

MINUTES OF THE MEETING  
SENATE STATE ADMINISTRATION COMMITTEE  
FEBRUARY 14, 1977

The meeting was called to order by Senator Towe, Chairman at 11:00 a.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Brown, Rasmussen, Roskie, Story, Jergeson, and Blaylock with Senator Devine excused.

The following bills were discussed: SB 344  
SB 354  
SB 361  
SB 191

SENATE BILL 344

Senator Brown, District 10, sponsor of the bill, stated the bill provides for restrictive annual sessions. It requires a 60 day session in odd-numbered years and a 45 day session in even-numbered years which would handle only budget and finance bills, special requests of the Governor, and constitutional amendments.

He stated in order to be responsive to constituents and have some control over lawmaking, it must be attended to every year. Expenditures from the general fund have increased from \$194,000,000 in the 1972-1973 biennium to over \$415,000,000 in the coming biennium. Full time employees of state government have increased from 11,000 in 1970 to 14,500 in 1976. By adopting this legislation, there can be better control, fifteen more days of deliberation and with the restrictions the new legislation will be held to a minimum.

PROPOSERS

Joy Bruck, League of Women Voters, presented her written testimony to the committee (see attached #1).

Natalie Cannon, Common Cause, presented her written testimony to the committee (see attached #2).

Joe Renders, Montana Farmers Union, presented his written testimony to the committee (see attached #3).

OPPOSERS

Ed Nelson, Montana Taxpayers Association, spoke in opposition to the bill and presented written information to the committee (attached #4).

Zach Stevens stated the Montana Farm Bureau opposed the bill.

Bill Asher, Agricultural Preservation Association, opposed the bill.

Tom Winsor, Montana Chamber of Commerce, spoke in opposition to the bill.

There being no further proponents or opposers, the hearing was closed.



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#### SENATE BILL 354

Senator Rasmussen, District 16, sponsor of the bill, stated the purpose of the bill is to increase the funding of the Montana game warden's retirement system

#### PROPONENTS

Tom Schneider, Executive Director of the Montana Public Employees Retirement System, stated the system is not collecting enough at present to fund current expenditures. It will cost money to fund to an adequate level but it is better to catch it now before it goes any further in debt.

Larry Nachtsheim, PERS, stated the bill allows an increase to 18% from 17.66% for the cost of retirement and increases the state contribution from 7% to 11%. It knocks off the restrictions to beneficiaries as it has the potential at present to severely limit benefits in some cases.

Mel Wocheck, State Game Warden and Secretary of the Game Warden's Association, stated his support of the bill.

There being no further proponents or opponents, the hearing was opened to questions by members of the committee.

Senator Towe asked what the effect would be on the Fish and Game budget.

Mr. Schneider stated the Fish and Game Department worked with them on this and are aware of the cost to the department.

Senator Blaylock asked how many other funds are in this shape.

Mr. Schneider stated none that he knows of.

There being no further discussion, the hearing was closed.

#### SENATE BILL 361

Senator Devine, District 19, stated the purpose of the bill is to allow any Public Service Commissioner to approve travel expense claims.

#### PROPONENTS

Bill Smith, representing the Public Service Commission, stated the bill was introduced as a result of recommendations of the audit conducted last June.

There being no further proponents or opponents, the hearing was closed.



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Senator Blaylock moved SB 361 Do Pass. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 354

Senator Story moved SB 354 Do Pass. THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 344

Senator Brown moved SB 344 Do Pass.


Senator Roskie made a substitute motion to pass consideration for the day.  
THE MOTION CARRIED UNANIMOUSLY.

SENATE BILL 191

Senator Blaylock moved to amend page 3, lines 9 and 10 and page 3, line 11 (see amendments attached committee report). THE MOTION CARRIED UNANIMOUSLY.

Senator Brown moved Senate Bill 191 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting adjourned to reconvene at 7:30 p.m. February 15.

