



State Administration and Veterans' Affairs Interim Committee
63rd Montana Legislature

SENATE MEMBERS

DEE BROWN--Chair
LARRY JENT
DAVE LEWIS
SUE MALEK

HOUSE MEMBERS

BRYCE BENNETT--Vice Chair
JOANNE BLYTON
DOUG KARY
KATHY SWANSON

COMMITTEE STAFF

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney
KRISTINA LIMING, Secretary

MINUTES LOG

April 9, 2014

Capitol Building, Helena MT

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. DEE BROWN, Chair
REP. BRYCE BENNETT, Vice Chair

SEN. LARRY JENT
SEN. DAVE LEWIS
SEN. SUE MALEK

REP. JOANNE BLYTON
REP. DOUG KARY
REP. KATHY SWANSON

STAFF PRESENT

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney
KRISTINA LIMING, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).
Visitors' list, [Attachment #2](#).

COMMITTEE ACTION

- SEN. BROWN asked the Committee for a straw vote regarding proposing a special session for the purpose of approving or disapproving Commissioner Motl's appointment. Straw Vote - **unanimously opposed**.
- SEN. JENT made a motion for a bill draft to create a 5 member commission, similar to the Districting and Apportionment Commission, to nominate individuals for the Commissioner position. He proposed that 4 members be the leaders of the House and Senate and that these 4 members would pick a 5th member. If the 4 members could not agree, the Supreme court would appoint the 5th member. The governor would be required to appoint the Commissioner from the list of nominees submitted by the 5-member Commission. **Motion Carried**.
- SEN. MALEK made a motion for a preliminary bill draft that would amend PERS statutes to use the same language concerning contribution adjustments as is used in the TRS statutes, and that with the bill draft fiscal information would be provided. **Motion passed unanimously**.

CALL TO ORDER AND ROLL CALL

00:00:00 1. Call to order, **Sen. Dee Brown**, Presiding Officer
Roll call ([Attachment #3](#))

HJR 1 - STUDY OF OFFICE OF COMMISSIONER OF POLITICAL PRACTICES

State Survey Results

00:01:10 **Ms. Scurr, Legislative Research Analyst**, gave an overview of the additional state survey information on HJR 1 ([EXHIBIT 1](#)).

Committee Questions and Comments

00:03:23 SEN. BROWN
00:03:36 **Ginger Aldrich, Staff Attorney**

Options for Office of Commissioner of Political Practices (COPP)

00:04:27 Ms. Scurr reviewed the Options for Changing Laws Concerning the Office of Political Practices ([EXHIBIT 2](#)).

00:05:15 Ms. Scurr reviewed options regarding the nomination and selection process for the commission. (EXHIBIT 2, pg 2-3)

Committee Questions and Comments

00:10:47 SEN. JENT - Ms. Scurr

00:13:45 Ms. Scurr reviewed options regarding staffing and resources for the Commissioner's office. (EXHIBIT 2, pg. 4)

00:15:50 Ms. Scurr reviewed options regarding the scope of duties of the Commissioner's office. (EXHIBIT 2, pg. 5)

Committee Questions and Comments

00:18:12 SEN. BROWN

00:18:43 Ms. Aldrich

00:18:51 Ms. Scurr

00:19:25 **Mary Baker, Program Supervisor, COPP**

00:20:21 **Jonathan Motl, Commissioner, COPP**

00:20:48 SEN. JENT

00:21:22 SEN. BROWN

00:21:35 Ms. Scurr reviewed the operations process for handling complaints made to the Commissioner's office. (EXHIBIT 2, pg. 6- 9)

Committee Questions and Comments

00:26:57 SEN. BROWN

00:27:55 Ms. Aldrich

00:28:09 SEN. BROWN - Mr. Motl

00:34:48 SEN. MALEK - Mr. Motl

00:37:18 SEN. BROWN

00:37:41 SEN. MALEK - Mr. Motl

00:40:02 SEN. BROWN

00:40:16 REP. KARY - Mr. Motl

00:43:33 SEN. BROWN - Mr. Motl

00:48:08 SEN. LEWIS

00:50:32 Mr. Motl

00:54:19 SEN. BROWN - Mr. Motl

00:57:40 Ms. Scurr reviewed the enforcement powers of the Commissioner's office and statutory penalties. (EXHIBIT 2, pg 10-11)

