

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 25, 1987

The forty-third meeting of the State Administration Committee was called to order by Chairman Jack Haffey on March 25, 1987 at 10:05 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on House Bill 29.

CONSIDERATION OF HOUSE BILL 29: Representative Francis Bardanoue, House District 16, Harlem, was sponsor for this bill entitled, "AN ACT TRANSFERRING STATE OWNERSHIP RECORDS FROM THE SECRETARY OF STATE TO THE DEPARTMENT OF STATE LANDS; REQUIRING THE DEPARTMENT OF STATE LANDS TO TRANSFER RECORDS OF OTHER STATE PROPERTY INTERESTS TO THE STATE AGENCY ADMINISTERING THE PROPERTY; REQUIRING THE DEPARTMENT OF STATE LANDS TO MAINTAIN A REPOSITORY AND INDEX OF OWNERSHIP RECORDS OF STATE LANDS; REQUIRING STATE AGENCIES TO FILE OWNERSHIP RECORDS WITH THE DEPARTMENT OF STATE LANDS; GRANTING RULE-MAKING AUTHORITY TO THE DEPARTMENT OF STATE LANDS; AMENDING SECTION 2-6-111, 2-15-401, AND 77-1-101, MCA; AND REPEALING SECTIONS 2-17-121 THROUGH 2-17-126, MCA." He noted he had read through a legislative audit report and they had recommended that the land titles and abstracts be centralized in one location. He noted at the present time State Lands has all the trust files in good shape. There are also land records and titles in the Secretary of State's office, right-of-way titles in the Highway Department and Fish and Game has various easements of lands in their office. He stated the Secretary of State was not particularly interested in keeping the land records in their office. He said there some very poor titles for lands acquired by and surrounding some of the institutions. In the past he said they sometimes acquired land on their own without legal advice. These need to be upgraded he stated. He stated the bill would have very little fiscal impact. It would not mandate that the records be upgraded right away but rather over the years as their budgets allow. They would file and put them on computer. He noted the agencies had worked together on this bill and were in agreement. The Highway Department would retain the right-of-way titles and the Fish and Game would keep their easements on the lands they manage. It would just make the records more accessible to the public he felt.

PROPOSERS: Dennis Hemmer, with the Department of State Lands, stated they support HB 29. He noted they have the trust lands on file and on the computer which they feel is much more efficient. He said on fee lands they maintain a card index. Some of the lands have not been abstracted or do not have title insurance.

The Department would keep the titles in one location and update the card index and as time and money allowed they would upgrade all of the titles and have them put on the computer.

Larry Akey, Chief Deputy to Secretary of State, Jim Waltermire, stated they were in support of the bill. He said for the most part land records that are kept in their office are on a manually operated card file which was clearly not state of the art. This bill would allow them to transfer those records to the Department of State Lands. The agencies responsible for fee lands would still be responsible for maintaining their records. He noted that the amended version has no enforcement mechanism to make certain that land records held by the various agencies are filed in a central system. He felt the bill as written was a marginal improvement over the current system and urged support.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 29: There were none.

Rep. Bardanoue stated he was not critical of the way the files were being handled in the Secretary of State's office as they inherited this system. He said it would be desirable if there was sufficient funding to see that all records are brought up to date but felt eventually all the files will be computerized and brought up to the state of the art. The hearing was CLOSED on House Bill 29.

EXECUTIVE ACTION ON HOUSE BILL 29: Senator Farrell MOVED THAT HOUSE BILL 29 BE CONCURRED IN. Senator Hofman seconded the motion. The motion carried unanimously. Senator Vaughn will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 325: The committee had a tie vote on this bill on Monday, March 23, 1987. The committee had adopted amendments that had been recommended by the subcommittee on House Bill 325. Three of the subcommittee members had to leave the meeting before there was a chance to discuss their votes so the committee decided to reconsider the action taken on HB 325.

Senator Farrell MOVED THAT HOUSE BILL 325 BE CONCURRED IN AS AMENDED. He stated he felt it was a step in the right direction to develop a plan with local input to serve the youth of our state. Senator Lynch still had some reservations but felt it was a far better bill than it was originally. He felt the original advisory committee was negligent in not including the social workers on the planning stages of the Family Services Agency.

Senator Hirsch then MADE A SUBSTITUTE MOTION TO SEND HOUSE BILL 325 TO THE FLOOR WITHOUT A RECOMMENDATION. He noted the committee had been deadlocked when they voted before but he did feel it was an important issue that should be debated on the floor. Senator Haffey referred to the rules which state if there is a tie vote the bill would remain in committee and that it would be going against the rules to send a bill out without recommendation. Senator Abrams stated he could vote for this motion but could not vote for a do pass. He said he had been deluged with letters from constituents against the bill and was uncomfortable voting for the bill. Senator Harding noted she too was uncomfortable with the bill but felt it was important that it get out on the floor and would vote for the bill just to get it out of committee. Senator Vaughn felt a bill this important should be debated and favored putting it out with a do pass recommendation to get it to the Senate floor. On a vote of Senator Hirsch's motion THAT THE BILL BE SENT OUT WITHOUT RECOMMENDATION, there were two who voted "yes" and eight who voted "no." The motion failed.

A call was made for a vote on Senator Farrell's MOTION THAT HOUSE BILL 325 BE CONCURRED IN AS AMENDED. Senator Abrams stated he would vote yes in order to get the bill out on the floor. Eight committee members voted "yes" and two voted "no." The motion carried. Senator Mazurek will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 721: This bill was first heard in committee on March 13, 1987 with amendments. The bill was referred back to the committee after floor debate for further consideration. Amendments were offered by Senators Van Valkenburg, Story and Severson and by Representative Thomas.