  
\_\_\_\_\_  
Thomas E. Towe, Chairman



513 ~~513~~

SENATE STATE ADMINISTRATION COMMITTEE

BILL

344  
344  
344  
5-91

VISITORS' REGISTER

DATE 3/19/77

NAME	REPRESENTING	BILL #	(check one) SUPPORT OPPOSE
<del>Louie Deady</del>	<del>---</del>		✓
<del>Tom Culson</del>	<del>---</del>		
Tom Culson			
Bob Kelly			
LORRIE PICKETT			
<del>John Smith</del>			
<del>John Smith</del>			
<del>John Smith</del>			
John Smith			
<del>John Smith</del>			
John Smith			
<del>John Smith</del>			
John Smith			
Kathryn A. Humphrey	Reg. Demo Women's Club	344	✓
Arthur Nelson			✓
<del>John Smith</del>			
John Smith			
<del>John Smith</del>			
John Smith			
<del>John Smith</del>			
John Smith			
<del>John Smith</del>			
John Smith			
<del>John Smith</del>			
John Smith			
Mrs. H. Henderson	Demo. Party Self - H. Falls ch. of commerce		
<del>John Smith</del>			
Elin Medders	Demo. Women's Club	344	✓



COMMITTEE

DATE \_\_\_\_\_

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Toy Bruck	LWV of MONT.	344	✓	
Mary Bell	self	328	✓	
Ernest M. Smartland	Montana Farm Bureau	344		✓
Edward W. Nelson	Mont. Taxpayers Assoc.	344		✓
Tom Wilson	Montana Chapter	344		✓
Bob Smith	ASC	361	✓	
John County Democratic Women		344	✓	
Sharon C. Brown		344	✓	
Lynne C. Henderson	120 L. H. V. Mont.	338		✓
Mrs. R. Henderson	Mont. Farmers Union	344	✓	
Mrs. R. Henderson	Self	344	✓	
Mrs. J. Henderson	Women's Assoc.	344	✓	
Mrs. J. Henderson	Women's Assoc.	344	✓	
Kenneth J. Goldsmith	Self	344		✓
Sam A. Anderson	Self	344		✓
M. B. Burke	Dem. Women Club - Missoula	344	✓	
Eda Lindblom	Democratic Women, Sheween Co.	344	✓	



## ROLL CALL

COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/14/22

[illegible]



NAME: Jay Curren

DATE: 2/24/77

ADDRESS: 1601 Alexander Helena

PHONE: 443-8772

REPRESENTING WHOM? *League of Women Voters of Montana*

APPEARING ON WHICH PROPOSAL: SB 834

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:



# LEAGUE OF WOMEN VOTERS OF MONTANA

1100 AVENUE B, N.W., GREAT FALLS, MONTANA 59404

B 344

Annual Sessions

1977

The League of Women Voters of Montana has given it's strong support to annual legislative sessions for years. The legislative branch is the citizen's voice in government, and the action of the legislature bears directly upon the life and welfare of the citizens. Therefore, we want to see a strong legislature - one that is as responsive as possible to the well-being and needs of the people of Montana. Can annual sessions do a better job of insuring this than biennial sessions? We think so.

Most of us have heard the merits of annual sessions discussed many times - accountability, responsiveness, efficiency, and many more. These are sound reasons for meeting annually, but there are other points we would like you to consider.

What happens when legislation is passed, and upon implementation, it is found to be unworkable - or it causes much confusion and hardship - or the ramifications were underestimated? We're stuck for two years until the bill can be amended or repealed, or we must bear the cost of a special session. Do difficult and controversial bills get the attention they would if we had annual sessions? Issues are studied during the interim, but, in biennial sessions, a study does not come back to the same Legislature. These studies have to be less effective in this type set-up since new legislators are not familiar with the problems and reactions to an issue that occurred in the previous session.

The League believes the Legislature should be equal in strength to the other branches of government, but, in a biennial session, the power to act has to be delegated to the Executive Branch for a long period. How can the Legislature take steps to at least partially solve this? Interim committees to study and "watchdog" are necessary, but is the creation of interim committees delegated with the power to control the Executive Branch in some areas the answer? We think not. That direction infringes on the much needed separation of powers and true representation. We think annual sessions is a better direction. It gives the Legislature the strength it needs, separation of powers remains effective, and all citizens are represented in legislative decisions.



SB 344

However, we do have a couple of suggestions to make. In the past, the pressure on the legislators has been almost overwhelming at times - we think shortening one session to 45 days wouldn't do much to relieve some of this pressure. Therefore, we would like to see the length of the even-numbered year extended to 60 days. This would not mean the Legislature would have to remain in session for the full 60 days, but you would have the cushion if you needed it. And, isn't it possible the public would be more receptive to you ending a session earlier than expected than extending it? Also, as I mentioned earlier, difficult and controversial legislation needs added study, and being able to carry it over and study it during the interim seems the best way to handle this, so we would like a carry-over provision added.

