

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 18, 1981

The thirtieth 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 a.m.

ROLL CALL: All members were present except Senator Kolstad.

CONSIDERATION OF SENATE BILL NO. 419:

AN ACT TO PROVIDE FOR APPOINTMENT BY THE
SUPREME COURT OF A CHIEF JUDGE IN EACH
MULTIJUDGE DISTRICT: TO REQUIRE A CHIEF
JUDGE TO DIRECT THE OPERATIONS OF THE
DISTRICT: AND TO PROVIDE AN INCREASED
ANNUAL SALARY FOR A CHIEF JUDGE.

Senator Chet Blaylock sponsored this bill and said it applies to all multi-judge judicial districts. This bill will help the whole state, and he pointed out that salaries have been increased so that Montana could attract judges. He enclosed an amendment, explained it, and told the committee this will make chief administrative judges answerable to the state of Montana.

PROPOSERS: Mike Abley, from the Supreme Court, stated the chief judge can act with statutory authority with this bill.

Margaret Davis, League of Women Voters, supported and stated they are for better services throughout the state of Montana.

OPPOSERS: None.

Questions: Sen. Ryan asked about the elected people being assigned by the Supreme Court. Sen. Blaylock said the Supreme Court will have to handle these problems.

Senator Ryan fears the amendment gives laissez-faire to hired administrators to do the work for the judges who are receiving a higher salary.

Mike Abley said there may be additional staffing and that the interest was not to let the hired staff abuse it.

Sen. Blaylock said they do have to report to the chief judge the power to appoint someone to be a good administrative judge.

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Senator Story stated it is a question of philosophy; Sen. Blaylock agreed.

Sen. Towe asked about the necessity of departments. Mr. Abley commented that it depends more on the judge than the department. Sen. Towe defined department for the committee.

Sen. Hammond asked if the reorganization would provide more pressure to get the job done. Sen. Blaylock said yes, citing complaints as before in his opening.

Sen. Hammond asked if the bill would give the Supreme Court the authority to appoint someone. The answer was yes; the chief justice must report the status of that multi-judicial district.

Sen. Towe asked about an assumption of the bill that the appointment cannot be revoked, that it would be lifetime. Sen. Blaylock said the chief judge could change the appointment; but Sen. Story pointed out the bill does not state this.

There was some further discussion, and the hearing was closed.

CONSIDERATION OF SENATE BILL 464:

AN ACT TO PROVIDE FOR THE INCLUSION OF
CANDIDATE INFORMATION IN THE VOTER INFORMATION
PAMPHLET REGARDING BALLOT ISSUES.

Sen. Dorothy Eck, sponsor, stated this is a voter-service bill, providing for the voters an information pamphlet that the secretary of state prepares and has sent to every registered voter and also includes information on the candidates. She enclosed a pamphlet "Voters and Candidates". This bill will provide for those voters who wait till the last minute to pay attention to the election, she stated, and these pamphlets will be available even at the polls. She said there is a question of the cost, estimates being about \$60,000, which is double the cost from last year but doubles the interest received from the public. She pointed out page 2, section 3 and 4 indicating that the funding in these section will take care of the cost.

PROPOSERS: Alan Robertson stated the intent was to be only for the general election, not the primary.

Margaret Davis, LWV, stated it takes over their duties. She asked the committee to replace educational background with party affiliation and also not to specify how much space the candidate is entitled.

Proponent Mike O'Malley, Common Cause; Carole Brass, CLC, supported the bill.

OPPONENTS: None.

Questions from the committee: Sen. Towe asked Sen. Eck about the cost and she replied they had asked for a fiscal note but had not yet received it. Mr. Robertson answered they expect it to be about \$125,000.

Sen. Eck closed by saying it is a good bipartisan function.

CONSIDERATION OF SENATE BILL 455:

AN ACT REQUIRING NOTIFICATION OF NONPROFIT CORPORATIONS OF EXPIRATION OF THEIR CORPORATE EXISTENCE; PROVIDING FOR THE REINSTATEMENT OF EXPIRED NONPROFIT CORPORATIONS; AND PROVIDING EFFECTIVE DATE.

Senator Jan Johnson, Missoula, sponsored the bill which requires the secretary of state to notify non-profit corporations of expiration of corporate existence.

PROPOSERS: Alan Robertson gave examples of corporations and pointed out that notice and method of becoming reinstated are given to profit organizations, so non profit should also be entitled to it. He enclosed an amendment. He also stated that the cost could be cut by dropping the certified or registered letter.

OPPONENTS: None.

In closing Sen. Johnson submitted an amendment.

ACTION ON SENATE BILL 455: Sen. Hafferman moved the bill DO PASS, AS AMENDED; motion carried with Sen. Ryan voting No.

