

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1426

2001 HOUSE JUDICIARY

HB 1426

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1426

House Judiciary Committee

Conference Committee

Hearing Date 01-30-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		01 to 1819
Committee Clerk Signature <i>Joan Davis</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1426. Relating to initiated or referred measure contribution statements definitions and contribution reporting; relating to federal campaign committee contributions and contributions made to other candidates.

Rep Grande: Introduced HB 1426. Reviewed sections one and three deal with clarifying the person soliciting or accepting contributions for the purpose of aiding or opposing the circulation of passage of state wide initiative and referendum and measures placed on a state wide ballot by action of the legislature and any election shall report contributions received pursuant to chapter 16.1-08.1 to the secretary of state. Section two defines what a corporation is, including a non-profit corporation. Section four applies a forty eight hour reporting of the contribution in excess of \$500.00 to political parties and committees. Section four also changes to forty eight hours reporting contributions from any contributions by, changes it to any contributions in excess of \$500.00. I will leave section five to Rep Belter.

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Rep Belter: District 22, I am here in support of HB 1426. There is some here from the Secretary of States Office who will answer questions. I was interested in section 5. This bill will repeal section five. The purpose is to try and get a handle on funds.

Cory Fong: here representing Secretary Of States Office (see attached testimony).

Rep Delmore: In the first part have we eliminated people who file petitions to put on the ballot, have we eliminated the filing at the beginning of circulation?

Cory Fong: NO.

Rep Delmore: Once the amount gets to \$500.01, they have forty eight hours to report.

Cory Fong: That is correct.

Rep Maragos: In the first section, are we eliminating conflict between 16.1-01-12 and 16.1-08.1, why is there a conflict.

Cory Fong: The conflict is that they are doubling up. We are suggesting 16.1-08.1 is more detailed.

Rep Maragos: I'd like to know who is filing petitions, not just before the election is being held.

Cory Fong: I can understand, if the committee so chooses, we can clean up the language.

Rep Maragos: why don't we amend that language.

Cory Fong: I can make the amendments.

Chairman DeKrey: Yes, bring the amendments.

Rep Fairfield: Why did you pick \$500.00. Are there other places that that threshold is used?

Cory Fong: There is a \$200.00 threshold that is the most common, this is the only place \$500.00.

Rep Fairfield: What is the history, why was that number chosen?

Cory Fong: I don't know. I can do research.

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House Judiciary Committee

Bill/Resolution Number HB 1426

Hearing Date 01-30-01

Rep Fairfield: Why would we pick \$200.00 amount to report throughout the campaign, but the day before the election, not worthy of reporting.

Cory Fong: Again I can do some research on it.

Rep Fairfield: Contributions by political committees, have we dealt with that at all.

Cory Fong: Political committees like PAC.

Rep Fairfield: Contributions to political committees, don't they have to report.

Cory Fong: This doesn't deal with that.

Chairman DeKrey: Are there any more questions for Cory, if not thank you for appearing.

Anyone else wishing to testify on HB 1426, anyone in opposition? We will close the hearing on HB 1426.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1426 b

House Judiciary Committee

Conference Committee

Hearing Date 2-13-01

Tape Number	Side A	Side B	Meter #
1		xx	2093--2709
Committee Clerk Signature <i>John DeKrey</i>			

Minutes: Chair DeKrey : Let's look at HB1426. Do you have an amendment Cory

Cory Fong, Sec. State : Here is the amendment. (SEE ATTACHED)

Rep. Eckre : What does happen if Rep. Kroeber's bill HB1370, which does some of this, passes and this bill passes? Do they both go to the senate?

Chair DeKrey : L.C. has a procedure that marries them together.

Rep. Delmore : How many times, with the changes we've made, upon submission do they have to report?

Cory : They would have to report once with the election report. They have a pre-election report and year end.

Rep. Grande : I move the amendments

Rep. Kretschmar : I second.

VOICE VOTE: ALL YES. PASSED.

Chair DeKrey : What do you wish?

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House Judiciary Committee
Bill/Resolution Number HB1426 b
Hearing Date 2-13-01

Rep. Kretschmar : I move a DO PASS AS AMENDED.

Rep. Maragos : I second.

VOTE: 12 YES and 0 NO with 3 absent. PASSED. Rep. Disrud will carry the bill.

