

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN JOHN COBB**, on February 3, 2003 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Mona Spaulding, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: SB 296, 1/30/2003; HB 108,
1/23/2003
Executive Action: HB 35; HB 44; HB 167; SB 252; SB
262; HB 37; SB 54

HEARING ON SB 296

Sponsor: SENATOR MIKE TAYLOR, SD 37, Proctor, MT

Proponents: None

Opponents: Mike Fellows, Montana Libertarian Party; Terry Minow, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

Informational Witnesses: Elaine Gravely, Election Deputy, Secretary of State's Office; Dulcy Hubbert; Commission of Political Practices (COPP); Jim Scheier, COPP

Opening Statement by Sponsor: SENATOR MIKE TAYLOR, SD 37, said SB 296 would help clean-up campaigns by providing more funds for education and enforcement. He referred to his recent campaign. SB 296 is a small step to bringing the political process back to what the framers of the Constitution envisioned. Political campaigns too often impugn the good names of candidates. If voters and candidates become cynical and disillusioned, the level of involvement necessary for the system to work will be destroyed. Candidates use disreputable methods in campaigns because they work. Enforcement of violations takes time and money. It used to be, if a candidate's personal character or family was challenged, it could be taken care of by simply having a duel. SEN. TAYLOR distributed a list of complaints filed to the COPP. EXHIBIT (sts23a01) There are numerous complaints on the docket that have not been processed. It is important that COPP be able to prosecute and finalize complaints in a timely manner. Lack of funding is most of the reason for delay. SB 296 proposes fee increases--but not out-of-line with surrounding states. SEN. TAYLOR said he could provide the committee with a list of fees from other states.

The main change in SB 296 is raising Legislature fees from \$15 to \$30. SEN. TAYLOR reviewed other changes in SB 296, including a fee that will now be paid to COPP for State ballot issues; and an individual forming a political committee will now pay a fee of \$100. There will be a fiscal note. A special revenue account has been designated to go to the Secretary of State. An amendment will be brought in the House to clarify the appropriation.

Proponents' Testimony: None.

Opponents' Testimony: Mike Fellows, Chairman, Montana

Libertarian Party, is not in favor of SB 296. As many people as possible should be involved in the political process. Fees create stumbling blocks. He recommended the bill be tabled, and that the Legislature work on reducing fees and taxes.

Terry Minow, Montana Education Association-Montana Federation of Teachers (MEA-MFT), said the MEA-MFT opposed SB 296 because it discourages involvement in the political process. As Legislative Director, she frequently gets calls from the Locals asking how to form a political committee. Usually, they want to go on record on the local school mil levy. They form a committee, put a few dollars in the bank, and run an ad in the local newspaper. A \$100

fee would be prohibitive. The MEA-MFT also objects to the \$250 annual fee on State ballot issue committees. This involvement should be encouraged, not discouraged.

Informational Witnesses: Elaine Graveley, Election Deputy, Secretary of State's Office, said she was present for questions.

Questions from Committee Members and Responses: CHAIRMAN COBB clarified how the fees were distributed. SEN. TAYLOR said now the fees go to the Secretary of State. The fees have been increased to compensate counties and paperwork. The difference between what goes to the Secretary of State and what is raised goes to a special account for the COPP.

SEN. GEBHARDT asked how decisions about fees were made. He noted the Legislature fee goes to \$30, when the County Commissioner fee goes to \$50. County Commissioners in small counties makes less money than Legislators. SEN. TAYLOR said the fee schedules were set by looking at what other states charge. SEN. GEBHARDT said in Class 3 Counties and below, County Commissioners made \$10,000 and less. SEN. TAYLOR said he was willing to discuss it.

Closing by Sponsor: SEN. TAYLOR said he wasn't one to raise anything. This is a different area than he's noted for; but if you believe in good government and the political process, there has to be funding to enforce violations. EXHIBIT (1) shows blatant violations are being made. The Commission of Political Practices, which is an independent body, needs to have funds to hire independent council and move the process faster. It also needs to be able to address violations during campaigns when they could affect outcomes. The intent of SB 296 is not to go after a small committee that puts an ad in the paper. Some of the most blatant violations occur with people that are not filed with the COPP. SEN. TAYLOR told the Committee that differentiation between counties could present a Constitutional problem.

HEARING ON HB 108

Sponsor: REP. ALAN OLSON, HD 8, Roundup, MT

Proponents: Mike Fellows, Libertarian Party

Opponents: None.

Informational Witnesses: Elaine Graveley, Secretary of State's Office; Dulcy Hubbert; Commissioner of Political Practices Office (COPP); Jim Scheier, COPP

Opening Statement by Sponsor: REP. ALAN OLSON, HD 8, said HB 108 came out of the House State Administration Committee 19-0, from the House floor 90-10. It does one thing: Puts the law back where it was before I-125. **EXHIBIT(sts23a02)**

Proponents' Testimony: Mike Fellows, Chairman, Libertarian Party, said corporations ought to spend money on the issues.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

Closing by Sponsor: REP. OLSON said HB 108 was a housekeeping measure.

EXECUTIVE ACTION HB 35

Motion/Vote: CHAIRMAN COBB moved that **HB 35 DO PASS. Motion carried unanimously.** SEN. SPRAGUE will carry HB 35 to the floor.

EXECUTIVE ACTION HB 44

Discussion: CHAIRMAN COBB said this was one of two similar bills. SB 66 has passed the Committee. Pat Murdo said HB 44 started as a different bill, then became identical to SB 66. It doesn't make any difference if both bills pass Committee.

