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### Documents from the September 23, 1998 meeting of the Associated Students of the University of Montana (ASUM)

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Associated Students  
The University of Montana

Suite 105  
University Center  
Missoula, MT 59812  
(406) 243-2451

ASUM SENATE AGENDA  
September 23, 1998  
Mt. Sentinel Room

1. CALL MEETING TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - September 16, 1998
4. PUBLIC COMMENT
4. PRESIDENT'S REPORT
  - a. Swearing-in of new Senators
  - b. Board of Regents/MAS
    - \*Differentiated Tuition (Commissioner Crofts and President Dennison
    - \*Credit Cap
    - \*Voter Registration (Secretary of State Mike Cooney Press Conference)
  - c. Lobbyist
  - d. Center for Student Success
  - e. UTU Negotiations
  - f. Recreation Annex Study
  - g. Other
6. VICE PRESIDENT'S REPORT
  - a. Committee Appointments
  - b. Parking Garage Sale
  - c. President's Breakfast
  - d. Other
7. BUSINESS MANAGER'S REPORT
  - a. Travel special Allocation
    - Academy of Students of Pharmacy (\$711)
  - b. Used Computer Pool
    - Environmental Action Community
  - c. Zero-Based Carryover
    - Legal Services (\$8,253.29)
    - Extra Curricular Extravaganza (\$151)
  - d. Other
8. COMMITTEE REPORTS
9. UNFINISHED BUSINESS
  - a. SB7-98/99 Resolution to Amend the \$100 Course Retake Fee
  - b. SB8-98/99 Resolution to Change Personnel Policy
  - c. SB9-98/99 Resolution to Create an ASUM Legal Services Task Force
  - d. SB10-98/99 Resolution to Form an ASUM Information Technology Committee
10. NEW BUSINESS
11. COMMENTS
12. ADJOURNMENT

SENATE MEMBERSROLL  
CALL*Comments*

CHAD BALLENTINE

JAMES BEKIER

BRETT BELL

AMY BROWN

SEISIN CHRISTENSEN

SHANNON CONNOLLY

JIM DRISCOLL

RYAN HOPKINS

MARCUS KOSENA

JERRY LAMB

DARCY LINDEMAN

JOSHUA MAHAN

AARON MURPHY

CORY MYERS

AMANDA PRESSLEY

MELISSA SQUIRE

EMILY STRUVE

SHAWNA SUTHERLAND

CONNIE TIETZ

CHRIS WOODALL

P	<i>Y</i>						
P	<i>Y</i>						
P	<i>Y</i>						
<i>at</i> <i>wood</i>	<i>Y</i>						
P	<i>Y</i>						
P	<i>Y</i>						
P	<i>Y</i>						
P	<i>Y</i>						
<i>at</i> <i>wood</i>	<i>Y</i>						
P	<i>Y</i>						
P	<i>Y</i>						
P	<i>Y</i>						
<i>at</i> <i>wood</i>	<i>Y</i>						
P	<i>Y</i>						
<i>at</i> <i>wood</i>	<i>Y</i>						
<i>at</i> <i>wood</i>	<i>Y</i>						
P	<i>Y</i>						

ASUM OFFICERS

BARRETT KAISER

President

PATIENCE LLEWELLYN

Vice-President

BRAD MCCALL

Business Manager

P	<i>Y</i>						
P	<i>Y</i>						
P	<i>Y</i>						

FACULTY ADVISORS

PROFESSOR AUSLAND

P	<i>Y</i>						

ASUM SENATE MINUTES  
September 23, 1998  
Mt. Sentinel Room

Chair Llewellyn called the meeting to order at 6:07 p.m. Present: Kaiser, Llewellyn, McCall, Ballentine, Bekier, Bell, Brown, Connolly, Driscoll, Hopkins, Kosena, Lamb, Mahan, Murphy, Myers, Pressley, Struve, and Woodall. Excused were Christensen, Lindeman, Squire, Sutherland and Tietz.

The minutes of the September 16 meeting were approved.

**Public Comment**

\*John Hirsch of MontPIRG reported that bike locks were cut and bikes removed from handicap rails. He stressed the need for more bike racks and promotion of carpooling. Students interested in helping promote carpooling and related issues should contact him or Sara Garber at MontPIRG.

