Learning the role of a responsible media: A series of weekly reports from the Montana State Legislature 1995: professional project

Erin P. Billings
The University of Montana

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Learning the Role of a Responsible Media:
A Series of weekly reports from the Montana State Legislature
1995
A Professional Project

by
Erin P. Billings
B.A. Bates College, 1993

presented in partial fulfillment of the requirements
for the degree of
Master of Arts
The University of Montana
1995

Approved by:
Chairperson
Dean, Graduate School

Date

Director: Dennis L. Swibold

This professional project consists of a series of articles written for Montana's weekly newspapers on the 1995, 90-day state Legislature. It also includes an evaluation of the role of the Capitol press corps and the challenges faced by a new reporter in a field of veterans.

The University of Montana School of Journalism established this fall a program that gives students a shot at professional reporting for the state's weekly papers. The program, called the Community News Service, is a statewide wire service through the Montana Newspaper Association. The service distributed articles to towns across the state from Scobey and Glendive to Bigfork and Whitefish.

It began this fall with a handful of students. Reporters wrote about the 1994 ballot issues and the upcoming 1995 legislative session. As one of them, I was awarded a grant to report daily from the state Capitol in Helena. These stories focused on pressing legislative issues such as the environment, health care and the budget. They also included a round up of the week's most important happenings.

While writing one story per week, I learned to tackle the daily challenges of gaining credibility, choosing knowledgeable sources, exercising sound news judgement and preparing for unexpected turns in events. I learned the essential role the press plays in ensuring the public's right to know and overseeing the actions of legislators.
ACKNOWLEDGEMENTS

To my advisor, Dennis Swibold, who provided the Kleenex and the guidance to help me through 15 weeks of pain and frustration; to the Capitol press corps, especially Bob Anez, Kathy McLaughlin and Chuck Johnson, who offered explanations and advice on how to tackle the tough issues; and to Kyle Wood, whose humor and support made this legislative stint survivable.
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The University of Montana School of Journalism established this fall a program that gives students an opportunity to report for the state's weekly papers. The program, called the Community News Service, is a statewide wire service of the Montana Newspaper Association.

It began this fall with a handful of student reporters who wrote about the 1994 ballot issues and previewed the 1995 legislative session. As one of the students, I was awarded a grant to report directly from the state Capitol during the 54th Legislature. The stories I wrote usually focused on one legislative issue such as the environment, health care or the budget. They also included a roundup of the week's most important happenings.

While writing one story per week, I faced the daily challenges of gaining credibility, choosing knowledgeable sources, exercising sound news judgment and preparing for unexpected turns in events. What follows is a brief examination of how I faced those challenges — followed by the coverage itself.

GAINING CREDIBILITY

As a student and a new face among the Capitol press corps, I found it difficult to establish credibility as a reporter. Naturally, sources treated younger journalists with less respect than veterans. I reintroduced myself and explained the mission of the news service two or three times before gaining a level of recognition. I also found that sources questioned my knowledge of Montana politics and issues.
Before I arrived at the state Legislature, I worked as The University of Montana student government reporter at the Montana Kaimin. This experience gave me a basic understanding of the political process. I also wrote several articles previewing the legislative session, which required researching important, upcoming issues and becoming acquainted with key political players.

That knowledge of Montana politics gained still didn’t outweigh lawmakers’ perceptions that I was new and naive. For example, early in the session, I interviewed Rep. H.S. “Sonny” Hanson, R-Billings, on his proposed constitutional amendment to abolish the Board of Regents. I ran into his office right after the preliminary vote on the House floor, the first to take a whack at the big story of the day. I asked him what prompted him to sponsor the legislation, a simple enough question, I thought. He glared back at me and asked me what I thought the job of the Board of Regents was. I sat dumbfounded because he implied that I didn’t know the answer. I did of course, but I was so nervous that I’m sure it seemed as though I wasn’t prepared. I walked out of Hanson’s office with a half-baked interview and a burnt ego. I gained, however, the experience to know in the future how to handle a source’s questioning of my political knowledge because I was less nervous and more prepared for interviews.

I also found that lawmakers weren’t familiar with the Community News Service, nor did they have access in Helena to weekly newspapers to see my work in print. Sources did have daily access to the reporting of
The Associated Press, the Lee Newspapers State Bureau, the Great Falls Tribune and the Bozeman Chronicle. Later, however, lawmakers subscribed to hometown newspapers — seeing my writing in print and recognizing me as a credible reporter.

As my sources and I became more comfortable with one another, I learned to define the boundaries for acceptable relations. I watched how reporters Bob Anez of The Associated Press and Kathy McLaughlin of the Lee State Bureau approached lawmakers during floor debates to ask questions. These reporters joked with legislators, called them by their first names and patted them on the back during interviews. I questioned the ethical boundaries for reporters and their sources. I learned early on, however, that personality traits and style played a significant role in the relationship journalists have with sources. At first I questioned how familiar reporters should be when interviewing. But I found from observing these reporters that sound news writing could result, despite a level of informal behavior. I found from reading their articles that McLaughlin and Anez’s personal interviewing style didn’t result in biased coverage. To a degree, I also allowed for a more relaxed relationship with my sources. But because I was a less experienced journalist I wanted to maintain a level of professional distance to ensure that sources didn’t expect "friendly" coverage.

As time went on, lawmakers began to provide me with story ideas and comments on the articles I wrote. This forced me to evaluate the motive behind their eagerness to supply me with information. Near the
end of the session, Rep. Jim Elliott, D-Trout Creek, stopped me in the hall and offered the real "behind the scenes" take on the session. He told me about the Republican party's ploy to steamroll the Democrats' agenda and make last-minute deals. For example, Elliott complained that his plan to provide property tax relief served as a Republican bargaining chip. He added that the GOP threatened to kill the measure if Democrats weren't more cooperative on the state's major spending bill.

While his information was thought-provoking, much of it was difficult to prove. The last few hours of the session were quickly ticking away, and after talking to several other lawmakers, I couldn't verify Elliott's story. On top of that, such an article would have served his cause well. When confronted with a source who wanted to pass information on to the press, I found it necessary to back it up with specific examples and facts. If the rumor was false or unprovable, it remained just a rumor.

WRITING THE WEEKLY DIET

Writing for weekly papers requires more analytical reporting than the write-it-as-it-comes approach found in daily hard news accounts. Because of weekly deadlines, stories are written several days before they appear in print, so they had to be written differently.

The first two or three stories I wrote simply summarized the week's events and focused more on specific committee meetings and floor debates than issues. I felt I was just rehashing what daily reporters had
written and what my audience had already read.

Therefore, I changed my focus to broader issues, analyzing the statewide impacts of legislation. Specifically, I focused on issues such as the environment, health care and welfare reform, crime, ethics, property taxes and the budget — concentrating on specific bills and lawmakers' individual approaches to change. I interviewed lawmakers on both sides of the aisle as well as lobbyists involved in the issues. I made concerted efforts to interview both Democrats and Republicans equally, as well as lawmakers from different areas of the state.

I placed much of the week's important events in one package, as opposed to leaving the reader to sift through several unconnected legislative news articles. These stories tried to put daily coverage in perspective, presenting in one news story the potential impacts of several pieces of legislation.

That wasn't easy, but I had some role models. I read the work of veteran reporters and evaluated their writing. By reading the Helena Independent Record and the Great Falls Tribune every morning, I had access to most of the state's political reporting. The Record runs most of the Associated Press and the Lee State Bureau's political writing. The Tribune also has its own Capitol press corps. Those news articles helped me to keep on top of legislative events and provided background for analyzing issues in a broader context. I also learned how other reporters used catchy leads and effective transitions, as well as colorful quotes, which were essential to flavorful legislative writing.
Two reporters who did a good job of analyzing the effects of daily legislative action were Tribune reporter Mike Dennison and Lee Newspapers Bureau Chief Charles S. Johnson. I tried to emulate the way Dennison and Johnson analyzed issues and investigated trends. Late in the session, for example, I analyzed whether lawmakers' attempts to pare down the size of government places more power in the executive branch (see "Smaller Government, Bigger Governor?" page 36). Several pieces of legislation proposed to abolish elected offices and added to the number of governor-appointed positions. I asked decision-makers whether they believed the legislation gave the governor too much power and what they perceived the potential impacts to be.

In another news story, I looked at the Legislature's proposals for health-care reform. I researched the role of the Montana Health Care Authority — a governor-appointed committee created two years ago to study realistic health-care reform for Montana. The daily news stories were focusing on several legislators who argued the Authority had wasted more than a million dollars in state money just to come up short of a successful proposal. The Authority defended its actions, saying it had come up with ideas for change. That was a good story, but in my article, I excluded the daily political arguments and concentrated on larger hopes for reform. In this case, I stepped away from the daily battles and concentrated more on the issues and their long-term impacts.

TECHNIQUES AND SOURCES — WHAT WORKED WHAT DIDN'T
It takes an organized person to stay on top of all the legislation and newspaper articles produced during a legislative session.

At first, I clipped legislative news articles and stuffed them in file folders arranged by issue. I neatly sorted bills by number, separating them according to House and Senate. This is an effective way to keep track of what's going on, but as the legislation piled up and I became busier, I found less time to practice my clerical skills.

By about the 30th Legislative day, I capitulated to the task of legislative paperwork and began to rely on the power of memory to keep it all together — an ineffective way of tracking events. I struggled to remember if and when bills passed or failed or whether they changed along the way.

The Legislative Council was a good backup. Its job is to draft bills, and because of that, it often has updated copies of legislation, subject guides and status reports.

The Legislative Fiscal Analyst's Office and Legislative Council were also good sources for information about the budget and the financial impacts of legislation. These offices are non-partisan and provide factual information.

Also, state agencies were a helpful source for facts. For example, when writing a story about welfare reform, the Department of Social Rehabilitation Services provided me with data specifically outlining the state's reform plan. SRS also provided information regarding the plan's financial impacts.
A great safety net were the Capitol computers. Here, one can access legislation listed by sponsor or subject and track its status.

Lawmakers and lobbyists were often the most valuable resources. The problem here, however, was weeding out the knowledgeable, credible sources from the uninformed and self-serving. But with more than 1,000 bills introduced in the 1995 session, it is understandable that many political players weren't informed on every issue.

The party leaders were usually good sources. Many couldn't speak to every issue, but at least they provided a general take on how their party stood on issues. The chairmen of legislative panels, both committees and subcommittees, were also a good source of information. These lawmakers were informed on the issues they oversaw in their committees. They usually knew whether panel members favored or opposed legislation and could foresee which bills had a realistic chance of passage.

The governor's office, however, was not a good source of information. Gov. Marc Racicot's assistants either didn't know or were hesitant to reveal the facts. The press secretaries tended to be uniformed or overly prudent about providing the governor's take on issues. For example, the press people didn't know Racicot's position on legislation restricting abortion. Nonetheless, I found it valuable keep in daily contact with them as they are the governor's guardians and can get you in to see the executive for a rare interview. On several occasions, the press secretaries arranged for me a 15-minute slot in the governor's
SURPRISES

Keeping on top of quick turns of events made reporting on the 54th Legislature most challenging. The most exhilarating news moments found the media — both print and broadcast — swarming in packs around the action.

The Capitol press corps shared information often and throughout the session, especially toward the end as hasty decisions and process changes occurred more frequently. At the same time, however, reporters remained competitive. The press corps shared tips about big breaking events such as press conferences, party caucuses, etc., but rarely revealed story ideas to each other.

One example of cooperation was when the Republican Senate voted to consider gay sex a violent crime. Days later, they made the last-minute move to exempt homosexuals from the bill that requires violent criminals to register with police for life. Before that vote, I received the tip from another reporter that it was about to happen. Without the information, I would have missed the story.

Of the news organizations, the AP was the most forthcoming with information and helpful in delivering tips. That's not surprising since it is an organization of record that provides reports to most of the state's newspapers and radio stations, even those with their own reporters in Helena. Other reporters were forced to dig for new angles to daily
breaking stories and gear issues toward their local audiences.

While tips from other reporters were helpful in determining lawmakers' next moves, party caucuses were a sure-fire indicator that lawmakers were stewing up a plan. Sometimes the press knew why decision-makers were hiding behind closed doors, other times it didn't. For example, before voting on a controversial bill, lawmakers often tried to garner support for the legislation by meeting in party caucuses. Veteran reporters waged a war this session to open the closed caucus doors to the press. A lawsuit to do so is pending.

