

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 4, 1983

The twenty-fourth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on February 4, 1983 in Room 331 of the State Capitol, Helena Montana.

ROLL CALL: All members were present but Senator Stimatz who was excused.

EXECUTIVE SESSION:

ACTION ON SENATE BILL 267:

Senator Story asked the staff attorney, Dave Cogley, to cover the amendments. Mr. Cogley said that during the hearing there were three amendments suggested. The bill changes the word "HOSPITALS" and adds "CLARIFYING THE FUNCTIONS OF THE HOSPITAL; AND ELIMINATING THE JUVENILE RECEPTION AND EVALUATION CENTER;". This is shown on EXHIBIT 1 as amendment 1.

SENATOR TOWE MOVED THE CLARIFICATION OF THE TITLE, AMENDMENT 1.

Questions of the Committee:

SENATOR MARBUT asked, under "e", page 13, relating to the primary functions, it says "contingent on space...", he said that as he sees it shows pulmonary disorders stricken, leaving only two specified diseases under "c". He asked Mr. Chisom to react to that.

CURT CHISHOLM, department of institutions, said he thought it was redundant and believed it to be covered.

SENATOR TOWE MOVED AMENDMENT 2 and 3 of Exhibit 1.  
MOTION PASSED.

MOTION WAS MADE BY SENATOR TOWE THAT S.B.267 DO PASS AS AMENDED.  
MOTION PASSED.

DAVE COGLEY now submitted the proposed amendments from Senator Etchart at the departments request.

CURT CHISHOLM related that the bill draft that Senator Etchart signed had that new section in describing our mission and it was very, very precisley worded. He said he did not edit it and this incorporates the wording we would have had in there.

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Page 2

DAVE COGLEY said he spoke to the doctor that made the request and the language in amendment 2 seems to be repetitious with subsection "e".

SENATOR MARBUT said if you read line 20 of the amendment proposal and then read lines 1 through 4, they are exactly the same.

CURT CHISHOLM said line 'a' relates to their responsibility to provide in-patient residential treatment for those in for chemical dependency; this talks to the detoxification. They are two separate functions. Those that go in for detoxification don't necessarily go into residential care components, so they are trying to make that separate.

SENATOR MARBUT asked why you could not say detoxification and skip everything from there to beyond relocation. EXHIBIT 2.

SENATOR MARBUT MOVED AN AMENDMENT TO S.B. 267: Page 13, line 1, following "detoxification", strike everything including rehabilitation; to be shown as amendment 2. To also add the word "diagnosis" before the word "care".

MOTION PASSED.

Dave Cogley said the rest is renumbering.

Senator Marbut questioned Mr. Chisholm regarding line 17, page 3. Mr. Chisholm said that he is not hung up on that. Senator Marbut said that we will take that out.

Referring to amendment 9, EXHIBIT 2. SENATOR TOWE MOVED THAT THIS AMENDMENT DO PASS.

SENATOR TOWE MOVED amend 10 & 11, leaving off "of institutions".  
MOTION PASSED.

SENATOR TOWE moved AMENDMENT 12. MOTION PASSED.

SENATOR TOWE MOVED S.B. 267 DO PASS AS AMENDED. DO PASS.

SENATOR STORY asked the committee to draft a "Committee Bill" that will effect all employees of state agencies, and draft it so it will not include elected officials, so they cannot use their official capacity to lobby issues, candidates or leading political activities.

SENATOR MARBUT stated that two agencies are doing that.

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SENATOR HAMMOND MOVED THE DRAFTING OF A COMMITTEE BILL.  
MOTION PASSED.

ACTION ON SENATE BILL 284:

DAVE COGLEY presented the amendment submitted from the secretary of state, EXHIBIT 3. Question was asked regarding the fee. It was stated that the suggested fee was \$200 and Dave said that the fee was based on the cost. Senator Tveit said its limit was \$1300.

SENATOR TOWE MOVED THE SECRETARY OF STATE'S AMENDMENT.  
MOTION PASSED with Senator Manning and Senator Marbut voting No.

EXHIBIT 3(a) contains amendments from the League of Women Voters.

MOTION WAS MADE BY SENATOR MANNING TO ACCEPT AMENDMENT 1.  
MOTION PASSED.

MOTION WAS MADE BY SENATOR MANNING TO ACCEPT AMENDMENT 3.  
MOTION PASSED.

SENATOR TOWE MOVED AMENDMENT 2 BUT TO MODIFY AS PROVIDED IN SECTION 4.  
MOTION PASSED.

Amendment 4 was discussed by the committee and explained by Dave Cogley. They will replace subsection (c) and add (d).

SENATOR TOWE MOVED AMENDMENT 4.  
MOTION PASSED.

Amendment 5 is struck as it is replaced.

Amendment 6 and 7 deals with fees. The League of Women Voters suggested that there not be any fees.