\*Vice President Hollmann reminded Senate that there is a \$200 fine for illegal parking in handicapped space. She noted that Vice President Cole requested input on direct deposit or a centralized pick-up for paychecks for students to eliminate high mailing costs.

**President's Report**

- a. Kaiser introduced the new Senators, and Dean Couture swore them in: James Bekier, Jerry Lamb, Amanda Pressley.
- b. Kaiser, Llewellyn and Darrow attended the Board of Regents meeting in Butte and also a MAS meeting. MAS is considering a survey on each campus to determine how tuition raises would affect the campuses and changes in the credit cap. Kaiser challenged the other schools in student voter registration. The University of Montana-Missoula registered over 800 students in less than three weeks. A press conference with Secretary of State Mike Cooney Monday at 10:30 a.m. in the south atrium of the University Center will emphasize registration.
- c. Lobbyist Darrow is working on a contract with other schools for the lobbying effort.
- d. Vice President Hollmann fielded questions from Senators about the Center for Student Success to be located on the West Side of the Lodge.
- e. The executives attended a UTU training session on negotiations.
- f. A Recreation Annex study is being made to determine student feelings about renovations of the annex and Schreiber Gym. Polls and surveys will be used to determine if a new fee would be palatable.
- g. Differentiated tuition - raising tuition at larger campuses and lowering tuition on smaller campuses - is being considered by the Regents.

**Vice-President's Report**

- a. Llewellyn asked committee chairs to post times and minutes for meetings on the back office bulletin board. She said she would be meeting with them soon. The following slate of committee appointments was approved on a motion by McCall-Brown: ITPAC - Patience Llewellyn; Board on Membership - Tom Hayes; University Athletic - T. J. Frickle; Center for Student Success - Brad McCall; UC Board - Mike Haas; ASCRC - Patience Llewellyn; COT - Robin Kulawinski.
- b. Llewellyn reminded Senators of the garage sale this Saturday in the UM parking garage from 8-4. SPA will be registering voters.
- c. Senators signed up for tomorrow's breakfast with the President were reminded to attend.
- d. Llewellyn noted that UM Productions Director John McCall would be attending Senate class tomorrow night.
- d. Students will be talking with Kyla Glass, who is the athletic advisor, for input on priority registration for athletes.

Llewellyn thanked Woodall for coming to the Recreation Annex study meeting.

#### Business Manager's Report

- a. Travel Special Allocation - Academy of Students of Pharmacy was awarded \$711.
- b. Used Computer Pool - Environmental Action Community was approved to receive one of ASUM's used computers.
- c. Zero-based Carryover - Legal Services was approved for \$8,253.29 to cover unbudgeted personnel costs after **Kaiser** called the question and no objection was raised; \$151 was approved to go toward Extracurricular Extravaganza expenses after a previous question call by **Myers** passed.

#### Committee Reports

- a. SPA - Struve said the committee wrote and passed a resolution. A literature drop will be done at family housing tomorrow at 5, and Senators were asked to help. Kobos asked for volunteers to help phone students from 2-3 Friday to encourage them to attend Cooney's conference. Help is needed Sunday to prepare packets. Voter registration will be held at Saturday's garage sale, and a registration blitz will occur on Thursday, October 1<sup>st</sup>.
- b. ASUM Affairs - Connolly reported they had no quorum. A student at large is needed.
- c. University Affairs - Bell reported they had no quorum, and so SB7 is still in committee.
- d. Senators were concerned that meeting times were not well advertised or students informed of the times. Llewellyn stressed that three unexcused absences on committees or Senate could result in expulsion.

#### Unfinished Business

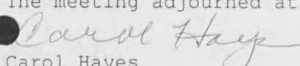
- a. SB7-98/99 Resolution to Amend the \$100 Course Retake Fee - in committee
- b. SB8-98/99 Resolution to Change Personnel Policy - in committee
- c. SB9-98/99 Resolution to Create an ASUM Legal Services Task Force - in committee
- d. SB10-98/99 Resolution to Form an ASUM Information Technology Committee in committee

#### New Business

- a. A motion by **Struve** to consider SB11-98/99 Resolution Opposing the Passage of Constitutional Initiative 75 (CI-75) (Exhibit A) brought by SPA as a seconded motion was met with no objection. It passed on a motion by **Driscoll-Hopkins**.
- b. Resolution to support changing credit cap appeal policy
- c. Resolution to change policy on withdrawals and audits
- d. Resolution to oppose differential tuition
- e. Resolution to raise credit cap

#### Comments

The meeting adjourned at 8:20 p.m.

