

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 3, 1981

The nineteenth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members of the committee were present.

ACTION ON SENATE BILL 189: Senator Towe moved that this bill DO PASS; this was defeated, so reverse vote made it DO NOT PASS. This passed by majority with Senators Ryan and Towe voting No.

ACTION ON SENATE BILL 190: Senator Kolstad moved that this bill DO NOT PASS. This carried by majority with Senators Ryan and Towe voting No.

ACTION ON SENATE BILL 194: There was discussion among the members on this bill with Senator Towe moving amendments. This was substituted by a motion that this bill DO NOT PASS by Senator Hammond. It carried by majority, with Senator Towe voting No.

ACTION ON SENATE BILL 257: Senator Towe moved amendments which passed. There was a discussion of the fiscal note attached, which to them seemed too substantial. Senator Towe moved this bill DO PASS, AS AMENDED. This carried by majority with Senators Kolstad and Hammond voting No.

ACTION ON SENATE BILL 274: There was discussion about the suggested increase being justified. Senator Kolstad moved to amend the figure to \$40 on page 3, line 3. This carried by unanimous vote. Senator Hafferman moved that the bill DO PASS AS AMENDED. This carried unanimously.

ACTION ON SENATE BILL 321: There was a discussion on suggested amendments by Senator Halligan, sponsor of the bill. Senator Hammond moved the amendments DO PASS; unanimous vote yes. Senator Towe moved other amendments which carried by unanimous vote. Senator Towe moved this bill DO PASS AS AMENDED. It passed unanimously.

ACTION ON HOUSE BILL 149: Senator Towe moved this bill DO PASS. This passed by majority vote with Senators Kolstad, Hammond, and Hafferman voting No.

Minutes of State Administration Committee meeting

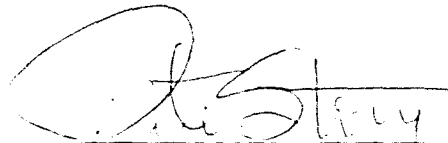
Senator Towe moved to request a committee bill to be drafted on legislative expenses. It had been agreed that \$50 or less, whichever is actual, be incorporated in the bill. This passed by unanimous vote.

CONSIDERATION ON SENATE JOINT RESOLUTION 7: Senator Kolstad moved this bill DO PASS; it carried by majority vote with Senator Towe voting No.

See attached standing committee reports and roll call vote records for the above bills.

GOVERNOR'S APPOINTMENTS: These were received in the office Monday, February 2, 1981. At the February 3 meeting each member of the committee was assigned persons on the list with reports to be due February 20. Senator Kolstad asked if there will be a public hearing, and Senator Story stated he will announce to the news media when the reports will be done before a public hearing. They will be heard in committee before the public hearing.

ADJOURNMENT: 10:55.

A handwritten signature in dark ink, appearing to read "Pete Story", written over a horizontal line.

PETE STORY, Chairman

1971

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2-3

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.



TED SCHWINDEN
GOVERNOR

State of Montana
Office of the Governor
Helena 59620

February 2, 1981

The Honorable Peter Story
Chairman
State Administration Committee
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Story:

I am submitting to you biographical information on recent appointments made by Governor Schwinden. I am also attaching a copy of a legal opinion that was prepared at my direction regarding when appointees may assume office on quasi-judicial boards with fixed terms for members. That opinion concludes, "When the Legislature is in session, a newly appointed member to a quasi-judicial board cannot act in his official capacity until he is confirmed by the Senate. Conversely, an incumbent member of a quasi-judicial board whose successor is appointed, "holds over" in his office until his successor is confirmed." For this reason, the earliest possible consideration of confirmation proceedings is requested. I realize that your schedule is demanding and would offer any assistance that the Office of Governor can give in supporting your deliberations. The following are the appointments to this date:

AS MEMBERS OF THE BOARD OF AERONAUTICS:

Jim McLean. McLean, 38, is a partner in the Bozeman law firm of Drysdale, McLean, Srenar and Cok. He received his law degree from the University of Montana in 1967. From 1969 through 1970, he was District Vice President of the 18th Judicial District of the Montana Bar Association. McLean was elected President of the Gallatin County Bar Association in 1976. From 1968-1969, he served as Deputy County Public Defender for Gallatin County. He has been active in a number of Bozeman clubs and civic organizations, including the Gallatin Sportsmen Association.

He will serve a term ending January 7, 1985.

Herb Sammons. Sammons represents the Montana Pilots Association on the Aeronautics Board. A wheat farmer by trade, Sammons is the past state president of the Montana Pilots Association and a member of the Flying Farmers Organization. He has had a private pilot's license since 1952. Sammons is involved in the Cut Bank Chamber of Commerce, the Elks and the Northern Montana Recreation Association. He graduated from Cut Bank High School and Kinman Business College in Spokane.