Senator Story offered his amendments first. (EXHIBIT 1) He stated he felt the legislature could live with or without annual sessions if the rules for doing them were workable. He felt the proposal should maximize the advantages and minimize the disadvantages. He felt the current version of the bill does not work because there are too many relationships between appropriations and general bills. He noted that often the legislature cannot cut a budget because the law mandates that an agency perform certain duties. In some cases to reduce the budget you must first cut programs which requires a law. He felt in the general session if you wanted new duties performed it might require money to fund this and you would have to put action off till the next session or ignore the law. It would require a two-thirds majority in both houses to change a law or if you were in a budget session it would require a two-thirds majority also. He felt this would not be workable. He felt some legislators thought this might

lead to shorter sessions and that they could supervise state agencies on an annual basis but he felt this could not be done if everything required a two-thirds vote. He would recommend a 75-day session each year and handling the budgets on a biennial basis as is done now. He noted if something was considered one year it could not be brought back again the next year. He felt there were pitfalls to putting into the constitution the exact length of time because then you could not suspend the rules if additional time were needed. His proposal would allow 75 days annually and if you could do the business in a shorter period of time you could. If this did not work you would not have to go back and change the constitution. He felt his amendments or Senator Van Valkenburg's amendments would allow the session to live without embarrassment.

Senator Van Valkenburg then presented his amendments before the committee. He felt the bill as it is presently written would just not be workable. He felt his proposal was very conservative and would give a sense of what would happen. (EXHIBIT 2) He offered a 90-day session in odd-numbered years just as we have now that could do everything, appropriations, revenue and general bills. In the even-numbered years the legislature would meet for 20 days and be limited to consideration of appropriation or revenue measures. It would allow the introduction of other bills by a majority vote of each house. If there was a major concern that needed to be addressed it could be done but he did not feel that a two-thirds vote was necessary. His amendment would also strike existing language in the constitution that allows the legislature to increase the limit on a succeeding session. He noted this has never been used and might have the potential for creating problems. He felt a 20-day limit would act as a brake against extraneous issues and would give the legislators some kind of a schedule so they could plan accordingly. He offered the committee some information Senator Brown had researched on what other states do in their legislative sessions. (EXHIBIT 3)

Senator Severson stated he had always favored annual sessions as long as there would be adequate rules to guide them. He thought a short session in odd-numbered years to take care of urgent fiscal matters and where you could introduce bills but not pass them till the next session on general matters would be more feasible. He said this way the bills would be out before the public and could be studied carefully so that when the next session began you could be ready to start immediately. He felt there would be more public involvement and you would have more educated legislators. January and February were good months to conduct the sessions he said and with shorter sessions more people might be encouraged to serve in the legislature.

Representative Thomas had distributed some amendments as an option to consider. (EXHIBIT 4) He said the original intent of the proposal was to shorten the session each year, which would allow more people to serve and to divide the sessions for budget and general purposes to allow the work to be done in a shorter period of time because you would be concentrating on one area. He felt if the sessions were divided you would need to have the two-thirds vote. The number of days could be adjusted he said. Having the general session in the even years would allow time to request that bills be drafted he felt. The language he was proposing was similar to what the State of Wyoming has whereby they set a maximum number of days for a biennium and then set a maximum of how many days a session can run in one year. You could not meet each year for more than 60 and for the biennium not more than 95 days. It would give some flexibility he felt. The amendments also incorporate the two-thirds vote and that no bill can be carried over and included ballot language. He felt Senator Story's proposal of 75 day annual sessions would be defeated on the ballot. A 90-20 day proposal would also defeat the purpose of the bill he felt.

Senator Story stated he liked Senator Van Valkenburg's ideas as much as his own. If you introduce bills and hold them over for a year he felt the legislators would be involved in many more meetings on their own time to educate the public's concerns. He left the committee with a quote from Roy Chapman Andrews, "Adventure is what you have when you haven't planned carefully or thoroughly." He hoped the committee would not plunge into the unknown and develop a plan that would work.

QUESTIONS ON HOUSE BILL 721: Senator Lynch felt one of the assets of the bill was that it would involve more legislators in the budget and taxation process. He wondered if this would result in expanded taxation or appropriations committees in the shorter sessions. Senator Van Valkenburg did not think having more people involved in appropriations would be a good idea. It could become very divided he felt. You would need some mechanism for people to be involved in to keep them occupied he said. Senator Haffey noted in the annual sessions they did have that those who were not involved in the committees were attending the hearings and becoming educated and he felt they were better informed than they are now when they have to be attending other committees. Sen. Rasmussen stated that he liked the Wyoming proposal.

Kim Wilson, Common Cause, distributed a handout of the constitutional provisions of Wyoming's legislative sessions and their rules. They have a 60 day limit in the biennium. By

statute they provide for a general session in odd-numbered years for 40 days and a budget session in even-numbered years of 20 days. He noted that in Wyoming it does work well and they have greater control and there is more public participation. The 20-day budget session does not include a two or three week time period prior to the session beginning when the appropriations committee meets nor does it include days when the committees meet which are not counted as legislative days. (EXHIBIT 5)

Senator Haffey suggested a subcommittee meet to discuss the proposals further and to bring a recommendation back to the committee. Senators Lynch, Rasmussen, Anderson and Harding were appointed.

EXECUTIVE ACTION ON HOUSE BILL 459: There were three sets of amendments that had been proposed. These were from the Montana School District Clerk's, the Democratic party and from the Clerk and Recorder's Association. (EXHIBIT 6, 7, and 8)

The School District Clerk's amendment would only change the date of the school election in the year of the presidential primary and it would remain the same the remainder of the time. Sue Bartlett, from the Clerk and Recorder's office from Lewis and Clark County, felt it would just add to voter confusion. She felt it would be better to have them all in March or in April but not to change the dates from year to year because it would just be very confusing. No motion was entertained on this proposal.