CONSIDERATION OF SENATE BILL 424:

AN ACT TO PROVIDE FOR SENATE CONFIRMATION OF MEMBERS OF THE BOARDS OF COUNTY PRINTING, DENTISTRY, OSTEOPATHIC PHYSICIANS, PODIATRY EXAMINERS, PHARMACISTS, NURSING, NURSING HOME ADMINISTRATORS, OPTOMETRISTS, CHIROPRACTORS, RADIOLOGIC TECHNOLOGISTS, SPEECH PATHOLOGISTS AND AUDIOLOGISTS, HEARING AID DISPENSERS, PSYCHOLOGISTS, VETERINARIANS, BARBERS, COSMETOLOGISTS, MASSAGE THERAPISTS, PHYSICAL THERAPY EXAMINERS...

Minutes of the State Administration Committee

PROPOSERS: Scott Seacatt, Legislative Audit Committee, representing the sponsor, Rep. Hims1, stated this bill would add credibility to the board appointments; submitted an enclosure.

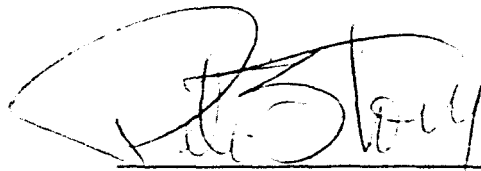
OPPOSERS: None.

Questions from the committee consisted of few regarding the board appointments.

ACTION ON SENATE BILL 424: Sen. Towe moved that it DO PASS; discussion; roll call vote resulting in passing the bill.

ACTION ON SENATE BILL 419: Sen. Hafferman moved it DO PASS, AS AMENDED; majority passed with a negative vote by Sen. Ryan. It was recalled and revoted on again the next day. Chairman Story gave the schedule for the remaining days this week to meet transmittal deadline, Feb. 20, for bills to be out of committee.

ADJOURNMENT: 11:15.



PETE STORY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2-18-81

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.

Proposed Amendments to SB 409

2-18-
Claylock

1. Page 3, lines 5 through 10.

Strike: subsections (a) through (e) in their entirety

Insert: "(a) in cooperation with the other district court judges, prepare and submit budgets for operation of the district court to the appropriate public officials;

(b) equalize the workload of all district court judges within the judicial district;

(c) establish appropriate schedules and administrative rules to insure prompt and efficient servicing of all judicial business in the district;

(d) employ and assign staff and secretarial personnel where appropriate;

(e) perform such miscellaneous administrative duties as necessary or advisable in discretion to insure a unitary and functioning district court operation in the judicial district; and

(f) submit an annual report to the supreme court on or before March 1 of each year covering the status and condition of the district court in the judicial district, its needs, and problem areas."

AMENDMENTS TO S.B. 455

On page 2 in line 4, strike the word "~~dissolution~~" and substitute in place thereof the word "expiration".

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Margaret S. Davis DATE: 15 Feb 81

ADDRESS: 917 Harrison Helena 59607

PHONE: 43-3487

REPRESENTING WHOM? League of Women Voters

APPEARING ON WHICH PROPOSAL: SB 419

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: Supremacy power of Supreme Court
over district courts should have the statu-
tory authority given in SB 419. We sup-
port the amendments offered by Sen. Hay-
cock. We support eliminating the refer-
ences to "departments".

NAME:

Margaret Elkins

DATE:

15 Feb 81

ADDRESS:

917 Harrison Helena MT 59601

PHONE:

League of Women Voters of Montana

REPRESENTING WHOM?

0443-3487

APPEARING ON WHICH PROPOSAL:

SB-464

DO YOU:

SUPPORT?

☒

AMEND?

☐

OPPOSE?

☐

COMMENTS:

This review can be provided cost-
effectively by the Sec. of State & it would
provide needed information state wide.

potential
AMEND
1. Page 1, line 19 strike "educational
background", substitute "party affiliation"

2. Consider dropping fees for inclusion;
potential campaign disclosure vari-
fications.

3. Stipulate uniform space (page 2, Sec 3-4)
in lieu of specific page size

4. Retain the provision for voluntary
participation on the part of candidates

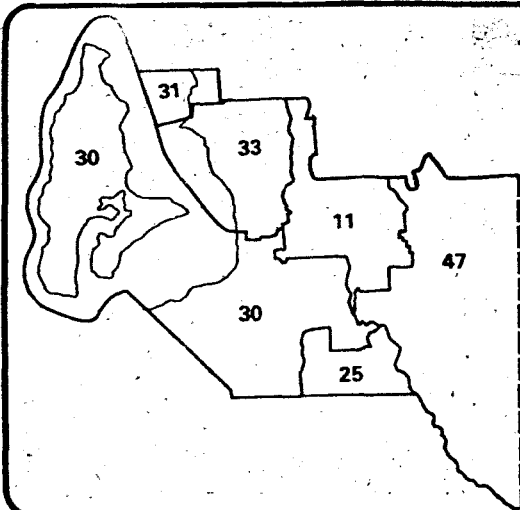
STATE GENERAL ELECTION • NOVEMBER 7, 1978

PUBLISHED BY THE SECRETARY OF STATE



1978

VOTERS AND CANDIDATES PAMPHLET



Edition 4 contains the ballot title, explanatory statement, arguments, rebuttals, and text of Initiative Measure 350 and the statements and photographs of candidates for U.S. Representative in Congressional Districts 3, 6, and 7; State Supreme Court; King County Superior Court; State Senator in Legislative Districts 11, 30, 31, 33, and 47; and State Representative in Legislative Districts 11, 25, 30, 31, 33, and 47.

