

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
MARCH 26, 1977

The meeting was called to order by Senator Towe, Chairman, at 8:00 a.m. in the Governor's Reception Room of the Capitol Building. Committee members present were Senators Towe, Story, Devine, Blaylock, Jergeson, Roskie and Rasmussen. Senator Brown was excused.

The following bills were discussed: HB 791

HB 795

HB 791 Representative George Johnston, District 13, stated he had introduced the bill at the request of the House State Administration Committee. He stated he had introduced HB 133 but its provisions were not broad enough so this bill was drawn up to include the department carrying out the functions of the department; the Director is in charge of personnel hiring and firing; the Commission retains their functions, and personnel has the right to appeal to the Labor Appeal Board rather than the Commission.

Proponents

Bob Lohn, staff attorney representing the Governor, stated the bill brings the Commission up to date and draws the line between functions of the department, the director, the Commission and the

personnel. The Director will serve as any other department director and at the pleasure of the Governor.

Mons Tiegen, representing the Montana Stockgrowers Association, stated they support the bill in its present form as it will help resolve many past problems.

Bob Gilbert, representing Montana Woolgrowers Association, spoke in favor of the bill.

Peter Jackson, representing the Western Environmental Trade Association, supported the bill.

Bill Asher, representing the Agricultural Preservation Association, urged full support of the bill.

Opponents

Jack Cohn, sportsman, farmer and Fish and Game Commissioner, gave a brief history of the bill. After having two attorneys check the bill they determined it takes away 125 rights of the Commission as well as the whole checks and balance system between the Commission and the Director. He also noted the game warden qualifications had been stricken.

Gary Stuker, representing Hill County Wildlife Association, stated definite guidelines are needed for the director and the commissioners need some teeth but have been stripped of them.

There were no further proponents or opponents and Representative Johnston closed by stating he had met with the five commissioners and they had approved the bill. He felt under the present law the Director is no more than a secretary to the commissioners.

Questions by Committee

Senator Blaylock asked what the bill really does. Mr. Lohn answered it give clear administrative control within the department to the director and defines the responsibilities of the commission-- that being a shift of power of sorts but only in defining function.

There being no further questions, the hearing was closed.

HB 795 Representative Bardanouve, sponsor of the bill, stated the bill is the result of concern over the recall initiative that passed in the general election. It was passed by over 40,000 votes which certainly makes it a mandate of the people and the people who worked on it should be commended, however its definitions are ambiguous and it does not clarify or conform to present law.

He further stated the law does provide for amending an initiative measure. It has been thoroughly researched

by three legislative council researchers, reviewed by the Secretary of State for conformity to election laws; Larry Elison in the Governor's Office reviewed the bill, and then it was checked out by the Attorney General.

The bill defines the official list of voters as a list of registered voters. Representative Bardanouve stated a federal judge cannot be recalled according to federal law and only members of the body can pass on the qualifications of a member of Congress. The bill also clarifies who may sign a recall petition. Only people eligible to vote for the person being recalled can sign the petition. The expense of a recall election will be born by the state rather than the county where the petition originates.

Representative Bardanouve presented a copy of research material from legislative council to the committee (see attached #1).

He further stated of the 31 states having recall, Montana's is the most liberal. The initiative stated anyone for any reason can be recalled and he stated this is the most dangerous part of it. The initiative as originally written would reduce public officials to puppets as they would only do the popular thing at any given time.

Proponents

Jim Murray, Executive Secretary of the Montana State AFL-CIO supported the bill. He noted that under the current initiative minority rule would prevail.

Representative John Scully, District 76, stated, as Chairman of the House Judiciary Committee, HB 795 is the best researched bill of this session. The mechanics are perfect.

Margaret Davis, League of Women Voters, supported the bill (see attached #2).

Opponents

Wyverne Cranmore, Ravalli County Farm Bureau, spoke in opposition to the bill (see attached #3).

Bill Koerner, representing Independent Americans, stated their group worked hard on the initiative and got over 60,000 signatures. He felt the public should have the power to recall any official who is paid by the electorate. He stated they were opposed to all the changes in the bill.

Bud Wallace, representing himself, asked why the originators of the initiative weren't contacted about the bill. He noted that some legislators said they had voted for the bill without being thoroughly familiar with it.

Peggy Christianson, representing herself, quoted the Constitution, Article 3, Section 4, regarding initiatives. She was especially adamant that citizens have the right to recall members of the judiciary.