Most of the unexpected events occurred in the final hours of the 85-day session. The budget bill hung in the balance as lawmakers worked to cut deals and push for more or less spending. The committee assigned the task of ironing out budget controversy announced its meeting plans at the eleventh hour. This kept the press corps constantly on its toes, waiting for the panel's next move. The only way to ensure one didn't miss the news was to keep asking the questions of party leaders, committee chairmen or other members of the press.

WRAPPING IT UP

Legislative reporting tests a journalist's ability to make quick decisions and exercise careful insight. Learning to overcome the daily challenges of gaining credibility, writing for a weekly audience, learning the valuable sources and preparing for unforeseen changes in events allow the press to effectively deliver the news. I tackled these obstacles —
gearing articles toward a community audience by placing daily happenings in a broader context. I watched and relied on veteran reporters and their stories for direction and background for larger issue stories. I hope these articles provided readers perspective on the impacts of complicated political change — and from what their editors have told me — they did.
Montana's 54th Legislature ambled from the starting block last week with leaders of both political parties pledging to make state government more user friendly by making it smaller. And if that's what Republicans want, chances are they'll get it.

For the first time since 1953 the state's political apparatus is in the hands of the GOP, with a Republican in the governor's chair and Republicans comfortably controlling both houses of the Legislature. Republicans outnumber Democrats 31-19 in the Senate and 67-33 in the House.

Voters clearly want less government and more individual freedom, leaders of both parties said as the session began. "We're truly here to represent the people and to implement their values," said House Speaker John Mercer, R-Polson. "There seems to be a genuine feeling of optimism and relief that government is going to finally change."

Change, according to Republicans, means merging government departments, slashing the number of state employees and even reducing the number of bills introduced by lawmakers themselves, Mercer said.

There's even a bill to cut the Legislature from 100 seats to 80 in the House and from 50 to 40 in the Senate.

While Senate Minority Leader Mike Halligan, D-Missoula, agreed that government needs change, he says Democrats will take a different approach.

Instead of centralizing government by merging departments, Halligan said Democrats would like to see local governments given more responsibility to manage their own affairs without interference from state agencies.

"You should eliminate a department and transfer those responsibilities to local communities," he said.

Just how far lawmakers will go remains to be seen. Legislative committees are just beginning hearings on the budgets of state agencies and the details Gov. Marc Racicot's hefty package of recommended government reforms.

More controversial, perhaps, is the brewing debate over individual freedoms. Halligan charged that Republicans are being hypocritical in calling for more freedom while sponsoring legislation that would take it away. For example, Halligan says many Republicans favor anti-abortion legislation that would deny an individual's rights to privacy.

House Republicans already have introduced legislation that would require minors to have parental consent before seeking an abortion. Another bill, women's groups say, would lead insurance companies to stop paying for maternity costs.

PLAYING THE NUMBERS

Although Democrats and Republicans were talking harmony as the session began, the governor budget director and the Legislature's own accounting department were arguing over just how big the governor's budget is.

Racicot's budget calls for a $400 million increase in spending during the next biennium, but Legislative Fiscal Analyst Clayton Schenck said he thinks Racicot's plan would actually cost about $550 million more.

The figures, based on educated guesses about the costs of government and the revenues the state expects to collect, are critical. Underestimating costs or overestimating revenues could lead to deep cuts in programs or the elimination of Racicot's plan to refund $25 million to taxpayers.

Dave Lewis, the governor's budget director, said Schenck simply used a different formula when studying the budget and predicted that the differences would be resolved.

FIRST THINGS FIRST

Lawmakers spent much of the first legislative week laying the foundation for the rest of the 90-day session. The House passed a bill Thursday that lays out the $4.7 million needed to pay for this legislative session. That's $331,000 less than what the last session cost.

The House also passed a bill that would help pay for the unexpected costs of one of the worst fire seasons in decades.

COMING THIS WEEK

Gov. Racicot will deliver his second State of the State address to legislators Wednesday.

Racicot said he hasn't prepared his speech yet but plans to discuss "the promise of the future," which includes spending wisely, health-care reform and a program to repair state buildings.
Gov. Marc Racicot gave Montana lawmakers their marching orders last week, calling for less government, more bipartisan cooperation and property-tax relief. Although most of Racicot's State of the State speech Wednesday showcased previously announced plans to revamp government, rebuild state buildings and refund surplus taxes, the first-term Republican governor did spring a few surprises.

One was a proposed constitutional amendment that would prevent the state from requiring local governments to institute programs without giving them the money to do so.

Another surprise, mentioned only in passing and explained later by GOP leaders, was a proposal to gradually reduce property taxes on business equipment from 9 percent to 6 percent. That would save businesses — and cost cities, counties and schools — about $27 million annually.

In addition, Racicot will propose a constitutional amendment limiting property-tax increases to no more than 2 percent a year, GOP leaders said.

Racicot touted the state's economic gains during the first two years of his administration and defended his budget, which calls for increased spending without new taxes. He also pushed for welfare reforms emphasizing work and hope rather than "a check, dependency and despair."

Other initiatives included expanding the number of regional prisons, reducing the cost of workers compensation, legislation requiring the expulsion of students caught with guns in school and creating philanthropic endowments for communities.

Although Democrats called the speech short on specifics, the numbers alone give Racicot's ambitious agenda decent odds of passage. Republicans control the Senate, the House and the governor's office for the first time since 1953. Republicans outnumber Democrats 31-19 in the Senate and 67-33 in the House.

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Nevertheless, Democrats unveiled their legislative agenda a day before Racicot's address. Borrowing Republican themes, Democrats proposed their own ideas for cutting government, boosting individual freedoms and shifting power from the state to local governments.

The Democrats' "Blueprint for Change" calls for reshaping government by cutting taxes and spending, reforming both health care and welfare, controlling crime and promoting safety in schools.

Specifically, the Democrats' plan includes income tax deductions for prescription drugs, a cooperative housing act for low- and middle-income families and DNA fingerprinting for convicted sex offenders.

Senate Minority Leader Mike Halligan, D-Missoula, said the Democrats' plan puts Montanans first. "Republican leaders said the Democratic plan is a good indication that both parties can work together to reshape Montana government."

The bill would make it illegal to sell, publish, create, import, display, rent or distribute any material lacking literary, artistic, political or scientific value and found by the average person to be offensive.

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Both of Herron's bills were based on ordinances approved last November by voters in Ravalli County.

Proponents say tougher laws could reduce the number of sex crimes, crimes they link to pornography.

Opponents, mostly attorneys, artists and videotape vendors, argue the obscenity bill violates First Amendment rights to free speech and expression.

Montanans earning the minimum wage of $4.25 an hour would make as much as 50 cents an hour by next year, if a Butte Democrat has his way.

Rep. Dan Harrington's House Bill 39 would increase minimum wage by 25 cents this
year and another two bits next year because today's wage is far below what Montanans consider the poverty level, he told a House panel last week.

"Many, many people today are having to work two and three jobs just to make ends meet," he said.

The bill would give employers the option of increasing workers' pay or to applying the extra cash toward employees' health insurance.

Employers, however, fear raising the wage would hurt small businesses that can't afford higher salaries. It might even mean layoffs, they testified.

"It is an illusion to think that an increase in the minimum wage won't have an impact on the number of jobs," said David Owen, president of the Montana Chamber of Commerce.

Meanwhile, the Clinton administration is considering asking Congress to consider increasing the federal minimum wage to $5.25 an hour.

**BENEFITS FOR SCHOOL WORKERS**

Bus drivers, janitors, cafeteria workers and other seasonal school employees should be able to collect unemployment benefits during the summer, a Butte Democrat said this week.

Rep. Dan Harrington's House Bill 34 would guarantee non-certified school employees — workers other than teachers and administrators — the same unemployment benefits as other seasonal workers, including loggers, construction workers and truck drivers.

Harrington says many seasonal school employees receive low wages, are single with children and can't find summer work. His bill would give such workers money to tide them over until school starts.

Opponents of the bill say it is too costly for taxpayers.

"If (HB 34) is a good idea, then making hefty increases in taxes is a good idea," said Michael Keedy, a spokesman for the Montana School Board Association.
GOP Pushes $25 Million Tax Refund

Montana lawmakers seem determined to ditch their "tax and spend" reputation this session by offering taxpayers refunds. House Republicans this week are expected to push through Gov. Marc Racicot's plan to refund $25 million in surplus taxes the state expects to collect this year, thanks to a growing economy.

The amount of refund would depend on an individual's income, but the average check would be about $86. Rep. Chase Hibbard, R-Helena and chairman of the House Taxation Committee, said cash refunds would help restore the public's flagging confidence in lawmakers.

"This is a new way of looking at things," Hibbard said last week. "Government's credibility has been called into question."

While some Democrats have accused Republicans of using the refund to curry favor with voters, most opponents of Racicot's plan argue the money could be better spent repairing crumbling state buildings, reducing workers compensation premiums or lowering property taxes.

Others criticized Racicot's methods. Rep. Emily Swanson, D-Bozeman, suggested in vain that the state could save $250,000 by giving taxpayers a credit on their April returns, rather than printing and mailing thousands of individual refund checks later this year.

Swanson added that the refund proposal is being pushed through the Legislature too fast.

"I feel like we're standing in front of a freight train," she said.

But Republicans like the idea of putting a check in taxpayers' hands.

"The people would execute decisions as to how they want to spend this money," said Rep. John Bohlinger, R-Billings. "We put more money into the circulation of economy, we help bolster the economy, and I like that too."

Refunds are just part of the bipartisan push this session to reduce the state's tax bite. For example, Racicot and the Republicans want to lower property taxes on business equipment from 9 to 6 percent over the next two years.

Other Republican ideas include limiting property-tax increases to no more than 2 percent each year and ensuring that property taxes don't skyrocket due to reappraisals.

Hibbard said Republicans are serious about bringing taxes down and are confident that Montana's growing economy and tax base will allow them to do that without shortchanging state and local governments.

"In the short-term, at least, I predict that growth will continue to provide income-tax revenue for the state," he said.

Meanwhile, Democrats are suggesting property-tax relief with twists of their own.

Rep. Bob Ream, D-Missoula, wants to use the surplus to pay for a one-time reduction in statewide school taxes. Specifically, the plan would give $19 million of the anticipated surplus to public schools, which lost about $30 million to budget cuts in 1993's special legislative session.

The state would then reduce the statewide levy for K-12 public schools by 11.5 mills for one year.

The idea behind Ream's House Bill 267 is to reimburse taxpayers throughout Montana who raised local school levies to offset the Legislature's cuts in state school aid.

In the Senate, Missoula Democrat Fred Van Valkenburg's Senate Bill 184 would refund $11 million to those who live in their homes for more than seven months a year.

That would give the average homeowners $54 in tax credits while keeping refunds out of the hands of wealthy out-of-staters who own vacation homes here.

Ream said the odds are bleak that either Democratic bill will pass the Republican-dominated Legislature, which he expects will pass Racicot's refund proposal.

Just how much the state will have to spend on refunds is anybody's guess. The governor's budget office is anticipating $25 million, while the Legislature expects less than half of that.

NURSING HOME TAXES

Patients in nursing homes should pay a higher bed tax next year to make up for shortfalls in programs such as foster care, an Augusta Republican said last week.

For every dollar Montana raises through its bed tax, the federal government gives the state two, Rep. John Cobb said.

"It's a way of getting extra federal dollars," he said.

The tax increase would increase patients' rates but generate $13 million for the state.

Opponents fear the tax places an unfair burden on
patients whose nursing home costs are not subsidized by federal Medicare programs.

"It just seems really strange to single out our people who are old and sick in nursing homes and tax them," said Rose Hughes, the executive director of Montana Health Care Association. "The fact is there are individuals out there who are paying for their care out of their own pockets."

FIGHTING FIRES

Montanans living next to state and federal forests would pay an extra $20 a year for fire protection, a Chinook Democrat has proposed.

Sen. Greg Jergeson's Senate Bill 128 would charge property owners in rural forest fire districts $20 in addition to the 17 cents per acre they already pay on each acre more than 20. The money would go to the Department of State Lands to offset rising firefighting costs. Jergeson said that it is much more expensive and difficult to fight wildfires when homes are involved.