  
Carol Hayes  
ASUM Office Manager

**A Resolution Opposing the Passage of Constitutional Initiative 75 (CI-75).**

**WHEREAS** on this November's ballot is Constitutional Initiative 75 (CI-75) which would require that any tax increase or extension in Montana would require a vote of the people of Montana, and;

**WHEREAS** students, and citizens of Montana in general, benefit from having a government that is free from bureaucratic excess, and;

**WHEREAS** CI-75 would, by its very nature, increase the amount of bureaucracy in government by increasing the number of elections that state and local governments must administer and therefore would reduce the amount of current state funds which could be spent on important state funding areas such as education;

**WHEREAS** students, and citizens of Montana in general, benefit from the flexibility that state and local government have in providing funding to services, including funding to education programs, and;

**WHEREAS** CI-75 could produce a situation where the state, despite a fiscal crisis, would be unable to increase revenues and thus the state would have to make cuts in funding areas, including higher education, and;

**WHEREAS** The Associated Students of The University of Montana have previously endorsed the Six-Mill Levy (R-113) which provides nearly \$140 million over ten years to the Montana University System and;

**WHEREAS**, Since CI-75 requires a vote upon all tax extensions (such as the Six-Mill Levy) and since the enactment date of CI-75 – upon approval of Montana voters – is earlier than the enactment date of the Six Mill Levy – upon approval by the 1999 Montana Legislature – there is the potential that the Montana courts would require an additional vote upon the Six-Mill Levy if CI-75 passed.

**WHEREAS** in sum, the State of Montana benefits greatly from having effective and affordable higher education institutions in Montana and the passage of CI-75 would threaten both the effectiveness and affordability of higher education in Montana

**LET IT BE RESOLVED,**

(1) The Associated Students of the University of Montana (ASUM) Senate strongly opposes Constitutional Initiative 75 and urges students and other Montanans to register and vote against this initiative in the general election on November 3<sup>rd</sup>.

(2) Additionally, ASUM Senate directs the ASUM President and the Student Political Action Office to take the steps necessary to convey the intent of this resolution to the citizens of Montana.

Sponsored By:  
Barrett Kaiser, ASUM President  
Jim Driscoll, ASUM Senator  
Jessica Kobos, ASUM SPA Director

*Passed*  
*9/23/98*

**The Complete Text of Constitutional Initiative No. 75 (C1-75)**

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:**

Section 1. Article VIII of the Constitution of the State of Montana is amended by adding a new section 17 that reads:

**NEW SECTION. Section 17. People's right to vote on taxes - fairness in tax elections - enforcement.**

(1) No new tax or tax increase may be enacted unless first approved by a majority of the electors voting on the measure in the geographic area subject to the tax.

(2) As used in this section, the following definitions apply:

(a) "Government" or "governmental unit" means the state or any political subdivision of the state, including but not limited to local governments, school districts, and other districts.

(b) "New tax" includes:

(i) any new tax imposed by a governmental unit; and  
(ii) any tax extended to a geographic area not formerly subject to the tax.

(c) "Tax" means any financial charge, however denominated, imposed by a governmental unit and from which revenue accrues to government, other than:

(i) a price in a voluntary transaction in a competitive market where the item for which the price is being imposed is not monopolized by government, including but not limited to educational tuition; or  
(ii) civil and criminal fines and other charges collected in cases of restitution or violation of law or contract.

(d) "Tax increase" includes:

(i) an increase in the rate of a tax;

(ii) an expansion in the legal definition of a tax base;

(iii) an extension of an expiring tax;

(iv) complete or partial repeal of inflation indexing;

(v) a required acceleration in payment of a tax; and

(vi) beginning with tax years following [the effective date of this amendment], any increase in a governmental unit's expected annual property tax revenue that is not attributable to property improvements or to personal property being moved into the geographic area subject to the governmental unit. In calculating a prior year's property tax revenue in order to ascertain any rise in expected annual property tax revenue, revenue collected in excess of that permitted by this section shall be disregarded.