VR
2/13/01

HOUSE AMENDMENTS TO HB 1426 HOUSE JUDICIARY 02-14-01
Page 1, line 18, after "state" insert "upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by persons soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1"

HOUSE AMENDMENTS TO HB 1426 HOUSE JUDICIARY 02-14-01

Page 3, line 13, after "measure" insert an underscored comma

Page 3, line 14, overstrike "prior to" and insert immediately thereafter "before" and after "candidate" insert ", political party, committee,"

Page 3, line 16, overstrike "or" and insert immediately thereafter ", 16.1-08.1-03," and after the comma insert "or 16.1-08.1-03.3"

Renumber accordingly

Date: 02-13-01
 Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB-1426

House JUDICIARY Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Vice-Chr Kretschmar Seconded By Rep Maragos

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR --Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney					
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham					

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep Disrud

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1426: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1426 was placed on the Sixth order on the calendar.

Page 1, line 18, after "state" Insert "upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by persons soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1"

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Renumber accordingly

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1426

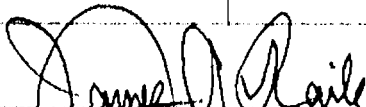
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1426

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
2	X		7.1-28.2
March 22, 2001 2	X		10.2-20.9
Committee Clerk Signature 			

Minutes: **Chairman Krebsbach** opened the hearing on HB 1426 which relates to initiated or referred measure contribution statements definitions and contribution reporting; and relates to federal campaign committee contributions and contributions made to other candidates.

Introducing the legislation to the committee was **Representative Bette Grande**, District 41, primary sponsor of the bill. She reviewed the bill section by section with the committee.

Senator C. Nelson inquired if by definition, technical amendments means germane to the content of these 5 sections. **Corey Fong**, representing the Secretary of States Office presented testimony in support of HB 1426. A copy of his written testimony is attached. **Senator T.**

Mathern indicated that this area noted in section 5 was hotly contested when it was added two sessions ago. Who is promoting that we change this? Is this something you came up with or are people saying that we should change this? How does this get to this level? **Corey Fong** noted that it was coming from the Secretary of States Office. He noted that there have been very few filers. We have to send out this permission statement. It is complex. It has to explain when a

permission statement is required, who has to sign it, the candidate who gives a contribution has to sign it, the candidate who receives the contribution has to report. This all has to be filed in 48 hours. We send these to every candidate that has reporting requirements. That means all statewide candidates and all legislative candidates. Yet it rarely applies to any candidates at all. It has been very cumbersome to administer. **Senator C. Nelson** indicated that she has problems with section 6. Because you say mailing and then you say it's okay for someone to walk into the office. We've had all sorts of bills about modes of technology. By saying that if a statement is mailed as being properly filed when it is postmarked and directed to the Secretary of State within the prescribed time. She is questioning the fact that technological means are not included. As elections become more sophisticated this will be the wave of the future. **Corey Fong** indicated that we agree and hope that we will get to the stage of electronic filing because this committee heard some other campaign finance bills where we see that coming. It will certainly make our lives a lot more easier now if we are posting on the web if they are filed electronically. **Senator Kilzer** inquired if these amendments are adopted if there is a large contribution that goes from one campaign to the state political party and then to another candidate, would that be traceable. **Mr. Fong** indicated absolutely. The contribution from the candidate to the state party would have to show up on the state party's report and then if they gave that to the candidate, the candidate receiving that would also have to show that. It would be more difficult to do the connection but it definitely would be traceable. The repealer of that section certain does not take away the requirements that individual candidates, political parties are going to have to report anything they receive over \$200.00. That still is going to have to be required. **Senator T. Mathern** inquired about the issue of non profits. What nonprofit can do is somewhat regulated by the IRS. He was wondering if your change here relates to all of their activities or just relate to

their cash contributions and does that question of law relate to nonprofit activities in general or just prohibiting cash. **Mr. Fong** indicated it only pertains to their activities as it pertains to the campaign finance chapter which governs the contributions made for political purposes or for the promotion or defeat of a candidate. There was no additional testimony offered in support of, in neutral position on, or in opposition to HB 1426. **Chairman Krebsbach** closed the hearing on HB 1426. On March 22, 2001 the discussion on HB 1426 was reopened by **Chairman Krebsbach**. **Corey Fong** with the Secretary of States Office appeared before the committee to review the amendments which were proposed for HB 1426. He reviewed them section by section. **Senator C. Nelson** indicated that this bill is being done to make things consistent with some of the other campaign contribution bills that have been in this committee. **Mr. Fong** indicated that was correct. **Senator Wardner** moved to adopt the amendments as explained by Mr. Fong for HB 1426. **Senator Kilzer** seconded the motion. Roll call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. A motion for Do Pass as Amended was made by **Senator Wardner** seconded by **Senator Kilzer**. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. **Senator Wardner** will carry the bill.

