

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
59th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN LARRY JENT**, on February 15, 2005 at 8:00 A.M., in Room 455 Capitol.

**ROLL CALL**

**Members Present:**

Rep. Larry Jent, Chairman (D)  
Rep. Dee L. Brown, Vice Chairman (R)  
Rep. Joan Andersen (R)  
Rep. Emelie Eaton (D)  
Rep. Robin Hamilton (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Teresa K. Henry (D)  
Rep. Hal Jacobson (D)  
Rep. William J. Jones (R)  
Rep. Gary MacLaren (R)  
Rep. Bruce Malcolm (R)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)

**Members Excused:** Rep. Veronica Small-Eastman, Vice Chairman (D)  
Rep. Mary Caferro (D)  
Rep. Sue Dickenson (D)

**Members Absent:** None.

**Staff Present:** Marion Mood, Committee Secretary  
Sheri Heffelfinger, Legislative Branch

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

**Committee Business Summary:**

Hearing & Date Posted: HB 595, 2/11/2005;  
HB 490, 2/5/2005; HJ 8, 2/2/2005;  
HB 376, 1/25/2005;  
HB 649, 2/14/2005  
Executive Action: HB 536; HB 173; HJ 8; HB 325;  
HB 376; HB 595; HB 256; HB 490

**HEARING ON HB 595****Opening Statement by Sponsor:**

**REP. CAROL JUNEAU (D), HD 16**, opened the hearing on **HB 595**, Clarify gender/racial balance for election judges; satellite absentee voting. She provided a copy of Section 2-15-108, MCA, which deals with gender and racial balance. **REP. JUNEAU** stated the second part of her bill dealt with extending satellite offices to Senior Citizen Centers to allow people to vote absentee ballots for up to 30 days prior to an election. She added the resulting cost should be borne by the requesting entity or agency and not by the Clerk and Recorder's Office.

**EXHIBIT (sth37a01)**

**Proponents' Testimony:**

**Brad Martin, Montana Democratic Party**, stated that it was important to accommodate today's mobile society in order to increase voter participation. He added that this Legislature spent a considerable amount of time determining it was almost more important that people cast their votes than how they cast their votes. He lauded the bill as it not only accommodated the issue of mobility but also that of distance. He opined that gender and racial balance among election judges was a noble and encouraging goal.

**Opponents' Testimony:** None

**Informational Testimony:**

**Elaine Graveley, Election Deputy, Secretary of State's Office**, voiced the Secretary's willingness to help implement this legislation. Conversation with **REP. JOEY JANE, HD 15**, have resulted in setting up a workshop for Native Americans, training them as election judges. **Ms. Graveley** referred to two other bills, **SB 88** by **SEN. CAROLYN SQUIRES** and **LC 1061** by **SEN. JON ELLINGSON**, which deal with satellite offices, and stated they would further assist with absentee voting.

(**REP. JACOBSON** left at 8:10 A.M.)

**Robert Throssel, Montana Association of Clerk and Recorders**, stated that recruitment and retention of election judges was difficult statewide; parties submit candidates' names, and election judges at every precinct are drawn equally from these lists. Current law requires election judges to be both a resident and an elector in the precinct they serve. He agreed there were racial and gender imbalances in many precincts, noting

that more than 80% of election judges are female. In Blaine County, 24 of 25 election judges in the four precincts on the reservations are Native American. He saw no problems with designating temporary satellite offices to facilitate and improve voter participation, saying that senior citizen centers or nursing homes especially would meet the Americans with Disabilities Act standards required of all polling places.

**{Tape: 1; Side: A; Approx. Time Counter: 0 - 10.3}**

**Questions from Committee Members and Responses:**

**REP. BERNIE OLSON, HD 10, LAKESIDE**, wondered if this would present a logistics problem for the election judges when they had to take along paperwork aiding in the identification of voters.

**Mr. Throssell** replied it could be a concern since any voter would be eligible to vote there and the paperwork for more than one precinct would have to be brought along.

**REP. JOAN ANDERSEN, HD 59, FROMBERG**, asked Mr. Throssell whether this would entail printing additional ballots for the satellite offices. **Mr. Throssell** did not believe so, saying that 30 days prior to an election, the election administrator estimates how many ballots would be needed for any given precinct and they would be printed. It was just a matter of taking them to the satellite offices.

