

MINUTES

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

Call to Order: By **SEN. KELLY GEBHARDT**, on March 7, 2003 at 3:00
A.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: HB 203, 2/22/2003; HB 198,
2/22/2003; HB 252, 2/22/2003; HB
253, 2/22/2003
Executive Action: HB 305; HB 198

EXECUTIVE ACTION HB 305

Motion: SEN. COBB moved that HB 305 BE CONCURRED IN.

Motion: SEN. COBB moved AMENDMENT TO HB 305 BE CONCURRED IN.

Discussion: Pat Murdo explained the amendments EXHIBIT(1) saying
a Senator who is appointed or elected to complete an unfinished
term will consider the unfinished term to be that of the original

incumbent. The amendments do not apply to the House of Representatives because the next term to which a Representative would be elected would be a full term.

CHAIRMAN KELLY GEBHARDT asked if the amendments applied to other offices that would be affected, such as Governor and Secretary of State (SOS). **Janice Doggett, Legal Council, SOS**, said the amendments include everyone whose own term limits are affected by being elected or appointed to fill a partial term.

Vote: SEN. COBB called for the question on the AMENDMENT to HB 305 . Motion carried unanimously 4-0. (SEN. SPRAGUE not voting.)

Motion/Vote: SEN. COBB moved that HB 305 BE CONCURRED IN AS AMENDED. Motion carried unanimously 4-0. SEN. SPRAGUE will carry to the Senate floor. (SEN. SPRAGUE not voting.)

HEARING ON HB 203

Sponsor: REPRESENTATIVE ALAN OLSON, HD 203, ROUNDUP

Proponents: Janice Doggett, Chief Legal Council, Secretary of State (SOS); Elaine Graveley, Elections Deputy, SOS; Matthew Leow, Montana Public Interest Research Group (MT-PIRG); Mark Mackin

Opponents: None.

Opening Statement by Sponsor: REPRESENTATIVE ALAN OLSON said HB 203 clarifies the initiative process by bringing it into the information age. In some cases, the use of technology is limited, in other case the use of technology is provided for.

Proponents' Testimony: Janice Doggett, Chief Legal Council, Secretary of State (SOS), stood in support of HB 203, saying she would be available for questions.

Matthew Leow, Montana Public Interest Research Group (MT-PIRG), said MT-PIRG supported a strong and healthy initiative process. Typically MT-PIRG believes the process is good as it is, and discourage changing it. He said MT-PIRG has no problems with HB 203, and stands in support.

Mark Mackin, representing himself, said he has been involved with the initiative process since 1978. He said with the change replacing the initiative signer's date of birth with the signer's initials, he supports HB 203. EXHIBIT(2)

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor: REP. ALAN OLSON thanked the Committee.

HEARING ON HB 198

Sponsor: REPRESENTATIVE CAROL LAMBERT, HD 1, HAMMOND

Proponents: Pam Bucy, Attorney General's Office (AG); Elaine Graveley, Elections Deputy, Secretary of State (SOS)

Opponents: None.

Opening Statement by Sponsor: REPRESENTATIVE CAROL LAMBERT said HB 198 is an act declaring the language and statements of implication for ballot measures be worded so that a yes vote is a vote for the measure, and a no vote is a vote against the measure. She believes measures have purposely been written to confuse the public in recent history; if they have been written clearly, REP. LAMBERT thinks they would not have passed. REP. LAMBERT said the public is owed the honesty of a clear statement on ballot measures--where yes means yes, and no means no.

Proponents' Testimony: Pam Bucy representing the Department of Justice, Office of the Attorney General (AG), rose in support of HB 198. Ms. Bucy said ballot measures could be written as set forth in HB 198. She said it may not always make them clearer.

Opponents' Testimony: None.

Questions from Committee Members and Responses: SENATOR CAROLYN SQUIRES asked if a statement was made at the time the initiative was proposed that resulted in yes meaning no, and no meaning yes. Ms. Bucy said statutes governing initiatives and referendums require a statement of implication of twenty-five words or less, which the AG's office writes. The statute requires a vote for or against the measure be clearly explained. She said usually that was easy, except for an occasional referendum where a vote for the measure is a vote to repeal. Language could be written so that a yes vote would not appeal the referendum.

/ SENATOR MIKE WHEAT asked Janice Doggett if she had comments concerning HB 198. Ms. Doggett said the AG's office did not have a problem with the bill, and neither does the SOS. HB 198 clarifies that a positive vote indicates a vote for the measure, as opposed to any repealer that may apply.