He will serve a term ending January 7, 1985.

Robert Miller. Miller, a Beaverhead County Commissioner for four and a half years, was raised and educated in Dillon. He was involved in construction and the cement business until the early Sixties until he sold his interests in both. Miller currently has real estate holdings in the Dillon area.

He will serve a term ending January 7, 1985.

Maurice Sandmeyer. Sandmeyer, a graduate of Montana State University, is the manager of the Federal Land Bank Association in Sidney. He was a member of the Governor's Essential Air Service Task Force from 1979 to 1980. In 1975, Sandmeyer was appointed to the Sidney Airport Commission and in 1977, he was chosen as chairman of the Commission. He was on the Sidney Chamber of Commerce Board of Directors for three years.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE COAL BOARD:

Darcy Galasso. Galasso, 30, is employed as special events coordinator for the Western Montana Easter Seal Society. She is past president of the Butte Jayceens, and chairperson of the Board and past president of the Montana Jayceens. She is a member of the Committee on the International Year of the Disabled. Galasso is also chairman of Sheephead Camp Committee, a group concerned with initiating a camp for handicapped individuals in Montana.

She will serve a term ending January 7, 1985.

Nell Kubesh. Kubesh, 56, and her husband John have operated a farm in the Glendive area since 1944. She graduated from high school in Grassrange in 1940 and has attended both Rocky Mountain College and the University of Montana. Kubesh has been a member of Women Involved in Farm Economics (WIFE) and American Agri-Women. She is past president of the VFW Auxiliary and has been a member of the Dawson County High School Board and president of the Dawson Resource Council.

She will serve a term ending January 7, 1985.

Hershel M. Robbins. Robbins, 58, is a former state representative from Roundup. He served five terms in the Montana Legislature. During the last two years, he served on the Interim Legislative Coal Oversight Committee. Robbins is currently a county commissioner for Musselshell County. He has been in the wholesale-retail milk business for the past 23 years in Roundup. Robbins and his wife Audrey have lived in Roundup for 33 years. He is past president of the Roundup Chamber of Commerce and of the Rotary Club.

He will serve a term ending January 7, 1985.

Jack Stevens. Stevens, 44, is a founder and senior vice president of the Great Falls accounting firm of Junkermier, Clark, Campanella and Stevens. He graduated from Montana State University with a B.S. in accounting and has been a CPA since 1960. He is a past president, past member of the Board of Directors and ex-officio director of the Montana Society of CPA's. Stevens is also a member of the Montana Hospital Rate Review Board and president of the Montana Foster Parents Association.

AS MEMBERS OF THE BOARD OF CRIME CONTROL:

Dr. Gordon Browder. Browder is currently Professor Emeritus of Sociology at the University of Montana. He is a graduate of the University of Virginia. He earned an M.A. and a Ph.D. in sociology from the University of North Carolina at Chapel Hill.

He will serve a term ending January 7, 1985.

Bill Gould. Gould, who operates a 200-acre tree farm in Eureka, has been a Lincoln County Commissioner since 1978. He is currently the vice chairman of the board of the Area VI Agency on Aging. He taught for four years at Southern Illinois University in Carbondale and was an aerospace engineer for six years in California and Colorado.

He will serve a term ending January 7, 1985.

Harold Hanser. Hanser is currently the Yellowstone County Attorney, a position he has held since 1970. He is a graduate of Carroll College and received his law degree from the University of Montana. Hanser was born in Broadview, Montana, and is a Lt. Colonel in the U.S. Army Reserve.

He will serve a term ending January 7, 1985.

Honorable Frank Haswell. Haswell is the Chief Justice of the Montana Supreme Court, a position he has held since 1978. Haswell has sat on the Court since 1967. Before that, he was a District Judge for nine years for the Eleventh District. He received his law degree from the University of Montana in 1947.

He will serve a term ending January 7, 1985.

Kathleen Henson. Henson is the owner-manager of the Mineral County Abstract and Title Company in Superior. She attended the University of Montana and the University of Kentucky. Henson has been active in the Mineral County Hospital Guild.

She will serve a term ending January 7, 1985.

Pedro Hernandez. Hernandez has been a Justice of the Peace in Yellowstone County since 1975. In 1977, he attended the National College of State Judiciary at Reno, Nevada. Hernandez, who was raised in Hardin, received an Associate of Arts degree from Eastern Montana College. Since 1977, he has taught courses at the Law Enforcement Academy in Bozeman. From 1970-1972, he was a juvenile probation officer in Billings.

He will serve a term ending January 7, 1985.

Ellis Gene Kiser. Kiser is currently the Chief of Police in Billings, a position he has held for four years. He is the President of the Montana Police Chiefs Association and a member of the International Association of Chiefs of Police. Kiser has served on the Billings police force for 19 years.