(3) This section does not apply to:

(a) new taxes and tax increases approved by voter initiative;

(b) specific taxes while dedicated to payment of public debt either existing on [the effective date of this amendment] or authorized by the voters;

(c) any specific emergency measure authorized by vote of three-fourths (3/4) of the members of each house of the legislature, subject to Article III, Section 5 and expiring not later than the end of the tax year during which the succeeding regular legislative session ends;

(d) any price for voluntary purchase of an item provided by a governmental unit where the purchaser is not a resident of the geographic area subject to the governmental unit charging the price.

(4) In order to promote fairness in tax elections:

**The Complete Text of Constitutional Initiative No. 75 continued**

(a) no governmental unit shall hold more than one tax election, which may include multiple ballot issues, in any calendar year. Every tax election shall be held on a date assigned by law for a primary or general election or, if there is no general election or no primary election during that year, on the corresponding date.

(b) each ballot issue shall encompass only a single tax and shall not encompass a general waiver or delegation of approval authority for future taxing power.

Statements of implication for new taxes shall begin, "SHALL A NEW TAX, DESCRIBED AS FOLLOWS, BE IMPOSED?" [followed by description of new tax].

Statements of implication for tax increases shall begin, "SHALL THE [NAME OF TAX] TAX BE INCREASED ANNUALLY BY [followed by amount of annual increase when in full effect], IN THE FOLLOWING MANNER?" [followed by description of tax increase].

If a proposed tax increase requires an election because it raises the base or rate, but does not raise additional revenue, the statement of implication shall so declare.

(c) The legislature may raise the required level of voter turnout or the required percentage of voter approval.

(5) Notwithstanding the referendum exception of Article VI, Section 10, before a bill imposing new or increased taxes is referred to the people the governor shall have veto power, to be exercised and overridden under the same rules applicable to other bills.

(6) In order to promote effective enforcement of this section:

(a) a governmental unit collecting revenue in violation of this section shall refund the revenue to the taxpayers within one year after the tax payment deadline, together with simple interest at the rate of 10 percent per year.

All refunds, including refunds of property taxes, shall be based on excess actual collections rather than on estimated collections. A governmental unit may pay a refund of excess revenue and interest on the refund as a credit toward an entitled taxpayer's following year tax liability, but only insofar as the credit fully reimburses the taxpayer.

(b) any elector of a governmental unit has standing to sue for enforcement of this section against the governmental unit and its agents. Notwithstanding any legislative limitation created pursuant to Article II, Section 18, sovereign immunity does not shield public officials or employees from appropriate civil liability for violation of this section. To the extent the elector prevails, the elector is entitled to attorney fees.

(c) this section is self-executing and shall be liberally construed to subject to fair referendum now or increased government financial charges not subject to the discipline of the competitive market.

**NEW SECTION. Section 2. Severability.** If a part of this amendment is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this amendment is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 3. Effect of conflict.** If there is an irreconcilable conflict between any part of section 1 and any other pre-existing or contemporaneously approved constitutional provision, section 1 prevails.

**NEW SECTION. Section 4. Effective date.** If approved by the electorate, this amendment is effective immediately.

#### ARGUMENT AGAINST

CI-75 is the second attempt to win voter approval for a Constitutional Amendment to require a public vote on any tax or fee increase by any level of government in Montana. CI-66, a similar measure, was defeated at the General Election in 1994. It comes as no surprise that locally elected officials oppose this type of measure. They believe it diminishes their ability to manage revenue systems and provide quality education and necessary city and county services to their constituents. The Montana League of Cities and Towns, the Montana Association of Counties, the Montana Education Association, and the Montana Public Employees Association, among others, opposed the initiative in 1994. Like the previous measure, CI-75 will not reduce taxes but it will require hundreds of complicated and expensive ballot measures on issues as mundane as raising the fee for overdue library books or increasing the assessments paid by livestock owners for predator control and brand inspections.