**Closing by Sponsor:**

**REP. JUNEAU** closed, adding she appreciated the training sessions set up by the Secretary of State's Office.

**{Tape: 1; Side: A; Approx. Time Counter: 10.3 - 13.5}**

**HEARING ON HB 490**

**Opening Statement by Sponsor:**

**REP. RON STOKER (R), HD 87**, opened the hearing on **HB 490**, Closed primary. He reviewed the bill with the Committee, stating the gist of the bill was in Section 1 (7) on Page 2, amending current law by adding "political party affiliation, if any" to the voter registration card. He added both parties' Central Committees as well as both parties' leadership in the House of Representatives were supportive of the bill.

**Proponents' Testimony:**

**Brad Martin, Montana Democratic Party**, stated primary elections enable parties to select their party representative for the general election. He stated that currently, there was nothing

that encouraged a party's confidence that its members were being picked as its nominees and added this was most prevalent in smaller elections. The perception that one party is picking the representative for the other party is wide-spread. He welcomed HB 490 for being open and non-restrictive as it invited members of parties other than the two major parties to openly state their party affiliation.

**Brad Johnson, Montana Secretary of State**, rose in support of HB 490 as he believed the fundamental process of primary elections would be well served by HB 490 because it allowed the parties to select their candidates and thus serve their members more effectively. In closing, he stated strong parties make for a strong process.

**Brock Lowrance, Political Director, Montana Republican Party**, echoed previous testimony and stressed voter integrity, confidence, and participation were paramount to the process. He added the fact that HB 490 enjoyed bipartisan support was a good indication of its timeliness.

**Opponents' Testimony:** None

**Informational Testimony:**

**Robert Throssell, Montana Association of Clerk and Recorders**, stated he was available for questions.

*{Tape: 1; Side: A; Approx. Time Counter: 13.1 - 23.7}*

**Questions from Committee Members and Responses:**

**REP. ROBIN HAMILTON, HD 92, MISSOULA**, asked Brad Johnson whether a person who chose to identify himself as a member of the Green Party might receive a ballot with only one or two candidates' names on it. **Mr. Johnson** confirmed this would be the case if it was a contested race.

**CHAIRMAN LARRY JENT, HD 64, BOZEMAN**, asked to follow up on the question, saying a person who was an Independent and registered as such, would not be able to vote in the Democrat primary, which **Mr. Johnson** confirmed. **CHAIRMAN JENT** surmised with this bill, he could no longer vote for the Republican candidate for sheriff, for instance, because he had to register as a Democrat.

**REP. TERESA HENRY, HD 96, MISSOULA**, inquired about the time limit in which a person could change their party affiliation on the registration card. **REP. STOKER** replied the time limit was 30 days prior to any election, as per current law.

**REP. ANDERSEN** advised that in her county, all county offices are nonpartisan and asked the Sponsor if ballots could contain nonpartisan offices as well as major candidates and their party affiliation. **REP. STOKER** stated it would be up to the supervisor of elections; if there was enough space on the various party ballots, judicial races could be included. He added in the event of strictly independent or nonpartisan issues, there would be a separate ballot for Independents; they would not be able to vote on any one of the multiple parties' ballots in the primary but had full rights to vote on any issues or nonpartisan races.

**REP. EMELIE EATON, HD 58, LAUREL**, asked the Secretary of State whether he foresaw a rush of activity 30 days prior to the primary election with people changing their affiliation just so they could vote in the other party's primary. **Mr. Johnson** replied that anything was possible, adding it was his goal to mount a comprehensive voter education campaign as this law was implemented, drawing from resources available due to the Help America Vote Act (HAVA). He agreed with **REP. EATON** that a switch might be possible, especially in a hotly contested race, but discounted the idea of a "rush."

**Closing by Sponsor:**

**REP. STOKER** closed, stating HB 490 would not inhibit minor parties.

**{Tape: 1; Side: B}**

(CHAIRMAN JENT announced a five-minute recess so the sponsor of the next two bills could be notified; CHAIRMAN JENT did not return and VICE CHAIR BROWN chaired the hearing.)