He will serve a term ending January 7, 1985.

Representative Rex Manuel. Rep. Manuel is involved with farming and other business interests in Fairfield. Rep. Manuel has served in the Montana House of Representatives since 1973. In this session of the Legislature, he is a member of the Agriculture, the Appropriations, and the Fish and Game Committees.

He will serve a term ending January 7, 1985.

Glenn Osborne. Osborne has been Cascade County sheriff since 1977. He has worked in the Cascade County Sheriff's office since 1957. He has been associated with the Board of Crime Control in various capacities for more than ten years, serving on the Region III advisory council and on several task forces established by the board. Osborne is the Montana Director of the National Sheriffs' Association. He is also involved in the Great Falls Indian Action Council and the Cascade County Crime Attack team.

He will serve a term ending January 7, 1985.

Kenneth Rustad. Rustad was Fallon County Commissioner for 24 years. He served as president of the Western Region District of the National Association of Counties and was a director of that association for two years. Rustad also served as president of the Montana Association of County Commissioners.

He will serve a term ending January 7, 1985.

Honorable Jim Sorte. Judge Sorte has been the 15th Judicial District Judge since 1969 and has been a member of the Board of Crime Control since 1970. He is currently President of the Montana Judges Association, and Chairman of the Judicial Nominating Commission. He earned his law degree from the University of Montana in 1960. Born in Plentywood, Sorte graduated from Scobey High School in 1949.

He will serve a term ending January 7, 1985.

Carroll South. South, who recently moved from Miles City to become the Director of the Department of Institutions, served six years in the Montana House of Representatives. He was chairman of the Legislative Finance Committee as well as a member of the State's Commission on Local Government. While in Miles City, he was a building contractor.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE FISH AND GAME COMMISSION

Dan Oakland. Oakland, an avid hunter and fisherman, is a Great Falls insurance agent. He was chairman of the Great Falls chapter of Ducks Unlimited from 1977 to 1979 and is a life member of the Great Falls Trap Club. He has been active in many church, civic and professional organizations in Great Falls, including the Chamber of Commerce, the First Presbyterian Church, the Northern Montana Life Underwriters Association, the Elks Club, the YMCA and the Children's Receiving Home.

He will serve a term ending January 7, 1985.

Don Bailey. Bailey, a Forsyth rancher, has been chairman of the Landowner-Sportsmen's Relations Committee of the Montana Stockgrowers Association, a member of the Rosebud-Treasure Wildlife Federation, and a member of the Department of Fish, Wildlife and Parks Landowner Relations/Sportsmen's Access Advisory Council.

He will serve a term ending January 7, 1985.

Earl Sherron. Sherron, owner of Earl's Distributing in Missoula, was appointed by Governor Judge and confirmed by the Senate in 1979. He is past director of the Missoula Chamber of Commerce, past president of the Missoula Business Builders and president of the University of Montana Century Club. Sherron graduated from the University of Montana in 1962 with a degree in geology.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES:

Dr. Kenneth Lee. Lee, 35, a Scobey native, is a 1971 graduate of Washington State University with a Doctor of Veterinary Medicine degree. He returned to northeastern Montana and worked for a veterinarian in Plentywood for one year, after which he moved back to Scobey to establish the Daniels County Veterinary Clinic. In addition to his practice, Lee also is engaged in farming and ranching near Scobey. He is a third generation president of Daniels County and has served on the school board, Stockmen's Association board, and the Three Corners Boundary Association.

He will serve a term ending January 7, 1985.

Tennie Bottomly. Bottomly, 47, graduated from Wartburg College, in Waverly, Iowa, with a B.A. in Music in 1955. She obtained her Teaching Certificate from Montana State University at Missoula in 1956 and also did graduate work at Blauvaul College in Blauvaul, New York. She has taught school in Missoula, East Helena, and Helena. Since 1972, she has managed a small ranch near Belgrade. Bottomly is currently on the State Committee of the Agricultural Stabilization and Conservation Service. She is also a member of the Montana Stockgrowers, Montana Wheatgrowers, Cowbells and Women Involved in Farm Economics (WIFE). She has been elected a school trustee for School District 44 in Belgrade since 1975.

She will serve a term ending January 7, 1985.

Dr. Raymond Grondahl. Grondahl, 64, has served one year on the Board. He is a graduate of the University of Oregon Medical School. Dr. Grondahl is a past president of the Montana Cancer Society. In 1975, he was a member of the Medical Advisory Committee for the Montana Department of Institutions, and in 1977 became a member of the Governing Board of the Silver Bow General Hospital, serving as chairman from 1977 to 1979.

He will serve a term ending January 7, 1985.