NAME: CAROLE BRASS DATE: 2-18-81

ADDRESS: 705 13th ST. BUTTE MT

PHONE: 792-2015

REPRESENTING WHOM? CITIZEN'S LEGISLATIVE COALITION

APPEARING ON WHICH PROPOSAL: SB 464

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: WE ENCOURAGE ANY EFFORT TO

MAKE THE MONTANA VOTER BETTER INFORMED.

WHEN THEY GO TO VOTE.

March 1980

OFFICE OF THE LEGISLATIVE AUDITOR
SUNSET POSITION PAPER #1

RE: SENATE CONFIRMATION OF BOARD APPOINTMENTS

Constitutional or statutory provisions in many states require appointments to public office or to certain designated offices to be approved or confirmed by some body other than the appointing power. The Montana constitution specifically provides in Article 6, section 8(2):

"The Governor shall appoint, subject to confirmation by the Senate, all officers provided for in this constitution or by law, whose appointment or election is not otherwise provided for."

Some of the statutes creating Montana's licensing, regulatory, and advisory boards specifically provide for Senate confirmation of all the appointees. However, the majority of appointments are not subject to Senate confirmation, as is indicated in Appendix A.

The confirmation process allows a public hearing and exposure of the individual appointee to the general public for review of qualifications. While the confirmation process has been determined not to be a usurpation of the executive power to appoint, it does provide a veto power in the legislature as a check on gubernatorial appointments. (63 Am. Jur. 2nd, public officers and employees, sections 110-113.)

ISSUE:

Should all appointments to state licensing, regulatory, and advisory boards be subject to Senate confirmation?

APPENDIX A

<u>SENATE CONFIRMATION</u>		<u>BOARD</u>
<u>NO</u>	<u>YES</u>	
<u>1st Sunset</u>		
<u>Cycle</u>		
	X	Accountants
	X	Architects
	X	Banking
X		County Printing
	X	Electricians
X		Engineers and Land Surveyors
NA		Insurance Commissioner
NA		Investment Commissioner
X		Landscape Architects
X		Physical Therapists
X		Plumbers
	X	Realty Regulation
<u>2nd Sunset</u>		
<u>Cycle</u>		
X		Athletics
X		Barbers
X		Chiropractors
X		Cosmetologists
X		Dentistry
X		Hearing Aid Dispensers
X		Human Rights Commission
X		Massage Therapists
	X	Medical Examiners
	X	Morticians
X		Nursing
X		Nursing Home Administrators
X		Optometrists
X		Osteopathic Physicians
X		Pharmacists
X		Podiatry Examiners
X		Psychologists
X		Radiologic Technologists
X		Sanitarians
X		Speech Pathologists and Audiologists
X		Veterinarians
X		Veterans Affairs
<u>3rd Sunset</u>		
<u>Cycle</u>		
X		Aeronautics
X		Hail Insurance
	X	Horse Racing
	X	Livestock
X		Milk Control
X		Oil and Gas Conservation
X		Outfitters Council
NA		Public Service Commission
X		Water and Waste Water Operators
	X	Water Well Contractors
<u>31</u>	<u>10</u>	

COMMITTEE

VISITORS' REGISTER

DATE _____

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Mike Abley	Supreme Court	419	✓	
Margaret Wilson's	HVO of Montana	419	✓	
Paul Bruns	Citizens Legislative Coalition	464	✓	
Jeanie Kittle	Senate Page	419		
Jean Wilson	Senate Page	419		
Alan Robertson	Sec. of State	455	✓	
Alan Robertson	" "	464	✓	
Scott Scarf	Legislative Audit Committee	424		
Mr. Davis	Bill of 7-14	464	✓	
Mike O'Malley	Common Cause/P.T.	464	✓	
Dan O'Fallon	Intern for Sen. Eck	464	✓	
Dee Hermes	Senator Towe			
Ligh Kirkpatrick	Sen. Towe			
Dorothy Eck	Senators -	464	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

STANDING COMMITTEE REPORT

FEB. 13 1981

FEB.

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 455

Respectfully report as follows: That SENATE Bill No. 455

introduced bill, be amended as follows:

1. Page 2, line 4.
Strike: "dissolution"
Insert: "expiration"

AS AMENDED
DO PASS

W.C.

Pete Story
PETE STORY

Chairman.

STANDING COMMITTEE REPORT

, Feb. 13 19 81

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **424**

Respectfully report as follows: That **SENATE** Bill No. **424**

HC
DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date February 18, 1981 Bill No. 424 Time

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

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Towe moved this bill DO PASS: motion carried
by majority with Sen. Story voting no.

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