Mary Ann Carlin, representing Independent Americans, opposed the bill (see attached #4).

Steve Trenka, representing the Citizens' Protective Association, Billings, asked what officials were afraid of--how many people have been hurt by recall? He said no one was out to "get" anyone and they would give credit where credit was due. He stated 80 per cent of public employees are appointed and should be subject to recall.

Jimmy Shea, Public Service Commissioner, stated he neither opposed or supported the bill but wished to make two points regarding it. First, who determines what constitutes a physical or mental lack of fitness, and second, the time limit of three months to initiate a recall process is too short.

Mabel Trenka, secretary of the Citizens' Protective Association, Billings, stated she concurred with previous testimony.

Senator Towe allowed all who supported or opposed the bill to stand and state their names and position on the bill.

John Scully (Representative) presented a copy of the hearing schedule and committee report to the committee regarding previous testimony to the effect that adequate notice was not given in the House on the bill.

Representative Bardanouve closed by saying we must have law based on law, not on an official's interpretation of it. He stated the rule of the minority can become as much of a tyranny as the majority who take away the rights of the minority.

Questions by the Committee

Senator Towe asked if we have the right to limit the initiative if the people voted on it the way they did.

Representative Bardanouve stated they didn't know what they were voting on as the wording is very ambiguous.

Senator Towe asked about the three month time limit on circulating a petition.

Representative Bardanouve stated three months should be adequate as you don't want a threat of this nature

hanging over an official's head for an indefinite period of time.

Senator Rasmussen asked Mr. Koerner if the initiative had originally been written as the bill is now, would it have passed as overwhelmingly.

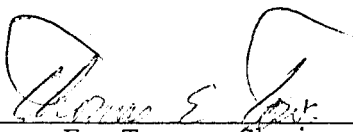
Mr. Koerner stated no it wouldn't have as it isn't what the people want.

Senator Towe asked if the rumor was true that recall petitions were being initiated against the sponsor and signers of the bill.

Mr. Koerner stated this would be sufficient grounds for recall as it goes against the will of the voters.

There being no further questions, the hearing was closed.

There being no further business, the meeting adjourned to reconvene Monday, March 28, 1977, at 11:00 a.m.



Thomas E. Towe, Chairman

ROLL CALL

State Administration COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3/20/77

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.	X		
Senator Bob Brown			X
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	X		
Senator John W. Devine	X		
Senator Greg Jergeson	X		
Senator Chet Blaylock	X		

Each day attach to minutes.

3/86/22

At the University of Toronto

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Ruth Corleap	self	795		✓
Mimi Snyder	self	795		✓
Lebbie Johnson	self	795		✓
Joe Bean	"	795		✓
Don Foster	SELF	795		✓
Bjale ASHER	AGRI. PRES. ASSN.	791	✓	
Raymond Johnson	self	795		✓
Margaret Davis	League of Women Voters	795	✓	
Walter Cannon	West. Convention Comm.	793	✓	
Earl T. ...		795		✓
Mary Ann ...	West. ...	795		✓
Evelyn Whitworth	self	795		✓
Theresa ...		795		✓
Nancy ...	self	795		✓
...		795		✓

(Please leave prepared statement with Secretary)

NAME :

DATE: _____

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Robert N. Gilbert

DATE:

3-26-77

ADDRESS:

Box 1693 Helena

PHONE:

442 1330

REPRESENTING WHOM?

Montana Wool Growers Assn.

APPEARING ON WHICH PROPOSAL:

HB 791

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

THIS Bill is long overdue. While the press states it takes powers away from the commission the bill actually clearly defines not only the commission powers but that of the director & department. We feel this bill will give direction to all concerned.

As for provisions allowing the Gov. to remove the director, that's the way it is for all other departments a fish & game should be included.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Peter Jackson

DATE: 2-26

ADDRESS: Helena Mond

PHONE: 443-5541

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HB 791

DO YOU :

SUPPORT?



AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE: 3-26-77

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Jack E. John

DATE:

2/28/77

ADDRESS:

1510 Illinois

PHONE:

442-2041

REPRESENTING WHOM?

no one but myself

APPEARING ON WHICH PROPOSAL:

HB 791

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

✓

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Jay Stephens

DATE:

3-26

ADDRESS:

Box 282

PHONE:

265-4405

REPRESENTING WHOM?

