining to undercut the citizen's faith in the initiative process. This result as undesirable as it was - still should not preclude all access to the court system regarding the form of the ballot.

Montana's constitution protects the initiative process and access to the courts is a protection for the proponents of an initiative (27-27-316) and for candidates.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PUBLIC HEARING
of a rule relating to Accredi-) FOR PROPOSED AMENDMENT OF
tation Period 10.55.101) A RULE ~~2~~ ACCREDITATION
) PERIOD 10.55.101

TO: All Interested Persons..

1. On February 21, 1985, at 10:30 a.m.; a public hearing will be held in the Board of Regents Conference Room, 33 South Last Chance Gulch, Helena, Montana 59620 in the matter of amendment of rule relating to Accreditation Period. The effective date of this rule will be immediately.

2. The rule as proposed will be amended provides as follows:

10.55.101 ACCREDITATION PERIOD (1) through (4) remain the same.

(5) All rules published for adoption in the A.R.M. prior to December 1 will be effective July 1 of the year following unless noted otherwise. They should be found in the Montana School Accreditation Standards and Procedures Manual which is updated and distributed by the Superintendent in January of every year. This policy reaffirms the board's basic belief in school districts' responsibility. School districts are responsible for filing and updating any information pertinent to the accreditation process.

AUTH: Sec. 20-7-101, MCA

IMP: Sec. 20-7-102, MCA

3. This rule is amended in order to ensure a clear assignment of timelines for all parties concerned in the accreditation process.

4. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or argument may also be submitted to Ted Hazelbaker, Chairman, Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59620 no later than February 28, 1985.

5. Ted Hazelbaker, Chairman, and Hidde Van Duym, Executive Secretary to the Board of Public Education, 33 South Last Chance Gulch, Helena, Montana have been designated to preside over and conduct the hearing.

Ted Hazelbaker

TED HAZELBAKER, CHAIRMAN
BOARD OF PUBLIC EDUCATION

By: _____

Hidde Van Duym

PROPOSED AMENDMENTS TO HB604

Section 1 subsection 2 is amended to read as follows:

(2) An adoption, amendment, or repeal of an administrative rule may take effect as prescribed in the notice of rulemaking action if:

(a) the governor or other elected official has declared that the rule is proposed to meet an emergency as provided in 2-4-303; or

(b) the rule change is necessary to maintain eligibility for the receipt of federal funds.

Section 2 is amended to read as follows:

"2-4-303. Emergency rules. (1) If ~~an agency~~ the governor or other elected official finds an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing ~~its~~ his reasons for that finding, ~~it~~ an agency may proceed, without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period not longer than 120 days, but the adoption of an identical rule under 2-4-302 is not precluded.

(2) The sufficiency of the reasons for a finding of imminent peril to the public health, safety, or welfare is subject to judicial review."

Section 3, subsection 4 is amended to read as follows:

(4) Each rule shall become effective ~~after publication to the register as provided in 2-4-312, except that~~ [section 1].

~~(a) if a later date is required by statute or specified in the rule, the later date shall be the effective date;~~

~~(b) subject to applicable constitutional or statutory provisions;~~ An emergency rule shall become effective immediately upon filing with the secretary of state or at a stated date following publication in the register if the agency governor or other elected official finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The ~~agency's~~ governor's or other elected official's finding and a brief statement of reasons therefor shall be filed with the rule. The agency shall take appropriate measures to make emergency rules known to every person who may be affected by them."

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

Ex. #10
HB-604
2/14/85



TED SCHWINDEN, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

February 13, 1985

TO: House State Administration Committee
FROM: Dal Smilie, Attorney
RE: HB-604

The sponsors of HB-604 must believe that it will cut down unnecessary rule making. SRS believes that HB-604 will restrict responsible management flexibility which will cause inefficiencies in state government. Inefficient management practices at an agency as large and complicated as SRS can cause the needless expenditure of large sums of money.

"Necessary" rules can be promulgated under HB-604. Unfortunately the adoption of necessary emergency rules will cut down public input because no notice or public hearing is required by MAPA for emergency rules. With the passage of HB-604 there will be an increase in emergency rules.