Edwin Zaidlicz. Zaidlicz, former Montana director for the Bureau of Land Management from 1969-1979, graduated with high honors from Iowa State University with a B.S. degree in forest management. He is a member of the Society of American Foresters, Soil Conservation Society of America, and the American Institute of Biological Science.

He will serve a term ending January 7, 1985.

AS A MEMBER OF THE BOARD OF HORSE RACING:

Linda King. King, 32, is currently employed as a field representative to Congressman Pat Williams in his Helena office. She is on the Board of Directors of the Montana State Horse Shows Association and a member of the American Horse Shows Association. King, who owns, trains and shows ex-race horses, as hunter/jumper and dressage horses, is a past president of the Western Heritage Horse Club.

She will serve a term ending January 16, 1984.

AS MEMBERS OF THE BOARD OF HOUSING:

Bruce Moerer. Moerer, 32, went to work for the Shelby law firm of Aronow, Anderson, Beatty and Lee in 1977. He is the city attorney for Shelby and is past president of the Montana Association of City Attorneys. Moerer graduated with honors in Economics from the University of Montana in 1971. He received his J.D. from the University of Montana Law School in 1977.

He will serve a term ending January 7, 1985.

Tom Battershell. Battershell, 51, is currently president of the Sunrise Construction Company in Helena and B & B Electric, a commercial and industrial contractor, also in Helena. He is also a partner in 3 & P Partnership, which owns rental property in the state. From 1955-1978, Battershell was the vice president and general manager for construction for the Reber Company in Helena.

He will serve a term ending January 7, 1985.

Delos "Cy" Jamison. Jamison graduated from Eastern Montana College in 1971 with a bachelor's degree in Secondary Education. He is currently employed by the Bureau of Land Management as a legislative affairs specialist. Jamison has been heavily involved in community activities, including being a member of the Billings City Council. He was chairman of the Community Development Commission and a member of the Community Affairs Commission, both appointments by the mayor of Billings.

He will serve a term ending January 7, 1985.

Joan Bennett. Bennett, 51, is a 1952 graduate of Gonzaga University with a B.A. in English. From 1975 to 1979 she was chairman of the Citizen Involvement Committee's Housing Task Force, and is currently a member of the Neighborhood Housing Service, serving on the Energy and Program Services Committees. Currently, Bennett is the Commissioner of the Great Falls Housing Authority. She has been involved in many local church and civic activities in Great Falls including the Columbus Hospital Guild, the College of Great Falls Guild, the Chamber of Commerce, the American Association of University Women and the St. Vincent de Paul Society.

She will serve a term ending January 7, 1985.

AS MEMBERS OF THE COMMISSION FOR HUMAN RIGHTS.

Margery Brown. Brown, who is associate dean and professor at the University of Montana School of Law, fills the requirement that one commission member be an attorney. She grew up in Libby and graduated from the University of Montana in 1950 with B.A. degrees in journalism, history and political science and was a Fulbright Scholar in history and journalism at Auckland University College in Auckland, New Zealand, 1952-53. As a faculty member at the University of Montana, she has been a member of the Faculty Senate since 1978 and a member of the Mansfield Lecture Committee.

She will serve a term ending January 7, 1985.

Angelina Vallejo Cormier. Cormier, a math teacher at the adult education center in Billings, has extensive experience in Mexican-American and Hispanic concerns. She is currently working toward a Doctor of Education degree in Adult and Higher Education from Montana State University in Bozeman. She is the commissioner of the Billings Housing Authority and treasurer of the Montana Migrant and Seasonal Farmworker Council, as well as the current chair of the Mexican-American Business Association of Montana. Cormier has also been active in the Billings Education Association, the Montana Education Association, and the National Education Association.

She will serve a term ending January 7, 1985.

Bernard F. Christiaens. Christiaens, 40, is the finance manager for Rice Motors in Great Falls. A native of Conrad, he graduated from the College of Great Falls in 1962 with a B.A. in Chemistry. A member of the Alumni Board of the College of Great Falls from 1972-1980, Christiaens served as president of the board for two years. He has been active in community fundraising for the Red Cross and for Columbus Hospital.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF INVESTMENTS:

W. E. Schreiber. Schreiber, 34, is chairman of the Board of Directors of the First State Bank in Whitefish, a position he has held since 1974. He is a 1968 graduate of Rocky Mountain College with a B.S. degree in business and economics. He has a law degree from the University of Montana and is an honor graduate of the Colorado School of Banking. Schreiber was a member of the Whitefish City Council from 1973-77 and president of the Whitefish Chamber of Commerce in 1976.

He will serve a term ending January 7, 1985.