Hill County Wildlife Assoc

APPEARING ON WHICH PROPOSAL:

791

DO YOU:

SUPPORT?

AMEND?

✓

OPPOSE?

or

✓

COMMENTS:

Tenure of Department heads &
Regional Coordinators should be proposed
by Director but approved by the
Commission

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

/

MATERIAL TO ACCOMPANY HB 795

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Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59601

LUNDY SHOPPING CENTER
MISSOULA HIGHWAY

REMARKS OF JAMES W. MURRY ON HOUSE BILL 795, HEARINGS OF THE SENATE STATE
ADMINISTRATION COMMITTEE, MARCH 26, 1977

I am appearing on behalf of the membership of the Montana State AFL-CIO who, during our annual convention last summer, adopted a firm policy statement of opposition to Initiative 73, the Montana Recall and Advisory Recall statement of opposition to Initiative 73, the Montana Recall and Advisory Recall Act.

Quoting from that policy statement, I would like to make it clear that the Montana State AFL-CIO is opposed not to the concept of recall, but to the conditions for recall as set forth in Initiative 73. Our position states that "the petitions for recall elections should be for illegal activities or gross misconduct by an elected or appointed official, not at the whim or fancy of a small group of individuals."

It has been publicly established that the people behind the recall initiative are members of some ultra-conservative political groups operating in this state. Initiative 73, without the safeguards proposed in House Bill 795, would provide minority groups with a free license to remove from office any state official who disagrees with their political philosophy.

Under the wording in the initiative, all they would have to come up with is 10 per cent of the electors voting in the preceding general election in order to put the recall machinery into motion. But it is the grounds for recall specified in the initiative that worries us. According to the initiative, "any reason causing the electorate dissatisfaction with a public official shall be sufficient grounds for recall, notwithstanding a good-faith attempt to perform the duties of his office."

We're not saying that the recall initiative is dangerous and irresponsible just because it happens to be supported by a group of people with a political philosophy that differs from the Montana State AFL-CIO. We would be equally concerned about this issue if Initiative 73 had the backing of the Farmers' Union or the ACLU because the threat of government by minority would be just as real. Any time you talk about removing public officials for any reason that causes dissatisfaction among 10 per cent of the voters, you're talking about minority rule, and we don't care what political philosophy is represented by that 10 per cent.

True representative government is based on majority rule and you, as lawmakers, would be acting irresponsibly to allow a small group of voters, no matter what their philosophy, to tyrannize this state by removing officials without good cause. House Bill 795 eliminates that hazard, and for that reason, we urge your support of this legislation.

POLICY STATEMENT #2

As in years before, the John Birchers, Right-to-Workers, and other groups of ultra-conservative leanings have come forth with another form of minority rule. Initiative number 73, The Montana Recall and Advisory Recall Act, provides for the recall of any person holding office, either elective or appointive, for any reason, regardless of a good faith attempt to perform his duties. Ten per cent (10%) of the voters in the previous general election, could demand the recall of a state official. For county and city or town, fifteen per cent (15%) and twenty per cent (20%) respectively are required for recall of elected or appointed officials.

The right-wing elements in Montana could possibly remove any official who disagreed with their political philosophy, for the minority 10% could challenge any opponent two months after election. Under the provisions of this initiative any person or group of persons need no legitimate reason other than dislike or disapproval to petition for a recall election.

The Montana State AFL-CIO does not oppose the concept of recall, only the conditions for recall. Petitions for recall elections should be for illegal activities or gross misconduct by an elected or appointed official, not at the whim or fancy of a small group of individuals.

The Montana State AFL-CIO vehemently opposes any attempt by the ultra-right to force minority rule on the democratic majority. Our form of government was founded on the principle of "by the people and for the people", not by a person and for all the people.

Submitted by the Executive Board of the Montana State AFL-CIO
Convention voted concurrence.

#2
NAME: Margaret S. Davis DATE: 26 Mar 77

ADDRESS: 917 Harrison Helena MT

PHONE: 443-3487

REPRESENTING WHOM? League of Women Voters of Montana

APPEARING ON WHICH PROPOSAL: HB 795

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The League of Women Voters is concerned over the lack of clarity in Initiative 73 as passed in Nov 76. The definitions alone contained in HB 795 are important and merit passage.

HB 795 also brings the Recall Act into better technical shape - clarifying the petition procedure and making those sponsoring the recall drive publicly known & responsible for their actions.