**HEARING ON HJ 8**

**Opening Statement by Sponsor:**

**REP. CHRISTOPHER HARRIS (D), HD 66**, opened the hearing on **HJ 8**, Endorse ratification of amendment expanding eligibility for President. He stated that one of the current criteria was that a presidential candidate had to be a natural-born citizen; he added this made sense in the 19th century when European royalty might have seduced voters in this young and fragile democracy but it was not a factor today. He stated the law restricted qualified people from becoming president, including those born to American parents abroad and those born in foreign countries who have been naturalized. HJ 8 states presidential candidates have to be United States citizens and have to reside in this country for a minimum of twenty years prior to running. To make his point, he

named several famous personalities who would have been prohibited from becoming president, even though they had made great contributions to this country.

(REPS. A. OLSON and HENDRICK left at 8:50 A.M.; CHAIRMAN JENT returned.)

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**VICE CHAIR DEE BROWN, HD 3, HUNGRY HORSE** asked the Sponsor whether this was an "Arnie" Resolution, referring to Arnold Schwarzenegger. **REP. HARRIS** replied HJ 8 was not designed to assist any person's presidential ambitions, adding persons holding dual citizenship, as the Governor of California did, were not eligible. Besides, after passage in Congress, it would have to be ratified by three-quarters, or 38, of the States; he speculated by that time, Mr. Schwarzenegger would have retired.

**Closing by Sponsor:**

**REP. HARRIS** closed, saying this was an issue of fairness.  
{Tape: 1; Side: B; Approx. Time Counter: 0 - 9.9}

**HEARING ON HB 376**

**Opening Statement by Sponsor:**

**REP. CHRISTOPHER HARRIS (D), HD 66,** opened the hearing on **HB 376,** Revise time for presidential primary election. **REP. HARRIS** stated that Montana is not on the political map because its June primary is too late to have any effect on candidate selection, and candidates do not consider Montana important enough for a campaign stop. This in turn means that neither voter concerns nor issues are being heard. HB 376 authorizes the Secretary of State to select the time for a presidential primary; a date shortly after the New Hampshire primary would be optimal. He envisioned eight or nine candidates vying for their parties' nomination in 2008, and this would translate not only into an economic windfall but would also put Montana on the map politically. **REP. HARRIS** stated the bill allowed for the Secretary of State to work out a regional primary with his counterparts in surrounding states if he thought it made more sense.

**Proponents' Testimony:**

**Brad Johnson, Secretary of State**, held it was wrong to allow the State's electorate to simply be irrelevant in the process of selecting presidential candidates. He added this would not change as long as Montana's primary was held in June. **Secretary Johnson** stated a regional primary was entirely conceivable as discussions with Secretaries of State of three of the five Western states had revealed strong interest. He lauded the proposal as it would provide a significant pool of delegates, turning the region into a major player in terms of selecting presidential candidates.

**Brad Martin, Montana Democratic Party**, echoed previous testimony, and added it was important for the Intermountain West to have a voice in the presidential primary process and to have regional issues, such as water use and land management, brought into the national debate.

**Opponents' Testimony:** None

**Informational Testimony:**

**Robert Throssell, Montana Association of Clerk and Recorders**, offered to answer any questions relating to the cost and mechanics of a separate primary election.

**Questions from Committee Members and Responses:**

**VICE CHAIR BROWN** asked Mr. Throssell about the cost factor. **Mr. Throssell** advised costs were difficult to estimate because there was no uniformity in terms of materials used; the larger counties would use paper ballots at \$1.50 to \$2 per ballot in conjunction with their Optiscan machines while some of the smaller counties would count their paper ballots by hand. Based on roughly 500,000 registered voters, the cost would total \$750,000 to \$1 million.

**VICE CHAIR BROWN** asked the Sponsor why the fiscal note did not indicate any cost associated with the bill. **REP. HARRIS** explained that fiscal notes traditionally show no impact unless the money comes out of the general fund. He was aware of the cost of at least \$500,000 and was exploring various ways to pay for it. He suggested the two major parties could be approached to pay for some of the costs as well, adding the payback would be considerable should the presidential candidates come to Montana.

**VICE CHAIR BROWN** wondered if he would consider an amendment adding a surcharge to the media covering the candidates. **REP.**

**HARRIS** replied that he would not. He added that he took the financial implications seriously and hoped to be able to figure out a fair and equitable way to finance this primary.