"The strategy for fighting wildfires is different from fighting fire to protect a structure," he said. "When the fire starts roaring, those folks expect protection."

The Senate Natural Resources Committee should vote on SB 128 this week.
States' Rights Outweigh Fed's Dollars?

Sick of being told what to do, lawmakers this session are defending states' rights by trying to shield Montana from the federal government. The primary defense is a Republican-proposed amendment to the Montana Constitution that would give Montana the right to reject any federal directive or regulation that isn't accompanied by the money to enforce it.

The struggle is over states' rights — a conflict as old as the nation itself and as recent as civil rights battles in the 1950s and 1960s. But the debate today is over so-called "unfunded federal mandates." The perceived threat is a drain on state budgets and taxpayers' wallets.

While legislators and state officials contend such mandates are everywhere, no one seems to know exactly which regulations are federally mandated and which ones aren't.

"It's a real gray area," said Steve Bender, Gov. Marc Racicot's assistant budget director. "You have to have a yardstick to measure whether it is a mandate or not."

Bender added it would take a year to distinguish between what regulations the state voluntarily imposes and those the federal government makes the state abide by.

That's why a bill, introduced by Sen. Steve Benedict, R-Hamilton, is in the works to review all federal mandates and require government to implement regulations in the most cost-effective way.

Nonetheless, some lawmakers contend that federal mandates are everywhere. Their list ranges from mandatory seat-belt laws to laws requiring that public and private buildings be made accessible to people with disabilities, from the mandatory waiting periods for gun buyers to Medicaid and welfare programs for the poor.

Other federal mandates include environmental regulations such as the Safe Drinking Water Act, the Asbestos Hazard Emergency Response Act and the Clean Air Act. Some of the costs of enforcing those regulations are born by state and local governments, which must then face the wrath of local taxpayers.

House Speaker John Mercer, R-Polson, said the issue runs deeper than taxpayers' wallets — it's about freedom. The state's constitutional amendment is an attempt to take back states' rights guaranteed under the 10th Amendment of the U.S. Constitution.

"The feelings in Montana are very strong toward getting the federal government to back off," he said. "We don't believe the federal system should boss the states around."

State lawmakers aren't alone in their frustration with mandates. The Republican-controlled Congress has promised to do something about them as well.

Both House Speaker Newt Gingrich, R-Georgia, and Senate Majority Leader Bob Dole, R-Kansas, have vowed to push Congress to approve an amendment to the U.S. Constitution banning unfunded mandates.

Already in the works is a bill by Sen. Dirk Kempthorne, R-Idaho, that would force the federal government to pay for regulations that cost individual states more than $50 million to enforce.

Mercer put the costs of underfunded or unfunded mandates in the billion-dollar range in Montana, although the budget office's Bender said he would guess the number is much lower.

Spearheading the effort against unfunded mandates in Montana is Sen. Larry Baer, a Republican lawyer and businessman from Bigfork. His Senate Bill 143 would give state voters the opportunity to insert into the state's constitution the right to reject any forced federal mandates that strip Montana of its rights under the 10th Amendment to the U.S. Constitution.

The 10th Amendment reserves for the states all powers not specifically reserved to the federal government.

Baer's bill passed the Senate 31 to 19 on a strict party-line vote on Jan. 21, and is awaiting action in the House, where it needs 69 votes.

Baer's bill would allow the governor to accept any regulation deemed beneficial to the state while reserving the right to reject any obligation the state might find objectionable.

"We need to decentralize government and keep state sovereignty and return to the tenet that was originally established by the framers of the Constitution," Baer said.

But Baer's opponents say they understand the frustration with unfunded mandates, but warn that the bill is short-sighted.

In hearings earlier this month, environmental activists, along with Democratic lawmakers, argued that Baer's constitutional amendment could conceivably be used to reject laws that protect air and water quality.

Senate Minority Leader Mike
Halligan, D-Missoula, advised lawmakers to move cautiously because there’s little precedent for what the state is doing. He argued that the federal government could react by laying more responsibility on the states or, worse, withdraw much of its money.

And in Montana, which gets about twice as much money from the federal government that its residents pay in federal taxes, that could be serious, he said.

"The feds have the power to dump all sorts of responsibilities on the states and local governments," he warned. "If they say 'We're getting out of it,' we have to really wonder how on earth we can pay for that."

Republicans say they aren't concerned about future costs, but intend to step back slowly from federal dependency.

"This thing has to be incremental," Baer said. "We must ween ourselves from federal dependency. We aren't going to go cold turkey."

Nor are Baer's supporters concerned that the absence of uniform federal regulations could result in a hodge-podge of conflicting state laws, pitting states against one another.

"I believe there would be more individuality, but because people would be more satisfied, they would be more open to cooperation," Mercer said.

Because Baer's bill attempts to change the state's constitution, it would need the support of two-thirds of the Legislature's 150 members, or 100 votes, before it could be placed on the November 1996 statewide ballot.

That means help from Democrats. As it stands, the bill needs 69 votes in the House, which Republicans control 67-33.

REFORMING EDUCATION

Lawmakers this session appear determined change the way Montana governs public education.

The House last week voted 67 to 33 to ask voters to eliminate the Board of Regents and Commissioner of Higher Education and replace them with a Department of Education and advisory board appointed by and accountable to the governor.

Supporters the constitutional amendment, Senate Bill 229, said it would make the university system more accountable and give public a voice over higher education.

"The time for change has come," said Rep. H.S. "Sonny" Hanson, the bill's sponsor. "That's what HB 229 is all about — the public's right to be a player."

But opponents argued that the new arrangement would give too much power to the governor and politicize university decision-making.

Lawmakers also heard testimony on Hanson's Senate Bill 229, a companion constitutional amendment that would eliminate the Board of Public Education and the Superintendent of Public Instruction, placing those functions under a Department of Education as well.

Lawmakers expected to see that bill on the House floor early this week.

Both bills are part of Gov. Marc Racicot's proposal to reorganize state government.

If 100 of the Legislature's 150 lawmakers vote for the measures, they would be appear on the November 1996 statewide ballot.

TEACHING AND TECHNOLOGY

Representatives of more than 20 Montana elementary, middle and high schools wowed lawmakers and capitol visitors last week in a technology workshop.

Called "Learning On-Line," the workshop featured students using robotics, satellite dishes, computers and television to demonstrate the technological wonders in today's classrooms.

Superintendent of Public Instruction Nancy Keenan, Gov. Marc Racicot and legislative leaders commended students for their achievements and praised the importance of technology in education.

"It's your opportunity to show legislators what's happening in your school and the importance of technology as you learn and grow up," Keenan told students.

Keenan also addressed lawmakers, saying how important technology is in today's education. "The children you see today are pioneers on the frontier, the technological frontier," she said.

Schools represented included Baker and Terry Public Schools, Lockwood Public Schools, Helena's Capital High School, Belgrade's Quaw Elementary; Conrad High School; Conrad's Meadowlark School, Billings' Riverside Middle School, Lewistown's Garfield Elementary, Denton Public Schools, Inverness Elementary, Browning Middle School, Dillon Middle School, Kalispell's Lilian Peterson Elementary, Laurel Middle School, Helena Public Schools, Dillon's Beaverhead County High School, Missoula's Hellgate Middle School, Helena's Hawthorne School, Anaconda Public Schools, Missoula's Target Range Public Schools, Butte Public Schools, and Missoula's Rattlesnake School.
As lawmakers race to cut, cap or otherwise curtail property taxes, they should remember that local governments, not the state, will pay the price. At least that's the theme lobbyists for Montana's cities and counties are hammering home this session. But that's a difficult sell given the Legislature's anti-tax mood.

Still, lobbyists such as Alec Hansen, of the Montana League of Cities and Towns, are working to ensure that whatever property-tax relief the Legislature enacts considers the impact on local governments, which depend mainly on property taxes.

"City and county governments in this state aren't in good financial condition," he said. "We're working to ensure that any reduction be reimbursed by the state."

Hansen says local governments stand to lose under many of this session's property-tax relief ideas.

Sen. Gerry Devlin, R-Terry, for example, is proposing a constitutional amendment that would limit property tax increases on residential property to no more 2 percent a year. His Senate Bill 274 has been endorsed by the governor, most Republicans and some Democrats.

Yet Hansen fears bills that have a fixed cap on property taxes could be damaging because it could limit local government's ability to fund projects and programs that voters say they want.

Devlin, however, sees his plan as a compromise that would offer taxpayers a guarantee against runaway taxes while allowing local governments moderate tax increases to cope with inflation. He's also open to allowing local voters a mechanism to set the caps aside for special local projects or improvements.

"We cannot continue to allow these tremendous increases in property taxes, especially in dwellings," Devlin said. "We're about to tax a lot of folks out of their homes."

His plan also beats eliminating property taxes altogether, which some lawmakers favor, Devlin said.

Nonetheless, Devlin's plan and others make local government nervous. The most frightening, they say, is Bigfork Sen. Larry Baer's idea to backtrack to 1986 property-tax levels.

Montana voters that year approved Initiative 105, which froze property taxes, but lawmakers have since approved a number of exemptions.

According to Hansen, Baer's bill would be a "financial disaster" for small towns, especially those trying to accommodate growing populations.

"A lot of cities need more money to deal with the effects of their growth," he said.

Hansen said that if the state caps or reduces property taxes, it must provide tax credits for cities and towns that can't afford the loss.

If Montanans are bent on tax reform, local government leaders recommend a bill by Rep. Emily Swanson, D-Bozeman. Her House Bill 265 aims to soften the blow of higher property taxes caused by rising land values and reappraisals.

Specifically, HB 265 would phase-in property reappraisal increases over a three-year period so that people on fixed incomes can adjust gradually to the increase.

The measure also would allow more fixed-income taxpayers to apply for special tax breaks. Swanson would raise the eligibility limits for such help to $15,000 for single taxpayers and $20,000 for married couples and heads of households.

In addition, it would raise the state income-tax credit for the elderly from $400 to $1,000.

"That makes sense," Hansen said. "If there is an increase, it's gradual and people don't get hit all at once with this. I think that good tax policy always has to relate somehow to a person's ability to pay."

Swanson said her bill would help people keep up with a growing tax burden, but not take revenue away from local governments.

"It helps the average taxpayer have a more predictable, stable tax bill," she said.

Other local government representatives prefer Swanson's plan, too. Gordon Morris of the Montana Association of Counties has called it the best property-tax relief measure the Legislature will consider this session.

Besides fair tax relief, Hansen says he wants an expansion of the state's resort tax, which allows designated tourist areas such as W. Yellowstone, Virginia City, Big Sky and St. Regis to impose a 3 percent sales tax on items tourists buy.

Senate Bill 266, introduced by Sen. Terry Klampe, D-Florence, would allow any city, town or county to vote to impose such a tax. Flathead County alone could raise some $3 million under the measure, he estimates. "Now that's real tax
reduction," Klampe says. "It's permanent and it doesn't interfere with services."

Opponents, however, argue that efforts to expand the resort tax are back door attempts to institute a sales tax, an idea Montanans rejected overwhelmingly in 1993.

CONTROLLING THE ODDS

State lawmakers spent much of last week arguing over who should be allowed to gamble and how to ensure that government gets its fair share of the pot.

Most of the steam rose over a Big Timber Republican's plan to raise the legal gambling age from 18 to 21. Senate Bill 109, sponsored by Sen. Lorents Grosfield and approved by the Senate, would allow voters to amend the constitution, giving the Legislature the power to raise the gambling age.

Because most gambling occurs in bars where alcohol is served, the legal gambling age should be the same as the drinking age, Grosfield argued. His supporters said those under 21 need to be protected from gambling's addictive effects.

But Opponents said the bill would strip young adults of their constitutional rights. Others suggested sarcastically that lawmakers consider raising the legal age to drive, smoke or have sex.

The bill, which passed the Senate 29-21, is now in the House, where it needs 71 votes. Constitutional changes require the support of 100 legislators.

Grosfield's bill isn't the only one that addresses minors and gambling. Sen. Mignon Waterman, D-Helena, wants to forbid minors from entering any establishment where video poker, keno, bingo and card game gambling occurs.