Unnecessary rules are to be eliminated. SRS argues that regular and timely rule making, precluded by HB-604, is often necessary, desirable and cost efficient. Of the 151 pages SRS published in the 1984 MAR, thirty-seven pages were necessary due to changes in federal law, twenty-four pages were necessary to implement state law and ninety pages were to: clarify, revoke archaic and unnecessary rules or make government more efficient and to save tax money or to implement necessary goals. Note that the 151 pages in the MAR reflect less than one quarter of pages of actual rules finally put in the ARM. Some examples of the "optional" or "unnecessary" rules which would be precluded by HB-604:

- . Evaluation of foster and day care providers to eliminate child abusers and mentally ill. Six pages (MAR p. 1834-35, 38-41).
- . Elimination of payments to claimants' attorneys when they do not assist in Medicaid subrogation recovery. Three pages (MAR p. 1409-11).
- . Changes in the food stamp program to make it similar to other federal assistance programs to cut error rates. Three pages (MAR p. 1464-65, 1755).
- . Changes to allow medical providers to appeal Medicaid sanctions. Seven pages (MAR p. 1404-08, 1639-40).
- . Clarification of rights of Montana citizens to a fair hearing. Eight pages (MAR p. 1358-63, 1633-34).
- . Modification of General Relief to stay within appropriations. Fourteen pages (MAR p. 802-810, 998-1004).

- . Modification to allow Medicaid eligibles beginning nursing home care to remain in unused rural hospital beds where there is a shortage of nursing home beds. This program keeps small hospitals solvent while preventing a rise in Medicaid costs due to new nursing home construction. Six pages (MAR p. 798-801, 994-97).

Since most statutes are effective October 1, new statutes could not be implemented for a full year after their effective date. Therefore, HB-604 would stifle the intent of the legislature.

As long as government deals with complicated issues requiring the active role of Executive Branch agencies, there must be administrative rules. The legislature has built in ample safeguards to restrict unnecessary rule making. HB-604 takes away effective management tools by restricting the Executive Branch agencies from choosing more efficient federal options or streamlining their operations to cut rising costs.

WB/007

Ex. 11
HB 604
2/14/85

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

HELENA, MONTANA 59620

HOUSE STATE ADMINISTRATION COMMITTEE

FEBRUARY 14, 1985

TESTIMONY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN OPPOSITION TO HOUSE BILL 604

In addition to rules which impose regulations on the public, the Department adopts a significant number of rules which are of direct benefit to the public, or which are essential to respond to changing circumstances or unforeseen problems brought to the Department's attention by the public. For example, many of our rules accomplish the following purposes:

- correct errors in current rules which, if uncorrected, make current rules ineffective;
- respond to Attorney General or court decisions rendering current rules, or the statutes under which they adopted, invalid;
- maintain consistency with the State Health Plan;
- make benefits (financial or otherwise) available to the public;
- relax regulatory requirements which have been found to be unnecessary;
- provide procedures for variances or exemptions from regulatory requirements;
- respond to problems of the regulated industry or public.

In addition, in almost all cases, our rules are adopted for the purpose of promoting or protecting the public health, sanitation, or the environment. It is not the agency, but the public, which would suffer if these rules were delayed.

Attached is a representative listing of rulemaking notices over the past four years for the adoption of rules which provided benefits or relaxed regulatory requirements.

DATE OF NOTICE OF
PROPOSED RULE-MAKING

EFFECT OF RULE

3/16/81	Eliminated requirement that every day-care employee must have a complete medical exam
4/6/81	Relaxed fluoride emission standards (air pollution) because of industry problems in complying with the old standard
7/20/81	Relaxed and simplified tuberculin testing requirements for school employees
7/20/81	Made grant money available to local governments for solid waste management planning
8/3/81	Established procedures to obtain variance from solid waste management requirements
10/5/81	Exempted small sources from open-burning regulations
10/19/81	Relaxed immunization reporting requirements for schools
11/2/81	Repealed food establishment and hotel rules which were adequately covered by building code rules
11/2/81	Restricted application of food service establishment rules
11/16/81	Relaxed monitoring requirements for small public water supply systems
12/7/81	Eliminated non-health-related requirements from the trailer court rules
12/21/81	Established procedures for variances and exemptions from public water supply requirements
4/5/82	Established a general permit program for water discharge permits--created summary procedures for quick permit processing for specific categories of discharges
7/2/82	Relaxed the requirement for disinfection of effluents to state waters
4/4/83	Reduced DHES' laboratory fees
6/6/83	Facilitated access to vital statistics records for research purposes--at the request of a research organization