The League feels repealing the advisory recall portions of HB 795 is desirable. Such elections would be enormously expensive and their results would not be binding.

Finally recall is a legitimate means for citizens to express their displeasure with an official. But depending on the formula used and the grounds for recall required, such acts can have the potential for harassing dedicated elected & appointed officials who are acting well within the legal scope & duties of their offices. The League particularly supports ^{the part of} Section 3 (sub. 6 3, ~~time~~ ^{page} 3, line 25) which says that no one can be recalled for obeying the law.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Kyrene Chambers DATE: 3/26/77

ADDRESS: 1135 N. Lincoln St. Corvallis, OR

PHONE: 961-3312

REPRESENTING WHOM? Boyle Co. Farm Bureau, W. Oregon

APPEARING ON WHICH PROPOSAL: HB 795

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Since this bill negates an initiative
passed by a majority of the people only
4 months ago it is an insult
a gross insult to the intelligence of
the public.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Peggy Chabon

DATE:

ADDRESS:

Dear today

PHONE:

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

HB 795

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

☒

COMMENTS:

The People initiate or voted on the
recall law and the Rep have no
legal right to do anything with

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MARY ANN CARLING DATE: 3-26-73

ADDRESS: RT 1 Box 88E Butte, MT.

PHONE: 494-3425

REPRESENTING WHOM? An Independent Montana American

APPEARING ON WHICH PROPOSAL: 795

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: "Judge say give the power to the people" -
the appointed or elected officials are likened to
the tail that wagged the dog (U.S.) - We the
people - have the right to hire (elect or
appoint) or fire for cause - Right
of appeal is given to these persons, as
citizens of U.S., i.e. 14th Amendment...
nor shall any State deprive any person of
life, liberty, or property, without due process
of law nor deny to any person within its
jurisdiction the equal protection of the laws.
Check; Balance - as citizens of this
Republic our right
"Election or appoint does not give Divine Right."

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

"D. of Indep. ... That to secure these rights,
Governments are instituted among Men, deriving
their just powers from the Consent of the
governed.

Every time the rights guaranteed under the
Constitution of the U.S. are strangled - less rights of
my children; grand children; yours
too. Judas people - ~~we~~ sell our
soul, rights for 30 pieces of silver
(now inflated.)

"Election costs \$

but our rights & freedoms are more
precious."

We elect them; they
"don't trust our judgment"

We are not as petty as portrayed.
minority rule - What do we have today?
~~no matter what there ~~is~~ ~~is~~~~

~~a~~ political ~~idea~~ belief

How much time spent - investigation of each
~~bill~~ bill passed. How much is rubber
stamped to save time. As it will pass anyway
Montanans can think for themselves

WEEKLY SCHEDULE OF HEARINGS

For the week of						
Feb.	21	22	23	24	25	26
	MON.	TUES.	WED.	THURS.	FRI.	SAT.
434 AGRICULTURE LIVESTOCK & IRRIGATION 10:05 T/Th		SB 89				
225 Tres. Office APPROPRIATIONS 8:00						
434 BUSINESS & INDUSTRY 10:05 M/W/F 7:30 p. M/W/ F	HB 380 - 530-487 536-597 10:05 A.M. HB 790-786 @ 8:30 P.M.		HB 784 688- 10:05 AM			
431 EDUCATION 10:05 M/W/F 7:30 p. M/W/F	HJR 72 @ 10:00 AM		HB 624 467-816 HJR 84 @ 10:05 A.			
434 FISH & GAME 12:05 T/Th		SB 281 HJR 82				
436 HIGHWAYS & TRANSPORT 10:05						

NAME:

Steve TRENKLE

DATE:

3/26/77

ADDRESS:

1530 Bitterroot DR

PHONE:

259-4625

REPRESENTING WHOM?

myself - Citizens Protective Group Assoc.

APPEARING ON WHICH PROPOSAL:

Recall Bill 795

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

many comments for the
support of recall and its
Constitutional rights of the people
as voted on by initiative
and not as amended
in the final bill

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Wabel Trunka

DATE:

3/26/77

ADDRESS:

1530 Billings Ave Billings MT

PHONE:

259-4125

REPRESENTING WHOM?

Citizens Protection Assoc.

APPEARING ON WHICH PROPOSAL:

H.B. 795

DO YOU:

SUPPORT?

original

AMEND?