SENATOR TOWE suggested an addition to Page 7, line 8, following "issues", strike "." and add, "nor the distributions of the pamphlet." SENATOR TOWE MOVED THE AMENDMENT above plus 6 and 7.  
MOTION PASSED.

DAVE COGLEY reminded the committee of the amendment presented by the secretary of state, EXHIBIT 3(b).  
SENATOR TOWE MOVED THE AMENDMENT.  
MOTION PASSED.

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DAVE COGLEY aske for an explanation of line 6 through 9 of page 4. SENATOR TOWE said that this was the exclusion. CURT CHISHLOM said that this deals with format.

SENATOR TOWE stated that the concern was that at the descretion of the secretary of state, you could come under that, not that you would, simply come along and say we only have words for 100 words and cut the first 100 words and we don't care.

SENATOR TOWE suggested the following proposed amendment: "that items and information about candidates and statements may be excluded at the descretion of the secretary of state for state reasons if they are uniformly excluded for all candidates, provided that the secretary cannot edit statements without the consent of the candidates".

SENATOR TOWE MOVED THE ABOVE AMENDMENT.  
MOTION PASSED.

SENATOR HAMMOND MOVED S.B.284 AS AMENDED.  
MOTION PASSED.

ACTION ON SENATE BILL NO. 312.

Amendments from Lawrence Nachtsheim, administrator of the Department of Administration, EXHIBIT 4.

SENATOR TOWE MOVED THAT ALL THE AMENDMENTS PASS.  
MOTION PASSED.

SENATOR TOWE MOVED SENATE BILL 312 DO PASS AS AMENDED.  
MOTION PASSED with SENATOR STORY voting no.

ACTION ON SENATE BILL NO. 317

Senator Story said that this is a bill they would like to move out to Business and Industry or Agriculture. It was replied to and said that it should go to Agriculture.

ACTION ON SENATE BILL NO. 166.

Discussion was held on the bill and amendments were presented.

SENATOR TVEIT MOVED THAT S.B.166 DO NOT PASS.

Senator Hammond said that there was something wrong because as long as they were paying into retirement they can have it reevaluated and raise the rate on which they will get retirement. Senator Towe stated that they are getting double dipping. Senator Hammond said that there is no limit in what they can earn if it is not in education. This applies only to university professors too, not high school teachers.

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ROLL CALL vote on S.B. 166, EXHIBIT 6  
TIE VOTE. SEN. Hammond, Tveit & Story, Yes, Marbut, Manning  
& Towe, No. Sen. Stimatz absent.  
NO OTHER ACTION TAKEN, BILL HELD IN COMMITTEE.

ACTION ON SENATE BILL NO. 304.

SENATOR MARBUT STATED he has done a lot of research and said  
he would like to submit two amendments verbally.

(1) Page 1, line 24 and 25 add back in "and until their  
successors are appointed" and leave out "qualified".  
SENATOR MARBUT MOVED THE PRECEDING AMENDMENT.  
MOTION PASSED.

Page 2, line 4, following 'qualified', strike "An incumbent  
member shall continue to discharge the duties of his office  
until his successor is appointed." Insert, "and until  
their successors are appointed".

The amendment presented regarding the change of "may" to  
"shall" was discussed and it was decided that it was necessary.

SENATOR MARBUT MOVED THE ABOVE AMENDMENT.  
MOTION PASSED

SENATOR TOWE MOVED CHANGING THE TITLE.  
DATE.

MOTION PASSED with Senators Story and Tveit voting no.

MOTION MADE TO MOVE THE EFFECTIVE DATE BY SENATOR TOWE.  
MOTION PASSED.

SENATOR HAMMOND MADE A MOTION TO MOVE S.B. 304 DO PASS AS AMENDED.  
MOTION PASSED.

ACTION ON SENATE BILL 134.  
IT WAS MOVED BY SENATOR TOWE TO TABLE THIS BILL.  
MOTION PASSED.

ACTION ON SENATE BILL 171.  
It was decided by the committee to HOLD THIS BILL.

ACTION ON SENATE BILL 286.  
Amendments were presented shown as EXHIBIT 7.

SENATOR TOWE MOVED AMENDMENTS 1, 5 & 6.  
MOTION PASSED.

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Page 6

SENATOR MARBUT stated that he believed in a 13th member and suggested it automatically be the Lt. Governor.  
SENATOR SO MOVED THAT THE LT. GOVERNOR BE THE 13th MEMBER.  
MOTION FAILED, with two ayes and four nays.

SENATOR TVEIT remarked that his is the only district that had nothing to complain about, but that regardless, republicans and democrates alike are complaining.

SENATOR MARBUT stated that the Commission did a bad job and that the 4 year term was even forgotten.

SENATOR TOWE MOVED THAT S.B.286 DO NOT PASS.

