

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
49th LEGISLATURE SPECIAL SESSION III
HOUSE OF REPRESENTATIVES

June 26, 1986

The meeting of the State Administration Committee was called to order by Chairman Sales on June 26, 1986 at 5:00 p.m. in Room 317 of the State Capitol.

ROLL CALL: Sixteen members were present with Rep. O'Connell absent and Rep. Veleber excused.

CONSIDERATION OF HOUSE BILL NO. 51: Rep. John Mercer, sponsor of the bill, addressed the committee and explained the purpose of introducing the legislation to allow two more weeks for gathering signatures for the initiative process. This would specifically address ten petitions that are being circulated at the present time, particularly two which pertain to private and public sector liability. It was assumed that the Legislature, at the March special session, would act on this. However, this did not happen so they are presently gathering signatures to put this before the voters in November. The deadline for gathering signatures is tomorrow, June 27, 1986, and this bill would grant another two weeks. He said the bill was drafted by the Legislative Council in consultation with the Secretary of State.

PROPOSERS: Chip Erdmann, Montana School Boards Association, said they had all come to the March special session thinking something would be done and when this was not done, they had to start from nothing. He said that the majority of the legislators in March wanted to get this before the people.

Debi Brammer, Montana Association of Conservation Districts, agreed with Mr. Erdmann and supported Rep. Mercer's bill.

Rose Skoog, Coordinator for the Montana Liability Coalition, said she was neither a proponent or opponent and stated that the private sector liability, at this time, had gathered approximately 48,000 signatures around the state and it would probably be about 50,000. Those numbers were unofficial and would have to be certified. She said she was concerned about the bill as written and suggested that it be amended to state that the clerks would in fact certify the signatures that have been received by June 27, 1986.

Larry Akey, Secretary of State, neither a proponent or opponent, appeared to discuss the mechanics of the bill. In allowing an additional two weeks for the signature process for the petitions now being collected would also reduce the time period allowed for some of the administrative process. Chairman Sales asked Mr. Akey how many petitions had been approved and seeking signatures. He answered that there were eleven but now ten ballot issues being circulated, some more actively than others.

OPPONENTS: Carl Englund, Montana Trial Lawyers Association, said the bill represents a very small, narrow and extraordinary exception to the law and would constitute changing the rules in the middle of the game. These people knew what the deadline was when they went into the initiative process. We have rules to follow and those rules should be followed and do the best that can be done. If they do not work, come back and try something else.

James Mular, Rail Union Brotherhood in Montana, said that this situation could have been worked on in January, 1987. He said that the public liability is being taken care of in a bill by Senator Blaylock and urged the Committee's opposition to the bill.

Rep. Pistoria agreed with Jim Mular and wanted to be shown on record as being in opposition to the bill.

Rep. Janet Moore also wished to be known as an opponent to the bill.

Sue Bartlett, Clerk and Recorder of Lewis and Clark County, said she was speaking on her own behalf and explained the mechanics of trying to certify and validate signatures. She said that the first signed petition received in her office was on May 15th which is late for petition process. They did not begin working on the petitions until the Monday following the election. She said she would be in immediate violation of the law if the bill is passed as written.

Chairman Sales asked Sue Bartlett, Lois Menzies, Staff Researcher and Larry Akey to act as a subcommittee and draft some amendments that everybody could live with.

DISCUSSION OF HOUSE BILL NO. 51: Rep. Pistoria asked if Sen. Blaylock didn't have a bill introduced this session. Mr. Erdmann said he had introduced a bill that would reinstate the limits at a higher level than before. He also said that public officials are resigning because they can't afford to be without liability. Rep. Pistoria also asked if Rep. Bardanoue's HB17 in the last session was the same but Mr. Englund said it was completely different.

Rep. Nelson asked if the bill could be amended on page 1, line 18, following "10" insert "working". Rep. Mercer said there were more problems than just that one word and said that the chairman had done the right thing by appointing the three persons to work on an amendment to the bill to satisfy everyone concerned.

Rep. Cody asked Rep. Mercer if there hadn't been a petition for the liability referendum. He said they had gathered 80 names but they needed 100 because it was a constitutional referendum.

In answer to a question from Rep. Smith, Mr. Englund said that this bill is changing the rules for this particular instance and it could create a precedent. It also does damage to the process.

Rep. Smith said he thought there was a double safeguard here. He said this was affecting more than just a special group of people; it was a lot of people.

Rep. Harbin said he was concerned about the precedent situation and asked Rep. Mercer if he had any kind of a feeling for other initiatives in future years. Rep. Mercer explained that he did not feel a precedent would be set because the same circumstances would have to present themselves which he doubted would happen.

Rep. Mercer said this bill would also affect the other petitions that were being circulated but if the people wish to get something on the ballot, not passing this bill would be trying to use the procedure to deny them that right. He did not see any justification for that.