OPPOSE?

as amended

COMMENTS:

We oppose the "ambiguity" of the language in the amended bill in that it calls for no signature on the petition and the board for the petition can take no to spare opportunity to throw out sincere petitions and distort the results of free will.

People who sign the petition are taking advantage of their constitutional rights and should not be denied those rights because of a mere technicality.

(PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY)

February 24, 1977

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 795

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE MONTANA RECALL AND ADVISORY RECALL ACT, INITIATIVE NO. 73, TO CLARIFY THE SCOPE OF ITS APPLICATION, TO SPECIFY GROUNDS FOR RECALL, TO ESTABLISH MORE DEFINED RESPONSIBILITIES ON THE PART OF PETITIONERS, TO CORRECT AND CLARIFY CERTAIN ADMINISTRATIVE PROVISIONS OF THE ACT. TO REMOVE ADVISORY RECALL PROCEDURES FOR U. S. DISTRICT JUDGES, TO REMOVE THE APPLICATION OF THE ACT TO REPRESENTATIVES IN CONGRESS, TO CORRECT CERTAIN ERRORS IN FORM, AND TO REPEAL CONFLICTING STATUTES; AMENDING SECTIONS 1, 2, 4, 7, 8, 10, 11, 13, 15, 16, 17, AND 19 OF THE MONTANA RECALL AND ADVISORY RECALL ACT; AND REPEALING SECTIONS 11-721.1, 11-3132, 11-3220, AND 11-3220, AND 11-3540, R.C.M. 1947, AND SECTIONS 20, 21, 23, AND 24 OF THE MONTANA RECALL AND ADVISORY RECALL ACT."

Respectfully report as follows: That HOUSE Bill No. 795

DO PASS

COMMITTEE HEARINGS

JUDICIARY

Name of Committee

February 18, 19 77
Date

The following bills will be heard in committee in 436,
Room No.

Place or location, on Weds. 23rd, 19 77, at
Date

7:30 a.m.

Time

☒ ~~xxx~~ ~~xxx~~ ~~xxx~~

☐ P.M.

HB 639, 795

M. E. Connelly, Sec.
Committee Chairman for
Judiciary
Committee

Martha B. McGee, Chief Clerk
House of Representatives

HINGHAM GROCERY

Phone 397-2155

"Quality Meat & Groceries"

P.O. Box ~~577~~ 187
Hingham, Montana 59528

State Administration Comm.
Helena Mont

Dear Sir:

I would like to see HB791 either Killed
or Amended so the Commission has power
of approval over dept heads and regional
Coordinator.

Sincerely,

Ray Nitz

NAME: Robert Christensen DATE: 3-26-77

ADDRESS: Box 802 Deeridge Mount.

PHONE: 846 3945

REPRESENTING WHOM? Whitman Nat

APPEARING ON WHICH PROPOSAL: H R 795

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Unfavorable view of ER people

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Bud Wallace

DATE:

ADDRESS:

710 So. Front & Hamilton

PHONE:

363 2433

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

L

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Don Van Dyke

DATE: 3-26-77

ADDRESS: Rt 4 Box 81 Bozeman

PHONE: 587-2842

REPRESENTING WHOM?

795

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: KENNETH L. KERSHNER DATE: 3/26/77

ADDRESS: Rt. 1, Box 63, VICTOR, MT 59875

PHONE: 961-3717

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: H.B. 795 (SB 403)

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: The Recall and Advisory Act started
as an initiative by citizens of Montana. It
was passed by the voters of Montana and
is an expression of the desires of Montana
people. The introduction of H.B. 795, which
decapitalizes the act, is an arrogant
breach of faith with the citizens of Montana.
H.B. 795 is contrary to the wishes of
the Montana citizens and should therefore
be killed.

Any needed improvements to the Act
should be referred back to the
citizens for approval.

Kenneth L. Kershner
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

We the people are responsible for what occurs in our state & nation. We are the masters and those who serve must be ^{accountable} ~~answerable~~ for their actions. The recall law is desirable as it ~~now~~ exists because it allows people to legally challenge their public servants. The Challenged may be retained or removed from their position by ~~the~~ the ultimate court in the land, the people and their ballot. Any person seeking to exempt himself from this procedure of redress is saying to me that the majority of the voters who voted for the current recall law are untrustworthy, uninformed, and illiterate beings ~~only~~ ^{only} worthy of laboring and paying 40% of their income to support government.