All branches of government should be run in an efficient and business-like manner for the well-being and needs of Montana and its citizens to be met in the best possible way. We do think annual sessions will do a better job of insuring this than biennial sessions. We would like you to consider the points we mentioned today and the suggestions which we feel would improve this bill.



# common cause of MONTANA

February 14, 1977

I am Natalie Cannon, representing Common Cause of Montana. Common Cause supports annual sessions of the legislature as we think this body and its members ought to be able to act in an accountable and responsive manner to the needs of their constituencies and the needs of the state in a more continuous time fram. Legislators are not elected for sixty or ninety days of service but for two or four year terms. Likewise, the needs of the state are not always apparent nor can they always be resolved in a 60 or 90 day pressure situation. It is particularly difficult in fiscal planning to project revenues and expenditures six months or a year ahead and almost impossible to do so with any accuracy two or three years ahead. Therefore, we feel that the budget and financing area in particular needs annual attention. Other areas needing decisions and resolving may be of such a complex and comprehensive nature that a year of careful, thorough interim study by the legislature and the public *could be* necessary -- but to put it off to another biennial session would be avoiding responsibility and begging the issue. Other urgent needs may surface that should not await being dealt with for two years. Special sessions are not adequate substitutes for regularly scheduled annual sessions for it usually takes an extreme emergency for such to be called.

Common Cause is not officially supporting SB344 in comparision to the other annual session bills that have been introduced. However, we do believe that limitations on the second year of a continuous session jare a reasonable and realistic approach to the needs and resources of Montana at this time.



TESTIMONY BEFORE THE STATE ADMINISTRATION COMMITTEE, MONTANA STATE SENATE,  
HEARING ON SENATE BILL 344, MONDAY, FEBRUARY 14, 1977.

I am Joe A. Renders, administrative assistant to the president of Montana Farmers Union, a statewide farm and ranch organization of approximately 7,500 family members, with headquarters in Great Falls.

Our organization, at its annual state convention last November, once again adopted as a part of its policy and program a plank supporting annual sessions of the Legislature.

State level problems are demanding faster legislative action. The energy and food crises are recent examples of problems requiring immediate attention on the state level because of national demands.

Calls for legislative action on social and economic problems show no sign of decreasing, and domestic programs administered by the state increase as federal programs are initiated, decreased or go unfunded.

Also, it is extraordinarily difficult for the Legislature to predict revenues and expenditures for a two-year period. Just during the last two years here in Montana, we've had significant effects from inflation, unemployment and low agricultural prices.

We are not ignoring the electorate's vote of 1974 denying annual sessions, but we do believe the circumstances of the wording on the ballot and non-publication of the Great Falls Tribune at that time might have distorted the outcome.

Additionally, we are hearing more frequently both publicly and privately of dissatisfaction with the adequacy of the Legislature's present methods of dealing with between-sessions problems.

We believe the answer to all of these issues is to have the full Legislature -- the people's branch of government -- meeting on an annual basis.

###



Art. V, § 4

1972 CONSTITUTION OF MONTANA

Section 5 of the Transition Schedule provides:

"(1) The terms of all legislators elected before the effective date of this Constitution shall end on December 31 of the year in which the first redistricting and reapportionment plan becomes law.

"(2) The senators first elected under this Constitution shall draw lots to establish a term of two years for one-half of their number."

Convention Notes

Revises 1889 constitution [Art. V, sec. 2] by adding requirement for staggered terms for senators.

Decisions under Former Provisions

For decisions relating to similar provisions in the 1889 Constitution, see annotations following sec. 2, Art. V of the 1889 Constitution in bound Volume One, Part 1.

**Section 4. Qualifications.** A candidate for the legislature shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

Convention Notes

Revises 1889 constitution [Art. V, sec.

dency requirements from one year to six months and eliminating age requirements.

NAME: Edward W. Nelson DATE: 2-14-77

ADDRESS: 1706-9th. Ave. Helena

PHONE: 442-2130

REPRESENTING WHOM? Montana Tax Payers Assoc.

APPEARING ON WHICH PROPOSAL: S.B. 344

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: Attached



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#### Convention Notes

Revises 1889 constitution [Art. V, sec. 3] by reducing district or county resi-

dency requirements from one year to six months and eliminating age requirements.

**Section 5. Compensation.** Each member of the legislature shall receive compensation for his services and allowances provided by law. No legislature may fix its own compensation.

#### Convention Notes

No change except in grammar [Art. V, secs. 5, 8].

#### Cross-References

Per diem, mileage and expenses of members, sec. 43-310.