Greg Jergeson. Jergeson, 30, a former state senator from the Chinook area from 1974-1980, is vice-president of the Jergeson Ranch Corporation, a family farm and ranch that he owns and operates with his brother. While serving in the Legislature, Jergeson was appointed to several committees including the Legislative Audit Committee and State Administration Committee. In 1979, he served as assistant Minority Leader. In 1974, he graduated with honors from the University of Montana in political science.

He belongs to several area organizations including the Chinook Jaycees, Chinook Erie Chapter 689, the Big Flat Farmers Union and the Blaine County Farm Bureau.

He will serve a term ending January 7, 1985.

Dean Albert. Albert, 52, who is currently the chairman of the Board of Investments, has been the vice president of the Bank of Montana system since 1967. Albert is also a director of the Eastside Bank of Montana and vice president of the Central Bank of Montana. He was born in Ekalaka and has earned a number of business and banking degrees. In 1979, he attended the Graduate School of Bank Investments at the University of Illinois.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF NATURAL RESOURCES AND CONSERVATION:

Charles Hash. Hash, a Kalispell native, has been a member of the board for four years. He has an undergraduate degree from John Hopkins University in political science and received a law degree from the University of Montana. An attorney, he is a partner in the firm of Hash, Jellison, O'Brien and Bartlett in Kalispell. He is the former president of the Kalispell-Flathead County Planning Board. Hash's qualifications fill the requirement that one member of the Board be an attorney.

He will serve a term ending January 7, 1985.

Cecil Weeding. Weeding, whose appointment to the board was first confirmed by the Senate in 1973, is a farmer-rancher from Jordan. He has served as chairman of the natural resources board.

Weeding is a former state representative from District 6, serving in the House from 1971-1972. He has been an area director for the Montana Association of Conservation Districts for the past six years. In 1972, Weeding was a member of the Water Law Review Committee and in 1973 he was on the Saline Seep Advisory Council.

He will serve a term ending January 7, 1985.

Land Lindbergh. Lindbergh, a former member of the Montana Fish and Game Commission, has been a rancher at Greenough since 1965. He has been active on Missoula city and county planning boards and in Montana Stockgrowers Association.

Lindbergh has been active in many community and ranching-related organizations including the Blackfoot Valley Stockmen's Association, the Montana Environmental Information Center, the Missoula Community Hospital Board and the Montana Rodent Damage Control Council.

He will serve a term ending January 7, 1985.

Richard Spalding. Spalding is the manager of the Montana office for Merrill Lynch Pierce Fenner and Smith, Inc. He has also been Trust Department Manager for the First Northwestern National Bank in Billings and the First National Montana Bank of Missoula. Spalding has a B.S. degree in Business Administration from the University of Montana and undertook studies in banking and finance from the New York University Graduate School of Business Administration from 1958-59. He is past president of the Billings Jaycees.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF OIL AND GAS CONSERVATION:

Robert Penner. Penner, 62, who was born on a homestead northwest of Wolf Point, is currently Chairman of the Board of the First National Bank of Wolf Point, a bank he helped incorporate. He is the former president of the Wolf Point Chamber of Commerce and former mayor of Wolf Point. Penner has extensive farm and ranch holdings in the Wolf Point area.

He will serve a term ending January 7, 1985.

Bernt Ward. Ward, 53, grew up in Westby, Montana. He has been a farmer in the Plentywood area for 25 years. He has been Sheridan County Assessor for 30 years and served two terms on the Plentywood City Council. He is a member of the Northeast Montana Land and Mineral Association. Ward has been active in several area groups and civic organizations including the Plentywood Shrine Club, the Sheridan Stockmen's Association, the Sheridan Saddle Club and the Dagmar and Froid Gun Clubs. In addition, he belongs to the Masonic Lodge, the Elks and the Moose Clubs. He is a retired Plentywood fireman, a 20-year veteran firefighter.

He will serve a term ending January 7, 1985.

H.V. "Ted" Nees. Nees, 42, is the operations foreman for the Grace Petroleum Corporation's Rocky Mountain region. In that position, he supervises all drilling and production operations for the company in Montana, Wyoming, North and South Dakotas. Nees is one of three members on the board who are required to be in the oil and gas industry. In 1979, Nees moved to Billings from Poplar, where he was active in many civic activities.

He will serve a term ending January 7, 1985.

Carl Iverson. Iverson, 65, is president of the Western Natural Gas Company. He began working in the oilfields in the 1930's. He helped discover and develop oil in the Whitlash field in the 1950's. Iverson has been a member of the oil and gas board for twelve years. He and his family have a 7,000-acre farm and ranch near Whitlash.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF PARDONS:

James Welch. Welch, 40, who was raised in Browning, is a poet, novelist and professor who has received national attention for his work. He earned a B.A. from the University of Montana and did graduate work in the Creative Writing program there. Two of his novels, Winter in the Blood and The Death of Jim Loney have received critical acclaim. And in 1976, his book of poems, Riding the Earthboy 40 was published.