Meanwhile, senators also heard testimony on a bill that would provide for the electronic monitoring of Montana's 17,000 video gambling machines.

The plan, introduced by Senate President Bob Brown, R-Whitefish, aims to guarantee more accurate and speedier gambling tax payments to state and local government.

Supporters say the dial-up monitoring system would feed information on a machine's earnings to a central state computer, thereby ensuring that taxes paid on gambling receipts are accurate.

Opponents, mainly gambling machine owners, argue that the cost of changing to the new system would be too high, even with the $150 to $300 tax credit the state would offer machines owners to help them make the switch.

ETHICS ANYONE?

Trying to restore Montanans' faith in government, state lawmakers this session will consider implementing the state's first code of ethics.

Some state officials and legislators say ethics laws are necessary, even though they add that Montana public officials haven't abused conflicts of interest.

Secretary of State Mike Cooney asked lawmakers last week to endorse the Ethics Act in order to prevent ethics violations from happening in the future.

"Does it make good sense to wait for a wreck to happen if we can take reasonable steps to prevent the accident from happening?" he asked.

Senate Bill 115, introduced by Sen. Dorothy Eck, D-Bozeman, would limit the value of gifts public officials may receive, require expanded disclosure of financial information, promote education and allow lawmakers to develop rules on how to avoid conflicts of interest.

It also would establish an Ethics Commission to enforce ethics violations.

The Ethics Act resulted from the recommendations from an Ethics Advisory Council, appointed by Cooney nearly two years ago.
State Cries For Crime Crackdown

Fearing Montana may not be the last safe place, state lawmakers this session are getting tougher on crime. More than 50 bills this session propose to crack down on crime through stricter criminal sentences or crime prevention measures. From truth-in-sentencing bills to those bolstering victims’ rights or prison policies, lawmakers are making crime a priority.

Sen. Fred Van Valkenburg, a Missoula Democrat and criminal prosecutor, said crime in Montana hasn’t increased, but the national media attention to violent offenses has, forcing government to respond.

“The public is much more interested in crime than it ever was,” he said. “The media) make a big deal out of what would otherwise be local crime stories.”

Sen. Bruce Crippen, R-Billings and chairman of the Senate Judiciary Committee, agrees, saying national attention has pushed both political parties to act.

Events, however, continue to raise questions about government’s ability to respond.

Last week Gov. Marc Racicot and Corrections Director Rick Day announced plans to beef-up security at Swan River Correctional Facility after employee there was brutally attacked and nearly killed. A trusty serving time for murder has been charged with the attack.

Racicot called for the immediate removal of the trusties and safety and security improvements at the complex. Now, a 10-member screening committee will conduct an elaborate review before the inmate can be considered for trusty status.

“The bottom line is that unless they are accepted by the local community, which includes local law enforcement, they are not going to be involved,” Racicot said.

Van Valkenburg said the beating at Swan River further weakens the people’s confidence in the state’s criminal justice system.

“People don’t believe that dangerous, violent individuals are being handled appropriately in the corrections system,” he said.

But every solution has a price, and Van Valkenburg predicts tensions will grow within the corrections system when inmates lose privileges they once enjoyed.

“It’s going to cause a lot more tension in the corrections system itself, which always has the potential of exploding,” he said.

Crippen said the Swan River incident reinforces why lawmakers are working hard to stop violent crime. Many of the most important crime bills this session aim to curb domestic and violent crimes while protecting victims rights.

But there’s a trade-off, Van Valkenburg warned. Finding the money to beef up prison security, add jail cells and enforce new laws could mean taking it from education and human services.

“If that means more taxpayer money for prison space, so be it,” Lynch said.

“People have to be willing to pay for it, and the people I’ve talked to are,” he said. “Society must be protected.”

The “two-strikes” bill would lock up criminals after being convicted twice for crimes such as deliberate homicide, rape or kidnapping with a deadly weapon.

If that means more taxpayer money for prison space, so be it, Lynch said.

“The justice system isn’t working,” he said. “People are just fed up with these predators walking the streets after they have been convicted time and time again.”

The “two-strikes” bill would lock up criminals after being convicted twice for crimes such as deliberate homicide, rape or kidnapping with a deadly weapon.
The governor's budget office estimates it will cost the state more than $1 million each year to run the new system.

Even though Lynch admits his "two-strikes" bill is harsh, he said it's just the beginning. He's also interested in legislation limiting the number of "frivolous appeals" by convicted murderers on death row.

Preventing sex crime is another theme this session, and the most controversial effort in that regard comes from Rep. Jack Herron, R-Kalispell, who hopes to eliminate what he believes to be one of the root causes of such crime — pornography.

House Bill 83 would ban obscene material lacking literary, artistic, scientific or political value and found by the average person to be overly offensive. Current law merely forbids the sale of such material to minors.

Opponents say Herron's measure would strip adults of their First Amendment rights to free expression. Others say local governments, not the state, should set communities moral standards.

"It is my belief, my firm belief it is the business of government to protect the people," he said.

The obscenity bill has passed the House and awaits a decision from senators.

On another front, last year's schoolyard shooting in which a Butte elementary student was killed by a classmate has prompted several lawmakers to try to take weapons out of the hands of children.

The House has already approved the Gun-Free Schools Act, or House Bill 167, introduced by Rep. Debbie Shea, D-Butte, and requested by Gov. Racicot.

The measure, required by the federal government, would expel for one year any student caught with a gun at school.

Meanwhile, Rep. John Bohlinger, R-Billings, proposes taking federal law a step further. His House Bill 258 would make it illegal for anyone to possess, carry or store a weapon on school grounds. Parents who knowingly allow their children to bring weapons to school also could face criminal penalties.

Bohlinger said his bill would make schools safer and parents accountable. The bill would ban all weapons, including knives, razor blades and throwing stars.

Foes of Bohlinger's bill say it goes too far because there are laws already on the books that prevent people from having guns at a public place, including a school. Opponents also say the bill targets parents who can't always monitor what their children bring to school.

\section*{Waiting for Abortion}

Pregnant women should wait 24-hours before going through with an abortion, says Senate President Bob Brown, R-Whitefish.

Brown's Senate Bill 269 would require just that, forcing women to ponder their decision. Fifty of the Legislature's 150 lawmakers have signed on as co-sponsors.

"I think the decision to have an abortion is a momentous one," he said. "It ends the life of an unborn child and can lead to psychological and physical harm to the woman."

Lawmakers have an obligation to ensure that women seeking abortions at least have the "most objective possible information," he added.

"I think it's impossible and probably unreasonable to attempt to stop all legal abortions from occurring," he said.

\section*{The Price of Speed}

Senators endorsed a bill last week that would raising Montana's famous $5 speeding ticket to $10.

Senate Bill 129, introduced by Sen. Barry "Spook" Stang, D-St. Regis, would double the fine for those driving 11 to 15 mph above the posted speed limit. The maximum fine would be $80 for speeds more than 31 mph over the limit.

Montana's $5 speeding fine is the lowest in the country. The highest is Connecticut at $200.

Supporters of the measure said it would encourage drivers to slow down and cut down on the state's cost of issuing tickets, which averages of about $22 per citation.

Foes favor current law, saying Montanans shouldn't have to dish out more in higher fines.
Montanans living off an outdated welfare system need a push from the state dole onto private payrolls, lawmakers this session are saying. Both Republicans and Democrats are supporting Gov. Marc Racicot's plan to overhaul Montana's welfare program by setting time limits on assistance while increasing help for child care and food.

The plan aims to give Montana's poor help and incentives to get off welfare and into decent-paying jobs, administration officials say.

"It's not just a minimum-wage job that's going to do it," said Penny Robbe, who's coordinating welfare reform for the state's Department of Social Rehabilitation Services.

Change is long overdue, Robbe says, adding that Montana's welfare system was enacted in the 1930s for widows with children.

Today, more than 11,000 Montana families, including 33,000 individuals, rely on the Aid to Families with Dependent Children program. Of those, nearly 50 percent stay on the program for more than two years.

"Our values have changed, our expectations have changed and it's time to fix the program," Robbe says.

Many people aren't getting off AFDC because it is difficult to find work and care for a family at the same time, Robbe said. That's why child care is a critical component of reform.

Sen. Chuck Swysgood, R-Dillon, with the support of about 50 other lawmakers, is carrying the governor's bill to overhaul the system, with changes set to begin next February.

Reformers estimate that overhaul could cost an additional $2 million in its first two years, primarily for additional child-care programs. But by 1999, the program should start saving the state money.

That initial investment doesn't seem to bother lawmakers. The plan was approved by the state Senate earlier this month and will soon be considered in the House. Lawmakers have also given preliminary approval to set aside some $6.7 million for the program.

The federal government, which covers about 70 percent of Montana's AFDC costs, is considering similar reforms, but the states are being encouraged to act as well.

Rep. John Cobb, R-Augusta and chairman of the subcommittee that oversees spending for human-service programs, says he and other lawmakers are eager, even impatient, for reform.

Although he supports Swysgood's bill, Cobb says he doesn't want to wait until 1999 for the payoff.

"I wanted it done yesterday," he says. "It's just kind of a dumb system and now we're trying to fix it."

Cobb suggests lawmakers set aside an additional $1.6 million to help children by expanding day-care and foster-care programs.

"If you collect more child support, there will be less people on welfare," he said. "Day care and child support, I think by themselves will make a huge difference."

Racicot's plan would include:

- Job supplements: People who have jobs but need a little extra help each month to keep that job would receive day care, food stamps and Medicaid benefits.
- Time limits and savings incentives: Unemployed people would receive state welfare assistance for a limited time. Singles would be given 24 months to find a job and married people would be given 18 months.
- Community service requirements: If people can't find jobs after two years, they would be required to devote at least 80 hours a month to community service work in order to receive benefits. Service work could include volunteering at local food banks, retirement homes and day-care centers. Those who choose not to do community work could receive benefits for children only.

Robbe says she hopes the incentives will encourage people to get off state assistance.

"We think folks are going to want to do the right thing," she says. "We just hope we can help them do that."

Although most lawmakers support the reform plan, some worry about specifics. Cobb, for one, fears there won't be enough community-service jobs to go around and creating them could prove expensive.

"We're not going to do a bunch of make-work for people," Cobb says. "It has to be real community service."
He predicts that if the plan were in place today, more than 5,000 people would be looking for those service jobs.

Robbe disagrees, saying that the program’s incentives should dramatically reduce the number of people who stay on welfare. She projects that by 1999 only 15 percent of welfare recipients would need community-service jobs.

Meanwhile, other lawmakers worry less about the availability of community-service work, than whether those jobs will lead to permanent employment.

Sen. Dorothy Eck, D-Bozeman, says it is especially important for needy women to perform work that will give them get experience for a job. “A lot of times there are just menial things,” she says.

As far as she’s concerned, the Racicot plan is just the beginning. Eck says she wants to expand Medicaid for women and children, along with other programs such as Follow-Me, a federal program that provides health benefits for children, and Head Start, an early childhood education program.

Both Cobb and Eck say they recognize these programs could cost the state more money, but say the price of helping the state’s poor is worth it.

**TOUGHER DUI LAWS**

Lawmakers this session are considering several bills that would crack down on drunken drivers.

Sen. Al Bishop, R-Billings, is sponsoring three bills, endorsed by Gov. Marc Racicot, that strengthen the prevention, enforcement and treatment of drunk drivers.

Senate Bill 237, the open container bill, would make it illegal to drink possess or store an open container of alcohol in a motor vehicle.

Senate Bill 316 would set the blood-alcohol content level for minors at .02, about one beer. It would also allow law enforcement officers to conduct on-the-spot breathalyzer tests on suspected drunken drivers. If drivers refuse the test, police could seize their licenses.

Senate Bill 333 would establish treatment programs for those convicted of second and subsequent offenses.

The three bills were expected to sail through the Senate this week.

**ABORTION BILL ADVANCES**

The state’s GOP-controlled Senate approved a measure last week that would require women to wait 24 hours before having an abortion.

Senate President Bob Brown, R-Whitefish, says his bill would give women time to contemplate and become more informed about their decision to obtain an abortion. Opponents say the bill further restricts women’s rights and is a step toward banning abortions altogether.