The County Clerk and Recorder's Association were discussed as alternative 3 during the hearing on HB 459. There would be insertion of language that if there was a different time set up for the primary election than the regular school election hours that the county would be responsible for paying the costs of this. Amendment four of their proposal would set up a time period of 135 days before the election and no later than 75 days before the date of the primary for declaration of nominations to be filed. Amendment 5 would define the presidential preference primary election procedures to be the same as they are in current law. The effective date would be contingent on the assumption that 3 of the 4 states in this region would adopt a similar resolution. Larry Akey noted that filing of nominations would be effective July 1, 1987. Senator Harding MOVED THAT THE CLERK AND RECORDER'S AMENDMENTS BE ADOPTED. The motion carried unanimously.

The third set of amendments were those proposed by the Democratic party. Amendment 5 dealt with a submission and verification of petitions which would not conflict with the amendments that had just been adopted from the Clerk and Recorder's. It would

also require that a person indicate his party preference on the precinct register. The committee decided not to consider this amendment.

Larry Akey from the Secretary of State's office, stated that the amendment concerning the repealer deals with an issue that the Democratic Party has whereby their party rules set a 75-day deadline prior to the election. In Montana we currently have 105 days. He noted this provision has never been used but is in statute and it would also strike the requirement that the Secretary of State notify candidates 30 days prior to the election that they may remove their name if they so desire. Senator Hirsch MOVED THAT AMENDMENT 6 REGARDING THE REPEALER BE ADOPTED. This motion passed unanimously.

Amendment 7 would set an effective date upon passage and approval. Senator Hirsch MOVED THAT THE AMENDMENT FOR AN EFFECTIVE DATE BE ADOPTED. The motion carried unanimously.

Senator Harding then MOVED THAT HOUSE BILL 459 AS AMENDED BE CONCURRED IN. The motion carried with Senator Rasmussen abstaining. He noted he had not been able to be present for the hearing of this bill.

Sue Bartlett noted that in the hearing that both the clerks and Evan Barrett had indicated a preference for moving the primary to May and were concerned with a funding mechanism for the counties to cover the additional costs of holding a primary. She noted that currently counties do not hold elections in March and that when school elections are held the county is not responsible for these costs. Senator Haffey stated he recalled those discussions and that he also understood that the group of governors had agreed upon a March date as being the only date that would be feasible. Larry Akey commended the committee for their efforts in working out the mechanics of the primary election.

GOVERNOR'S APPOINTMENTS: Senator Haffey noted that there would be two resolutions prepared for the Governor's appointments and one would separate out the appointment for the State Tax Appeal Board. Copies would be printed and distributed for all the senators to review before the hearing.

The meeting was adjourned at 11:30 a.m.

cd



SENATOR JACK HAFFEY Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-25-87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFNEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

COMMITTEE ON SENATE STATE ADMINISTRATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
Jim Wilson	Common Cause	720	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bette Galda	Dept of Highway	H.B. 29	<input type="checkbox"/>	<input type="checkbox"/>
LARRY AKE	SEC OF STATE	29	<input type="checkbox"/>	<input type="checkbox"/>
Margaret Smith	League of Women Voters	729	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mona Teigen	Farm Bureau Mt. Stokelys, Cottonwood	721	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dennis Hemmer	Dept of State Lands	HB 29	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wayne Curtis	Office of Rec Auditor Legislation	HB 29	<input type="checkbox"/>	<input type="checkbox"/>
Edith Wright	Farm Bureau	HB 721	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Florence Young	FARM BUREAU	HB 721	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lorna Frank	Farm Bureau		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Please leave prepared statement with Secretary)

SEN. STORV

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 3-25-87
BILL NO. HB 721

Amend Senate State Administration amendments
dated March 13, 1987, as follows:

Amendment No. 1

Delete first strike.
Strike insert and insert: "75"

Amendment No. 2

Strike insert and insert: "75"

Amendment No. 6

Strike insert and insert: "in annual sessions"

Amendment No. 7

Strike insert and insert: "in annual sessions"

House Bill 721 is further amended as follows:

1. Title, line 9
Following: "SESSIONS"
Strike: "FOR"
Insert: "OF NOT MORE THAN"
2. Title, lines 10 through 12
Strike: "IN" on line 12 through "SESSION" on line 12
3. Page 1, line 24 through line 11 on page 2.
Following: "days" on page 1, line 24.
Strike: the remainder of line 24 through "legislature."
on line 11, page 2.
Insert: ". The state budget must be set biennially in
odd-numbered years."

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 3-27-87

BILL NO. HB 721

Amendments to House Bill 721
(Third Reading)
As amended March 13, 1987, by the
Senate State Administration Committee

1. Senate State Administration Amendment No. 1 is further amended as follows:
Strike: "50"
Insert: "90"
2. Title, line 10
Following: "FOR"
Strike: "45"
Insert: "20"
3. Title, line 12
Following: "IN"
Strike: "EACH SESSION"
Insert: "SESSIONS IN EVEN-NUMBERED YEARS"
4. Senate State Administration Amendment No. 2 is further amended as follows:
Strike: "50"
Insert: "90"
5. Page 1, line 24
Following: "than"
Strike: "45"
Insert: "20"
6. Page 1, line 25 through page 2, line 6.
Following: "." on line 25
Strike: the remainder of line 25 through "." on page 2, line 6.
7. Page 2, line 6
Following: "in"
Strike: "odd-numbered"
Insert: "even-numbered"
8. Page 2, line 10
Following: "a"
Strike: "two-thirds"
Insert: "majority"
9. Page 2, lines 11 and 12
Following: "." on line 11
Strike: the remainder of line 11 through "." on line 12