These organizations representing government were joined in opposition to this measure in 1994 by the Montana Taxpayers Association, the Montana Chamber of Commerce, the Montana Contractors Association, the Montana Mining Association and other organizations that represent taxpayers and business interests in the state. In addition to the costs imposed by a "Right to Vote on Taxes Initiative", it may well result in higher, not lower taxes. Rather than resist the bureaucratic requests for more spending, state and local officials will more likely pass the decision onto voters. Public votes on local, popular services, may well result in higher taxes, particularly if the tax increases are targeted at an unpopular segment of the business community, or one that is unable to adequately defend itself against the interest groups that benefit from the tax increase.

Just as important, the Montana legislature and local elected officials will never voluntarily reduce tax rates in times of surplus if it will require a public vote to raise taxes when poor economic conditions require expansion of government programs. CI-75 will frustrate tax reform in Montana as have similar measures in states like Colorado. Colorado's economy is producing more revenue for government than is necessary, resulting in increased government costs to rebate tax collections to Colorado citizens. Other western states like Utah and Arizona which are not restricted by "vote on taxes" provisions have reduced the taxes on their citizens by millions of dollars during the current economic expansion. CI-75 is expensive, it provides no tax reductions, and it will hinder efforts at true tax reform in Montana. We urge you to vote no on Constitutional Amendment 75.

## ARGUMENT FOR

YOUR RIGHT TO VOTE ON NEW TAXES

Polls show 65% voter approval for CI-75. Why? Because voters like common sense.  
*Here's what CI-75 will do for you and all Montanans:*

- ✓ **CI-75 PROTECTS US FROM ARBITRARY TAX INCREASES**, by giving us a right to vote on new or higher taxes first. This applies to all state, county, or local taxes - sales tax, property tax, income tax, gas tax, payroll tax...
- ✓ **THE NUMBER (AND COST) OF ELECTIONS WILL ACTUALLY DECREASE**. Voter turnout will increase because tax issues will be on the ballot *and all tax elections (including mill levy elections) could be held only once per year* on regular election days. No more repeat "stealth elections" with ridiculous 7% voter turnout, and "NO" will finally mean "NO" instead of "Let's vote again."
- ✓ **BETTER JOBS AND MORE OPPORTUNITIES**. Our children's future will be more secure. Your pocketbook will benefit not only from lower taxes, but also from a prosperous economy. *CI-75 is based on proven success. It offers Montanans the same protection already enjoyed by citizens in other states.* Despite dire warnings from opponents, other states such as Colorado have seen their economies boom since they passed similar laws. Businesses flock to states with stable tax environments. Colorado's unemployment rate dropped to 2% below the rest of the country. *CI-75 means jobs.*
- ✓ **CI-75 IS SIMPLE FAIRNESS. THE TAXPAYERS WHO PAY THE TAB OUGHT TO HAVE A REAL VOICE ABOUT "HOW MUCH?"** This does not remove tax policy-making authority from the legislature. Elected officials will still formulate tax law (including rates, exclusions, etc.). They will simply submit any tax increase laws to the voters for a final veto or approval.
- ✓ **NEW MANDATORY FEES ARE ALSO COVERED**. No longer could new fees and red tape be imposed arbitrarily on a targeted group without giving those affected a chance to object.
- ✓ **NARROW BUT APPROPRIATE EXCEPTIONS**. *CI-75 excludes true user fees for optional services*, (i.e., library photocopy prices), where voter approval is not needed because competition from private enterprise keeps government charges in check. Also, CI-75 permits government to deal with true emergencies through careful, self-expiring override provisions.
- ✓ **CI-75 PARTIALLY SOLVES THE "DONUT AREA" PROBLEM**, where people living outside city limits are subjected to city taxation and regulation without representation in city government. *It also prevents forced annexations to extract higher taxes. People in the geographic area will get to vote on these issues.*
- ✓ **CI-75 OFFERS INCENTIVES FOR GOVERNMENT OFFICIALS TO ADOPT POLICIES THAT SPUR ECONOMIC GROWTH** and result in more tax revenue. It carefully permits government revenue increases that come from economic prosperity. Government's inflationary cost increases will be met by corresponding natural increases in income tax revenue.
- ✓ **CI-75 REDUCES RISK TO WORKERS AND BUSINESSES**. Montana workers and businesses often find themselves stuck with sharp tax and fee hikes because of political deals they couldn't control or knew nothing about. *Under CI-75, decisions on tax increases will no longer be backroom deals made behind closed doors. Those opposing CI-75 are groups that profit from higher taxes. Some have nice sounding names, but all are special interest lobbies that feed at the government trough.* CI-75 takes the tax decisions out of their hands and gives it to the people who foot the bill. By subjecting backroom tax deals to full public debate and vote, it reduces (rather than increases) the chance that a tax will be imposed unfairly on a minority group or industry.
- ✓ **CI-75 WILL SLOW THE GROWTH OF MONTANA'S BLOATED BUREAUCRACY**. Montana is fifth highest among states in per capita government employees, and near the top in share of income consumed by government. That's a big reason, studies tell us, why Montanans have the lowest pay in the U.S.  
*What happens if CI-75 loses? Higher taxes, bigger government, stagnant economy, less individual freedom. But... If CI-75 wins, it's a win for prosperity and freedom.*