The Senate vote was split mainly along party lines, with Republicans in favor and Democrats opposed. The measure advances to the GOP-controlled House.
As the 54th Montana Legislature enters its second half, scorekeepers in both political parties agree on one thing: Republicans are way ahead. For the GOP, the session's first half was a string of legislative victories made possible by efficient leadership and party unity. For Democrats, who complain that their ideas are being largely ignored, it has been one Republican slam dunk after another.

"It's real clear to me how ideologically driven the majority party is right now," says Sen. Eve Franklin, D-Great Falls.

For the first time since 1953, Republicans are truly in control, running the House, the Senate and the governor’s office. It's only natural that Democrats feel left out, they say.

"I think (Democrats) are having difficulty adapting to their minority status," says Senate President Bob Brown, R-Whitefish. "In a representative democracy, the minority is entitled to its say, but it is not necessarily entitled to its way."

And if Republicans are having their way this session, that's only what voters want, other GOP leaders say.

"I think there are a lot of changes being made, and I think that's what the people wanted to see," says House Majority Leader Larry Grinde, R-Lewistown. "We are keeping our promises to the people."

As Grinde sees it, the GOP is making fast progress on promises to streamline government, reform welfare, crack down on crime and trim taxes.

The GOP's first-half high point was Gov. Marc Racicot's signing of a $25 million tax refund for Montanans. Refunds should average $86.

Other specific GOP successes include the passage in one house or the other of proposals limiting welfare benefits to two years and restricting property tax increases to no more than 2 percent a year.

Another partial GOP victory has been the Senate's passage of Bigfork Sen. Larry Baer's bill asking voters to give state lawmakers the power to defy what Republicans see as an increasingly meddlesome federal government.

Democrats, of course, have their own take on the Republican's first-half performance. Sen. Fred Van Valkenburg, D-Missoula, charges that Republicans have been too eager to please industrial lobbies and conservative special interests.

For example, he says, the mining industry is robbing Montana of its environmental protections by lobbying for reducing water-quality standards. On another front, pro-life legislation is chipping away at a woman's right to have an abortion through bills that aim to delay abortions or require parental notification.

What's more, the Republican attacks on the federal government in the name of state’s rights are overblown and ignore the huge amounts of money the feds pour into Montana's economy, Van Valkenburg says.

"We're all interested in maintaining the unique character of our state," Van Valkenburg says, "but the federal government is not equivalent to the former Soviet Union."

Of course, the session's second-half will tell whether Republicans can push their legislative agenda through. Republicans may even find themselves fighting each other in the impending showdown over the state budget.

GOP legislators are poised to take a whack at Gov. Marc Racicot's $4.7 billion budget proposal. Budget committees have already endorsed slashing the Racicot's request by $126 million, with education, human services and institutions taking the hardest hits.

Racicot's budget is simply too spendy and cuts are necessary, says Grinde, adding that lawmakers must be conservative because Montana's economy could become sluggish.

In all, Republicans say they intend to chop $100 million to $200 million from their governor's budget.

"We as a Republican House feel that the spending that Gov. Racicot wants to do is too much," Grinde says. "I don't think it's a slap in the face to Gov. Racicot."

Racicot says he isn't surprised that his party peers want to cut spending. "I understand their urge," he says. "They should be inclined toward frugality."

However, the governor and his budget officials aren't surrendering, either. "We are very committed to our budget," the governor says. "Nothing included in the our budget is in there just for drill."

Still, the governor is leery about threatening vetoes at this point in the game. "I'm not going to talk in those stark terms," he says. "I don't want to paint it in terms of promises or threats at this point."

But Van Valkenburg and other Democrats say the
Republican challenge to Racicot's budget could be telling. "It says the governor doesn't have much power over his own party," Van Valkenburg says.

House Minority Leader Ray Peck, D-Havre, agrees, saying the Republicans' proposed cuts could do real damage in the areas of education and human services.

"I think there is a degree of insanity in those cuts," Peck says.

Despite Republican success, Democrats can claim a few first-half highlights, even if they were defensive plays.

Sen. Steve Doherty, D-Great Falls, says Democrats were able to stop Republicans from passing the right-to-work bill and legislation that would have based insurance rates on gender.

Under the right-to-work measure, Montanans could work for a union-based business, but wouldn't be required to join the union. Democrats argued that employees shouldn't benefit from the union's efforts without belonging to the union.

Those minor victories aside, Democrats say Republicans are rushing legislation through too quickly. Committees, they say, have spent little time thinking through bills, and that could lead to eventual lawsuits or unintended consequences.

"Huge issues, huge bills (are being) rushed through at the eleventh hour," Franklin complains.

But Republicans disagree, saying lawmakers aren't hurrying legislation but rather working more efficiently. In fact, Brown says the number of bills introduced — 1,033 so far — is down by about 100 from last session. Of those, the governor has signed nearly 70 into law.

GOP leaders say the session is being run so efficiently that lawmakers could even accomplish the unheard of and finish in fewer than 90 days.

"I don't think the Senate has missed supper once," Brown says.
Montanans who have long boasted of the state's pure air and pristine waters are now fighting over just how clean their environment needs to be. The battleground is the state Legislature, where a Republican majority is pushing hard for lower environmental standards, arguing that too-stringent laws are sapping industry profits and stifling economic growth.

Environmentalists, on the other hand, warn that lower standards will inevitably lead to massive cleanup costs and imperil the future of tourism and agriculture — the state's bread and butter industries.

"By being greedy today, the Legislature is increasing costs to young people and to future generations who live here," says Jim Jensen, executive director of the Montana Environmental Information Center. "I'm having a hard time understanding how people can do this rationally."

Mostly Republican lawmakers are spearheading the changes, calling for the relaxing of regulations governing air and water quality, among other things. Several bills propose to lower the state's standards to those set by the federal Environmental Protection Agency.

Environmentalists and their supporters say their biggest fear this session is for Montana's water quality. Specifically, they point to Senate Bills 330 and 331, introduced by Sens. Chuck Swysgood, R-Dillon, and Tom Beck, R-Deer Lodge.

Those measures would lower existing water-quality standards, allowing industry and citizens to legally discharge more pollutants into rivers, streams and groundwater.

Current state standards, Republicans argue, are unrealistically strict. Unless the system is changed, they say, industries can't grow, agricultural production will be limited and homebuyers will be forced to install more costly septic systems.

Sen. Lorents Grosfield, R-Big Timber, who heads the Senate Natural Resources Committee, says the time is ripe for change. Lowering state standards to those set by the federal government is protection enough.

"The pendulum is swinging back toward the middle ground," he says. "The fact is, the EPA standards are pretty strict and the sense is that Montana went way too far."

Swysgood says his bill would lower costs for agriculture, mining and even homeowners, who he says are often required to install environmentally-friendly sewage systems that are much too expensive.

"That doesn't mean there is a wholesale slaughter of the environment," Swysgood says. "I think people have labored under these overly restrictive bills for a good number of years."

Lower standards would still provide adequate environmental protection, he contends.

"There are some waters that shouldn't be classified as high-quality water," he says. "It's totally ridiculous to me to think that every drop of water in this state should be high-quality water."

But Sen. Vivian Brooke, D-Missoula, rejects arguments that looser laws would save money. Damaging the environment today will do long-term damage to agriculture and encourage tourism — two of the state's biggest industries.

And Jensen adds that reducing state standards to federal requirements is dangerous because national standards for preventing pollution are minimal at best.

"Looser regulations mean trouble down the road, they predict."

"There's going to be a backlash when the public sees the effects, and that may not be for years," says Brooke.

Montanans who argue otherwise have short memories, she adds. Years of abusive mining practices have polluted the Clark Fork River, forcing the state to file massive lawsuits to pay for its cleanup.

Also, Montana's bull trout population, which only survives in the cleanest water, could face extinction if rivers and streams become contaminated, Jensen adds.

Water quality isn't environmentalists' only concern. Both Jensen and Brooke say they worry lawmakers will pass a bill that would encourage the harvest of state-owned timber.

House Bill 301, by Rep. Alvin Ellis, R-Red Lodge, would direct the extra money from those timber sales into school district coffers.

Jensen says he also fears House Bill 311, introduced by Rep. Larry Grinde, R-Lewistown, which would make it unconstitutional to require private property owners to comply with environmental regulations without compensating them for the cost.

All in all, Jensen says, lawmakers urged on by the mining and timber industries have made this session the worst for environmental protection in the
10 years he’s lobbied the Legislature.

Republicans counter that they’re only trying to restore a balance between the needs of humans and nature, and predictions of dire environmental consequences as a result of this session’s actions are dismissed as unfounded.

“I can’t predict what’s going to happen down the road and anyone who says they can must be living in a crystal ball,” Swysgood says.

**PRIVATE LIQUOR STORES**

Lawmakers this session are considering a plan that would move toward the privatization of the retail liquor business.

House Bill 574, introduced by Rep. Bill Rehbein, R-Lambert, would turn the 26 state-run liquor stores over to private operators. Of the 108 liquor stores, 86 stores are already run by private operators.

Supporters say the bill would save the costs of employing the 76 full-time workers at the 26 stores, adding that the new system wouldn’t change the price or variety of liquor choices.

But critics argue the bill wouldn’t really change the current system because state would still set liquor prices and control inventory as well as days and hours of operation.

**ABOLISH THE REGENTS?**

Lawmakers this session are considering letting voters decide whether to change the way higher education is governed.

The Senate voted last week in favor of a constitutional amendment that would eliminate the Board of Regents and commissioner of higher education and replace them with a Department of Education appointed by and accountable to the governor.

At least 100 lawmakers must approve Rep. Sonny Hanson’s House Bill 229 in order to get on the November 1996 ballot. The House must still approve Senate changes to the measure before Gov. Marc Racicot passes the question on to voters.

Supporters of the idea say it would make university decision-making more efficient and would give the public more influence over higher-education issues.

Opponents, however, say the current system is working. The measure would give the governor too much power, making universities and colleges subject to changing political winds.
State: Take Small Steps to Health Care Reform

After spending two years and $1.2 million studying the state's health-care system, Montana lawmakers are still struggling to provide affordable, quality care for everyone. Although an estimated 120,000 Montanans have no health insurance, most legislators agree that state-subsidized coverage for all Montanans would simply cost too much.

That conclusion was the chief result of a two-year study by the Montana Health Care Authority, an organization created by lawmakers and Gov. Marc Racicot to investigate ways to provide health-care coverage for all Montanans.

Although lawmakers this session are scaling back their expectations for health-care reform, the effort remains alive with the establishment of a special eight-member bipartisan Joint Select Committee on Health Care.

The panel's chairman, Sen. Steve Benedict, R-Hamilton, predicts lawmakers will help more Montanans find basic, lower-cost health care, but adds that major state intervention in the private health-care industry is out of the question.

"I don't think people want massive, sweeping changes to a health-care system that isn't really broken," he says.

Instead, Benedict and others predict the passage of many smaller efforts to help small businesses and individuals find coverage. Such measures include allowing citizens to open medical savings accounts or join voluntary insurance purchasing pools.

Other ideas include helping people with preexisting conditions find coverage and offering small businesses and individuals tax deductions for health-insurance premiums.

In all, more than 60 bills targeting those changes have been introduced this session, but lawmakers are paring that number down, says Rep. Scott Orr, R-Libby, chairman of the House Select Committee on Health Care.

For Orr, realistic reform means repackaging current insurance plans so that more people can be insured. That means fewer benefits but lower costs. For example, Orr says, some people may be able to purchase cheaper insurance plans that would only guarantee services in an emergency.

"That's one of our goals, to get more people insured," Orr says. "We know (health care) is going to be expensive, and when it gets expensive you lose people."

Another way to reduce the costs of coverage for small businesses and individuals is through tax deductions for health insurance, Orr says.


Dorothy Bradley, former chairwoman of the Health Care Authority and replace it with a 10-member advisory board made up of four legislators, five health-care officials and one representative from the governor's office.

"If we don't do some of those things, it's going to be a major loss for the citizens of this state," she says. "It will be a real tragedy if nothing happens."

Bradley says she agrees with many proposals before lawmakers this session, particularly efforts to help small businesses find insurance for their workers. Such efforts alone could provide coverage for 50 percent of Montana's workers, Bradley says.