SENATOR MARBUT MADE A SUBSTITUTE MOTION THAT S.B.286 DO PASS. AS AMENDED. Roll call vote is shown as EXHIBIT 8. Voting yes were Senators Hammond, Marbut, Tveit and Story. Voting no were Senators Manning and Towe. Senator Stimatz, absent.  
MOTION PASSED.

ACTION ON SENATE BILL NO. 311.

SENATOR TOWE MOVED THE FOLLOWING AMENDMENTS: To Strike: page 1, line 25; and page 2, line 1, in their entirety; and Insert "(7) office of the commissioner of political practices. Change the effective date. Add: of Senate Bill No. 137, following "approval" on page 2, line 7.

MOTION PASSED.

SENATOR TOWE MOVED THAT SENATE BILL 311 DO PASS AS AMENDED.  
MOTION PASSED. It was asked to hold this bill until tuesday, February 8th.

ACTION ON SENATE BILL 170.

Amendments to this bill were passed out and are shown as EXHIBIT 9.

SENATOR MARBUT explained the amendments by stating to the committee that this bill attempted to undue action taken last session. Senator Manning and others submitted a bill to allow for the return of property which was taken for a particular purpose by a quasi or public agency back to the owner after they were through using it. It was a good bill but then it got worked over. Senator Boylan came in and asked to resurrect the bill and the amendments are provided to keep from happening, what happened in the last session. We hope that this will have effect on all property which is taken through condemnation proceedings for public use and

not just the railroad. He said that the way he has done this makes it kind of a ranchers bill. He suggested using the language as Dave Cogley has shown in Exhibit 9.

DAVE COGLEY said that the way this amendment is written now will clear up and do as they intended it to do in section 1 and 2. Section 3 is something new added "fee simple interest".

SENATOR TOWE asked if they thought it might be a little risky in section 4 by using the language "or otherwise" after eminent domain.

SENATOR MARBUT said that the reason he supports this is because when land is taken, other than fee simple, talking about easement, and when a organization acquires an easement, they take it for a particular purpose not to be their property..but that they have a right to do something on your property, but they take that and use it as a lever to go through the entire area.

MOTION was made by SENATOR MARBUT to take out "or otherwise" from section 4.

SENATOR MARBUT MOVED THE ADOPTION OF ALL THE AMENDMENTS TO S.B.170.  
MOTION PASSED.

SENATOR MARBUT MOVED THAT SENATE BILL 170 DO PASS AS AMENDED.  
MOTION PASSED UNANIMOUSLY.

ACTION ON SENATE BILL 211:

SENATOR TOWE MOVED SENATE BILL 211 DO NOT PASS.  
MOTION PASSED with Senator Manning voting no.

ACTION ON SENATE BILL 269:  
Discussion was held on this bill. Amendments were presented as EXHIBIT 10. Dave Cogley stated that these amendments were presented by the lobbyist for Montana Dakota Utilities and the last one is a title correction. The Public Service Commission disagrees with these amendments.

SENATOR TOWE MOVED THAT AMENDMENTS 3,5 & 6 as shown in Exhibit 10 and change the title DO PASS.  
MOTION PASSED

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SENATOR TOWE MOVED TO REINSTATE LANGUAGE IN AMENDMENT 4.  
MOTION PASSED.

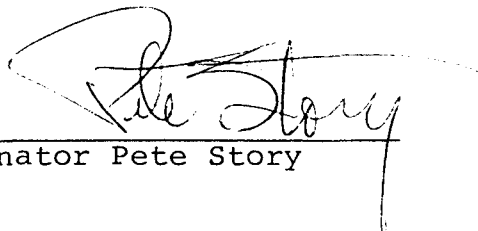
Question arose regarding amendments shown as 1 and 2.  
Senator Story said it is a question whether you want the  
PSC to regulate charges other than regulated business.

SENATOR TOWE MOVED SENATE BILL 269 with all amendments  
shown on Exhibit 10 except 1 and 2.

SENATOR TVEIT MADE A SUBSTITUTE MOTION TO ACCEPT AMENDMENTS  
1 and 2. EXHIBIT 11 shows a roll call vote.  
MOTION FAILED.

SENATOR TOWE's ORIGINAL MOTION that S.B.269 Do Pass as  
amended, excluding amendment 1 and 2. EXHIBIT 12, roll call  
vote. MOTION PASSED.

There being no further business at this time the meeting  
adjourned at 12:35 p.m.

  
\_\_\_\_\_  
Chairman, Senator Pete Story



ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2-4

NAME	PRESENT	ABSENT	EXCUSED	SENATE SEAT #
SENATOR PETE STORY, Chairman	X			45
SENATOR H. W. HAMMOND, Vice Ch	X			34
SENATOR REED MARBUT	X			44
SENATOR LARRY TVEIT	X			33
SENATOR R. MANNING	X			48
SENATOR LAWRENCE STIMATZ			X	7
SENATOR THOMAS TOWE	X			26

Each day attach to minutes.