There being no further questions from the Committee, Rep. Mercer closed and said that Sen. Blaylock's bill is reenacting the statute that was held unconstitutional by the court and the bill is really saying, "overrule it again". He said we need to go to the people to see what they want. He said if the people do not want it they will vote it down on the ballot and urged the Committee to support the bill. He also stated that he would not object to anything that could be worked out to satisfy the clerks and recorders and the office of secretary of state as far as their deadlines.

EXECUTIVE ACTION:

Lois Menzies explained the amendments, which are shown on a copy of the Committee Report attached to the minutes.

Rep. Smith moved that HB 51 DO PASS, seconded by Rep. Phillips.

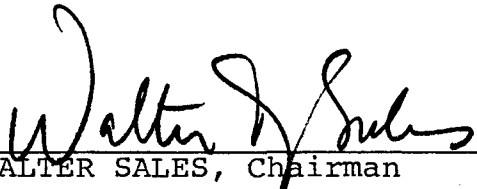
Rep. Phillips moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Garcia.

Rep. Cody stated that she didn't intend to vote for the bill but said she did take exception to the statement that this would be denying the public's right to vote. Chairman Sales said her exception would be noted. Rep. Jenkins said he felt the bill should pass to give the people the chance to vote on this issue.

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There being no further discussion, the question was called.
The motion DO PASS AS AMENDED, roll call vote being taken,
PASSED 11-6.

There being no further business, the meeting adjourned at
5:55 p.m.



WALTER SALES, Chairman

DAILY ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date

6-26-86

NAME	PRESENT	ABSENT	EXCUSED
SALES, Chairman	/		
O'CONNELL			
CAMPBELL	/		
CODY	/		
COMPTON	/		
GARCIA	/		
HARBIN	/		
HAYNE	/		
HOLLIDAY	/		
JENKINS	/		
KENNERLY	/		
MOORE	/		
NELSON	/		
PETERSON	/		
PHILLIPS	/		
PISTORIA	/		
SMITH	/		
VELEBER			/

ROLL CALL VOTE
STATE ADMINISTRATION

COMMITTEE

DATE 6-26-86 BILL NO. HB 51 NUMBER _____

NAME	AYE	NAY
SALES, Chairman	✓	
O'CONNELL		
CAMPBELL	✓	
CODY		✓
COMPTON	✓	
GARCIA	✓	
HARBIN		✓
HAYNE	✓	
HOLLIDAY	✓	
JENKINS	✓	
KENNERLY		✓
MOORE		✓
NELSON	✓	
PETERSON	✓	
PHILLIPS	✓	
PISTORIA		✓
SMITH	✓	
VELEBER		✓

TALLY

11 6

Secretary

Chairman

MOTION: Do Pass. As Amended. Motion Passed.

NT 51

Vote No
on Do Pass motion

Rep Velcher

Eden Vell

COMMITTEE

DATE _____

NAME (please print)

REPRESENTING

SUPPORT

OPPOSE

Debi Brammer

MACD
UTB BR. Rwy ^{Rate} Clerks

X

X

JAMES T. MULAR

Rose Skoug

MT LIAB. COAL

X

Gene Bastlett

Lewis & Clark Clerk & Rec

LARRY AKG Y

SEC OK STATE

Bob Mullen

MAC.

X

Jim Halverson

MA CO

X

Harold E. H. O. N. D.

Mr. TRAC LAWYERS

✓

J. Riley Johnson

NFIR

✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Debi Brammer BILL NO. HB 51
ADDRESS Power Blk - Suite 46, Helena DATE 5-26-86
WHOM DO YOU REPRESENT? MT Assoc of Conservation Districts
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We (the association) would like to go on record as supporting HB 51.

Debi Brammer

WITNESS STATEMENT

NAME Chip Eermann BILL NO. HB51
ADDRESS Helena, MT DATE 6/26/86
WHOM DO YOU REPRESENT? MSBA
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- We support the two week extension for ~~initiation~~ initiative petitions which this bill would provide.
- The importance of this issue is so great that it deserves this extraordinary effort.
- It will not create a precedent for future sessions because the Legislature does not normally meet in June.

WITNESS STATEMENT

NAME JAMES T. MUIR BILL NO. HB 51
ADDRESS 440 ROOSEVELT DR BUTTE DATE 6-28-86
WHOM DO YOU REPRESENT? BRAC-UTU-BMW & BLE RR UNIONS
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

ORAL STATEMENT IN OPPOSITION

STANDING COMMITTEE REPORT

June 27

19 35

Mr. Speaker: We, the committee on State Administration

report HB 51

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Walter Sales,

Chairman

1. Title, line 7.
Following: "PROVIDING"
Insert: "AM"
2. Title, line 8.
Strike: "DATES"
Insert: "DATE"
3. Page 1, line 18.
Strike: "within 10"
Insert: "no later than 12"
4. Page 1, lines 18 and 19.
Strike: "of" on line 18 through "to" on line 19
Insert: "after the deadline provided in"
5. Page 4, line 6.
Strike: "30"
Insert: "78"
6. Page 5, line 7.
Strike: "dates"
Insert: "date"