10. Page 2, line 17

Strike: "1991"

Insert: "1989"

11. Senate State Administration Amendment No. 6 is further amended:

Following: "conducted"

Insert: "in even-numbered years"

12. Senate State Administration Amendment No. 7 is further amended:

Following: "conducted"

Insert: "in even-numbered years"

SENATE JOURNAL
 EXHIBIT NO. 3
 DATE 3-25-87
 BILL NO. HB 721

LEGISLATIVE DAYS
 6 Day Weeks

SUNDAYS

ACTUAL CALENDAR
 DAYS

6	+	1	=	7	
12	+	2	=	14	
18	+	3	=	21	
24	+	4	=	28	20-25 Legislative Days = One Month - Jan.
30	+	5	=	35	
36	+	6	=	42	
42	+	7	=	49	
48	+	8	=	56	45-50 Legislative Days = Two Months - Jan. Feb.
54	+	9	=	63	
60	+	10	=	70	
66	+	11	=	77	
72	+	12	=	84	70-75 Legislative Days = Three Months - Jan. Feb. March
78	+	13	=	91	
84	+	14	=	98	
90	+	15	=	105	90 Legislative Days = 3 1/2 Months - Jan. Feb. March, approx. April 20

Table 3.2
LEGISLATIVE SESSIONS: LEGAL PROVISIONS

State or other jurisdiction	Regular sessions			Special sessions			
	Year	Month	Day	Legislature convenes	Limitation on length of session(a)	Legislature may call	Legislature may determine subject of session
Alabama	Annual	Jan. Apr. Feb.	2nd Tues.(b) 3rd Tues.(c,d) 1st Tues.(e)	30 L in 105 C	No	Yes(f)	12 L in 30 C
Alaska	Annual	Jan. Jan.	3rd Mon.(c) 2nd Mon.(e)	120 C(g)	By 2/3 vote of members	Yes(h)	30 C
Arizona	Annual	Jan.	2nd Mon.	(i)	By petition, 2/3 members, each house	Yes(h)	None
Arkansas	Biennial-odd year	Jan.	2nd Mon.	60 C(g)	No	Yes(l,j)	(j)
California	(k)	Jan.	1st Mon.(d)	None	No	No	None
Colorado	Annual	Jan.	Wed. after 1st Tues.	(l)	By request, 2/3 members, each house	Yes(h)	None
Connecticut	Annual(m)	Jan. Feb.	Wed. after 1st Mon.(n) Wed. after 1st Mon.(o)	(p)	Yes(q)	(q)	None(r)
Delaware	Annual	Jan.	2nd Tues.	June 30	Joint call, presiding officers, both houses	Yes	None
Florida	Annual	Apr.	Tues. after 1st Mon.(d)	60 C(g)	Joint call, presiding officers, both houses	Yes	20 C(g)
Georgia	Annual	Jan.	2nd Mon.(d)	40 L	By petition, 3/5 members, each house	Yes(h)	(i)
Hawaii	Annual	Jan.	3rd Wed.	60 L(g)	By petition, 2/3 members, each house	Yes	30 L(g)
Idaho	Annual	Jan.	Mon. on or nearest 9th day	None	No	No	20 C
Illinois	Annual	Jan.	2nd Wed.	None	Joint call, presiding officers, both houses	Yes	None
Indiana	Annual	Jan.	2nd Mon.(d,t)	odd-61 L or Apr. 30; even-30 L or Mar. 15	No	Yes	30 L in 40 C
Iowa	Annual	Jan.	2nd Mon.	(u)	By petition, 2/3 members, both houses	Yes	None
Kansas	Annual	Jan.	2nd Mon.	odd-None; even-90 C(g)	Petition to governor of 2/3 members, each house	Yes	None
Kentucky	Biennial-even yr.	Jan.	Tues. after 1st Mon.(d)	60 L(v)	No	No	None
Louisiana	Annual	Apr.	3rd Mon.	60 L in 85 C	By petition, majority, each house	Yes(fh)	30 C
Maine	(k,m)	Dec. Jan.	1st Wed.(b) Wed. after 1st Tues.(o)	100 L.(g) 50 L(g)	Joint call, presiding officers, with consent of majority of members of each political party, each house	Yes(h)	None
Maryland	Annual	Jan.	2nd Wed.	90 C(g)	By petition, majority, each house	Yes	30 C

DATE 3-25-87
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LEGISLATIVE SESSIONS: LEGAL PROVISIONS—Continued