Senate Bill 267

EXHIBIT 1  
State Administration  
Feb. 4, 1983

Amend introduced bill

1. Title, line 7

Following: "HOSPITAL;"

INSERT: "CLARIFYING THE FUNCTIONS OF  
THE HOSPITAL; AND ELIMINATING THE  
JUVENILE RECEPTION AND EVALUATION  
CENTER;"

2. Page 12, line 16

Strike: "institution"

Insert: "agency"

3. Page 13 line 7

Strike: "that the institution is directed  
to treat"

EXHIBIT 2  
State Administration  
Feb. 4, 1983

1. Page 12, line 16  
Strike: "institution"  
Insert the word: "agency"
2. Line 20,  
Following the words "mentally ill persons;"  
Insert the new words "(b) care, evaluation, treatment,  
referral and rehabilitation of persons afflicted with  
chemical dependency;"
3. Line 21  
(b) becomes (c)
4. Line 24  
(c) becomes (b)
5. Page 13, line 1  
(d) becomes (e)  
Following the word: "diagnosis"  
Delete: "treatment,"  
Insert: "and treatment of"
6. Line 5(e)  
becomes (f)
7. Line 7  
Strike: "treat"  
Insert: "provide"
8. Line 17  
Following: "component"  
Insert: "so"
9. Line 20  
Following: "The"  
Insert: "designated"  
The word "facility" becomes "facilities"  
Strike: "is"  
Insert: "are"
10. Line 21  
The word "component" becomes "components"  
After: "the"  
Insert: "Department of Institutions"  
The word "facility" becomes "facilities"
11. Line 22  
Strike: "of the Department of Institutions"
12. Line 25  
After the words: "is the"  
Insert: "facility"

SECRETARY OF STATE  
STATE OF MONTANA

EXHIBIT 3  
State Administration  
Feb. 4, 1983

**Jim Waltermire**  
Secretary of State

State Capitol  
Helena, Montana 59620

February 2, 1983

Senator Pete Story, Chairman  
Senate State Administration Committee  
Montana State Senate  
Helena, Montana

RE: Amendments to SB 284  
Proposed by the League of Women Voters

Dear Senator Story:

We have reviewed the amendments to SB 284 proposed by the League of Women Voters on page two of their written testimony submitted at the hearing on the bill before your committee held on January 31, 1983.

I am pleased to inform you that we endorse proposed amendments numbered one, two, three and four as adding clarity to the bill. In addition, we have no objections to proposed amendments numbered six and seven should the committee prefer those options.

Regarding proposed amendment number five, the League has a good point suggesting that no listing would create the inference that a candidate is running unopposed. However, we feel that the language proposed by the League (merely stating "No Reply") may, as a practical matter, detract from the voluntary nature of candidate participation. Perhaps both points could be satisfied with language similar to the following:

On page 3 of the introduced bill, between lines 7 and 8 insert a new subsection (d) as follows:

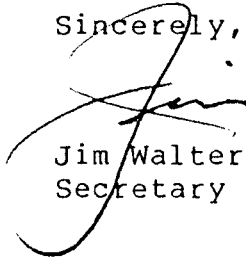
"(d) for candidates for an office listed in subsection  
(3)(a) who do not submit the fee and information  
specified in [section 4], contain:

(i) the candidate's name and party affiliation, if any,  
and,

(ii) the following statement: "Candidate participation  
in this pamphlet is voluntary and requires payment of a  
considerable fee. Some candidates did not choose to  
submit information and pay the fee."

Thank you for this further opportunity to comment. We would appreciate your favorable consideration of this bill.

Sincerely,



Jim Waltermire  
Secretary of State

League of Women Voters of Montana, 917 Harrison, Helena, Montana 59601 31 Jan 83

AMENDMENTS proposed for SB 284

1. Page 2, line 17. After "(3)(a)" insert "the information pamphlet may". After "contain", strike "at least".

Subsection (b) would then read: "for each candidate for an office listed in subsection (3)(a), the information pamphlet may contain the following information:"

(Rationale: this and amendment #2 would clarify and define the maximum amount of material eligible for inclusion in the pamphlet. It would prevent potential conflicts with (6)(d), page 4. The publisher of the pamphlet would not be liable if the candidate failed or refused to provide all or part of the information that was eligible.)

2. Page 2, line 25, strike "and"  
Page 3, line 1, insert "and" after "involvement:"  
Page 3, after line 1 add "(ix) a 200 word statement of candidacy."

(Rationale: The statement of candidacy is specified on page 6, Line 11.)

3. Page 2, line 21. After "affiliation" insert ",if applicable to the office sought"

(Rationale: This would cover nonpartisan candidates, ie. judicial candidates.)