**REP. WILLIAM JONES, HD 9, BIGFORK**, asked whether there would be two primaries should this bill pass, which **REP. HARRIS** confirmed, adding there would be the June primary for statewide offices, and a presidential primary in presidential election years. He suggested ballot issues could be voted on at the same time, thereby defraying the costs somewhat.

**REP. EATON** ascertained there would be two primaries, but the people of Montana would only vote for the presidential candidates in the early primary and all other primaries would be in June, which **REP. HARRIS** confirmed.

**REP. BRUCE MALCOLM, HD 61, EMIGRANT**, referred to Item 3 on the fiscal note and asked Secretary Johnson if this would be in addition to cost to the counties. **Secretary Johnson** advised it was his understanding there would not be a direct cost to his Office as elections were paid for by the counties; the issue was how to offset the additional cost to them. He did not know how additional appropriations from the general fund would be dealt with. **REP. MALCOLM** pointed to the fiscal note, stating there would be cost to the Secretary of State's Office and wondered what this cost was. **Secretary Johnson** replied there was no significant cost to his Office.

**CHAIRMAN JENT** wondered about the forum for this primary and asked if he would consider a caucus format which could be paid for by the political parties. **Secretary Johnson** stated this was an alternative worth considering. He added this type of format worked well in Iowa, and to his knowledge, there was no direct cost to the State of Iowa as a result of it. While he was not prepared to offer a definitive opinion on which format would best serve the State in the long term, he contended that the caucus model should be carefully considered.

**CHAIRMAN JENT** asked what he saw as an optimum number of Western states in terms of coordinating media and logistics efforts. **Secretary Johnson** replied a group of six had come up in his discussions, namely the Dakotas, Wyoming, Idaho, Utah, and Montana because they would present an aggregate of delegates that would be worthwhile. He cautioned if this group became too large geographically, it stood to lose some of the benefits.

**REP. B. OLSON** advised Secretary Johnson of a bill advocating a closed primary and asked whether it would pose a problem for the presidential primary; he felt that it might prohibit Montanans

from making a difference if one party had a single candidate and the other more than one.

**{Tape: 2; Side: A}**

**Secretary Johnson** stated it was the parties' duty to select their candidates; the purpose of the general election is for the general electorate to participate in the decision-making progress, and voters would have to make their choice in the primary elections.

**REP. B. OLSON** asked if he thought it was fair for the parties to carry the cost for every primary election, regardless of their format. **Secretary Johnson** did not think so, saying elections for state offices were a different venue, and Montana participated in electing a president for the United States as a whole. **REP. B. OLSON** contended that Independents who make up a third of the State's electorate were being treated unfairly because their tax dollars are used for party events as well. **Secretary Johnson** replied it was a legitimate part of the way the electoral process worked, adding no system was perfect, but this country's was better than any other. He disputed the claim that Independents are treated unfairly or disenfranchised.

**Closing by Sponsor:**

**REP. HARRIS** closed, urging the Committee to pass HB 376; he added if the closed primary bill was to pass, it would decrease the cost since it could be done by mail ballot.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 4.1}**

**EXECUTIVE ACTION ON HB 524**

**Motion:** VICE CHAIR BROWN moved that HB 524 DO PASS.

**Sheri Heffelfinger, Legislative Services Division,** advised the bill needed an amendment which had not been drafted yet.

**CHAIRMAN JENT** stated he would not allow conceptual amendments; therefore, executive action on HB 524 would have to be postponed.

Without objection, **VICE CHAIR BROWN** withdrew her motion.

**EXECUTIVE ACTION ON HB 536**

**Motion:** VICE CHAIR BROWN moved that HB 536 DO PASS.

**Discussion:**

**VICE CHAIR BROWN** stated that she had requested a strategic Information Technology (IT) plan of Jim Oppedahl, Court Administrator, who had provided her with the information. She argued that this plan should be re-visited by the Legislature every two years and stated she would not vote for this measure. She submitted a carte blanche approach was not in the State's best interest, especially in light of term limits.