Senate Bill 380, introduced by Sen. Judy Jacobson, D-Butte, would help, Bradley adds, by allowing more small businesses to obtain small-group coverage for their employees. Current law provides such help for businesses with 3 to 25 workers. SB 350 would extend coverage to businesses with 3 to 50 workers.

Also important, Bradley adds, are House Bill 405 and Senate Bill 405, which that would create voluntary purchasing pools allowing several small businesses to band together to get cheaper health insurance.

A third essential program, Bradley says, would be a statewide health-care data base that would give Montanans information about health-care quality, costs and access.

Those bills, taken together represent real progress, Bradley says. "If we fail on those, we will regress."

Bradley says she is concerned about House Bill 511, introduced by Rep. Royal Johnson, R-Billings. The bill would eliminate the Montana Health Care Authority and replace it with a 10-member advisory board made up of four legislators, five health-care officials and one representative from the governor's office.
That measure, which passed the House last month, would create an underfunded agency with little clout, Bradley says. “That would be a joke.”

But Benedict disagrees, saying that the advisory committee would be adequate because the Authority has already done much of the work.

And so the health-care debate rolls on, with lawmakers predicting more Montanans will get health-care coverage as a result of this session’s work, even if the goal of universal coverage remains elusive.

“The problems aren’t going away,” says Sen. Eve Franklin, D-Great Falls. “Whether it’s tomorrow or in five years, the issues don’t go away.”

**LEGISLATING ETHICS**

Saying that the public doesn’t trust their government, lawmakers this session are working to craft a code of ethics for the Legislature and public employees.

This month, lawmakers created a special bipartisan committee to incorporate several ethics bills into one code. Earlier this session, the Senate established a subcommittee to merge ethics bills from Sens. Dorothy Eck, D-Bozeman, and Larry Baer, R-Bigfork.

In a technical sense, it’s work long overdue. Montana’s 1972 Constitution called for an ethics law. Although lawmakers have tried to create one, past efforts collapsed in disagreement over exactly what behavior to regulate and how to enforce such laws.

Now they’re trying again. Eck’s Senate Bill 115, the result of a study commissioned by Secretary of State Mike Cooney, would require public officials to disclose their financial dealings, conflicts of interest and gifts of more than $50.

Baer’s Senate Bill 136 aims to prevent public employees from using public time, equipment and services to influence voting on elections or legislative issues.

Rep. Hal Harper, D-Helena, is sponsoring a third measure aimed at preventing public employees and lawmakers from using political positions for personal gain.

Lawmakers hope to present the Legislature with a workable ethics code later this month.

**ABOLISHING THE REGENTS**

Lawmakers approved a measure last week asking Montana’s voters to give the governor control over Montana’s university system.

In November 1996, Montanans will vote on a constitutional amendment to abolish the Board of Regents and Commissioner of Higher Education and replace them with a new advisory board and Department of Education appointed by and accountable to the governor.

The House voted 71-29 last week for the constitutional change, capturing just enough votes to push through House Bill 229, introduced by Rep. H. S. “Sonny” Hanson, R-Billings.

The votes of 100 lawmakers are needed to put a constitutional amendment on the ballot. Earlier this month the Senate voted 29-21 for the measure.

Hanson says lawmakers’ approval is a victory for the people, who have long been frustrated with university decision-making. The new system would make the university system more accountable to the public, he says.

But foes say placing higher education under the scrutiny of the governor’s office would make the new system subject to changing political winds. Regents are forced to make decisions over university spending and curriculum, issues often unpopular with the public, they add.
State Slashing Budget for Tax Breaks

Egged on by the promise of tax cuts as their reward, Montana legislators began the tense work of slicing through the state's budget last week. Republican leaders who control the 54th Legislature have pledged to pare more than $100 million from Gov. Marc Racicot's $5.9 billion proposed budget to pay for an assortment of tax breaks they plan to offer individuals and businesses.

That effort began in earnest last week as the House slogged through the main appropriations bill. Despite rising tempers and even tears, GOP leaders held true to their budget-cutting course, with higher education and human-service programs such as Medicaid and welfare taking the heaviest hits and protesting the loudest.

University officials say cuts could mean lower student enrollments and cutting faculty, while human services officials are predicting harder times for Montana's sick and poor.

But House Speaker John Mercer, R-Polson, says something has to give if lawmakers are to provide the tax relief that he believes most Montanans demand.

"How else could you do it? There is no other way," he says. "There will be less government spending and less government services in order to provide property-tax relief."

In addition to the $24 million income-tax refund signed by the governor earlier this session, lawmakers are proposing lower taxes on both real and personal property.

Mercer predicts that when the dust clears, the Legislature will roll back 1995 residential property taxes and give Montanans the money through income tax credits. He also expects lawmakers to limit property taxes paid by low- or fixed-income homeowners and reduce the property-tax rate on business equipment from 9 to 6 percent.

Lowering taxes requires budget cutting, but it doesn't mean stripping Montanans of important services, says Rep. Tom Zook, the Miles City Republican who heads the powerful House Appropriations Committee.

The university system, for example, is slated to receive $18 million less that the governor asked for, but will still end up with more money than it got last session, Zook says.

"A lot of the legislators are looking at things on the basis of needs over wants," Zook says. "It's nice to have a new computer, but maybe it's not necessary."

But Democratic leaders argue that cutting university or human service budgets will affect necessary services and will hurt people.

"It's a real cut to a real student," says Senate Minority Leader Mike Halligan, D-Missoula. "Cutting necessary education or human services in order to provide property-tax relief is absolutely, unequivocally unacceptable."

Halligan says that before chopping services, Republicans should consider paying for property-tax relief by raising or reallocating money from other taxes, such as those on gambling.

But Mercer contends that cutting government spending for a property tax break is a fair compromise. "It's a balance," he says. "You have to trade government spending for tax relief."

And Dave Lewis, the governor's budget director, says even Gov. Marc Racicot might have to accept cuts in his budget to pay for promised property-tax relief.

Although Lewis predicts Racicot will insist that more money be spent on troubled youths, prisons and increases in Medicaid rates paid to hospitals and nursing homes, the governor is open to compromise.

"It will be a compromise in some form, but not everybody will get everything they want," Lewis says.

Meanwhile, even as they fight the battle of the budget, lawmakers from both parties are hammering out bills to make property-tax relief a reality.

One plan popular with lawmakers is House Bill 346, introduced by Rep. Jim Elliott, D-Trout Creek. The bill, which was endorsed by the House Taxation Committee last week, would give Montana homeowners nearly $30 million in residential property-tax relief in the form of income-tax credits next year.

Under the measure, the state would give most Montanans a tax credit equal to 25 percent of the property taxes they paid on their home in 1995.

That means the average tax credit for a home valued at $40,000 would be $153.43 in Billings, $152.58 in Bozeman, $183.03 in Butte, $172.67 in Great Falls, $179.72 in Helena and $213.70 in Missoula.

Elliott says tax relief is necessary because the public feels property taxes are out of control.

"That perception has to be addressed," he says. "It's the old thing of the rich get richer and the poor get poorer, but now we have the rich getting richer and..."
But tax breaks have to be paid for, and Elliott admits he’s uneasy about cutting education and human services for the sake of tax relief alone.

“I have not supported cutting services in order to cut taxes,” he says. “I think the possibilities (for property-tax relief) are good, but people have to realize they are going to get less services.”

Another popular idea would increase residential property-tax breaks for the poor and elderly. House Bill 497, introduced by Rep. John Bohlinger, R-Billings, would cost the state about $3 million a year.

The measure, endorsed by the House Taxation Committee last week, would raise income-eligibility limits in 1997 to $15,000 for a single person and $20,000 for a married person or head of a household.

But the tax breaks don’t stop there.

Lawmakers also predict the passage of Senate Bill 417, a measure endorsed by Gov. Racicot to reduce the taxes on business equipment. The bill, introduced by Sen. Tom Keating, R-Billings, would gradually reduce the tax rate on equipment such as agricultural implements and mining machinery from 9 to 6 percent by Dec. 31, 1998.

In its first year, the measure would cost the state treasury $4.2 million, but that would climb to $35 million by the year 2000.

Other tax cuts or tax limits are in the works, as well. Still to come is a proposed constitutional amendment, endorsed by Gov. Racicot, to limit local property-tax increases to no more than 2 percent a year. Also in the wings is Republican Sen. Larry Baer’s plan to roll back property taxes to 1986 levels.

So strong is the anti-tax mood that few if any tax increases have received serious consideration this session, although House members did hear a bill to allow local governments to impose local sales taxes on a limited array of so-called luxury items. Except in the case of a few resort areas, lawmakers have rejected local option taxes before.

Still, the focus remains on tax relief, and Mercer says he is certain lawmakers will deliver on that promise, even if it means deeper budget cuts than lawmakers have considered so far.

HOW ABOUT A RAISE?

Lawmakers this session are considering raises for state workers, including Montana’s top elected officials and legislators.

Under House Bill 17, state employees and top elected officials, including the governor, attorney general and superintendent of public instruction, would get raises totalling $35 million.

The salary increases would come in two installments — one taking effect July 1, and the other taking effect Jan. 1, 1996.

Under the proposal, the governor’s salary would rise from $55,502 to $59,310, and the lieutenant governor’s pay would increase from $40,466 to $43,342. The attorney general’s wages would grow from $50,841 to $54,239, while the state auditor and secretary of state would see an increase from $37,526 to $40,101.

Others targeted for raises include the superintendent of public instruction, whose pay would increase from $44,177 to $47,208, while the chairman of the Public Service Commission would get a raise from $41,750 to $44,615.

The clerk of the Supreme Court’s pay would climb from $36,537 to $39,044, while the chief justice of the Supreme Court would get a raise from $65,722 to $70,231.

Also lawmakers could see a $10 raise in daily expense money next session. Currently, they get $50 a day in expenses, plus a daily salary of $57.06. Under the pay proposal, lawmakers’ salaries would remain the same, but expenses would climb to $60 a day during the session.
Lawmakers Take Aim at Constitution

Responding to a public frustrated with government, lawmakers this session are proposing a series of constitutional amendments to bring about change. Since this Legislature began, 20 amendments to the state Constitution have been proposed. Eight of those remained alive as of last week.

Senate President Bob Brown, R-Whitefish, attributes the number of constitutional amendments to an angry public that is demanding fundamental and permanent changes in government.

"I think we are in a time of transition in American history," Brown says. "There is more interest now in government and structural change."

Brown says constitutional amendments, which must be approved by voters, give the public a direct voice in government and ensures that their decision won't be changed by each new Legislature.

"It's insurance, it's a security device," adds Sen. Larry Baer, R-Bigfork, who has proposed three constitutional amendments this session. "We have no way of stopping the next Legislature from coming back and changing what was done in the previous session."

For example, Baer points to Initiative 105, in which voters approved freezing property taxes at 1986 levels. But in the next legislative session, lawmakers approved a series of exemptions that made the freeze seem pointless.

Jim Lopach, a political scientist and associate provost at the University of Montana, gives two primary reasons for the rising number of proposed constitutional changes: Voters are demanding change and lawmakers deadlocked over complicated issues often find it easier to pass the buck.

A public distrustful of lawmakers should have the right to weigh in on change, and voting on constitutional changes gives the public a sense of power over state decision-making, Lopach says.

"We can't forget that the constitution is the people's document, and if the people can't change it, then they will become more frustrated with government."

Although voters have the final say on all constitutional amendments, changes proposed by lawmakers must have the votes of at least 100 of Montana's 150 legislators before they are placed on the ballot.

Any proposed constitutional amendment approved this session would go on the 1996 ballot.

The remaining eight proposed amendments this session include:

• House Bill 229, introduced by Rep. H.S. "Sonny" Hanson, R-Billings, would replace the Board of Regents and commissioner of higher education with a Department of Education and an advisory council appointed by and accountable to the governor. The measure has passed both houses and will appear on the 1996 ballot.

• House Bill 273, introduced by Rep. Larry Grinde, R-Lewistown, would required that the Legislature meet in even-numbered years to give lawmakers more time after an election to prepare for the next session.

Grinde's bill was amended in the Senate and must be reconsidered by the House.

• House Bill 463, introduced by Rep. David Ewer, D-Helena, would allow the state to invest state worker's compensation funds in the stock market. The measure passed both houses and will appear on the 1996 ballot.