4. ~~XXXX~~ Page 3, line 2, replace proposed subsection (c) with the following:  
"(c) be arranged so that each candidate except those in (3)(d) is allotted the same amount of space. For purposes of this section, candidates for the offices of governor and lieutenant governor shall be considered as one."  
(Rationale: The format of the information pamphlet may change.)

5. ~~NEW SECTION~~ "(d) contain the names and party affiliation, if any, of those candidates who do not choose to submit information with the notation of "No Reply"."

(Rationale: The state has the obligation to inform the voters of who the qualified candidates are for a particular office regardless of whether or not those candidates wish to provide additional information for the voters.)

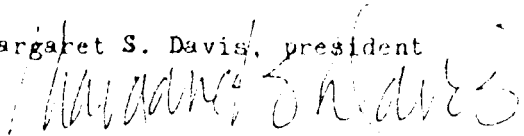
6. Page 6, line 6 add "(3)(A)" after "13-27-401" to clarify the citation.
7. FEES. The League prefers that Page 6, line 8 be striken and that New Section 5 beginning on page 6, line 25 be deleted. The imposition of fees raises legal problems and puts an undue burden on small campaigns. We oppose fees.

If the committee retains the fee provisions, we would ~~XXXXXX~~ ask that New section 5 be rewritten to provide that ~~XXXXXX~~ only the costs actually attributable to the individual candidate's share of the increased printing and paper costs due to the inclusion of candidate information be considered in fixing the fee. Prorated administrative costs should not be included in determining the fee.

Finally, I note that the drafter has used "must" for "shall" in many, but not all, places throughout this bill. Does this reflect a new policy or style?

These amendments are the suggestions of an amateur, and we would support appropriate language which retains the spirit, if not the syntax, of our concerns.

Margaret S. Davis, president



Amendment to S.B. 284

Proposed by the Secretary of State

On page 6 of the introduced bill, at line 24, after the word "information.", insert a new sentence as follows:

"Candidate notifications shall be mailed, postage prepaid, to the address provided by the candidate on their declaration for nomination."

End of Amendment

DEPARTMENT OF ADMINISTRATION  
PUBLIC EMPLOYEES RETIREMENT DIVISION

EXHIBIT 4  
State Administration  
Feb. 4, 1983



TED SCHWINDEN, GOVERNOR

1712 9TH AVENUE

STATE OF MONTANA

(406) 449-3154

HELENA, MONTANA 59620

The Honorable Pete Story  
Chairman, State Administration  
Montana Senate  
Capitol Building  
Helena, Montana 59620

Re: S.B. 312 (Amendment)

Dear Senator Story:

Thank you for the opportunity to provide my testimony on this bill in writing.

The PERD supports S.B. 312, as \$50 dollars per day is still a bargain price for securing expertise from individuals from the private sector who have chosen to serve the public by participating on a state board.

A suggested amendment to the bill to avoid conflicting statute, follows:

AMENDMENT

Amend title page 1 line 8 after "2-15-124" by adding ", 19-3-302".

19-3-302. Compensation and expenses of board members. The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to travel expenses, compensation at the rate of \$25-a-day as provided in 2-15-1009.

Again, I appreciate the courtesy extended to me by yourself and the members of your committee.

Respectfully,

Handwritten signature of Lawrence P. Nachtsheim in cursive.

LAWRENCE P. NACHTSHEIM  
Administrator

cc: Committee Members



DEPARTMENT OF ADMINISTRATION

STATE OF MONTANA DEPARTMENT DIVISION

EXHIBIT 4  
State Administratio  
Feb. 4, 1983

The Honorable Pete Story  
Chairman, State Administration  
Montana Senate  
Capitol Building  
Helena, Montana 59620

Re: S.B. 312 (Amendment)

Dear Senator Story:

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A suggested amendment to the bill to avoid conflicting statute, follows:

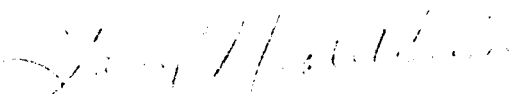
AMENDMENT

Amend title page 1 line 8 after "2-15-124" by adding ", 19-3-302".

19-3-302. Compensation and expenses of board members. The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to travel expenses, compensation at the rate of \$25-a-day as provided in 2-15-1009.

Again, I appreciate the courtesy extended to me by yourself and the members of your committee.