Committee Questions and Comments

01:01:14 SEN. BROWN

01:01:25 Ms. Scurr

01:01:49 REP. KARY- Ms. Scurr

01:03:02 SEN. MALEK

01:06:52 SEN. BROWN

01:08:20 SEN. MALEK

01:10:14 SEN. BROWN

01:10:23 REP. KARY

01:12:40 SEN. BROWN

Campaign Finance Statutes

01:14:02 Ms. Aldrich gave a PowerPoint presentation on the effects of litigation on campaign finance statutes and referenced the packet included in the documents

presented to the committee (**EXHIBIT 3**).

00:14:50 Ms. Aldrich discussed section 13-1-101, Montana Code Annotated (MCA), concerning the definitions of contribution and expenditure.

Committee Questions and Comments

01:17:56 SEN. MALEK - Ms. Aldrich

01:19:30 Ms. Aldrich discussed section 13-35-225, MCA, concerning disclaimers on election materials.

Committee Questions and Comments

01:23:11 SEN. BROWN

01:23:28 Ms. Aldrich

01:23:41 SEN. MALEK

01:24:00 Ms. Aldrich

01:24:30 SEN. JENT

01:26:10 SEN. BROWN

01:26:20 SEN. JENT

01:27:20 SEN. BROWN

01:27:55 SEN. MALEK

01:29:09 SEN. BROWN

01:30:10 REP. BENNETT

01:30:38 Ms. Aldrich

01:31:00 Ms. Scurr

01:31:23 SEN. JENT

01:32:28 SEN. BROWN

01:32:55 Ms. Aldrich discussed section 13-35-227, MCA, concerning corporate contributions.

Committee Questions and Comments

01:34:34 SEN. BROWN - Ms. Aldrich

01:35:00 SEN. MALEK - Ms. Aldrich

01:36:24 REP. KARY

01:36:52 Ms. Aldrich

01:36:55 SEN. BROWN

01:37:08 Ms. Aldrich

01:37:27 Ms. Aldrich discussed section 13-35-231, MCA, concerning political party endorsements of judicial candidates.

Committee Questions and Comments

01:39:15 SEN. BROWN

01:39:56 Ms. Aldrich

01:40:47 SEN. MALEK

01:41:00 SEN. BROWN

01:42:12 Mr. Motl

01:45:08 Ms. Aldrich

Public Comment on HJR 1 Study of Commissioner of Political Practices

- 01:45:46 **Mary Baker, Program Supervisor, COPP**
Gave clarification on contested case hearings for complaints and responded to Sen. Jent's comments about confirmed Commissioners. She stated that Dennis Unsworth was confirmed in 2009, but since then a commissioner has not been confirmed. She also commented about her experiences working with 8 Commissioners.
- 01:49:13 **Dave Skinner, Kalispell**
Commented about his views on the COPP office and referenced a document that he submitted to the committee for review (**EXHIBIT 4**).
- 01:58:07 **Mark Mackin, Helena**
Presented his views on strict enforcement from the COPP and the origin of recent complaints.
- 02:03:25 **Gordon Hendrick, Superior**
Expressed questions regarding the settlement agreement laws and asked about handling the fears and confusion new candidates may have concerning campaign reporting. He requested information be sent to new candidates regarding dark money.
- 02:06:37 SEN. BROWN expressed her confidence in the Office of COPP in providing information needed to each candidate, if requested.
- 02:07:29 **Gordon Hendrick, Superior**
Asked about how the Commissioner would be determining "fair market value".
- 02:08:40 Mr. Motl explained fair market value issues.
- 02:09:45 SEN. BROWN
- 02:10:25 Mr. Motl
- 02:11:42 REP. BENNETT
- 02:13:08 SEN. BROWN

COMMITTEE WORK SESSION - HJR 1

- 02:14:00 The Committee discussed the following action item:
Should SAVA have a hearing about whether to recommend a special session on whether to confirm the Governor's appointment of Commissioner Motl?
- 02:14:20 SEN. BROWN - Ms. Aldrich
- 02:15:32 SEN. LEWIS
- 02:16:04 SEN. BROWN asked the Committee for a straw vote regarding proposing a special session for the purpose of approving or disapproving Commissioner Motl's appointment. Straw Vote - **unanimously opposed**.
- 02:17:34 The Committee discussed the following action item:
What bills would the Committee like to have drafted concerning the COPP for

review and discussion at the June 5 meeting as preliminary recommendations under the HJR 1 study?