The recall process is a reasonable method involving several steps and can hardly be considered arbitrary as some officials seem to fear. first circulation of petition, then validation, next placement on the ballot, public media input, finally the vote. What better method, ^{may I ask,} can be devised ^{for} than everyone from the Governor on down being held ^{accountable} ~~answerable~~ to the people.

NORMAN HOCKMAN

Belgrade 388-4618

NAME: BOB PUTNAM DATE: MARCH 26

ADDRESS: Box 2126 Rt 2 HAMILTON MONT

PHONE: 261-4360

REPRESENTING WHOM? INDEPENDANT AMERICANS

APPEARING ON WHICH PROPOSAL: AMENDMENTS TO RECALL LAW

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: A MAJORITY OF MONTANA CITIZENS VOTED
TO BRING INTO EXISTANCE A RECALL LAW THAT
WOULD GIVE US THE POWER TO RECALL CORRUPT
OR INCOMPETENT PUBLIC SERVANTS. I OBJECT
STRONGLY TO ANY ALTERATION IN THE LAW AS
IT NOW STANDS AND PARTICULARLY ANY AMEND-
MENTS THAT WOULD ALTER THE % REQUIREMENTS
OR THE ABILITY OF THE CITIZENS OF THIS STATE
TO HAVE AN ACCOUNTING FROM ALL OF OUR
PUBLIC OFFICIALS

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Members of The Committee

I think it is fortunate that we have two Houses in the next legislature. This bill slipped thru the House without a dissenting vote. It should not have had this easy passage at the minimum. It should have had my "no" vote.

I urge this Committee to take a hard look at those amendments to the Recall Referendum. I think much was deleted that should be restored.

Referring to
HB 795

Thank you for your consideration
Rep Elmer D. Severson
Dist 92 Ravalli Co.

NAME: Gene Snyder (Nini) DATE: March 26, 1977

ADDRESS: 1610 Cannon #5 Helena

PHONE: 442-8668

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: 795

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: I am an individual and I want
to protect our state of Montana and maintain
honesty and morals in our country.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: NORMAN Hoekman DATE: MAR 26

ADDRESS: Belgardo

PHONE: 388 4617

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 795

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: _____

I would like permission to speak

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Box 114
Sula, Mont.
Mar. 28⁸⁷, 1977

Senator Tom Tone
Capitol Station
Helena, Mont. 59601

RE: H B 795

Dear Senator Tone:

Thank you for your March 22 reply; my testimony was not given at the hearing; so I have enclosed the pink sheets, as the secretary was gone when I finished mine.

The biggest rub to me and to most I know is that Mr. Bardanouve openly professes to have chopped and changed the Recall Law with his H B795 axe strictly for our benefit; and yet has obviously condoned the big package of benefits through the House with as much secrecy as possible.

This does not compute, ignorance of the people notwithstanding.

Which brings up the biggest rub; Mr. Bardanouve's position that the great proletariat cannot determine what is best for them.

It is the biggest rub because it has been stated by other legislators also, as well as implied by many more, including the 94 other representatives who voted for HB795, and by one of your committeemen.

I have compared HB795 with Initiative #73 and I am confident that my understanding of basic semantics is sufficient to determine that HB795 is no benevolent package of benefits, but simply rather a brazen attempt to jerk the teeth out of our Recall Law.

I intend to follow 795 closely and to do whatever necessary and possible to protect our right to recall. It is past time to establish just how ignorant the peasants really are.

Thank you for your time and consideration.

Sincerely,

Les Bean

cc. Senator Russ Bergren

April 5, 1977

Les Bean
Box 114
Sula, Mt. 59871

Dear Les:

I received your letter and testimony on House Bill 795 and will see that your comments are entered into the record.

I appreciated the participation of the many people who opposed the bill. Your arguments are sound and I agree.