Respectfully,

  
LAWRENCE P. NACHTSHEIM  
Administrator

cc: Committee Members

Amend introduced bill

1. Title, line 8

Following: " 2-15-124 "

Insert: " , 19-3-302, "

2. Page 3

Following: line 19

Insert: " Section 2. Section 19-3-302, MCA, is amended to read:

**19-3-302. Compensation and expenses of board members.** The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to travel expenses, compensation ~~at the rate of \$25 a day.~~ as provided in 2-15-1009 "

Remember: subsequent sections

Senate Bill 166

EXHIBIT 5  
State Administration  
Feb. 4, 1983

Amend introduced bill

1. Page 1, line 24

Following: "unit"

Insert: "or state or local government ~~agency~~ <sup>unit</sup>"

2. Page 2, line 7

Following: "or"

Strike: "passage and approval"

Insert: "July 1, 1983"

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 4, 1983 Senate          Bill No. 166 Time 11:30

NAME	STATE ADMINISTRATION	YES (3)	TIE	NO (3)
SENATOR H.W. HAMMOND		X		
SENATOR REED MARBUT				X
SENATOR LARRY TVEIT		X		
SENATOR R. MANNING				X
SENATOR LAWRENCE STIMATZ				
SENATOR THOMAS TOWE				X
SENATOR PETE STORY		X		


Leona Williams  
Secretary, Leona Williams

Pete Story  
Chairman SENATOR PETE STORY

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

## Amend introduced bill

1.  Title, line 7
2. Page 2, line 1  
Strike: "CITIZEN"  
Insert: "FIVE-MEMBER  
APPOINTED"
3. Page 2, line 11  
Following: "committee members"  
Strike: "Committee"  
Insert: "These 12"
4. Page 2, line 12.  
Following: "districts."  
Insert: "Within 20 days after their designa-  
tion, the 12 members shall select a 13th  
member, who shall serve as chairman of  
the committee. If the 12 members  
fail to select the 13th member within  
the time prescribed, a majority of the  
supreme court shall select him."
5. Page 3, line 7  
Strike: "citizen"  
Insert: "five-member appointed"
6. Page 3, line 10  
Strike: "citizen"  
Insert: "five-member appointed"

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 4, 1983 Senate Bill No. 286 Time 10:30

DO PASS AS AMENDED

NAME	STATE ADMINISTRATION	YES	4	NO	2
SENATOR H.W. HAMMOND		X			
SENATOR REED MARBIT		X			
SENATOR LARRY TVEIT		X			
SENATOR R. MANNING				X	
SENATOR LAWRENCE STIMATZ					
SENATOR THOMAS TOWE				X	
SENATOR PETE STORY		X			

Leona Williams  
Secretary, Leona Williams

Pete Story  
Chairman, SENATOR PETE STORY

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

Senate Bill 170

Amend introduced bill

1. Title, line 4

Strike: "ELIMINATING"

Insert: " TO PROVIDE FOR REVERSION TO THE <sup>FORMER OWNER</sup> OF CERTAIN INTERESTS IN REAL PROPERTY ACQUIRED FOR A PUBLIC USE AND LATER ABANDONED; LIMITING "

2. Title, line 5

Following: "OWNER"

Strike: " OF A REAL PROPERTY INTEREST ACQUIRED FOR A PUBLIC USE AND LATER ABANDONED; REPEALING "

Insert: " TO PURCHASE CERTAIN ABANDONED INTERESTS; AMENDING "

3. Page 1

Following: line 9

Strike: Section 1 in its entirety

Insert: " Section 1. Section 70-30-321, MCA, is amended to read:

<sup>in real property</sup>

" 70-30-321. Sale of property acquired for public use when used abandoned - procedure. (1) Whenever a person who has acquired a real property interest for a public use, ~~whether~~ <sup>other than</sup> by right of eminent domain or otherwise, abandons such public use and places such interest for sale, the seller may sell the interest to the highest bidder at public auction.

(2) In the event the seller decides to sell an interest in real property as set forth in subsection (1), he shall publish notice of the public sale in a newspaper published in the county in which the real property interest is located once a week for 4 successive weeks. Sale shall be held in the county where the real property interest is located. The notice of sale shall contain the information required by 77-2-322. "

Free simple

Section 2. Section 70-30-322, MCA, is

amended to read:

" 70-30-322. Option of original owner or successor in interest to purchase at sale price. (1) The owner from whom the real property interest was originally acquired ~~by eminent domain or otherwise~~ or, if there is a successor in interest, the successor in interest shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at a sale provided for in 70-30-321. If more than one person claims an equal entitlement, the option may not be exercised.

(2) If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest at that price to the optionholder. "

described in 70-30-321

Section 3. Reversion of fee interest. When property, in which a fee simple interest has been acquired by right of eminent domain, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest.

Section 4. Reversion of less than fee interest. When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain or otherwise, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest.