02:18:00 Ms. Scurr
02:18:27 REP. KARY - SEN. BROWN
02:20:53 REP. BENNETT
02:21:14 Ms. Scurr
02:21:42 SEN. BROWN
02:23:07 REP. SWANSON
02:23:24 SEN. BROWN
02:23:46 REP. SWANSON
02:24:02 SEN. BROWN
02:24:30 SEN. LEWIS
02:24:41 SEN. BROWN
02:24:42 REP. BENNETT
02:26:08 SEN. BROWN
02:26:55 SEN. JENT made a motion for a bill draft to create a 5 member commission, similar to the Districting and Apportionment Commission, to nominate individuals for the Commissioner position. He proposed that 4 members be the leaders of the House and Senate and that these 4 members would pick a 5th member. If the 4 members could not agree, the Supreme court would appoint the 5th member. The governor would be required to appoint the Commissioner from the list of nominees submitted by the 5-member Commission.

02:31:36 REP. BLYTON
02:32:03 SEN. JENT
02:33:09 SEN. BROWN
02:33:59 REP. BENNETT
02:34:16 Ms. Scurr
02:36:03 SEN. JENT - SEN. MALEK
02:38:50 SEN. MALEK
02:39:38 SEN. BROWN
02:40:29 Ms. Aldrich
02:41:54 SEN. BROWN
02:42:07 SEN. LEWIS
02:43:01 SEN. BROWN asked for a voice vote on Sen. Jent's motion. Motion carried.
02:43:27 REP. KARY
02:43:41 SEN. BROWN
02:44:09 SEN. JENT
02:44:18 Ms. Scurr
02:45:00 SEN. BROWN

02:46:09 **LUNCH BREAK**

03:21:26 SEN. BROWN called the meeting back to order.

PENSION OVERSIGHT

Retirement Contributions

03:21:48 Ms. Scurr gave an overview on triggers for terminating certain retirement

contributions (**EXHIBIT 5**).

03:36:24 SEN. BROWN

Pention Plan Lawsuits

03:36:47 Ms. Aldrich reviewed the procedural status of pension plan lawsuits (**EXHIBIT 6**).

Committee Questions and Comments

03:37:50 SEN. BROWN - Ms. Aldrich

03:38:41 SEN. JENT

03:39:23 SEN. MALEK

03:39:51 SEN. BROWN

03:40:03 SEN. JENT

03:40:41 SEN. MALEK

03:42:28 **Roxanne Minnehan, Executive Director, Montana Public Employees Retirement Administration**

03:43:20 SEN. MALEK

03:43:45 Ms. Scurr

03:45:11 SEN. MALEK

03:45:46 SEN. MALEK made a motion for a preliminary bill draft that would amend PERS statutes to use the same language concerning contribution adjustments as is used in the TRS statutes, and that with the bill draft fiscal information would be provided. Motion passed unanimously.

03:46:14 SEN. LEWIS

03:46:27 Ms. Scurr

03:47:00 SEN. LEWIS

03:47:29 REP. BENNETT

03:48:02 Ms. Scurr

03:48:05 SEN. BROWN

03:50:07 Shawn Graham, TRS

03:51:56 Ms. Minnehan

03:53:16 SEN. BROWN

03:53:49 SEN. LEWIS requested that fiscal information be provided in addition to the bill draft. The Committee agreed by consensus.

SJR 14 - SUBCOMMITTEE ON ELECTIONS

Overview

03:55:09 REP. BENNETT, Subcommittee Chairman, gave an overview of the process and outcomes of the subcommittee decisions.

Recommendations on SJR 14

04:01:04 Ms. Scurr gave a presentation on subcommittee recommendations (**EXHIBIT 7**) and the proposed bill draft (**EXHIBIT 8**).