[EXHIBIT \(sth37a02\)](#)

[EXHIBIT \(sth37a03\)](#)

**REP. B. OLSON** asked **VICE CHAIR BROWN** whether the Audit Committee would audit the Department of Justice on a regular basis, which **VICE CHAIR BROWN** confirmed. **REP. B. OLSON** felt that potential abuse could be spotted and corrected at an early stage. **VICE CHAIR BROWN** advised that most times, the Audit Committee was asked to delve into one specific area, adding unless the Committee was directed by the Legislature to audit this IT plan, they might not consider it.

**REP. B. OLSON** recalled that testimony had made reference to the continuing changes in this technology and the need for the Department to plan further out than two years, including estimates of the cost involved for computers and software. He added that he would support the bill and hoped the Audit Committee could serve as a watchdog.

**VICE CHAIR BROWN** stated the Department of Justice has an appropriation like any other department and could finance this through their budgeting process; she believed it was wrong for the Legislature to remove the surcharge termination and deposit the money into the general fund.

**CHAIRMAN JENT** commented the appropriation for the court system was in Justice Gray's budget. While he concurred with **REP. B. OLSON**'s assessment about the changes in technology, he was concerned about continually asking people for money, especially in light of the fact that the reason for the surcharge fee may diminish. He contended it was part of the audit function to let the Legislature know when something was no longer necessary and welcomed the discussion about the appropriateness of sunset provisions. He agreed with **VICE CHAIR BROWN** in that the Legislature should take another look at this in two years. He affirmed his support for HB 536 but suggested a floor amendment which would add a sunset. **CHAIRMAN JENT** remarked the court system is there to serve the people, and the request for help to finance an efficient IT system was justified; after all, the funds would come from court user fees.

**Ms. Heffelfinger** clarified that there was no appropriation in the bill as the revenue had not been statutorily appropriated; there would have to be an appropriation process for the Information Technology every two years.

**REP. MALCOLM** wondered whether the surcharge would be permanent if the Committee removed the termination date. **Ms. Heffelfinger** agreed and added, since it was not earmarked, the money would go into the general fund and the appropriation by the Legislature to the Court would be every two years via HB 2.

**VICE CHAIR BROWN** commended **REP. MALCOLM** for bringing up a good point. She stated the money would go into the general fund but there was no mechanism in the bill that provided for it to be used for an IT system for the courts.

**Ms. Heffelfinger** agreed, quoting from the bill: "...for state funding of court information technology...." When the budget is put together, it will show the revenue from the surcharge but the Legislature will have the discretion every biennium of whether to appropriate the money for this use or not, necessitating the court to request the funds every two years. She added since the \$10 surcharge was not enough for the system to begin with, the courts would argue for general fund money, and not for this Special Revenue.

**VICE CHAIR BROWN** argued this was the reason for leaving it the way it was, recalling how **REP. WANZENRIED** had attempted to suspend the rules on the House floor so that a House Joint Resolution could be introduced which would study the matter of court assumption and appropriation. She asked **Ms. Heffelfinger** whether this was part of it. **Ms. Heffelfinger** stated it was a piece of the puzzle in terms of the funding for the court system. The issue in HB 536 was whether revenue should be earmarked for Information Technology, appropriated from the general fund or whether the courts should be left dependent on the \$10 surcharge.

**REP. MALCOLM** surmised that the surcharge would terminate if HB 536 was not passed, which **Ms. Heffelfinger** confirmed.

**CHAIRMAN JENT** advised the Committee's options were to either amend the bill, pass it as written or vote it down which would terminate the surcharge altogether.

**REP. ANDERSEN** commented that the magistrate in Carbon County was in favor of this bill. She added if the bill did not pass, the courts would request general fund money; only then, it would not be mitigated by the \$10 surcharge. She suggested amending the bill by adding a sunset back in so that the next Legislature

could revisit the issue to see if the funds are being used as intended.

**CHAIRMAN JENT** agreed, stating Information Technology was important but so was oversight; he added he would be more comfortable if that oversight was supplied by the Audit Committee. He suggested amending the bill which would necessitate withdrawal of the DO PASS motion.

Without objection, **VICE CHAIR BROWN** rescinded her motion.

**REP. B. OLSON** contended if the bill was amended with a sunset in four years, only one small part of the bill would have to be changed.

**Ms. Heffelfinger** advised that instead of Section 2 being a repealer, it would turn into an amendment to current law, making it the new termination date.