• Senate Bill 37, introduced by Sen. Al Bishop, R-Billings, would eliminate the secretary of state's office and transfer its duties to the lieutenant governor. Bishop's bill passed both houses and will also appear on November's ballot.

• Senate Bill 109, introduced by Sen. Lorents Grosfield, R-Big Timber, would raise the legal gambling age from 18 to the legal drinking age of 21. The measure passed the Senate and is now in the House.

• Senate Bill 143, introduced by Sen. Larry Baer, R-Bigfork, would allow the Legislature to reject any federal mandate if it finds unnecessary or that would not benefit the state. Baer's measure passed the Senate last month and is now in the House.

• Senate Bill 148, introduced by Sen. C. A. Emerson, R-Bozeman, would prohibit anyone from challenging a constitutional change after it has been approved by a vote of the people. The bill passed the Senate and is scheduled for a House vote soon.

• Senate Bill 274, introduced by Sen. Gerry Devlin, R-Terry, would limit local property-tax increases to no more than 2 percent a year. Devlin's bill has yet to be approved by the Senate.

The Legislature has placed 28 constitutional amendments on the ballot since Montana's Constitution was rewritten in 1972, and each session the number grows.

Rep. Dan Harrington, R-
Butte, a delegate to the 1972 Constitutional Convention, says the increasing number of constitutional amendments threatens the stability and continuity of state government.

Activist lawmakers this session are pushing through too many drastic changes in government and the constitution, Harrington says. The constitution — Montana's fundamental law — should not bend to shifting political winds, he adds.

"There is a radical atmosphere around the constitution," he says. "I don't believe we should move in that direction."

But others say it's not that cut and dry.

Constitutions are constantly evolving documents, Lopach says. The public deserves a say in legislation affecting the fundamental rights of citizens and the basic forms of government.

For example, he says House Bill 273, introduced by Rep. Larry Grinde, R-Lewistown, a measure that would change legislative sessions from odd to even-numbered years, deserves the status of a constitutional amendment.

Baer says that amendments to the constitution should be meaningful, but more importantly, should reflect the changing times.

"Our state constitution is a continually evolving thing," he says. "It's a living, breathing, changing document."

**A MILLION THERE, A MILLION THERE**

In hopes of giving voters some tax relief, the House last week approved a budget millions of dollars leaner than what Gov. Marc Racicot requested.

The main budget bill passed 62-38, and was supported by only six of 33 Democrats. All but 11 of 67 Republicans favored the bill, which cut millions from Racicot's budget, primarily in the areas of social services and the state's university system.

The House also approved two measures to reduce property taxes. House Bill 346, introduced by Rep. Jim Elliott, D-Trout Creek, would give most homeowners income-tax credits equal to 20 percent of their 1995 property taxes. Credits would cost the state about $23 million a year.

Another measure, House Bill 497, introduced by Rep. John Bohlinger, R-Billings, would expand property-tax reductions for low-income and elderly homeowners. Relief would cost the state $1.9 million over the next two years.

House lawmakers also endorsed a package of bills to repair old state buildings and construct new ones.

House Bill 15 would spend $42.6 million on repair projects, including $19.3 million to fix up the state Capitol.

House Bill 5 would provide $105 million to fund several new buildings, including $1 million for an interpretive center at the Ulm Fishkun buffalo jump near Great Falls, $625,000 for an animal shelter west of Helena and $300,000 for a Department of State Lands office in Plains.

The budget is now in the Senate.

**REGISTER GAYS?**

After a brief but furious storm of protest and national attention, a unanimous state Senate reversed itself and decided that homosexuals should not be tracked by police for the rest of their lives.

The Senate voted Tuesday to dump a provision in that would have required those convicted of homosexual acts to register with police.

The original bill, which passed by a vote of 31-18, required convicted homosexuals to report along with murderers, rapists and those convicted of sexual and aggravated assault, incest and indecent exposure.

All of the Senate's 31 Republicans and one Democrat voted for the bill originally.

The about-face came as gay rights groups and others protested that it was unfair to compare homosexuals with violent criminals, even if homosexual sex between consenting adults is a felony under Montana law.

Critics also called the provision pointless because no one has ever been prosecuted under the law.

The turnaround also brought apologies from Sen. Al Bishop, R-Billings, who said he was sorry for saying earlier in the week that gay sex was worse than a violent sexual act.

"You don't choose words wisely in the heat of debate," Bishop said. "I never intended, nor meant to infer that consensual sexual acts between adults of the same sex are in the same category as violent sexual acts."

Meanwhile, Senate Majority Leader John Harp, R-Kalispell, asked that the motion be reconsidered because some lawmakers misunderstood the meaning of the bill.

"I didn't know what was being said or done, primarily because the discussion was unclear," said Sen. Tom Keating, R-Billings, who voted for the provision originally. "When I'm not sure of something, my first instinct is to vote no."

But others charged that the turnaround was prompted by public criticism and the glare of national media attention.

"If the press had not followed this story, I'm not sure the Senate would be taking this action today," said Senate Minority Whip Steve Doherty, D-Great Falls.
Public Distrust Sparks Ethics Reform

Although many lawmakers swear that Montana politicians are as clean as they come, state legislators are working hard this session to hammer out the Treasure State's first ethics in government law. Today, more than two decades after framers of Montana's 1972 Constitution called for such an ethics code, state lawmakers appear on the verge of adopting rules to guide the behavior of politicians and public employees.

Previous attempts to pass such legislation failed, lawmakers say, because there was little agreement about what sort of behavior to prohibit or how to enforce the rules. Nor was there much outcry from the public.

But now the public is screaming for ethics laws, says Rep. Rose Forbes, R-Great Falls, and a member of the legislative subcommittee that drafted the code. Public perception, if not reality, is the driving force behind the committee's work, she adds.

"We need to restore the public's faith in elected officials," Forbes says.

The vehicle for doing that, she says, is Senate Bill 136, which passed the Senate last week. Among other things, the bill would establish a state-appointed, five-member ethics commission to oversee the behavior of state officials and employees.

Specifically, the measure would require that state officials and employees disclose any conflicts of interest, and it would prohibit the collection of two and employees disclose any conflicts of interest.

Under the bill, citizens could file complaints with the commission, which could then investigate and impose fines ranging from $50 to $1,000. It could also recommend that supervisors discipline offending employees. More serious cases could be referred to local prosecutors.

The measure emerged from the recommendations of a bipartisan, eight-member Joint Subcommittee on Ethics, which was charged with combining three ethics bills proposed this session.

Sen. John Harp, R-Kalispell and chairman of the committee, says he thinks Montana is relatively free from political skullduggery. "We've never had any scandals," Harps says, who adds that much of today's concern is probably overstated.

Even so, Harp says that the time for an ethics code has come, and he wants lawmakers to be the driving force behind it.

But some lawmakers argue that questionable ethical practices are more common and pervasive in the public sector than their legislative peers care to admit.

Forbes, for one, says public employees often use state time and resources to lobby for their departments or agencies. For example, she says, lawmakers regularly receive letters and favors printed on government letterhead in support of or in opposition to certain legislation.

That's wrong, she adds, because taxpayers are paying for the printing, stamps and paper that goes into such lobbying.

Lawmakers themselves are sometimes guilty too, says Rep. Hal Harper, a veteran Democratic legislator from Helena. He says legislators often carry legislation that would directly or indirectly benefit their private businesses. Some routinely accept lobbyists' gifts.

"There is no question that fortunes are made and broken by legislative action," he says.

As far as Forbes is concerned, lobbyists shouldn't offer lawmakers expensive gifts or buy them pricey meals. She says she'd like to see the bill set a maximum of $50 for gifts, but the bill currently doesn't designate a dollar amount.

"I mean a Big Mac is $1.99," she says. "I don't need steak and lobster — it's not necessary."

Chairman Harp says the committee considered those concerns and tried to enact legislation that takes a realistic approach to attacking ethical problems in a small state such as Montana, where some conflicts of interest are inevitable.

"This isn't Washington, D.C.," he says. "We still want to maintain a citizens' Legislature."

Others agree. Ethics reform in Montana needn't be as strict as in other states, says Sen. Fred Van Valkenburg, D-Missoula.

"I hope that this will be adequate for a considerable period of time," he says. "This is a pretty comprehensive bill that is well-adapted to Montana."

Still, Van Valkenburg says he worries that people could harass state employees by frivolously
accusing them of unethical behavior.

But Forbes says she trusts the public not to take advantage of its right to challenge public officials' ethical practices.

"I'd like to see the people be the enforcers," she says. "They need to report it and not sit on these and fume."

Despite those concerns, many lawmakers say the proposed ethics law is a good starting point.

"I'm glad the Legislature is finally doing something about it," Harper says.

**TALKING TAXES**

Republican lawmakers flexed their political muscle last week to push through bills that would cap current property taxes and limit future increases.

Senate Bill 421, introduced by Sen. John Harp, R-Kalispell, would freeze property taxes at 1994 levels. Senate Bill 274, introduced by Sen. Gerry Devlin, R-Terry, is a constitutional amendment that would limit future property tax increases to 2 percent a year.

But the GOP also suffered a setback when one property-tax relief measure died in the Senate. Senate Bill 425, introduced by Sen. Ric Holden, R-Glendive, would have given the average homeowner a $59 income-tax credit, costing the state about $13 million a year.

The House has passed a similar measure, introduced by Rep. Jim Elliott, R-Trout Creek, that would give homeowners income-tax credits equal to 20 percent of their 1995 property taxes. That plan would cost the state about $23 million.

Elliott charged that Holden's bill was an attempt by the Republicans to rob Democrats of the credit for tax relief by introducing their own bill.

**ABORTION UPDATE**

Two anti-abortion measures advanced through the Legislature last week — one requiring teens to notify parents and the other requiring women to wait 24 hours before having an abortion.

The Senate endorsed House Bill 482, introduced by Rep. Duane Grimes, R-Clancy, requiring a doctor to notify a parent or guardian before a girl under 18 can have an abortion.

The House also passed Senate Bill 292, introduced by Senate President Bob Brown, R-Whitefish, which would require the state to give women information about the physical and psychological impacts of abortion, adoption and pregnancy. It requires women to wait at least 24 hours upon receiving the information before going through with the procedure.

Backers of the parental notification bill said it would allow parents to support and play a role in their daughters' lives. Foes, however, said some families are unhealthy environments for young girls and wouldn't be so accepting.

Supporters of Senate Bill 292 said the measure would guarantee that women are fully informed about the impacts of abortion. But opponents argued the bill threatens women's privacy rights and insulting their intelligence to make an informed choice.

The measures must still be returned to the other houses before final passage. Gov. Marc Racicot has said he supports both bills.

**RACICOT REJECTS WETLANDS BILL**

Gov. Marc Racicot has vetoed a bill that he says would have allowed the federal government to regulate Montana's wetlands and headwater streams.

House Bill 411, introduced by Rep. Scott Orr, R-Libby, would have done away with state certification of the wetlands, leaving wetland water-quality protection under the complete control of the federal government.

The federal Clean Water Act allows the states to regulate wetland activity to ensure that it meets water-quality standards.

Racicot said the measure would have denied state rights by giving the federal government power over Montana's water-quality standards. That's dangerous, he warned, because Montana's water is of significantly higher quality than other states.'

Racicot has also said he is considering exercising the power of veto to axe two bills that would allow the state to loosen current water quality standards. Senate Bill 330 and 331 would allow Montana to weaken current regulations to meet less stringent federal standards.

Those bills have been the target of strong protests from state and national environmental organizations.
Smaller Government, Bigger Governor?

Republicans call it streamlining. Democrats call it a partisan power grab. Whatever you call it, there's little question that Montana's 54th Legislature is about to rewire state government, putting more power in the hands of fewer elected officials, especially the governor's.

Consider some of the bills headed for the governor's pen or to a vote of the people in November 1996:

* House Bill 229, introduced by Rep. H.S. "Sonny" Hanson, R-Billings, a constitutional amendment that would abolish the Board of Regents and put the university system under a new Department of Education and an advisory commission appointed by and accountable to the governor. The measure is on its way to voters in November 1996.

* Senate Bill 37, introduced by Sen. Al Bishop, R-Billings, a constitutional amendment that would eliminate the elected position of Secretary of State, now held by a Democrat, and transfer its duties to the lieutenant governor. The measure will be on the November 1996 ballot.