8/1/83	Provided exemptions from requirements for pre-marital serological tests
10/31/83	Established end-stage renal disease program, making financial assistance available to people with medical expenses
5/7/84	Streamlined the subdivision review process
5/21/84	Reduced DHES' laboratory fees
10/1/84	Expanded applicability of general permit program to include mobile oil and gas exploration wastewater treatment facilities--at the request of industry

Rules currently being drafted include a complete revision of existing rules which set standards to prevent spread of communicable disease, in order to make them more useable by local health departments and to incorporate the most current acceptable medical standards.

Ex. # 12
HB-631
2/14/85



COMMISSIONERS
Box 846 - Phone 778-2883
Delane Beach, Chairman
Gary Lang, Plevna 59344
William Duffield, Baker

CLERK & RECORDER
Mary Lee Dietz
Box 846 - Phone 778-2883

COUNTY ATTORNEY
Denzil R. Young
Box 620 - Phone 778-2406

ASSESSOR
Curtis Huether
Box 499 - Phone 778-2883

CLERK OF COURT
Jean Cameron
Box M - Phone 778-2883

SHERIFF
Leiland Gundlach
Box 899 - Phone 778-2879

SUPT. OF SCHOOLS
Marlene A. Ferrel
Box 1117 - Phone 778-2883

TREASURER
Faye M. Koening
Box 787 - Phone 778-2883

FALLON COUNTY

BAKER, MONTANA 59313

February 11, 1985

Honorable Walter Sales, Chairman
House State Administration Committee
Room 317
State Capitol
Helena, Montana 59620

Re: House Bill 631 "An act to provide that an elector may request to vote by paper ballot only where voting machines are used; to define "voting machine"; amending section 13-17-305, MCA."

Honorable House State Administration Committee;

SUPPORT HB 631

The counties who use "devices" for voting do not need paper ballots for absentees as counties using "voting machines" do. By an elector being able to request a paper ballot in these precincts using devices they have given up their right to a secret ballot as they are probably the only one or one of a few using paper so the judges know exactly how they voted. They have to be added to the computer tape counting the other ballots by hand so if they tell anyone they voted paper or anyone seeing them get a paper ballot also knows how they vote. Of course some ask for paper just so people will know how they vote. We have a family of 5 that sued the county over a road so vote paper so everyone will know they didn't vote for any incumbents. These paper ballots are very expensive. I only have 25 per precinct printed and they have cost the following amounts:

Election	Cost	paper ballots used	average cost per ballot
Nov. '84	\$301.47	6	\$ 50.25
June '84	527.75	1	527.75
Nov. '82	not seperated from CES ballots	9	unknown
June '82	231.00	4	57.75

The number of electors voting and percentage requesting paper ballots instead of CES (a "device") were: June '82 1305 or .003% (this was the first election we used CES); Nov. '82 1826 or .005%; June '84 977 or .001%; Nov. '84 1912 or .003%. As you can see 1/2 of 1% is the largest percentage of electors that have requested paper and I feel this is much to small a percentage to warrant this expense and effort for the county. The majority of the electors are very pleased with the CES and feel it is easier than paper. All of the "devices" that have been certified in Montana are simple to use so do not cause a hardship to the voter in not furnishing paper ballots as an option.

The paper ballots also slow down the counting process and cost additional time for the judges. The computers will count another complete ballot as fast as one judge can feed it in with another judge watching. The paper ballots take

SUPPORT HB 631

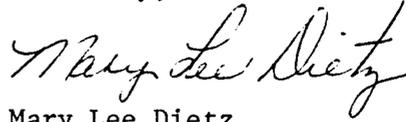
page 2

three judges- one to read and two to write candidates name and office and then tally votes and add to the computer tape. I am enclosing a copy of one of our election results sheets so you can see what I mean by the computer tape and how a paper ballot is added in case you are not familiar with CES.