Sincerely,

Thomas E. Towe
Senator, District 34

TET/mas

NAME: LES BEAN DATE: MAR 26, 1977

ADDRESS: Box 114, Sula MT 59871

PHONE: 821-3848

REPRESENTING WHOM? SELF, FRIEND & NEIGHBORS

APPEARING ON WHICH PROPOSAL: HB 795

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: I HAD HOPED TO TESTIFY AS I THINK I REPRESENT
A PORTION OF THE VOTERS WHO PROBABLY ARE NOT USUALLY
REPRESENTED AT THESE HEARINGS; THAT IS, THOSE WHO ~~WOULD~~
PAY LITTLE ATTENTION TO WHAT CARRIES ON IN HELENA. MANY
PEOPLE WHO ORDINARILY "COULDN'T CARE LESS ABOUT POLITICS"
ARE UPSET ABOUT HB 795. THE MAIN OBJECTION TO THE LAW
AS IT EXISTS APPEARS TO BE FEAR OF "MINORITY CONTROL."
I ~~SEE~~ ^{SEE} NO WAY THAT THE 70% MANDATE IN NOV. ~~WAS~~
THE 90% + SURVEY RESPONSE IN FAVOR OF RETAIL, AND THE
70% MAJORITY VOTE NEEDED TO REMOVE AN OFFICIAL ~~FROM OFFICE~~
COULD BE ~~CONSIDERED~~ ^{CONSIDERED} REPRESENTATIVE OF "MINORITY INTERESTS."
THE 2ND OBJECTION APPEARS TO BE FEAR OF AN OFFICIAL
BEING REMOVED FOR PERFORMING A MANDATORY DUTY OF
OFFICE. THE MORAL ASPECT OF PERFORMANCE OF DUTIES
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NOT WITHSTANDING (WHICH I COMPLETELY AGREE WITH);
I SINCERELY DOUBT THAT A MAJORITY OF VOTERS WOULD
REMOVE AN OFFICIAL FROM OFFICE FOR ANY ACT, HOWEVER
UNPOPULAR, IF THEY WERE AWARE THAT THE PERFORMANCE
OF THE ACT ~~WAS~~ WAS INDEED MANDATORY. AFTER ALL, WHAT
WOULD BE GAINED, SINCE ~~THE~~ ^{HIS} REPLACEMENT WOULD
(COW)

OBVIOUSLY BE SUBJECT TO THE SAME MANDATORY REGULATION?

IN SUMMARY, THEN I FAIL TO SEE JUSTIFIABLE REASONS FOR THE MAIN OBJECTIONS AS OFFERED. THE ONLY REASONS FOR SUCH DEGREE OF CONCERN CAN ONLY BE OF A NATURE WHICH THESE PEOPLE CARE NOT TO MAKE KNOWN, IS THE ESSENCE OF MY AND MANY OTHERS EVALUATION. (THE FACT THAT MR. DRISCOLL & MR. SEVERSON SAID NOTHING TO NO ONE WHILE HOME AFTER VOTING ON THIS BILL TELLS US AS MUCH AS ANYTHING ~~ELSE~~, NOT TO MENTION THE FACT THAT THE ALLEGED "IMPROVEMENTS AND AMENDMENTS" WERE NOT BROUGHT TO THE ATTENTION OF THE PEOPLE IN GENERAL AND THE GROUP WHO SPONSORED THE RECALL LAW IN PARTICULAR) (BEFORE FORMING HB795)

ALSO, REGARDING THE ALLEGED "LEGAL UN-WORKABILITY" OF THE LAW, IS IT NOT THE RESPONSIBILITY OF THE JUDICIAL BRANCH OF THE GOVERNMENT TO MAKE SUCH A DETERMINATION, NOT THE LEGISLATIVE? AND EVEN IF SO, HOW IS HB795 ANY MORE "WORKABLE" LEGALLY?

LASTLY, THE "UNWARRANTED COSTS" ARGUMENT IS QUITE INCIDENTAL, BECAUSE I AM SURE THAT THE ~~MAJORITY~~ OF ELECTORATE WOULD HAVE ALREADY DETERMINED IT TO BE MORE ECONOMICAL TO REMOVE THE OFFICIAL THAN TO LEAVE HIM IN, OR THEY WOULD NOT ATTEMPT TO RECALL IN THE FIRST PLACE.

NAME: RON PORTER DATE: MAR 26, 1977

ADDRESS: RR #1 Box 1235 Hamilton, Mont. 59840

PHONE: 363-3432

REPRESENTING WHOM? SELF + CONCERNED RESIDENTS OF RAVALL COUNTY

APPEARING ON WHICH PROPOSAL: HB 795

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: I think this is a flagrant violation of the
PEOPLE'S RIGHTS after overwhelming voting in
FAVOR of the ORIGINAL RECALL MEASURE in the
LAST GENERAL ELECTION.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.