

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
January 5, 1983

The meeting was called to order at 9 a.m. in Room 129 of the Capitol by CHAIRMAN JOE BRAND. Present were all members.

HOUSE BILL 2

Chairman Brand opened the hearing on House Bill 2 by calling on chief sponsor REP. JACK RAMIREZ. Rep. Ramirez said the measure would make very little change in present procedures regarding the initiative and the referendum processes. He said there were problems now existing in the timing of the measures, and as to what happens with legislative council changes in recommendations that are designed to clarify language of the ballot measures. He referred to page 1 of the bill, where the timing was changed. He said the initiative would be changed when submitted, and he referred to line 24 where the word "written" is recommended. On page 2 of the bill, line 1 he noted that it would require the submitter of the measure to respond "in writing" to legislative council changes. On line 6 and 7, he noted that copies of the revelant correspondence would be furnished to the Secretary of State. The bill is "purely and simply to clarify the process," Ramirez said.

BOB PYFER, Director of Legal Services of the Legislative Council, testified to add one point--that the "main thrust of the bill is to have the petition to the Legislative Council prior to submission to the Secretary of State." Pyfer said "we now have 3 clocks running: the Legislative Council, the Secretary of State, the Attorney Generals." They are "very difficult time restraints." And this creates a disincentive for petitioners to take on our recommendations. If they did, he said, the Secretary of State is to treat the matter as starting the time clock again. Pyfer said other changes are that petitioners are to respond in writing to legislative council changes.

CLIFF CHRISTIANS, Representative of Secretary of State James Waltermire, stated Waltermire's support of the measure.

NO OPPONENTS BEING HEARD AND REP. RAMIREZ MAKING NO CLOSING REMARKS, CHAIRMAN BRAND CALLED FOR QUESTIONS FROM COMMITTEE MEMBERS.

REP. BILL HAND asked if this bill would apply to all ballot issues. Pyfer said that it applies only to the initiative and the referendum processes because they come from the public.

REP. McBride asked if the measure would add two weeks to the process. Pyfer said it would.

REP. PISTORIA asked if it would provide a way to improve wording on a troublesome issue. Rep. Ramirez said it would. "We should get better-written ballot issues," Ramirez said "to make sure the system in place is working well."

Chairman Brand inquired of the "duty of the Attorney General here." Rep. Ramirez said the Attorney General would make sure the wording is correct. He said the Attorney General would make a "summary" that is a correct statement of the pro and con perspectives of the measure.

REP. JERRY DRISCOLL asked if the measure would effect "one year or one year and two weeks." He referred to page two, line 13-16. Rep. Ramirez said he would assume it would add at least two weeks. Pyfer said "they don't want bills three years in advance." Rep. Ramirez said that Rep. Driscoll made a good point; he said that perhaps it should be changed to mean one year and two weeks to the Legislative Council. Pyfer said he did not think the matter would create a problem.

THERE BEING NO MORE QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 2.

CHAIRMAN BRAND OPENED THE HEARING ON HOUSE BILL 5 BY CALLING ON ITS SPONSOR, REP. REX MANUEL.

REP. REX MANUEL said the bill was introduced at the request of the Legislative Council as a house-keeping measure. He said it was a bill to allow members of the commission to get their own appropriation. (See bill summary.)

THERE BEING NO OPPONENTS OR PROPONENTS FOR THE MEASURE, CHAIRMAN JOE BRAND OPENED THE HEARING ON HOUSE BILL 5 TO QUESTIONS BY COMMITTEE MEMBERS.

REP. KATHLEEN McBRIDE asked who would administer the operations of the commission. Rep. Manuel said the Department of Administration would be designated to administer the money.

REP. FRANCIS KOEHNKE asked what kind of appropriation would be made. Rep. Manuel said the appropriation would be as any other appropriation.

REP. CHET SOLBERG asked how much money is in question.

Legislative Council Attorney, DAVID NISS, said that last year the commission used \$1,195, and the Legislative Council has reserved \$2,000 for next year, which he said he expected to be "more than enough."

Chairman Brand asked if this was the process for other boards. Niss said that the executive director of the Legislative Council now serves as the designee for administering the payments to the commission members. He said that when an appropriation is passed, it may be the Legislative Council that "hands the members their checks."

Chairman Brand asked if this was the only such situation. Niss said he believed so. He said there are quasi-legislative bodies, but he believes that the salary commission is not a legislative body.

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 5.

EXECUTIVE SESSION

CHAIRMAN JOE BRAND BROUGHT THE COMMITTEE INTO EXECUTIVE SESSION AND CALLED FOR ACTION ON HOUSE BILL 2.

REP. WALTER SALES MOVED, that House Bill 2 DO PASS. REP. GLENN MUELLER SECONDED. The question was called and House Bill 2 CARRIED on a unanimous voice vote.

HOUSE BILL 5

Chairman Brand called for action on House Bill 5. He suggested the title be amended.

REP. HELEN O'Connell MOVED such an amendment, REP. JOHN E. PHILLIPS SECONDED. Legislative Council Researcher, Lois Menzies said the purpose of the amendment would be to correct the title of the bill to reflect the additional language and the purpose of the measure. The question was called and the amendment PASSED by unanimous voice vote.

Rep. O'Connell moved the bill DO PASS AS AMENDED, REP. KOEHNKE SECONDED. The question was called and the motion CARRIED on a unanimous voice vote.

HOUSE BILL 23

Chairman Brand called for action on House Bill 23, and suggested it be postponed until a fiscal note could be prepared.

Rep. O'Connell MOVED that House Bill 23 be taken off the agenda and rescheduled. REP. SMITH SECONDED. The question was called and CARRIED on a unanimous voice vote.

HOUSE BILL 22

Chairman stated that, with regard to House Bill 22, its sponsor, REP. ROBERT ELLERD, stated that a witness would be coming from San Francisco to support the measure. Chairman Brand suggests that the measure be set back until more witnesses could be accommodated. He suggest that "we should grant the courtesy to Ellerd to get the witness in."

Rep. McBride asked if a motion was needed, stating that the 7-day requirement was vague. Chairman Brand said that the measure could be held on the floor as valid.

REP. MUELLER MOVED ADJOURNMENT, REP. SALES SECONDED.

CHAIRMAN BRAND DECLARED THE MEETING ADJOURNED.



REPRESENTATIVE JOE BRAND, Chairman

STANDING COMMITTEE REPORT

January 5, 1983

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **2**

first reading copy (**white**)
Color

"AN ACT TO CLARIFY THE LAW RELATING TO LEGISLATIVE COUNCIL REVIEW
OF BALLOT ISSUES; PROVIDING THAT COUNCIL REVIEW MUST BE ACCOMPLISHED
PRIOR TO SUBMISSION OF THE SAMPLE PETITION TO THE SECRETARY OF
STATE; AMENDING SECTION 13-27-202, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **2**

DO PASS

REP. JOE BRAND

Chairman.

STANDING COMMITTEE REPORT

January 5, 19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **85**

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Respectfully report as follows: That **HOUSE** Bill No. **5**

Title, line 7.

Following: "EXPENSES"

Insert: "AND PAID A DAILY ALLOWANCE WHILE ATTENDING MEETINGS"

DO PASS **AS AMENDED**