There are at least 22 and maybe more counties using CES so would be a savings to almost half of the counties.

Thank you for your time and consideration and will appreciate your support for HB631.

Sincerely,



Mary Lee Dietz
Clerk & Recorder &
Election Administrator

Enc. copy of election results

cc: Senator Shaw
Representative Abrams
M. Stephen, MACR lobbyist

ELECTION RESULTS

PRECINCT 07 PAGE 1 OF 1

ELECTION:

Fallon County Montana
General Election
November 6, 1984

VOTING
POSITION

PRECINCT	07	PRECINCT	07
TOTAL BALLOTS CAST		89	
		POSN COUNT	
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES	VOTE FOR ONE		
WALTER MONDALE - GERALDINE FERRARO	4	4	32 1
RONALD REAGAN - GEORGE BUSH	7	7	53 +/
DAVID BERGLAND - JIM LEWIS	10	10	1
UNITED STATES SENATOR	VOTE FOR ONE		
CHUCK COZZENS	13	13	37 1
NEIL HALPRIN	15	15	2
MAX BAUCUS	17	17	44 +/
REPRESENTATIVES IN CONGRESS - SECOND CONG. DIST.	VOTE FOR ONE		
RON MARLENEE	22	22	59 +/ 1
CHET BLAYLOCK	24	24	26
GOVERNOR AND LIEUTENANT GOVERNOR	VOTE FOR ONE		
PAT M. GOODOVER - DON L. ALLEN	27	27	29 1
TED SCHWINDEN - GEORGE TURMAN	29	29	53 +/
LARRY DODGE - CLIFFORD THIES	31	31	1
SECRETARY OF STATE	VOTE FOR ONE		
JIM WALTERMIRE	34	34	55 +/ 1
JOE TROPILA	36	36	25
ATTORNEY GENERAL	VOTE FOR ONE		
DOUGLAS B. KELLEY	41	41	41 1
WILLIAM DEE MORRIS	43	43	1
MIKE GREELY	45	45	40 +/
STATE AUDITOR	VOTE FOR ONE		
ANDREA "ANDY" HEMSTAD	48	48	50 +/ 1
PATRICIA SUMMERS	50	50	3
NEWELL ANDERSON	52	52	25
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION	VOTE FOR ONE		
DON X. DRISCOLL	55	55	42 1
ED ARGENBRIGHT	57	57	35 +/
PUBLIC SERVICE COMMISSIONER SECOND DISTRICT	VOTE FOR ONE		
TOM MONAHAN	61	61	61 +/ 1
CHIEF JUSTICE OF THE SUPREME COURT	VOTE FOR ONE		
JEAN A TURNAGE	64	64	57 +/ 1
DANIEL KEMMIS	66	66	18
JUSTICE NO. 3 OF THE SUPREME COURT	VOTE FOR ONE		
DORIS SWORDS POPPLER	69	69	29 1
BILL HUNT	71	71	40 +/
REPRESENTATIVE DISTRICT NO. 24	VOTE FOR ONE		
HUBERT J. ABRAMS	75	75	68 +/ 1
CLERK OF THE DISTRICT COURT	VOTE FOR ONE		
JEAN CAMERON	79	79	71 +/ 1
COUNTY COMMISSIONER DISTRICT NO. 1	VOTE FOR ONE		
RALPH C. RISING	83	83	25 1
MIRIAM I. KIRSCHTEN	85	85	12
WILLIAM DUFFIELD	87	87	29 +/
LITTLE BEAVER SOIL CONSERVATION DIST. SUPERV. AREA 2	VOTE FOR ONE		
ALLEN D. RUSTAD	90	90	63 +/ 1
LITTLE BEAVER SOIL CONSERVATION DIST. SUPERV. AREA 5	VOTE FOR ONE		
HAROLD JENSEN	93	93	55 +/ 1
CONSTITUTIONAL AMENDMENT NO. 13			
FOR	129	129	60 +/ 1
AGAINST	132	132	18
CONSTITUTIONAL AMENDMENT NO. 14			
FOR	149	149	29 +/ 1
AGAINST	152	152	41
INITIATIVE NO. 96			
FOR	170	170	21 1
AGAINST	171	171	62 +/
INITIATIVE NO. 97			
FOR	183	183	26 1
AGAINST	185	185	51 +/