✓ **VOTE FOR CI-75**

PROPOSERS' rebuttal of those opposing the issue

### CI-75 OPPONENTS MISS THE MARK

✓ Opponents argue against things that CI-75 doesn't do. Here's what CI-75 does do: it gives you a constitutional right you don't have now — the right to choose whether you are going to pay more taxes or new taxes. For example, under CI-75, the legislature must give us a vote if it wants a sales tax. CI-75 doesn't require a vote on library late fees, etc. It gives you the Right to Vote on all major tax increases without forcing votes on minor fee arrangements. We invite opponents to read the initiative.

✓ Opponents criticize another measure (CI-66) that's not even on the ballot! But we're not voting on CI-66; we're voting on CI-75. CI-75 is a big improvement on CI-66.

✓ In opponents' three-paragraph argument, paragraphs 1 and 3 contradict each other; and paragraph 2 is a potential violation of Montana campaign finance laws. Paragraph 1 says if you get the right to vote on taxes, you can't be trusted to give government enough money. Paragraph 3 says your right to vote on taxes may lead to so much economic growth and added tax revenue that the state may be forced to (God forbid!) give you back a tax rebate like they did in Colorado! Which is it — too little money or too much? Neither! CI-75 will simply force the government to live within its means like the rest of us must do.

✓ Opponents' paragraph 2 lists various groups, implying they may oppose CI-75. Montana campaign laws now say it's illegal for any of these groups to spend a dime opposing initiatives! And none of these groups has opposed CI-75.

✓ Opponents write as if they think you're not smart enough to see through their fear-mongering. Talk to someone from Colorado, Oklahoma, or Washington — all of which already have the Right to Vote on Taxes. In their two decades of combined experience, none of these states has experienced higher taxes, cluttered ballots, hampered tax reform, rampant litigation, or more targeted taxation. What they have experienced is this — in 1997, all three states ranked in the top 10 in personal income growth. Meanwhile, without the Right to Vote on Taxes, Montanans saw our pay drop to dead last in the nation! Dave Lewis, the Governor's budget director, checked into these other states and now says, "Vote FOR CI-75."

✓ Colorado and Arizona both have booming economies and tax surpluses precisely because voters enacted tax limitation in those states. CI-75 means blue skies, not fallen skies — lower taxes, better jobs, less bureaucracy, more freedom — and more take-home pay!

### HAVE A SAY IN WHAT YOU PAY - VOTE FOR CI-75!

OPPONENTS' rebuttal of those supporting the issue

CI-75 IS BAD FOR TAXPAYERS, BAD FOR GOVERNMENT, AND BAD FOR CONSUMERS OF GOVERNMENT PROGRAMS AND SERVICES.

\*CI-75 binds in concrete whatever bad tax system and/or rate of taxation we have now.

\*CI-75 destroys representative democracy. It divests elected officials of responsibility and accountability for tax and spend policies.

\* CI-75 invites constitutional challenge. One section repeals unmentioned existing constitutional provisions that may conflict with CI-75.

\* CI-75 gives local governments no emergency authority to battle whatever fiscal crisis they might face nor meet new demands placed on their programs and services by increases in inflation and/or population.

\* CI-75 denies all public officials and public employees of protection from civil liability for alleged violations of law created by CI-75.