* House Bill 563, introduced by Rep. Paul Sliter, R-Somers, would eliminate the check-writing responsibilities of the state auditor, currently a Democrat, and transfer those duties to the governor's Department of Administration. The measure has been signed into law.

* Senate Bill 249, also by Bishop, would eliminate the state's elected clerk of the Supreme Court, now a Democrat. The bill would transfer the clerk's functions to the Department of Justice. The measure has passed both the House and Senate.

Despite those successes, Republicans haven't been able to run the table — efforts to eliminate the elected Public Service Commission and elected superintendent of public instruction failed in the face of fierce opposition. Still, many Democrats say too much power is being placed in too few hands.

"When you look at where the power flows, it's flowing more and more into one office — the executive branch — and more and more into Helena," says Senate Minority Whip Steve Doherty, D-Great Falls. "I don't think that's a good idea."

Doherty says such changes could be dangerous because they would take away important checks and balances in government.

"It makes it less likely that there's going to be disagreement," he says. "Having different viewpoints and healthy discussion is one of the ways we solve problems around here."

But Republicans say they are just delivering on campaign promises to make government more efficient and less expensive. It is inevitable that hard feelings will result, they add.

"Whenever you go to make a change, you're stepping on somebody's toes," Rep. Hanson says.

And it's the Democrats' toes that are being bruised the most, says Rep. Dan Harrington, D-Butte, a 10-year legislative veteran. Partisanship has played no small role in Republican reforms since many of the targeted elective offices are now held by Democrats, he charges.

"It's a real extreme process," he says. "There was no reason for it, besides an utter political move on their part."

Both Doherty and Harrington say the only bright spot for Democrats in this fight was the narrowly defeated GOP attempts to eliminate the Office of Public Instruction and the elected Public Service Commission.

OPI is headed by Superintendent of Schools Nancy Keenan, a Democrat, and the PSC is run by an elective 5-member board — currently all Democrats.

Harrington says the Republicans went too far and "touched a raw nerve" when they tried to cut the Public Service Commission, which regulates the rates charged by Montana utilities. "The public outcry was too loud for them to get away with that," Harrington says.

For their part, GOP leaders accuse Democrats of overreacting. Although it is true that power today may pass from elected Democrats to a Republican executive, the governor won't always be a Republican.

Moreover, Hanson rejects Democrats' arguments that the public loses clout by handing more power to the governor. Voters chose the governor and entrusted him to make good decisions on their behalf, he says.

"It's like saying once you have a governor, you have no voice in the governor," Hanson says.

Montana's Republican Gov. Marc Racicot couldn't agree more.

Giving the state's chief executive more power only makes him more accountable to the public, adds Racicot.

Take education, for example, he says. Members of the appointed Board of Regents are unlikely to respond to the elec-
torate's demands for improvements in higher education because they don't have to.

"We ought to hold the chief executive responsible for the quality of education in the state of Montana," he says.

Racicot says that a smaller bureaucracy will only make government more efficient, and he rejects Democrats' accusations that downsizing bureaucracy is a political attack on Democratic-held offices.

"I understand it to have been an effort to bring about more effectiveness and a leaner government," Racicot says.

Like Racicot, Hanson cites the elimination of the Board of Regents and the unsuccessful attempt to eliminate the Office of Public Instruction as part of an ongoing effort to cut bureaucracy.

Hanson points to GOP measures that would consolidate state agencies, such as Senate Bill 234, which would merge the state's environmental agencies, and Senate Bill 345, which would pare down the state's Department of Social and Rehabilitation Services.

Democrats say they're not opposed to change, per se, but such moves deserve more thought and debate than they're getting from the Republican majority. "Change for change's sake, is never a good idea," Doherty says.

But Sen. Al Bishop, R-Billings, says that's the way change is.

"Change comes hard, but that's no reason not to make changes," he says.

**LEGISLATIVE REFORM?**

Not the least of the government reforms proposed this session is a plan to switch legislative sessions from odd- to even-numbered years.

House Bill 273, introduced by Rep. Larry Grinde, R-Lewistown, will go to the voters in November of 1996. Last week the measure got exactly the 100 legislative votes it needed to get on the ballot.

Grinde and the bill's supporters say the idea would save money by making the lawmaking process more efficient.

Lawmakers now have about two months after the November election to prepare for the next session. Under Grinde's idea, newly elected officials would have more time to research and request bills and the governor will have time to prepare the budget.

But foes say that's too much time. Lawmakers might forget which issues were important to voters during the election during that time. Other opponents of the bill fear it could lead to annual sessions.

If voters buy the idea, the next Legislature would meet in both January 1997 and again in 1998 for 90 days each time. After that, the Legislature would return to its biennial sessions.
Montana's 54th Legislature is history, but Republicans and Democrats are still debating the legacy lawmakers left behind. Republicans, in control of the governor's office and both houses of the Legislature for the first time since the 1950s, claimed credit for cutting taxes, cracking down on crime and streamlining government. They even adjourned five days early.

"I think we achieved beyond our expectations," said House Speaker John Mercer, R-Polson. "We even achieved some things we didn't set out to do."

Lawmakers pointed with bipartisan pride to reforms in the state's health care and welfare systems, to a bevy of anti-crime bills and the state's first ethics-in-government law.

"This session is a session that the rights of the citizens were paramount," says Rep. Ray Peck, D-Havre. "I think it was a good cooperative effort."

But Democrats also warned that Republican tax cuts, coupled with the costliest budget in state history, could spell financial disaster if GOP projections of a vigorous state economy don't pan out.

Senate Minority Leader Mike Halligan, D-Missoula, says Democrats were able to alter or help kill several key pieces of Republican legislation.

For instance, he said, Democrats were able to sway enough votes to kill a GOP proposal to eliminate the Office of Public Instruction and replace it with a Department of Education appointed by and accountable to the governor.

Democrats also helped ax a Republican plan to abolish the state's elected five-member Public Service Commission and replace it with an appointed regulatory board.

In a case of strange bedfellows, Democrats even found a strong ally in Republican Gov. Marc Racicot when it came to the battle of the budget.

Although Democrats say the $3.7 billion biennial budget still lacks sufficient money for the state's university system and human service programs, it would have been worse if Racicot had not bucked his own party and opposed deeper cuts.

Republican lawmakers had slashed Gov. Marc Racicot's proposed budget to provide millions more in tax relief over the next two years, but they restored money for prisons and higher education when Racicot threatened to use his veto.

"Somehow or another you have to come up with a budget that the governor will sign, and it's a challenge," said Senate President Bob Brown, R-Whitefish.

Democrats say it was ironic that they sided with a Republican governor on spending.

"The fact that we have aligned ourselves with so many of the governor's positions shows that we are more closely aligned with ordinary citizens, as is the governor," Halligan said.

Democrats say they too favor tax relief, but say they wouldn't have placed so much emphasis on softening the tax blow for businesses. Their own bill, tabled in a Senate committee, would have provided income-tax credits for all homeowners equal to 20 percent of their 1995 property taxes.

"Democrats would have put a much greater emphasis on the middle class taxpayers in Montana," Peck said.

Republicans counter that all Montanans should benefit in one way or another from this session's tax cuts, a sentiment shared by Dennis Burr, head of the Montana Taxpayers Association.

"Overall, I think the Legislature was a success," he said. "I think most Montanans wanted a Legislature that didn't do much to them, and that's what they got."

Here is a roundup of major legislation passed by Montana's 54th Legislature:

**TAXES**
- Senate Bill 417, by Sen. Tom Keating, R-Billings, reduces the current 9 percent property tax on business equipment and machinery to 6 percent. The decrease will be phased in by 1 percent a year over the next three years.
John Bohlinger, R-Billings, provides about $2 million in tax relief to Montana's elderly and poor over the next two years. It also provides $7.5 million in reimbursements this year and next year to the approximately 23 percent of Montana's homeowners whose property taxes increased by more than 15 percent in 1993. The average reimbursement will be about $145.

- House Bill 524 allows voters in Whitefish to impose a special sales tax to ensure that thousands of summer tourists help pay for the city's upkeep.
- Senate Bill 338 provides a two-year tax holiday for gas and oil wells drilled after March 31. Other legislation gives owners of small oil wells a tax break.

CRIME AND JUSTICE
- Senate Bill 66, by Sen. J.D. Lynch, D-Butte, sentences violent offenders to life in prison after two convictions. Violent crimes included under the so-called "two strikes and you're out" bill are deliberate homicide, rape and kidnapping with a deadly weapon.
- House Bills 214 and 157 by Reps. Deb Kottel, D-Great Falls, and Matt Denny, R-Missoula, require lifetime registration with local law enforcement for violent sex offenders.
- House Bill 356, by Rep. Bill Boharski, R-Kalispell, makes it harder for criminals to be freed from prison earlier than their sentences allow.
- House Bill 584 would move the state Law Enforcement Academy from Bozeman to Helena.
- Senate Bill 333, by Al Bishop, R-Billings, requires that persons convicted of drunken driving undergo treatment for addiction if they are found to be chemically dependent.

STREAMLINING GOVERNMENT
- Senate Bill 37, by Sen. Al Bishop, R-Billings, asks voter to adopt a constitutional amendment to eliminate the elected position of Secretary of State and transfer its duties to the lieutenant governor.
- House Bill 563, by Rep. Paul Sliter, R-Somers, would eliminate the check-writing responsibilities of the state auditor and transfer those duties to the governor's Department of Administration.
- Senate Bill 234, by Sen. Lorents Grosfield, R-Big Timber, would merge the state's environmental agencies.
- Senate Bill 345, by Sen. Chuck Swysgood, R-Dillon, would pare down the state's Department of Social and Rehabilitation Services.

HEALTH CARE
- House Bill 405, by Rep. Tom Nelson, R-Billings, allows several small businesses to pool their resources to buy cheaper health insurance.
- House Bill 202, by Rep. Tom Nelson, R-Billings, allows taxpayers to deduct one-half of their medical insurance premiums from their state income taxes.
- House Bill 511, by Rep. Royal Johnson, R-Billings, eliminates the Montana Health Care Authority and replaces it with a 10-member advisory board made up of five health-care officials, four legislators and one representative from the governor's office.

EDUCATION
- House Bill 229, by Rep. H.S. "Sonny" Hanson, R-Billings, asks voters to approve a constitutional amendment abolishing the state Board of Regents and placing the state's university system under the control of an advisory board and a Department of Education appointed by and accountable to the governor.

ETHICS
- Senate Bill 136, by Sen. Larry Baer, R-Bigfork, puts a $50 limit on the value of gifts public officials may receive and requires lawmakers to disclose conflicts of interest before voting. It also restricts public officials from using taxpayer funds to promote political interests.

WELFARE
- Senate Bill 209, by Sen. Chuck Swysgood, R-Dillon, overhauls Montana's welfare system. It sets a two-year time limit on benefits and increases the availability of child care and food stamps. The measure also provides job training and requires some recipients to perform community service work to keep their benefits.

ENVIRONMENT
- Senate Bills 330 and 331, by Sens. Tom Beck, R-Deer Lodge, and Chuck Swysgood, R-Dillon, would lower some of Montana's drinking water standards and allow industry and citizens in some cases to legally discharge more pollutants into rivers, streams and groundwater.
- House Bill 472, by Rep. Dick Knox, R-Winifred, allows for water to be purchased and
left in a stream to protect fish habitat. Prior law required that water rights be used for irrigation or industrial uses only.

**ABORTION RESTRICTIONS**

- Senate Bill 292, by Sen. Bob Brown, R-Whitefish, requires the state to provide women with information about the physical and psychological impacts of abortion, pregnancy and adoption. Women must wait at least 24-hours after receiving the information before having an abortion.
- House Bill 482, by Rep. Duane Grimes, R-Clancy, requires doctors to notify the parent or guardian of a girl under age 18 before she can get an abortion.

**MILK PRICES**

Senate Bill 116, by Sen. Mike Sprague, R-Billings, ends state control of wholesale and retail milk prices. The bill keeps controls on prices paid to producers.

**LIQUOR STORES**

House Bill 574, by Rep. William Behbein, R-Lambert, transfers state ownership of the state's remaining 26 liquor stores to private ownership. The private owners will still have to buy their liquor from the state.