He will serve a term ending January 7, 1985.

Henry Burgess. Burgess, 51, who is currently the chairman of the Board of Pardons, is chairman of the division of arts and humanities at Carroll College in Helena. He was born and raised in Anaconda and graduated from Anaconda Central High School in 1947. He was first appointed to the Montana State Board of Pardons by Governor Forrest Anderson in 1971. Burgess has served on a number of committees and councils that have been involved with criminal justice, including the Committee on Corrections, the Montana Council of Criminal Justice Standards and Goals, and the Montana Crime Control Commission.

He will serve a term ending January 7, 1985.

Anthony Marra. Marra, 64, who is currently retired, served as an adult parole and probation supervisor for ten Montana counties from 1968-1977. In 1967, he was appointed undersheriff in Hill County. For twenty years, he owned and operated Marra Grocery in Havre. In 1975, he established the firm of HiLine Claims Service in Havre.

Marra is one of the original incorporators of First Security Bank of Havre in 1972. He was elected to the original board of directors and has actively served on it ever since his election.

He will serve a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF PERSONNEL APPEALS:

John Kelly Addy. Addy, who graduated from Shelby High School in 1967, received his B.A. in government from Montana State University (MSU) in 1971. He was elected MSU student body president in 1970. He is a 1974 graduate of Georgetown University law school, is a practicing attorney in Billings. He is a member of the State Bar of Montana and the Yellowstone Bar Association.

Addy taught Business Law classes for the Far East Division of the University of Maryland and managed the legal office at Camp Humphreys, Korea. In 1974, he worked as Assistant to the Majority Leader in the United States Senate.

He will serve a term ending January 7, 1985.

John Astle. Astle, a journalism and English teacher at Butte High School, is currently the president of the Butte Teachers' Union. He has a degree in journalism from Montana State University. Astle attended Anaconda schools and graduated from Anaconda Central High School in 1956. He worked at the smelter from 1956-1959. From 1959 to 1970, he worked as a printer for the Anaconda Standard and the Montana Standard.

He will serve a term ending January 7, 1985.

Lloyd Markell. Markell, who was born in Medicine Lake, Montana, taught elementary school and then became principal in Wheeler, Montana, a town that sprung up in Northeastern Montana when Fort Peck Dam was being constructed. He was superintendent of schools as well as a classroom teacher in Northeastern Montana for several years. Markell was the Research Director for the Montana Education Association (MEA) for more than 20 years and specialized in the area of finance. He is still active with MEA legislative affairs.

He will serve a term ending January 7, 1985.

AS A MEMBER OF THE BOARD OF REGENTS:

Shelley Hopkins. Hopkins was first appointed to the Board of Regents in February 1979. She is currently a law student at the University of Montana and is working as a law clerk for Judge John Henson of the Fourth Judicial District of Montana. She also has worked as an intern at the Montana Department of Community Affairs. During the 1979 legislative session, she lobbied for the Montana Nurses' Association and the Montana Optometric Association.

She will serve a term ending January 7, 1985.

AS A MEMBER OF THE BOARD OF SOCIAL AND REHABILITATION SERVICES APPEALS:

Minnie Ellen Fritzler. Fritzler is a retired hospital administrative officer at Crow Agency. She was raised in Lodge Grass. She has been a member of the board for several years.

She will serve a term ending January 7, 1985.

AS A MEMBER OF THE STATE TAX APPEAL BOARD:

Robert S. Raundal. Raundal is a native of Hobson and a graduate of Hobson High School. He ranched in the Winnett area until 1969, when he moved to Helena to become the Chief Field Agent for the Department of State Lands. Raundal was first appointed to the State Tax Appeals Board in 1975.

The Honorable Peter Story

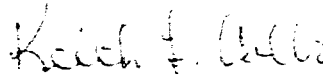
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Raundal belonged to the Fergus Electric Coop for 23 years, serving as its president for 12 years. He served in the Montana House of Representatives from Petroleum County from 1959 through 1965. He is the past president of the Montana Association of Rural Appraisers and the Montana Society of Farm Managers and Rural Appraisers.

He will serve a term ending March 1, 1987.

Sincerely,

A handwritten signature in dark ink, appearing to read "Keith L. Colbo". The signature is written in a cursive, slightly slanted style.

KEITH L. COLBO
Executive Assistant

Enclosure

January 22, 1981

MEMORANDUM

TO: Keith Colbo
Executive Assistant

FROM: Mona Jamison
Legal Counsel

RE: Quasi-judicial Boards with fixed terms for members -
when may appointees assume office

ISSUE: If the Legislature has convened, when may a new appointee to a quasi-judicial board (or commission) act in his official capacity as a member of that board;

or

If the Legislature has convened, what is the right of an incumbent member of a quasi-judicial board to "hold over" after the expiration of his specified term.