ROLL CALL VOTE

EXHIBIT 11  
State Administration

SENATE COMMITTEE STATE ADMINISTRATION

Date February 4, 1983 Bill No. 269 Time 10:30

Amend 1 & 2

TIE VOTE

NAME	STATE ADMINISTRATION	YES	NO
		3	3
SENATOR H.W. HAMMOND		X	
SENATOR REED MARRITT		X	
SENATOR LARRY TVEIT			X
SENATOR R. MANNING			
SENATOR LAWRENCE STIMATZ			
SENATOR THOMAS TOWE			X
SENATOR PETE STORY		X	

Leona Williams  
Secretary, Leona Williams

Pete Story  
Chairman SENATOR PETE STORY

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

DO PASS AS AMENDED

Date February 4, 1983 Bill No. 269 Time 10:30

WITH AMENDMENTS 3,4,5, and 6 only

NAME	YES	4	NO	2
SENATOR H.W. HAMMOND	X			
SENATOR REED MARBLIT			X	
SENATOR LARRY TVEIT	X			
SENATOR R. MANNING	X			
SENATOR LAWRENCE STIMATZ				
SENATOR THOMAS TOWE	X			
SENATOR PETE STORY			X	

Leona Williams  
Secretary, Leona Williams

Pete Story  
Chairman SENATOR PETE STORY

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

FEBRUARY 4

83

19.....

MR. PRESIDENT .....

STATE ADMINISTRATION

We, your committee on .....

SENATE

312

having had under consideration ..... Bill No. ....

SENATE

312

Respectfully report as follows: That ..... Bill No. ....

Introduced bill be amended, as follows:

- 1. Title, line 8.  
Following: "2-15-124"  
Insert: ", 19-3-302,"
- 2. Page 3.  
Following: line 19.  
Insert: "Section 2. Section 19-3-302, MCA, is amended to read: 19-3-302. Compensation and expenses of board members. The travel expenses of members of the board shall be as allowed in 2-18--501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to travel expenses, compensation ~~at the rate of \$25-a-day-as~~ provided in 2-15-1009."

~~XXXXX~~ Renumber: subsequent sections  
~~DO PASS~~

DO PASS AS AMENDED

CP

FEBRUAR.

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 170

Respectfully report as follows: That SENATE Bill No. 170

introduced bill, be amended as follows:

- 1. Title, line 4.  
Strike: "ELIMINATING"  
Insert: "TO PROVIDE FOR REVERSION TO THE FORMER OWNER OF CERTAIN INTERESTS IN REAL PROPERTY ACQUIRED FOR A PUBLIC USE AND LATER ABANDONED; LIMITING"
- 2. Title, line 5.  
Following: "OWNER"  
Strike: "OF A REAL PROPERTY INTEREST ACQUIRED FOR A PUBLIC USE AND LATER ABANDONED; REPEALING"  
Insert: "TO PURCHASE CERTAIN ABANDONED INTERESTS; AMENDING"
- 3. Page 1.  
Following: line 9  
Strike: Section 1 in its entirety  
Insert: "Section 1. Section 70-30-321, MCA, is amended to read:

~~DOXASX~~

CONTINUED...

"70-30-321. Sale of property acquired for public use when use abandoned -- procedure. (1) Whenever a person who has acquired a ~~real-property~~ fee simple interest in real property for a public use, whether other than by right of eminent domain or otherwise, abandons such public use and places such interest for sale, the seller may sell the interest to the highest bidder at public auction.

(2) In the event the seller decides to sell an interest in real property as set forth in subsection (1), he shall publish notice of the public sale in a newspaper published in the county in which the real property interest is located once a week for 4 successive weeks. Sale shall be held in the county where the real property interest is located. The notice of sale shall contain the information required by 77-2-322."

Section 2. Section 70-30-322, MCA, is amended to read:

"70-30-322. Option of original owner or successor in interest to purchase at sale price. (1) The owner from whom the real property interest described in 70-30-321 was originally acquired ~~by eminent domain or otherwise~~ or, if there is a successor in interest, the successor in interest shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at a sale provided for in 70-30-321. If more than one person claims an equal entitlement, the option may not be exercised.

(2) If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest at that price to the optionholder."

Section 3. Reversion of fee interest. When property, in which a fee simple interest has been acquired by right of eminent domain, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest.

Section 4. Reversion of less than fee interest. When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest."

AND AS AMENDED

DO PASS

FEBRUARY 4 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 234

STATEMENT OF INTENT ATTACHED:

Respectfully report as follows: That SENATE Bill No. 234

Introduced bill be amended, as follows:

- 1. Page 2, line 17.  
Following: "(3) (a),"  
Insert: "the information pamphlet may"  
Strike: "at least"
- 2. Page 2, line 21.  
Following: "affiliation"  
Insert: ", if applicable to the office sought"
- 3. Page 2, line 25.  
Strike: "and"

DEKPASSX

CONTINUED...