County of Custer

Custer County Courthouse
1010 Main
MILES CITY, MONTANA 59301

In regard to H.B. 631, I favor the passage of this bill in as much as Custer County had only one paper ballot used in the Primary and one in the General election, 1984. I feel it is very costly and unnecessary. Custer County had a registration last year of 8,017 electors and better than a 75% turn out for both Primary and General Elections so as you can see one ballot per election does not reflex much demand for paper ballots. The following is an estimate of our costs for paper ballots for 1984 elections:

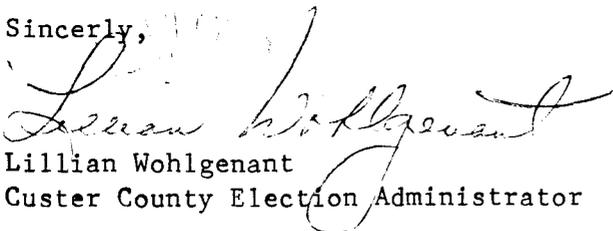
Primary -----\$311.35
General -----\$320.30

These figures are the costs for 50 ballots for each large precinct and 25 for the smaller or rural precincts.

If paper ballots were used to any extent, added Judges would be needed to tally the ballots.

Custer County uses the votomatics so passage of this bill would not only save the tax payers money but also time that it takes to draft ballots for printing. (Time is also money).

Sincerely,


Lillian Wohlgenant
Custer County Election Administrator



County of Custer

Custer County Courthouse
1010 Main
MILES CITY, MONTANA 59301

In regard to H.B. 631, I favor the passage of this bill in as much as Custer County had only one paper ballot used in the Primary and one in the General election, 1984. I feel it is very costly and unnecessary. Custer County had a registration last year of 8,017 electors and better than a 75% turn out for both Primary and General Elections so as you can see one ballot per election does not reflex much demand for paper ballots. The following is an estimate of our costs for paper ballots for 1984 elections:

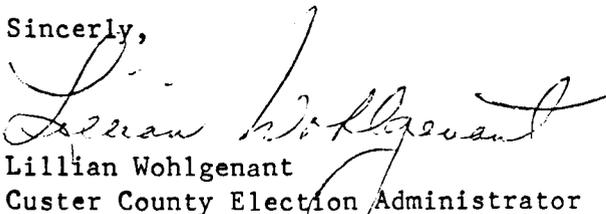
Primary -----\$311.35
General -----\$320.30

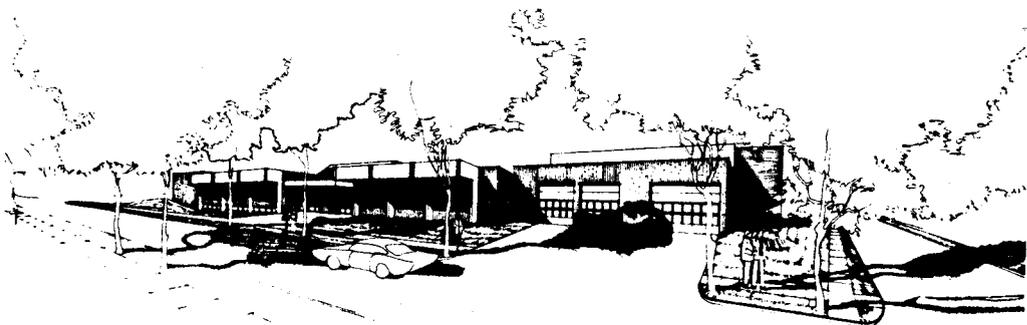
These figures are the costs for 50 ballots for each large precinct and 25 for the smaller or rural precincts.