State or other jurisdiction	Regular sessions				Special sessions			
	Legislature convenes				Limitation on length of session(g)	Legislature may call	Legislature may deter- mine subject of session	
	Year	Month	Day	1st				By petition(w)
Massachusetts	Annual	Jan.	1st	Wed.	None	By petition(w)	Yes	None
Michigan	Annual	Jan.	2nd	Wed. (d)	None	No	No	None
Minnesota	(x)	Jan.	Tues.	after 1st Mon. (n)	120 L or 1st Mon. after 3rd Sat. in May(x)	No	Yes	None
Mississippi	Annual	Jan.	Tues.	after 1st Mon.	125 C(g,y); 90 C(g,y)	No	No	None
Missouri	Annual	Jan.	Wed.	after 1st Mon.	odd-June 30, even-May 15	No	No	60 C
Montana	Biennial- odd yr.	Jan.	1st	Mon.	90 L(g)	By petition, majority, both houses	Yes	None
Nebraska	Annual	Jan.	Wed.	after 1st Mon.	odd-90 L(g); even-60 L(g)	By petition, 2/3 members, each house	Yes	None
Nevada	Biennial- odd yr.	Jan.	3rd	Mon.	60 C(u)	No	No	20 C(u)
New Hampshire	Annual	Jan.	Wed.	after 1st Tues. (d)	45 L	By 2/3 vote of members	Yes	(u)
New Jersey	Annual	Jan.	2nd	Tues.	None	By petition, majority, each house	Yes	None
New Mexico	Annual(m)	Jan.	3rd	Tues.	odd-60 C; even-30 C	By petition, 3/5 members, each house	Yes(h)	30 C
New York	Annual	Jan.	Wed.	after 1st Mon.	None	By petition, 2/3 members, each house	Yes(h)	None
North Carolina	(x)	Jan.	Wed.	after 2nd Mon. (n)	None(x)	By petition, 3/5 members, each house	Yes	None
North Dakota	Biennial- odd yr.	Jan.	Tues.	after Jan. 3, but not later than Jan. 11(d)	80 L(z)	No	Yes	None
Ohio	Annual	Jan.	1st	Mon.	None	Joint call, presiding officers, both houses	Yes	None
Oklahoma	Annual	Jan.	Tues.	after 1st Mon.	90 L	By 2/3 vote of members	Yes	None
Oregon	Biennial- odd yr.	Jan.	2nd	Mon.	None	By petition, majority, each house	Yes	None
Pennsylvania	Annual	Jan.	1st	Tues.	None	By petition, majority, each house	No	None
Rhode Island	Annual	Jan.	1st	Tues.	60 L(u)	No	No	None
South Carolina	Annual	Jan.	2nd	Tues. (d)	1st Thurs. in June(g)	No	Yes	None
South Dakota	Annual	Jan.	Tues.	after 1st Mon.	odd-40 L; even-35 L	No	No	None
Tennessee	(x)	Jan.	(aa)		90 L(u)	By petition, 2/3 members, each house	Yes	30 L(u)

LEGISLATIVE SESSIONS: LEGAL PROVISIONS—Continued

Regular sessions

Special sessions

State or other jurisdiction	Legislature convenes			Limitation on length of session(a)	Legislature may call	Legislature may determine subject of session	Limitation on length of session
	Year	Month	Day				
Texas	Biennial-odd yr.	Jan.	2nd Tues.	140 C	No	No	30 C
Utah	Annual	Jan.	2nd Mon.	45 C	No	No	30 C
Vermont	(t)	Jan.	Wed. after 1st Mon.(n)	(u)	No	Yes	None
Virginia	Annual	Jan.	2nd Wed.	odd-30 C(g); even-60 C(g)	By petition, 2/3 members, each house	Yes	None
Washington	Annual	Jan.	2nd Mon.	odd-105 C; even-60 C	By petition, 2/3 members, each house	Yes	30 C
West Virginia	Annual	Feb. Jan.	2nd Wed.(c;d) 2nd Wed.(e)	60 C(g)	By petition, 3/5 members, each house	Yes(bb)	None
Wisconsin	Annual(cc)	Jan.	1st Tues. after Jan. 8(d,n)	None	No	No	None
Wyoming	Annual(m)	Jan. Feb.	2nd Tues.(n) 2nd Tues.(o)	odd-40 L; even-20 L	No	Yes	None
Dist. of Col.	(dd)	Jan.	2nd day	None	No	No	None
American Samoa	Annual	Jan. July	2nd Mon. 2nd Mon.	45 L 45 L	No	No	None
Guam	Annual	Jan.	1st Mon.(ee)	None	No	No	None
Puerto Rico	Annual	Jan.	2nd Mon.	Apr. 30(g)	No	No	20 C
Virgin Islands	Annual	Jan.	2nd Mon.	75 L	No	No	15 C

Note: Some legislatures will also reconvene after normal session to consider bills vetoed by governor. Connecticut—if governor vetoes any bill, secretary of state must reconvene General Assembly on second Monday after the last day on which governor is either authorized to transmit or has transmitted every bill with his objections, whichever occurs first; General Assembly must adjourn *intra die* not later than three days after its reconvening. Hawaii—legislature may reconvene on 45th day after adjournment *intra die*, in special session, without call. Louisiana—legislature meets in a maximum five-day veto session on the 40th day after final adjournment. Missouri—if governor returns any bill on or after the fifth day before the last day on which legislature may consider bills (in even-numbered years), legislature automatically reconvenes on first Monday in September for a maximum 10 C session. New Jersey—legislature meets in special session (without call or petition) to act on bills returned by governor on 45th day after *intra die* adjournment of the first year of a two-year legislature; a special session may not be convened if the 45th day falls on or after the last day of the legislative year in which the second session occurs. Virginia—legislature reconvenes on sixth Wednesday after adjournment for a maximum three-day session; may be extended to seven days upon vote of majority of members elected to each house. Utah—if 2/3 of the members of each house favor reconvening to consider vetoed bills, a maximum five-day session is set by the presiding officers. Washington—upon petition of 2/3 of the members of each house, legislature meets 45 days after adjournment for a maximum five-day session.

Key: Calendar day

L—Legislative day (in some states, called a session day or workday; definition may vary slightly, however, generally refers to any day on which either house of the legislature is in session)

(a) Applies to each year unless otherwise indicated.

(b) General election year (quadrennial election).

(c) Year after quadrennial election.

(d) Legal provision for organizational session prior to stated convening date. Alabama—in the year after quadrennial election, on the second Tuesday in January for 10 C; California—in the even-numbered, general election year, on first Monday in December for an organizational session, recess until the first Monday in January of the odd-numbered year. Florida—in general election year, 14th day after election. Georgia—in odd-numbered year. Indiana—third Tuesday after first Monday in November. Kentucky—in odd-numbered year, Tuesday after first Monday in January for 10 L; Michigan—held in odd-numbered year. New Hampshire—in even-numbered year, first Wednesday in December. North Dakota—in even-numbered year, Tuesday after first Monday in December of three-day session. South Carolina—in even-numbered year, Tuesday after certification of election of its members for a maximum three-day session. West Virginia—in year after general election, on second Wednesday in January.