**REP. B. OLSON** asked if this could be done conceptually which was affirmed by **Ms. Heffelfinger**.

**Motion:** **REP. BROWN** moved that HB 536 DO PASS.

**Motion/Vote:** **REP. B. OLSON** moved that CONCEPTUAL AMENDMENT TO PROVIDE A SUNSET CLAUSE OF JUNE 30, 2009, BE ADOPTED. Motion carried unanimously by voice vote; REPS. A. OLSON, HENDRICK, SMALL-EASTMAN, DICKENSON, CAFERRO, and JACOBSON voted aye by proxy.

*{Tape: 2; Side: A; Approx. Time Counter: 4.1 - 26.3}*

**Motion/Vote:** **REP. BROWN** moved that HB 536 DO PASS AS AMENDED. Motion carried unanimously by voice vote; REPS. A. OLSON, HENDRICK, SMALL-EASTMAN, DICKENSON, CAFERRO, and JACOBSON voted aye by proxy.

#### EXECUTIVE ACTION ON HJ 8

**Motion:** **VICE CHAIR BROWN** moved that HJ 8 DO PASS.

#### Discussion:

**VICE CHAIR BROWN** believed that all House Joint Resolutions should be passed out of Committee as legislators would chose their priorities at the end of session. She felt HJ 8 should be in the mix and stated she would support it.

**CHAIRMAN JENT** stated his opposition to the Resolution, saying that the Constitution worked just fine. There had not been a shortage of native-born citizens to run for president in the past two hundred years.

**REP. B. OLSON** concurred.

**REP. MALCOLM** agreed as well, saying there were more important bills than this one.

**CHAIRMAN JENT** advised he would entertain a substitute motion.

Substitute Motion/Vote: **REP. ANDERSEN** made a substitute motion that HJ 8 BE TABLED. Substitute motion carried 15-1 by voice vote with **REP. BROWN** voting no; **REPS. A. OLSON, HENDRICK, SMALL-EASTMAN, CAFERRO, DICKENSON, and JACOBSON** voted aye by proxy.

*{Tape: 2; Side: B}*

EXECUTIVE ACTION ON HB 173

Motion: **VICE CHAIR BROWN** moved that HB 173 DO PASS.

Discussion:

**CHAIRMAN JENT** wanted to speak to this bill because it involved Federal matching funds which generate different accounts in the State government's budget. He reviewed the bill with the Committee, saying it was a housekeeping bill which he would support.

Vote: Motion carried unanimously by voice vote; **REPS. A. OLSON, HENDRICK, SMALL-EASTMAN, CAFERRO, DICKENSON, and JACOBSON** voted aye by proxy.

EXECUTIVE ACTION ON HB 325

Motion: **VICE CHAIR BROWN** moved that HB 325 DO PASS.

Substitute Motion/Vote: **REP. B. OLSON** made a substitute motion that HB 325 BE TABLED. Substitute motion carried 14-2 by voice vote with **REP. ANDERSEN** and **REP. JONES** voting no; **REPS. A. OLSON, HENDRICK, SMALL-EASTMAN, CAFERRO, DICKENSON, and JACOBSON** voted aye by proxy.

EXECUTIVE ACTION ON HB 376

Motion: **VICE CHAIR BROWN** moved that HB 376 DO PASS.

**Discussion:**

**CHAIRMAN JENT** related his experience campaigning for John Edwards, Democrat candidate for Vice President, in South Carolina, saying if anyone had the opportunity to participate in such a campaign, they should jump at the chance. He bemoaned the fact that generally, Montanans were deprived of this experience because their primary election is held in June, when all is decided. He added Montanans have never had a chance to make a real difference. **CHAIRMAN JENT** recounted the idea of a Western States' Primary was born in 1999; he had drafted the Resolution for the Democratic Convention but it never came to be, partly because of a lack of funds. Even back then, it was readily apparent that television and radio spots could be bought in five or six Western states for the same amount it took to cover one state back East, which provided incentive for the candidates. He stated by adding the Western states, all four corners of the nation would be covered.

**REP. B. OLSON** stated that during the last session, he had been in favor of a similar bill which did not make it because of cost. He was concerned about the companion bill, though, which would mandate closed primaries, and said he would prefer open primaries if HB 376 passed.