*Handwritten initials*

4. Page 3, line 1.  
Following: "involvement;"  
Insert: "and"
5. Page 3  
Following: line 1  
Insert: "(ix) a 200 word statement of  
candidacy, as provided in [section 4];"
6. Page 3.  
Strike: lines 2 through 7 in their entirety  
Insert: "(c) be arranged so that each candidate  
except those in subsection (3)(d) is  
allotted the same amount of space.  
For purposes of this section, candidates  
for the offices of governor and lieutenant  
governor shall be considered as one.  
(d) for candidates for an office listed in subsection  
3(a) who do not submit the fee and information  
specified in [section 4], contain:  
(i) the candidate's name and party affiliation,  
if any; and  
(ii) the following statement: "Candidate  
participation in this pamphlet is voluntary and  
requires payment of a substantial fee. Some  
candidates did not choose to submit information  
and pay the fee."
7. Page 6, line 24  
Following: "information."  
Insert: "Candidate notifications shall be  
mailed, postage prepaid, to the address  
provided by the candidate on his declaration  
for nomination."

And, as so amended  
DO PASS



STANDING COMMITTEE REPORT

FEBRUARY 4 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration Statement of Intent, SENATE Bill No. 284

Respectfully report as follows: That Statement of Intent, SENATE Bill No. 284

be adopted.

STATEMENT OF INTENT RE: S.B. 284

A statement of intent is required for this bill because section 5 would grant the Secretary of State the authority to adopt rules establishing fees for the participation of candidates in the voter information pamphlet. Rules are to be adopted under the Montana Administrative Procedure Act. The rules must be consistent with the requirements of section 5 regarding uniformity for all candidates and fees being reasonably related to costs.

XXXXXX  
DO PASS

Handwritten initials

STANDING COMMITTEE REPORT

FEBRUARY 4 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE BILL Bill No. 311

Respectfully report as follows: That SENATE Bill No. 311

introduced bill, be amended as follows.

- 1. Title, line 7  
Strike: "AN IMMEDIATE"  
Insert; "A CONTINGENT"
- 2. Page 1, line 25.  
Strike: line 25 and line 1 on page 2  
in their entitety  
Insert: "(7) office of the commissioner of political practices.
- 3. Page 2, line 6  
Following: "date"  
Insert: "-coordination"
- 4. Page 2, line 7.  
Following: "approval"  
Insert: "of Senate Bill No. 137."

And, as so amended

DO PASS

*J.C.*

# STANDING COMMITTEE REPORT

FEBRUARY 4 19 33

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 267

Respectfully report as follows: That SENATE Bill No. 267

Introduced bill be amended as follows:

1. Title, line 7.  
Following: "HOSPITAL;"  
Insert: "CLARIFYING THE FUNCTIONS OF THE  
HOSPITAL; AND ELIMINATING THE JUVENILE  
RESEPTION AND EVALUATION CENTER;"
2. Page 12, line 16.  
Strike: "institution"  
Insert: "agency"
3. Page 12  
Following: line 20  
Insert: "(b) diagnosis, care, evaluation, treatment,  
referral, and rehabilitation of persons afflicted  
with chemical dependency;"  
Renumber: subsequent subsections

XXXXXX

CONTINUE..

4. Page 13, line 1 and 2.  
Strike: ", diagnosis, care, treatment,--and referral for, and rehabilitation"
5. Page 13.  
Following: line 6  
Strike: "that the institution is directed to treat"
6. Page 13, line 20.  
Following: "The"  
Insert: "designated"  
Strike: "facility"  
Insert: "facilities"  
Strike: "is"  
Insert: "are"
7. Page 13, line 21.  
Strike: "component"  
Insert "components"  
Following: "the"  
Insert: "departments"  
Strike: "facility"  
Insert: "facilities"
8. Page 13, line 22.  
Strike: "of the department of institutions"
9. Page 13, line 25.  
Following: "the"  
Insert: "facility"

AND, as so amended,  
DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 4

19<sup>83</sup>

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 304

Respectfully report as follows: That SENATE Bill No. 304

Introduced bill, be amended as follows:

1. Title, page 10.  
Following: "MCA"  
Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Page 1, line 25.  
Following: "qualified"  
Insert: "and until their successors are appointed"
3. Page 2, line 4.  
Following: "qualified"  
Insert: "and until their successors are appointed"  
Strike: "An incumbent member shall continue to discharge the duties of his office until his successor is appointed."
4. Page 4.  
Following: line 13  
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as so amended,

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 4

19 83

MR. **PRESIDENT** .....

We, your committee on **STATE ADMINISTRATION** .....

having had under consideration ..... **SENATE** ..... Bill No. **211** .....

Respectfully report as follows: That ..... **SENATE** ..... Bill No. **211** .....

DO NOT PASS

XXXXXXXXXX  
XXXXXXXXXX

# STANDING COMMITTEE REPORT

FEBRUARY 4 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 286

Respectfully report as follows: That SENATE Bill No. 286

introduced bill, be amended as follows:

1. Title, line 7.  
Strike: "CITIZEN"  
Insert: "FIVE-MEMBER APPOINTED"
2. Page 3, line 7.  
Strike: "citizen"  
Insert: "five-member appointed"
3. Page 3, line 10.  
Strike: "citizen"  
Insert: "five-member appointed"

And, as so amended,

DO PASS

4/10