(e) Other years.

(f) By 2/3 vote each house.

(g) Session may be extended by vote of members in both houses, Alaska: 2/3 vote for 10-day extension. Arkansas: 2/3 vote. Florida: 3/5 vote. Hawaii: petition of 2/3 membership for maximum 15-day extension. Kansas: 2/3 vote. Maryland: 3/5 vote for maximum 30 C. Mississippi: 2/3 vote for 30-day extension, no limit on number of extensions. Nebraska: 4/5 vote. South Carolina: 2/3 vote. Virginia: 2/3 vote for 30-day extension. West Virginia: 2/3 vote (or if budget bill has not been acted upon three days before session ends, governor issues proclamation extending session). Puerto Rico: joint resolution.

(h) Only if legislature convenes itself. Special sessions called by the legislature are unlimited in scope in Arizona, Georgia, Maine, and New Mexico.

(i) No constitutional or statutory provision; however, legislative rules require that regular sessions

LEGISLATIVE SESSIONS: LEGAL PROVISIONS—Continued

- adjourn no later than Saturday of the week during which the 100th day of the session falls.
- (j) After governor's business has been disposed of, members may remain in session up to 15 C by a 2/3 vote of both houses.
 - (k) Regular sessions begin after general election, in December of even-numbered year. In California, legislature meets in December for an organizational session, recesses until the first Monday in January of the odd-numbered year and continues in session until Nov. 30 of next even-numbered year. In Maine, session which begins in December of general election year runs into the following year (odd-numbered); second session begins in next even-numbered year.
 - (l) A 1982 constitutional amendment imposed a time limit of 140 C on regular sessions convening in even-numbered years.
 - (m) Second session limited to consideration of specific types of legislation. Connecticut—individual legislators may only introduce bills of a fiscal nature. Maine—budgetary matters; legislation in the governor's call; emergency legislation; legislation referred to committees for study. New Mexico—budgets, appropriations and revenue bills; bills drawn pursuant to governor's message; vetoed bills. Wyoming—budget bills.
 - (n) Odd-numbered years.
 - (o) Even-numbered years.
 - (p) Odd-numbered years—not later than Wednesday after first Monday in June; even-numbered years—not later than Wednesday after first Monday in May.
 - (q) Constitution provides for regular session convening dates and allows that sessions may also be held . . . at such other times as the General Assembly shall judge necessary. Call by majority of legislators is implied.
 - (r) Upon completion of business.

- (s) Limited to 40 days if called by governor and 30 days if called by petition of the legislature, except in cases of impeachment proceedings.
- (t) Legislators may reconvene at any time after organizational meeting; however, second Monday in January is the final date by which regular session must be in process.
- (u) Indirect limitation, usually restrictions on legislator's pay, per diem, or daily allowance.
- (v) May not extend beyond April 15.
- (w) Joint rules provide for the submission of a written statement requesting special session by a specified number of members of each chamber.
- (x) Legal provision for session in odd-numbered year; however, legislature may divide, and in practice has divided, to meet in even-numbered years as well.
- (y) A 1968 constitutional amendment calls for 90 C sessions every year, except the first year of a gubernatorial administration during which the legislative session runs for 125 C.
- (z) No legislative day is shorter than a natural day.
- (aa) Commencement of regular session depends on concluding date of organizational session. Legislature meets, in odd-numbered year, on second Tuesday in January for a maximum 15 C organizational session, then returns on the Tuesday following the conclusion of the organizational session.
- (ab) According to a 1955 attorney general's opinion, when the legislature has petitioned to the governor to be called into session, it may then act on any matter.
- (ac) The legislature, by joint resolution, establishes the session schedule of activity for the remainder of the biennium at the beginning of the odd-numbered year.
- (ad) Each Council period begins on January 2 of each odd-numbered year and ends on January 1 of the following odd-numbered year.
- (ae) Legislature meets on the first Monday of each month following its initial session in January.

4/10/87

SENATE STATE ADMIN.

Amendments to HB 721/03

SENATE NO. 4

DATE 3-25-87

FILE NO. HB 721

Third Reading (blue) Copy and Senate State Administration
Committee Amendments dated March 13, 1987

To establish a system similar to Wyoming's

1. Strip amendments of the State Administration committee dated March 13, 1987 in their entirety

2. Title, lines 9 through 11.

Following: "MEET" on line 9

Strike: the remainder of line 9 through "YEARS" on line 11

Insert: "NOT MORE THAN 95 LEGISLATIVE DAYS IN REGULAR SESSION DURING THE TERM FOR WHICH A MEMBER OF THE HOUSE OF REPRESENTATIVES IS ELECTED; TO REQUIRE THE LEGISLATURE TO APPORTION THE ALLOWABLE LEGISLATIVE DAYS BETWEEN SESSIONS;"

3. Page 1, lines 23 through 25.

Following: "session" on line 23

Strike: the remainder of line 23 through "years" on line 25

4. Page 1, line 25

Following: "years."

Insert: "The legislature may not meet in regular sessions more than 95 legislative days during the term for which members of the house of representatives are elected. The legislature shall limit by law the length of each regular session. The length of a regular session so established may not exceed 60 legislative days."

5. Page 2, line 5.

Following: "members of"

Insert: "each house of"

6. Page 2, line 10.

Following: "members of"

Insert: "each house of"

7. Page 2, line 11.

Following: "legislature."

Insert: "No bill introduced for consideration in one session of the legislature may be carried over for consideration in any other session."