RULE OF LAW:

"Where a person is appointed to an office under a constitutional or statutory provision that the appointment may be made with the approval of some officer or body, such appointment must be approved before the person is legally entitled to office, except in the case of such a vacancy in the office that the duties of the office are no longer being discharged." State ex re. Olsen v. Swanberg and McChesney, 130 Mont. 202, 299 P.2d 466 (1956) quoting State ex rel Nagle v. Stafford, 97 Mont. 275, 34 P.2d 372 (1934). (Emphasis added.)

"Under either, statute confirmation by authority other than the Governor or the mayor is required to complete the nomination or appointment." State ex rel Olsen v. Swanberg and McChesney, supra, 130 Mont. at 207.

"The incumbent's term extends until his successor has been appointed and qualified. Because the successor's

appointment was not confirmed he is not entitled to the office and the incumbent serves 'de jure' [by lawful right] State ex rel Olsen v. Swanberg and McChesney, supra, 130 Mont. at 203, 208.

APPLICABLE STATUTES:

Section 2-25-124, MCA states in full as follows:

" 2-15-124. Quasi-judicial boards. If an agency is designated by law as a quasi-judicial board for the purposes of this section, the following requirements apply:

(1) The number of and qualifications of its members are as prescribed by law. In addition to those qualifications, unless otherwise provided by law, at least one member shall be an attorney licensed to practice law in this state.

(2) The governor shall appoint the members. A majority of the members shall be appointed to serve for terms concurrent with the gubernatorial term and until their successors are appointed and qualified. The remaining members shall be appointed to serve for terms ending on the first day of the thrid January of the succeeding gubernatorial term and until their successors are appointed and qualified. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term and the remaining members in the middle of his term. As used in this subsection, "majority" means the next whole number greater than half.

(3) The appointment of each member is subject to the confirmation of the senate. However, the governor may appoint a members to assume office before the senate meets at its next regular session to consider the appointment. A member so appointed has all the powers of the office upon assuming that office and is a de jure officer, notwithstanding the fact that the senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a member, the governor shall appoint a new member to serve for the remainder of the term.

(4) A vacancy shall be filled in the same manner as regular appointments, and the member appointed to fill a vacancy shall serve for the unexpired term to which he is appointed.

(5) The governor shall designate the chairman. The chairman may make and second motions and vote.

(6) Members may be removed by the governor only for cause.

(7) Unless he is a full-time salaried officer or employee of this state or of a political subdivision of this state, each member is entitled to be paid \$25 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of a political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

(8) A majority of the membership constitutes a quorum to do business. A favorable vote of at least a majority of all members of a board is required to adopt any resolution, motion, or other decision, unless otherwise provided by law.

Section 2-16-213 MCA, states in full as follows:

"Term of office - holdover. (1) Every office of which the duration is not fixed by law is held at the pleasure of the appointing power.

(2) Every officer must continue to discharge the duties of his office, although his term has expired, until his successor has qualified." (Emphasis added.)

DISCUSSION: Pursuant to section 2-15-124(2), MCA, a member of a quasi-judicial board serves a fixed term "concurrent with the gubernatorial term" and until his successor is appointed and qualified. Also, subsection (3) requires the appointment of each member to be confirmed by the senate. Pursuant to section 2-16-213(2), an officer, including a board member must continue to discharge his duties, although his term has expired and until his successor has qualified.

When then may a new appointee to a quasi-judicial board officially act? The controlling case on this issue in Montana is State ex rel Olsen v. Swanberg and McChesney, 130 Mont. 202, 299 P.2d 466 (1956). The Swanberg case (supra) clearly requires confirmation before the appointee is legally entitled to take

office. Qualification does not occur until confirmation. Confirmation, therefore, makes the appointment complete and effective. "When the rights of the seccessor vest, those of the incumbent terminate." 63 Am. Jur. 2d, Public Officers and Employees, Sec. 159.

This application of the law assures that the integrity of a board continues without intervening incompleteness of membership. Accordingly, a board is then able to discharge its duties under law without any hiatus.

CONCLUSION: When the Legislature is in session, a newly appointed member to a quasi-judicial board can not act in his official capacity until he is confirmed by the Senate. Conversely, an incumbent member of a quasi-judicial board whose successor is appointed, "holds over" in his office until his successor is confirmed.

STANDING COMMITTEE REPORT

.....FEBRUARY 3..... 19 81.....

MR.PRESIDENT.....