**CHAIRMAN JENT** stated he shared those concerns and agreed this bill would be a better bill if Montana had an open primary.

**REP. JONES** asked whether the motion should be rescinded so that the companion bill could be debated first.

**CHAIRMAN JENT** declined, saying he would not vote for that bill.

**REP. EATON** felt the two bills were mutually exclusive. She added that HB 376 provided enough stimulus for people to want to participate in the presidential election process whereas HB 490 excluded a large number of independent voters.

**Vote:** Motion that HB 376 DO PASS carried 11-5 by roll call vote with REP. ANDERSEN, REP. JONES, REP. B. OLSON, voting no; REPS. HENDRICK and A. OLSON voted no by proxy, REPS. SMALL-EASTMAN, CAFERRO, DICKENSON, AND JACOBSON voted aye by proxy.

*{Tape: 2; Side: B; Approx. Time Counter: 0 - 15.4}*

**HEARING ON HB 649****Opening Statement by Sponsor:**

**REP. DAVE MCALPIN (D), HD 94**, opened the hearing on **HB 649**, Notification when timeshare association ceases to exist. **REP. MCALPIN** stated the need for this bill arose from an incident where timeshare owners were not notified of the dissolution of the Timeshare Owners Association and continued paying the fees and taxes associated with ownership. Had they known about the dissolution, they would have made sure that the property tax on their unit was being paid, and they would have instituted litigation proceedings at a much earlier date.

**EXHIBIT (sth37a04)**

**EXHIBIT (sth37a05)**

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**VICE CHAIR BROWN** wondered if a problem like this could not be solved by the Homeowners' or Condominium Association at each of the sites. **REP. MCALPIN** advised the Condominium Association, Marina Cay Resort Villas, Inc., levies the fees; it would not resolve this problem as 51 different people own one of the units. He felt there had to be some other mechanism to get the information to the timeshare owners. **REP. MCALPIN** added that the Timeshare Association was registered with the Secretary of State and dissolved by his Office; for that reason, the bill provides that Office to handle the notification.

**REP. B. OLSON** referred to the letter to Mr. Oppel, Exhibit 5, and asked if the Sponsor was aware of the concerns voiced therein.

**REP. MCALPIN** stated he had not seen the letter prior to the hearing.

**VICE CHAIR BROWN** set aside time for him to familiarize himself with the letter.

**REP. MCALPIN** made reference to the last part of the second paragraph, stating it was not his intent to place a perpetual obligation on the developer. He intended to leave this responsibility with the entity providing the registration, along with a list of membership, to the Secretary of State.

**REP. B. OLSON** voiced concern that the developer would not necessarily be in control of the Association or the payments; he

wondered whether this objection would become moot if this was changed. **REP. MCALPIN** offered to work with the Realtors in crafting an amendment.

(REPS. JACOBSON, HENDRICK and A. OLSON returned at 10:05 A.M.)

**VICE CHAIR BROWN** asked whether it was possible to request the amendment within six hours. **REP. MCALPIN** agreed.

**REP. JONES** asked whether it would suffice to strike Lines 19 and 20 on Page 1. **REP. MCALPIN** replied he was amenable to changing the word "developer" to "Timeshare Association."

**VICE CHAIR BROWN** contended this would address REP. B. OLSON's concerns as well.

**REP. HENRY** inquired where the second letter, Exhibit 5, had come from. **Marion Mood, Committee Secretary**, advised it had been provided by Glenn Oppel as he was unable to stay.

**REP. B. OLSON** commended the Sponsor for bringing this bill forward as this had been a problem in his district.

**REP. EATON** commented the bill validated timeshares which are still perceived as fly-by-night enterprises.

**VICE CHAIR BROWN** asked that personal opinions be reserved for executive action; this was the time to ask questions of the Sponsor.

**Closing by Sponsor:**

**REP. MCALPIN** closed, adding he would be back with the requested amendments.

*{Tape: 3; Side: A}*

**EXECUTIVE ACTION ON HB 595**

**Motion:** **REP. B. OLSON** moved that HB 595 DO PASS.

**Discussion:**

**REP. B. OLSON** stated this bill would make it more difficult to recruit election judges, and it would put an additional burden on the Clerk and Records who would have to move operations to a nursing home or other facility for a day. He added he would therefore vote against the bill.