#### Decisions under Former Provisions

For decisions relating to similar provisions in the 1889 Constitution, see annotations following secs. 5 and 8, Art. V of the 1889 Constitution in bound Volume One, Part 1.

**Section 6. Sessions.** The legislature shall meet each odd-numbered year in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members.

#### Compiler's Notes

Amendment proposed by Initiative Petition, adopted at the general election of November 5, 1974, effective December 31, 1974. The amendment deleted two sentences at the beginning of the section which read: "The legislature shall be a continuous body for two-year periods beginning when newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any other session of the legislature during the biennium." and rewrote the first sentence which read: "The legislature shall meet at least once a year in regular session of not more than 60 legislative days."

Section 1 of the Transition Schedule provides that this section shall be effective January 1, 1973.

#### Convention Notes

New provision. "Continuous body" does not mean the legislature is in continuous session but means the legislature has legal existence even when not actually meeting. It will have regular annual sessions of 60 days. A legislature cannot pass a law that it can meet for more than 60 legislative days but can provide that future legislatures may meet longer. Legislature as well as the governor may call a special session. [See 1889 constitution Art. V, secs. 5, 6.]

#### Cross-References

Special sessions, procedure for calling, secs. 43-319 to 43-325.

**Section 7. Vacancies.** A vacancy in the legislature shall be filled by special election for the unexpired term unless otherwise provided by law.



## Montana Taxpayers Association



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Telephone and Telegraph—JOHN J. BUCKLEY ..... Helena  
Timber Products—ROBERT N. HEDDING ..... Missoula

## Anderson To Address Cal-Tax

S. Keith Anderson, President and chief executive officer of the Montana Taxpayers Association will address the 51st Annual Meeting of the California Taxpayers Association in Sacramento on February 24th.

Robert C. Brown, executive vice president of the Tax Foun-

dation will address the meeting about federal legislative and budget outlooks of concern to taxpayers.

Eliot Janeway, political economist and author of "The Janeway Letter" as well as several books will be the principal speaker at the noon luncheon. He is former editor and writer for Time, Fortune and Newsweek.

- |   |       |
|---|-------|
| B. As needed  | 50.9% |
| C. Less than needed   | 11.0% |
| 11. Do you believe the current level of funding for public schools is:        |       |
| A. More than needed   | 52.3% |
| B. As needed  | 41.0% |
| C. Less than needed   | 6.7%  |
| 12. Do you believe the current level of funding for the University System is: |       |
| A. More than needed   | 49.7% |
| B. As needed  | 43.4% |
| C. Less than needed   | 6.9%  |
| 13. Do you believe the current level of funding for Community Colleges is:    |       |
| A. More than needed   | 43.4% |
| B. As needed  | 42.8% |
| C. Less than needed   | 13.8% |
| 14. Do you believe the current level of funding for area Vo-tech schools is:  |       |
| A. More than needed   | 18.8% |
| B. As needed  | 40.9% |
| C. Less than needed   | 40.3% |
| 15. Local governments will be asking  |       |

## Montana Tax Membership Opinion Survey

1. Are you in favor of a limit on the

Yes 89.8% No 10.2%

15. Local governments will be asking



GILL ASHER

21 119 71

K7 2 Box 166 JHANNATHAN

284-6667

AGRICULTURAL PRESERVATION ASSN'

SP 344

SUPPORT?

1

1. <https://doi.org/10.1016/j.jmb.2018.05.001>



NAME: John W. Moore DATE: 7/14/77

ADDRESS: 1500 Will Ave

PHONE: 417-2805

REPRESENTING WHOM? Mortimer Wheeler

APPEARING ON WHICH PROPOSAL: SB 344

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: \_\_\_\_\_

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# STANDING COMMITTEE REPORT

February 14

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 361

Respectfully report as follows: That Senate Bill No. 361

DO PASS



# STANDING COMMITTEE REPORT

February 14, 1977

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 354

Respectfully report as follows: That Senate Bill No. 354

DO PASS



# STANDING COMMITTEE REPORT

February 11, 1977

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 121

Respectfully report as follows: That Senate Bill No. 121, introduced bill, be amended as follows:

1. Amend page 3, section 2, lines 9 and 10.  
Following: "candidate"  
Strike: "by means of a party caucus for the appropriate senate district"  
Insert: "as provided in 23-3406"
2. Amend page 3, section 2, line 11.  
Following: "of"  
Strike: "such a caucus"  
Insert: "the selection process"

AND AS SO AMENDED, DO PASS

DO PASS