If paper ballots were used to any extent, added Judges would be needed to tally the ballots.

Custer County uses the votomatics so passage of this bill would not only save the tax payers money but also time that it takes to draft ballots for printing. (Time is also money).

Sincerely,


Lillian Wohlgenant
Custer County Election Administrator



JANICE JENNINGS
Clerk and Recorder
(406) 222-6120

PARK COUNTY CLERK & RECORDER

P. O. Box 1037 — Livingston, Montana 59047

DATE: February 13, 1985

TO: State Administration Committee

FROM: Janice Jennings, Park County Clerk and Recorder

Out of 7053 people who voted in Park County at the General Election in 1984, only 15 requested papers ballots. The added cost of making up the paper ballots came to \$1,395.75. With only 15 of those ballots being used, the cost per ballot comes to a little over \$93.00 each. \$93.00 for one person to vote a paper ballot.

This figure (\$93.00) does not include the man power of the office staff to put together these added paper ballots; of setting up separate poll and tally books for them; nor does it include the time it takes for the judges to count these ballots at the polls and record each vote in the poll and tally books. There is also the extra time the canvassing board takes up in canvassing the paper ballots. I feel that this added time would up the cost of those 15 ballots used in our county during the last General Election to about \$150.00 each.

These are very costly ballots to pacify a very few voters who, out of fear of trying something new, or mistrust of automation, or just plain stubbornness, wish to vote the paper ballots.

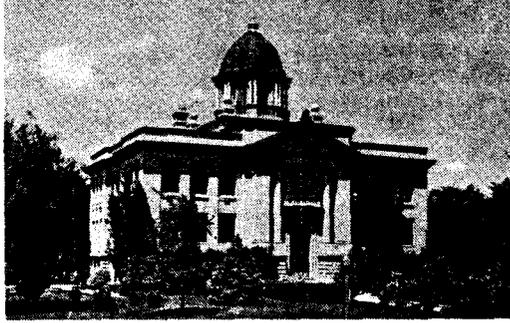
Our local taxpayers are burden enough with the cost of paper work created by the bureaucracy, it is time to start cutting some of those costs. Please help us save our taxpayers the unnecessary cost of paper ballots when using the CES voting system. Please vote FOR HB 631.

Respectfully,



Janice Jennings
Election Administrator and
Clerk and Recorder
Park County, Montana

County of Rosebud
Forsyth, Montana 59327



Ex. #13
HB-631
2/14/85

Office of
Clerk and Recorder

GERALDINE NILE
Clerk and Recorder

Doris Jean Strong, Deputy
Betty M. Fontaine, Deputy
Betty Fournier, Deputy
Shirley M. Staples, Deputy

January 14, 1985

Representative Walter Sales, Chairman
State Administration Committee
Capitol Station
Helena, Mt. 59620

Dear Representative Sales and Committee Members:

I strongly support House Bill No. 631, a bill that would allow an elector to vote by paper ballot in precincts where voting machines are used, for the following reasons:

Rosebud County has had voting devices for the past 2 general and primary elections. The devices were new to our electors in the Primary in 1982 and we had 5 electors out of 1780 which is 1/4 of 1%. In November of 1982 we had 2 electors out of 4163 who used paper ballots which is 1/20th of 1%. In the primary in June of 1984 2 electors out of 2020 voted by paper ballot which is 1/10th of 1%. In November of 1984, 3 out of 4525 electors voted by paper ballot which is 1/20th of 1%. The total paper ballot cost to our county in November of 1984 was 1524.67. This averages out to over 500.00 per ballot voted in November of 1984. I have figures from Artcraft Printers that indicate the rotation cost on the ballots was 176.80. The rotation cost on the paper ballots for the primary is higher because of the Committeemen and Committeewomen, but I do not have an exact figure on that.

Please accept this as testimony in support of House Bill No. 631.