**Substitute Motion/Vote:** REP. BROWN made a substitute motion that HB 595 BE TABLED. Substitute motion carried 10-6 by voice vote with REPS. HENRY and HAMILTON voting no; REPS. SMALL-EASTMAN, CAFERRO, DICKENSON, JACOBSON voted no by proxy.

**RENEWED EXECUTIVE ACTION ON HB 256**

**Motion:** REP. B. OLSON moved that HB 256 DO PASS.

**Motion:** VICE CHAIR BROWN moved that AMENDMENT HB025601.ash BE ADOPTED.

**EXHIBIT** (sth37a06)

**Discussion:**

**CHAIRMAN JENT** advised that this bill had previously been tied on an 8:8 vote. The amendments changed the bill's provisions to the discretion of each individual caucus.

**REP. ANDERSEN** thought reconsidering a tie vote would require a majority vote, which **CHAIRMAN JENT** denied, adding it would be considered as if the Committee had not taken any action on it.

**REP. B. OLSON** stated he had forgotten that HB 256 had ended in a tie vote, saying it was not his intention to revisit it. Without objection, **REP. B. OLSON** withdrew his motion.

(REPS. ANDERSEN and MACLAREN left.)

**Motion:** REP. HAMILTON moved that HB 256 DO PASS.

**Vote:** Motion that AMENDMENT HB025601.ash BE ADOPTED carried unanimously by voice vote; REPS. MACLAREN, ANDERSEN, SMALL-EASTMAN, CAFERRO, DICKENSON, AND JACOBSON voted aye by proxy.

(REP. ANDERSEN returned.)

**Motion/Vote:** REP. A. OLSON moved that HB 256 DO PASS AS AMENDED. Motion failed 8-8 by roll call vote with REP. EATON, REP. HAMILTON, REP. HENRY, and REP. JENT voting aye; REPS. CAFERRO, DICKENSON, JACOBSON, and SMALL-EASTMAN voted aye by proxy.  
{Tape: 3; Side: A; Approx. Time Counter: 0 - 8}

**EXECUTIVE ACTION ON HB 490**

**Motion:** REP. A. OLSON moved that HB 490 DO PASS.

**Motion:** REP. A. OLSON moved that CONCEPTUAL AMENDMENT TO HB 490 BE ADOPTED.

(REP. MACLAREN returned.)

**Discussion:**

REP. A. OLSON explained the amendment would strike Sections 3 and 4 of the bill, meaning a voter could register as a Democrat, Republican or Independent but would get his choice of ballots.

CHAIRMAN JENT surmised that with this amendment, the bill would be obsolete, which REP. A. OLSON confirmed.

REP. A. OLSON repeated his explanation of the amendment and added the reason behind it was somewhat selfish as the voter identification list would tell him the political demographics of his district.

**Vote:** Motion carried 9-7 by roll call vote with REP. HENRY, REP. JENT, REP. MACLAREN, voting no; REPS. CAFERRO, DICKENSON, JACOBSON, and SMALL-EASTMAN voted no by proxy.

**Motion:** REP. HENDRICK moved that HB 490 DO PASS AS AMENDED.

**Discussion:**

CHAIRMAN JENT advised he did not like the idea of closed primaries because oftentimes, people vote the other party's primary ballot to ensure that certain candidates will be in the general election. He said that it took away choice, adding he had never voted a straight ticket. In closing, he stated the amendment made the bill more palatable but he would still vote against it.

**Substitute Motion/Vote:** REP. BROWN made a substitute motion that HB 490 BE TABLED. Substitute motion carried 13-3 with REP. HENDRICK, REP. JONES, and REP. MACLAREN voting no; REPS. CAFERRO, DICKENSON, JACOBSON, and SMALL-EASTMAN voted aye by proxy.

*{Tape: 3; Side: A; Approx. Time Counter: 8 - 16}*

**ADJOURNMENT**

Adjournment: 10:25 A.M.

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REP. LARRY JENT, Chairman

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MARION MOOD, Secretary

LJ/mm

Additional Exhibits:

**EXHIBIT ([sth37aad0.PDF](#))**