We, your committee onSTATE ADMINISTRATION.....

having had under considerationSENATE..... Bill No. 189

Respectfully report as follows: That.....SENATE..... Bill No. 189

DO NOT PASS

~~DO NOT PASS~~

STANDING COMMITTEE REPORT

..... FEBRUARY 3 19 ~~81~~

MR. ~~PRESIDENT~~

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 190

Respectfully report as follows: That SENATE Bill No. 190

DO NOT PASS

~~DO NOT PASS~~

STANDING COMMITTEE REPORT

FEBRUARY 3

31

19

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

SENATE

194

having had under consideration Bill No.

SENATE


194

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

DO NOT PASS

~~XXXXXX~~
DO PASS


.....
PETE STORY


.....
Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 3

19 81

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **1257**

Respectfully report as follows: That **SENATE** Bill No. **257**

be amended as follows:

1. Page 3, line 1.

Following: ~~of~~ "of"

Strike: "\$7" "\$7"

Insert: "\$10" "\$10"

AND, AS SO AMENDED,

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 3

19 31

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 274

Respectfully report as follows: That SENATE Bill No. 274

be amended, as follows:

1. Page 3, line 3.
Following: "\$25"
Strike: "\$50"
Insert: "\$40"

AND, AS SO AMENDED,

DO PASS

STANDING COMMITTEE REPORT

..... FEBRUARY 3, 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 321

Respectfully report as follows: That SENATE Bill No. 321

be amended as follows:

1. Title, line 6.

Following : line 5

Strike: "NONACADEMIC STAFF MEMBERS"

Insert: "ALL EMPLOYEES"

2. Page 1, line 13 and 14.

Following: "for"

Strike: "nonacademic staff members"

Insert: "all employees"

3. Page 1, line 24.

Following: "the"

Strike: "week"

Insert: "same pay period"

BOX 155

..... CONTINUED

Standing Committee Report
Page :
Senate Bill No. 321

.....FEBRUARY 3,..... 19 61.....

4. Page 2, line 1.
Following: "the"
Strike: "week"
Insert: "same pay period"

AND, AS SO AMENDED,

DO PASS

STANDING COMMITTEE REPORT

February 3 21
..... 19.....

MR. PRESIDENT.....

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

having had under consideration HOUSE..... Bill No. 149

Respectfully report as follows: That..... HOUSE..... Bill No. 149

XXXXXX BE CONCURRED IN

G. A.

STANDING COMMITTEE REPORT

Feb. 3, 1991

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE JOINT RESOLUTION Bill No. 7

Respectfully report as follows: That SENATE JOINT RESOLUTION Bill No. 7

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 2--3--81 Senate Bill No. 189 Time

DO NOT PASS

NAME	YES	NO
<u>Senator Pete Story, Chairman</u>	<u>X</u>	
<u>Senator Allen Kolstad, V. Chairman</u>	<u>X</u>	
<u>Senator William Hafferman</u>	<u>X</u>	
<u>Senator H. W. Hammond</u>	<u>X</u>	
<u>Senator Jan Johnson</u>	<u>X</u>	
<u>Senator Patrick Ryan</u>		<u>X</u>
<u>Senator Thomas Towe</u>		<u>X</u>

Barbara Simic
Secretary

Pete Story
Chairman

Motion: This reverse motion of DO NOT PASS passed by
majority. The original motion was by Sen. Towe to pass, which
failed by reverse vote. Sen. Story gave the adverse reports
of both S. B. 189 and 190 to the Senate.

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-3-81 Senate Bill No. 190 Time

DO NOT PASS

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan		X
Senator Thomas Towe		X

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Kolstad moved this bill DO NOT PASS: motion
carried by majority.

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-3-81 Senate Bill No. 194 Time

DO NOT PASS

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan	X	
Senator Thomas Towe		X

Barbara Simic
Secretary

Pete Story
Chairman

Motion: This was a substitute motion by Senator Hammond to
DO NOT PASS: motion carried. The original motion was to
make amendments by Towe.

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-3-81 Senate Bill No. 257 Time

AS AMENDED, DO PASS

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman		X
Senator William Hafferman	X	
Senator H. W. Hammond		X
Senator Jan Johnson	X	
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Towe moved amendments; they passed; he moved
the bill AS AMENDED, DO PASS. It carried by majority vote.

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-3-81 HOUSE Bill No. 149 Time

NAME	DO PASS	
	YES	NO
	X	
Senator Pete Story, Chairman		
Senator Allen Kolstad, V. Chairman		X
Senator William Hafferman		X
Senator H. W. Hammond		X
Senator Jan Johnson	X	
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Towe moved that this bill DO PASS: motion carried
by majority.

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-3-81 SJR Bill No. 7 Time

NAME	DO PASS	
	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan	X	
Senator Thomas Towe		X

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Kolstad moved that this bill DO PASS: motion carried.

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