8. Page 2, lines 23 and 24.

Following: "meet" on line 23

Strike: the remainder of line 23 through "sessions" on line 24

Insert: "each year, with limitations on legislative days and business to be conducted"

Amendments to House Bill 721

Continued

Page 2

9. Page 2, line 25 through page 3, line 1.

Following: "meet" on line 25

Strike: the remainder of line 25 through "sessions" on page 3,
line 1

Insert: "each year, with limitations on legislative days and
business to be conducted"

Art. 3, § 5

WYOMING CONSTITUTION

Art. 3, § 7

§ 5. When members elected and terms begin.

Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of congress, and their term of office shall begin on the first Monday of January thereafter.

Cross references. — As to date of general election, see § 22-2-104. As to terms of office and offices voted on at general elections, see § 22-2-105.

§ 6. Compensation of members; duration of sessions.

The legislature shall not meet for more than sixty (60) legislative working days excluding Sundays during the term for which members of the house of representatives are elected, except when called into special session. The legislature shall determine by statute the number of days not to exceed sixty (60) legislative working days to be devoted to general and budget session, respectively. The legislature shall meet on odd-numbered years for a general and budget session. The legislature may meet on even-numbered years for budget session. During the budget session no bills except the budget bill may be introduced unless placed on call by a two-thirds vote of either house. The legislature shall meet for no more than forty (40) legislative working days excluding Sundays in any one (1) calendar year, except when called into special session. The compensation of the members of the legislature shall be as provided by law; but no legislature shall fix its own compensation. (As amended by Laws 1971, Senate Joint Resolution No. 3, p. 723.)

Cross reference. — See also §§ 28-5-101 to 28-5-105.

Amendment. — Laws 1971, Senate Joint Resolution No. 3, p. 723, authorized the submission of a proposed amendment of this section, which was adopted by vote of the people at the general election held on November 7, 1972, and proclaimed in effect December 12, 1972.

The 1972 amendment rewrote this section.

Increased compensation. — No member of either house shall, during the term for which he was elected, receive any increase of salary or mileage under any law passed during the term.

Board of Comm'rs v. Burns, 3 Wyo. 691, 29 P. 894, rehearing denied, 30 P. 415 (1892).

Legislative days. — The technical rule of law, making a part of a day a whole day, is not recognized as controlling legislative days. A calendar day, even, is not necessarily a legislative day. A fortiori a fraction of a calendar day is not necessarily, or even presumptively, a legislative day. White v. Hinton, 3 Wyo. 753, 30 P. 953 (1892).

Law review. — For note dealing with the effect of stopping the clock on legislation, see 10 Wyo. L.J. 203.

§ 7. Time and place of sessions.

The legislature shall meet at the seat of government at twelve o'clock noon, on the second Tuesday of January of the odd-numbered years for general and budget session and may meet on the second Tuesday of January of the even-numbered years for budget session, and at other times when convened by the governor. The governor by proclamation may also, in times of war or grave emergency by law defined, temporarily convene the legislature at a place or places other than the seat of government. (As amended by Laws 1961, Senate Joint Resolution No. 9, p. 686; Laws 1971, Senate Joint Resolution No. 3, p. 723.)

Cross references. — For constitutional provisions as to legislature generally, see art. 3, §§ 1 to 51, Wyo. Const. For constitutional provision that money shall be expended only on appropriation, see art. 3, § 35, Wyo. Const. As to prohibited appropriations, see art. 3, § 36, Wyo. Const. For constitutional provisions that all state, city, county, town and school officers (with certain exceptions) shall be paid fixed and definite salaries, and for duty of said officers to pay all fees collected into the proper treasury, see art. 14, §§ 1 and 2, Wyo. Const. As to payments of public money from state treasury, see art. 16, § 7, Wyo. Const. As to administration of government generally, see title 9. For

provisions relative to state auditor and state treasurer generally, see §§ 9-1-401 through 9-1-413. As to school finance generally, see ch. 13 of title 21.

Am. Jur. 2d, ALR and C.J.S. references. — Appearance before legislature as practice of law, 111 ALR 32; 125 ALR 1173; 151 ALR 781.

Power of legislature to relieve party from public contracts because of war conditions, 137 ALR 1256.

Legislative immunity of state officials from federal civil suit for injunctive relief brought pursuant to 42 USCS § 1983, 57 ALR Fed 504.

§ 28-1-101. President of senate to preside over joint sessions; powers.

Whenever the senate and house of representatives of the legislature of the state of Wyoming shall meet in joint session, for the transaction of any business whatsoever, the duly elected and qualified president of the senate shall preside over the deliberations of any such joint session, with all the prerogatives and powers of a presiding officer, and the officers of both the senate and house shall be, during such joint session, under and subject to his direction. (Laws 1905, ch. 71, § 1; C.S. 1910, § 50; C.S. 1920, § 57; R.S. 1931, § 64-610; C.S. 1945, § 17-601; W.S. 1957, § 28-1.)

Am. Jur. 2d, ALR and C.J.S. references.

— 72 Am. Jur. 2d States, Territories and Dependencies §§ 35 to 61.

81 C.J.S. States §§ 29 to 49.

§ 28-1-102. Length of legislative sessions.

(a) The general and budget session of the Wyoming legislature shall commence on the second Tuesday of January of odd-numbered years and shall continue for an additional thirty-nine (39) legislative working days unless both houses agree to an earlier adjournment.

(b) There shall be a legislative budget session each even-numbered year to consider the state budget and any other business the legislature deems desirable. The budget session of the Wyoming legislature shall commence on the second Tuesday of February of even-numbered years and shall continue for an additional number of legislative working days as agreed by both houses of the legislature not to exceed nineteen (19) additional legislative working days. The joint appropriations committee shall meet for such time as is necessary to review current budgets and prepare and distribute its report prior to the convening of the budget session.