Respectfully submitted,

Geraldine Nile
Rosebud County Clerk & Recorder
and Election Administrator

Testimony of Department of Revenue
Before the House State Administrative Commission
February 14, 1985

Subject: HB604; A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN OCTOBER 1 EFFECTIVE DATE FOR ALL ADMINISTRATIVE RULES EXCEPT EMERGENCY RULES DECLARED BY THE GOVERNOR OR RULES REQUIRED TO MAINTAIN FEDERAL ELIGIBILITY; AMENDING SECTIONS 2-4-303 AND 2-4-306, MCA."

This legislation would further impede the executive branch agencies in the exercise of their emergency rulemaking powers. There are legitimate instances of unforeseen peril to public health, safety and welfare which must be dealt with through emergency rules, e.g., supreme court rulings on various issues, the farming and ranching industries requiring economic relief, even oil wells producing lethal gas. These types of situations often affect taxpayer benefits as well as obligations. Adequate safeguards such as court review and the necessity for taking temporary emergency rules through the normal rulemaking process already exist.

Emergency rulemaking is relatively infrequent. According to the research conducted by the DOR Legal Bureau only 7 instances of emergency rulemaking occurred between January 1983 and December 1984. Agencies do not indiscriminately promulgate rules. It's expensive, time consuming and contentious.

Not only the legal staffs and the operating divisions in the executive branch would suffer under this proposed procedure. The public would lose too. Rules would be delayed for a year after legislation becomes effective. That means rulemaking dictated by legislation being passed right now would not take place until October 1, 1986. During the interim period the executive branch agency in question would be forced to operate using policy guidelines in which the public would have had absolutely no input.

VISITORS' REGISTER

COMMITTEE

BILL NO. 631

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Wm. S. Davis</i>	<i>HWV-MT</i>		
<i>Mike Styer</i>	<i>Clerk & Records</i>	<i>X</i>	
<i>Jessie Malita</i>	<i>Mad. P.P. Virginia City</i>	<i>X</i>	
<i>S. Geraldine Nile</i>	<i>Forsyth, MT</i>	<i>X</i>	
<i>James Price</i>	<i>Fl. R. Center, 7th Ave. N. 1st St.</i>	<i>X</i>	
<i>Mary Lee Slutz</i>	<i>Telluride City Clerk & Recorder</i>	<i>X</i>	
<i>LARRY AVEI</i>	<i>SECRETARY OF STATE</i>		
<i>Bill Arnsall</i>	<i>Clerk & Recorder</i>	<i>X</i>	
<i>Stebbie Pallett</i>	<i>"</i>	<i>X</i>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE _____

BILL NO. 604

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
DAL SMILIE	SRS		✓
Mona Jameson	Governor's office		✓
Jon A Meredith	DOR		✓
LEE TICKELL	S.R.S		✓
TODD HURAK	Mfco	—	—
Bob Lane	DFW DFW & P		✓
LARRY AUST	SECRETARY OF STATE	—	—
Chip Erdmann	MT School Bd Assoc.	✓	—
John W Lawrence	OPI	✓	—
Bob Nelson	PSC		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE _____

BILL NO. 613

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
CAROLE MACKIN	CITIZEN'S LEGISLATIVE COALITION	✓	
MARGARET DAVIS	KVV-MT		X
TODD HUDAK	MALCO		X
John Mott	Comm. House		✓
Mary Lee Niety	Lellan Chy. Clerk & Leader	✓	
LARRY AKEY	SECRETARY OF STATE	✓	
ANAN D ROBERTSON	-SEC. OF STATES OFF	✓	
Don Judge	MT STATE AFL-CIO		X
Newton Wright	MT STATE Demo Party		X
John W. Lamm	Private Citizen	✓	

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. 641

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
George Ollan	Mont. Kalaed Ann	X	
George P. Morgan	Printer Printing	X	
Robert Jensen	" "	X	
Jerry L. Davis	CAPITAL OFFICE EQUIP	X	
John Hoyle	Hoyle's Office Products	X	
Devin R. Barrow	The Printers - Office Supply	X	
DREW F. LIVESAY	MONT. DEPT. OF HOUS		X
DON BREIBY	DEPT OF ADMIN		X
Laurie Ekanger	Dept of Admin		X
Don Roberts	Union System For Des		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.