Motion/Vote: CHAIRMAN COBB moved that **HB 44 DO PASS. Motion carried unanimously.** CHAIRMAN COBB will carry HB 44 to the floor.

EXECUTIVE ACTION HB 167

Motion/Vote: CHAIRMAN COBB moved that **HB 167 DO PASS. Motion carried unanimously.** SEN. GEBHARDT will carry HB 167 to the floor.

EXECUTIVE ACTION SB 252

Motion: SEN. SQUIRES moved that **SB 252 DO PASS.**

Discussion: SEN. GEBHARDT has talked to several Clerks and Recorders from small counties. They didn't think SB 252 would present a problem. They do feel at some point more people will

use the absentee ballot. Counties will still have the same costs to keep polling places open, and will have an added mailing cost; but they are not concerned.

SEN. WHEAT asked if counties had the ability to put precincts together. **SEN. GEBHARDT** said yes. The Clerk and Recorder can ask the Board of County Commissioners to approve a consolidation of precincts for voting purposes.

Motion/Vote: **SEN. SQUIRES** called for the question on **SB 252**.
Motion carried unanimously.

EXECUTIVE ACTION SB 262

Discussion: **Pat Murdo** said SB 262 redefines time limits for appointing a vacancy in the Legislature. HB 91, concerning the same issue, is in Senate State Administration. There is a conflict in the time-frame between the bills. SB 262 is very specific; HB 91 extends the time limit to 45 days. The instance of a vacancy during special Legislative session was discussed.
{Tape: 1; Side: B}

Motion: **SEN. COBB** moved **SB 262**.

Motion: **SEN. COBB** moved **CONCEPTUAL AMENDMENTS** to **SB 262**: "The Secretary of State has five days during a special session in order to notify County Commissioners and Central Committees of a vacancy."

Motion/Vote: **SEN. COBB** moved that **SB 262 DO PASS AS AMENDED**.
Motion carried unanimously.

EXECUTIVE ACTION HB 37

Discussion: **REP. JOHN SINRUD, HD 31**, clarified points previously raised in Committee. The public has the same access to materials they have now. Access is not being limited. Charges are now being made for copies. A staff person accompanies anyone wanting copies. The cost for copies in HB 37 is 10 cents, which includes paper, materials, use of the machine, and time. **REP. SINRUD** said security is the main issue; the second issue is consistent and equitable charges.

SEN. GEBHARDT asked for clarification concerning access to files when copies are not required.

SEN. SQUIRES said she saw a problem charging the public for labor. A State employee is required, by virtue of working for the State, to provide the public access to records. She does not

contest a charge for copies by the page; but it should not add an additional funding source. **SEN. SPRAGUE** said the newspapers had a similar copy policy. It's a kind of user fee. **SEN. SQUIRES** said newspapers are profit corporations, the State is not.

SEN. GEBHARDT said it was just a different way of charging for copies.

SEN. SPRAGUE said it wasn't "copies and labor," it's "copies or labor," whichever is less. **SEN. WHEAT** disagreed. SB 262 provides for the cost of copies and the labor for copying. He agrees with **SEN. SQUIRES**; public employees, paid salaries with tax dollars, should not be paid a second time.

CHAIRMAN COBB said his concern is that the money goes to the General Fund and not a special revenue account.

Motion/Vote: **SEN. SPRAGUE** moved that **HB 37 DO PASS**. Motion failed 2-3 with **COBB, SQUIRES, and WHEAT** voting no.

Motion/Vote: **CHAIRMAN COBB** moved to **INDEFINITELY POSTPONE HB 37**. Motion passed 3-2 with **GEBHARDT and SPRAGUE** voting no.

EXECUTIVE ACTION SB 54

Motion: **CHAIRMAN COBB** moved **SB 54**.

Motion: **CHAIRMAN COBB** moved that the **AMENDMENTS of January 27 DO PASS**.

Discussion: **CHAIRMAN COBB** said SB 54 came back to Committee from the Senate floor. **Pat Murdo** said the major change that has been made is to give the Board of Examiners, not the Governor, the power to remove the Commissioner of Political Practices (COPP). The Board of Examiners consists of the Secretary of State, the Attorney General, and the Governor. SB 54 also removes the word "partisan" at the COPP's request.

SEN. WHEAT said the amendments clean up the language; but the arguments would be the same on the Senate floor.

Motion/Vote: **CHAIRMAN COBB** called for the question on the **AMENDMENTS TO SB 54**. Motion carried unanimously.

Motion/Vote: **CHAIRMAN COBB** moved that **SB 54 DO PASS AS AMENDED**. Motion carried unanimously.

Discussion: **SEN. SPRAGUE**, referring to HB 37, said **SEN. WHEAT** was right: Charges would be made for labor and copies. He said that is how he expressed it, but that wasn't his concern. HB 37

no longer allows you to do your own copying. Someone will do it for you to keep the integrity of the copies.

CHAIRMAN COBB said, by their own rules, COPP can now say they're going to do the copying.

SEN. GEBHARDT said the reason for the bill was to preserve the integrity of the files.

SEN. SQUIRES said she couldn't imagine any office would let a procedure stand that compromised the integrity of files; but that it had nothing to do with charging labor costs.

Announcements: **CHAIRMAN COBB** said Executive Action would be taken Wednesday on SB 296. The procedure for Board Appointments will be discussed on Wednesday. There will be no hearings on Wednesday.

ADJOURNMENT

Adjournment: 3:55 P.M.

SEN. JOHN COBB, Chairman

MONA SPAULDING, Secretary

JC/MS

EXHIBIT (sts23aad)