Closing by Sponsor: REP. CAROL LAMBERT thanked the Committee and closed.

HEARING ON HB 252

Sponsor: REPRESENTATIVE DONALD L. HEDGES, HD 97, ANTELOPE

Proponents: None.

Opponents: None.

Informational Witnesses: Dulcy Hubbert, Program Supervisor, Office of Commissioner of Political Practices (COPP)

Opening Statement by Sponsor: REPRESENTATIVE DONALD L. HEDGES said HB 252 exempts special district candidates from campaign practices reform with the exception of the diversion of campaign funds. He said it was hard enough to find candidates for these positions without requiring them to comply with the Campaign Practices Reform Act. EXHIBIT(3)

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions from Committee Members and Responses: SENATOR MICHAEL WHEAT asked if all exempt special districts are set out in statute. REP. HEDGES said if a fire district, for example, isn't listed in HB 252 it would also be exempt from the Campaign Practices Reform Act. To be sure, a candidate could call the Commissioner of Political Practices (COPP).

SEN. WHEAT asked if a special district needed to ask the COPP to be exempt. REP. HEDGES said no.

SENATOR JOHN COBB asked if there was a statutory definition of a special district, or is the wording in the bill sufficient. Pat Murdo said she needed to review HB 252 for coordination with any relevant legislative bills, and for consistency with existing statutes.

Closing by Sponsor: REP. DONALD L. HEDGES said HB 252 came through the COPP. He thanked the Committee.

HEARING ON HB 253

Sponsor: REPRESENTATIVE DONALD L. HEDGES, HD 97, ANTELOPE

Proponents: None.

Opponents: None.

Informational Witnesses: Dulcy Hubbert, Program Supervisor,
Office of Commissioner of Political Practices (COPP)

Opening Statement by Sponsor: REPRESENTATIVE DONALD L. HEDGES
said HB 253 is an act including an InterNet website as a form of
communication covered by election law disclosure requirements.
Campaigns must clearly indicate the address of the campaign on
the website, and committees must indicate the name of the
committee and committee treasurer. EXHIBIT(4)

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions from Committee Members and Responses: SENATOR CAROLYN
SQUIRES said many people had websites. She said her own gave
credit for establishing the site, and asked if that was enough.
Ms. Hubbert said most people did put a disclaimer on the bottom
of their website. HB 253 clarifies the statute regarding
electronic media because many people had questions.

SENATOR MICHAEL WHEAT asked if the COPP would review
websites for compliance, and contact candidates if there were
problems. Ms. Hubbert said the COPP would follow the same
procedure as for any other disclaimer on materials. Candidates
would be contacted by telephone or e-mail if the COPP is advised
that material is out of compliance. If a candidate remains out of
compliance, he or she will be contacted a second time. There is
an option for an official complaint to be filed, which would
trigger an investigation. To Ms. Hubbert's knowledge that has
never happened.

Closing by Sponsor: REP. DONALD L. HEDGES thanked the Committee
and closed.

EXECUTIVE ACTION HB 198

Motion/Vote: SEN. COBB moved that HB 198 BE CONCURRED IN. Motion
carried unanimously 4-0. SEN. COBB will carry to the Senate
floor. (SEN. SPRAGUE not voting.)

ANNOUNCEMENTS: CHAIRMAN GEBHARDT said HB 252, HB 253, and HB 203
would be reviewed for coordination and compliance issues.

CHAIRMAN GEBHARDT told the committee a Subcommittee met this morning to work on HB 218.

SEN. COBB said HB 431 was being held in Committee without a scheduled hearing at this time at the request of the sponsor. Missoula County is having problems with the bill.

SEN. COBB reviewed up-coming Committee bills. The Department of Natural Resources and Conservation (DNRC) wants the committee to review the proposed Dillon Armory land transfer between the Department of Military Affairs and the County of Beaverhead. That will be done Wednesday, and the Wednesday meeting may convene early to consider it. There will be a hearing, but not a bill.

EXHIBIT(5)

SEN. COBB said a list of hearings requested from the Governor's appointment list should be in Committee by Monday.

ADJOURNMENT

Adjournment: 3:40 P.M.



SEN. JOHN COBB, Chairman



MONA SPAULDING, Secretary

JC/MS