Committee Questions and Comments

04:21:29 SEN. BROWN proposed revisiting the information provided by Ms. Scurr at the next meeting on June 5. The Committee agreed by consensus.

04:23:40 REP. BENNETT

04:25:35 REP. BLYTON
04:27:35 SEN. LEWIS
04:28:24 REP. BENNETT
04:29:21 SEN. BROWN
04:29:34 REP. BLYTON
04:30:20 SEN. BROWN

Special Purpose Districts

04:31:17 Ms. Scurr gave a brief overview of special district voter rights issues that arose during the SJR 14 process.

04:32:54 Ms. Aldrich presented information on voting rights in special districts, and referenced the legal memo presented to the Committee (**EXHIBIT 9**).

Committee Questions and Comments

04:36:00 SEN. BROWN
04:36:40 Ms. Aldrich
04:36:57 SEN. LEWIS
04:37:31 SEN. BROWN

Public Comment on SJR 14

04:38:30 **Shantil Siaperas, Legislative Analyst, Montana Association of Counties**
Commented about the information given on voter rights concerning water and sewer districts as well as special districts.

04:39:47 SEN. BROWN
04:40:06 Ms. Aldrich

04:40:57 **Nicole Thuotte, Office of Public Instruction**
Commented about the SJR 14 process

04:41:23 **Bob Vogel, Montana School Boards Association**
Expressed concerns with some of the proposed changes to election laws.

04:44:52 SEN. BROWN

04:45:12 **Denise Williams, Montana Association of School Business Officials**
Commented about concerns with some of the proposed changes to the election laws.

04:47:11 Ms. Scurr expressed her appreciation for the input from stakeholders, and noted that the agency staff involvement in the process did not necessarily reflect official support by the agencies.

COMMITTEE DISCUSSION - HRJ 1

04:49:01 SEN. BROWN
04:49:13 REP. BENNETT
04:50:00 Ms. Baker

04:51:22 **Representative Steve Gibson**
04:54:13 SEN. BROWN
04:54:32 REP. BENNETT
04:55:17 SEN. BROWN
04:55:42 SEN. MALEK

COMMITTEE WORK SESSION - SJR 14

04:56:55 The Committee discussed the following action item:
Does the Committee wish to adopt, revise, or reject the
SJR 14 Subcommittee's recommendations?

04:57:00 SEN BROWN reiterated the committees decision to review the proposed
changes after the April 9 meeting, and to contact Sheri with any suggestions, and
to review the information again at the June meeting.

RULE REVIEW

04:57:49 **Ms. Aldrich** presented information on rule review activity related to the State
Lottery Commission (**EXHIBIT 10**), the Secretary of State (**EXHIBIT 11**), and an
informational report from the Commissioner of Political Practices (**EXHIBIT 12**).
She also reviewed a document presented to the committee regarding the Board
of County Printing (**EXHIBIT 13**).

Committee Questions and Comments

05:02:21 SEN BROWN

VETERAN'S AFFAIRS: PUBLIC COMMENT

05:02:55 **Joe Walsh, Swan Lake**
Commented about his concerns for Montana veterans and the importance of
treating Post Traumatic Stress Disorder. He requested the committee invite
experts to a panel discussion to address the mental health needs of Montana
veterans.

Committee Questions and Comments

05:07:24 SEN BROWN
05:07:52 Ms. Scurr
05:09:51 SEN BROWN
05:09:57 SEN MALEK
05:11:26 SEN BROWN
05:12:06 SEN JENT - SEN BROWN
05:13:44 Mr. Walsh
05:14:03 SEN BROWN instructed that there would be a 1-hour agenda item at the next
meeting with no more than 6 stakeholders to discuss veterans outreach.

Next Meeting

05:15:40 SEN BROWN noted that the next meeting is scheduled for June 5, 2014.

Further Committee Discussion

05:16:04 REP BLYTON

05:16:15 SEN BROWN

ADJOURNMENT

05:16:58 SEN BROWN adjourned the April 9, 2014 State Administration and Veterans' Affairs committee.

c10134 4212k2xa