(c) As used in this section "legislative working day" means every day of the week when either the senate or house of representatives convenes, exclusive of Sundays.

(d) Members of the legislature shall be paid salary and per diem for each calendar day from the first legislative working day of each session through and including the last legislative working day of each session. (Laws 1973, ch. 13, § 1; 1975, ch. 174, § 1.)

Cross references. — For constitutional provisions as to length of legislative sessions, see art. 3, § 6, Wyo. Const.

time of assembly and length of session, 56 ALR 721.

Am. Jur. 2d, ALR and C.J.S. references. — Power of legislature or branch thereof as to

§ 28-1-103. Additional employees.

At any time during the session of the legislature when the employment of additional persons may be necessary for the efficient performance of the duties imposed upon the legislature, the senate and house of representatives are hereby authorized to employ such additional employees. (Laws 1929, ch. 113, § 3; R.S. 1931, § 64-401; C.S. 1945, § 17-603; W.S. 1957, § 28-3.)

Cross references. — As to senate employees and their compensation, see § 28-3-103. As to house employees and their compensation, see § 28-4-103.

§ 4, repealed §§ 9 and 22. Wyoming Compiled Statutes 1920, as amended and reenacted by Laws 1921, ch. 95, § 31, and all laws and parts of laws in conflict therewith.

Repealing clauses. — Laws 1929, ch. 113,

§ 28-1-104. Copies of printed bills to be mailed to county clerks; filing; inspection.

Whenever the legislature of this state is in session, it shall be the duty of the chief clerk of the house in which any bill is introduced, to mail a printed copy of such bill to the county clerk of each county in the state, immediately after the same is printed, and the county clerk receiving such printed copy is hereby required to keep the same on file in his office for the inspection of the public until after the laws for that session are printed and distributed as by law required. (Laws 1895, ch. 17, § 1; R.S. 1899, § 435; C.S. 1910, § 64; C.S. 1920, § 74; R.S. 1931, § 93-120; C.S. 1945, § 17-605; W.S. 1957, § 28-5.)

§ 28-1-105. Preservation of records.

The original minutes, receipt books and miscellaneous records of the state legislature deposited with the secretary of state shall be retained by the secretary of state for a period of three (3) years. The original house bills and senate files shall be retained by the secretary of state for ten (10) years after which time the secretary of state will deliver them to the state archives and historical department for destruction or preservation as it may deem desirable. The original enrolled acts, and the original senate and house journals shall be

HOUSE RULES

28. SPECIAL RULES FOR THE BUDGET SESSION

28-1 For the introduction of any bill (other than the Budget Bill), the following procedure will be followed:

- a. All bills shall be printed and distributed to all members at least 24 hours prior to consideration.
- b. The prime sponsor, or his designee, will be granted three minutes to address the body as to the need and timeliness of his (or her) particular bill.
- c. A one minute rebuttal is allowed to a member who is in opposition to introduction of the bill. The prime sponsor, or his designee, will have one minute to give the final response to the rebuttal.
- d. Upon approval of two-thirds of the elected members by a roll call vote a bill will be accepted by the body and assigned by the Speaker to the appropriate committee.

28-2 No bill will be accepted for consideration except by consent of two-thirds of the house membership if after twelve o'clock noon of the fourth legislative day after the convening of the session. (Bills that have been signed, submitted and accepted by the Legislative Service Office prior to the twelve noon cutoff date for consideration of bills but are still at the printer's office will be considered as being within the cutoff deadline. Such a list of bills will be delivered by the Legislative Service Office to the Speaker at the cutoff hour.)

Proposed Amendments to HB 459

Third Reading Copy (blue)

(Suggested by Montana School District Clerks)

1. Page 6, line 9.
Following: "first"
Strike: "fourth"
Insert: "first"
Following: "April"
Strike: "March"
Insert: "April"
2. Page 6, line 10.
Following: "day"
Insert: ", except that in presidential election years it
will be held with the presidential preference election
on the fourth Tuesday in March."

Proposed Amendments to HB 459

Third Reading Copy (blue)

(Suggested by the Democratic Party)

1. Title, line 17.
Following: "13-1-302,"
Insert: "13-10-301,"
2. Title, line 18.
Following: "13-10-403,"
Insert: "13-10-405, 13-13-114,"
Following: "MCA;"
Insert: "REPEALING SECTION 13-10-406, MCA;"
3. Title, line 19.
Strike: "A CONTINGENT"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"
4. Page 4, line 16.
Following: line 15
Insert: "Section 3. Section 13-10-301 is amended to read:
"13-10-301. Casting of ballot. (1) Unless Except as provided in 13-13-114(1)(b) and unless otherwise provided by law, the conduct of the primary election, the voting procedure, the counting, tallying, and return of ballots and all election records and supplies, the canvass of votes, the certification and notification of nominees, recounts, procedures upon tie votes, and any other necessary election procedures shall be at the same times and in the same manner as provided for in the laws for the general election.
(2) At a primary election, the elector shall mark only one of the set of party ballots. After marking any other ballots received other than the party ballots, the elector shall fold the marked and unmarked ballots separately in a manner so that the marks cannot be seen, the official stamp is visible on each ballot, and all stubs can be detached by an election judge.
(3) The elector shall hand the marked and unmarked ballots separately to the election judge, identifying them as marked and unmarked. If the judge determines the ballots may be voted, he shall, in the presence of the elector:
(a) remove the stubs from all the ballots;
(b) deposit the unmarked ballot or ballots and all the stubs in the stub and unmarked ballot box;

(c) and deposit the marked ballots in the voted ballot box."

5. Page 6, line 7.

Following: line 6

Insert: "Section 7. Section 13-10-405, MCA, is amended to read:

"13-10-405. Submission and verification of petition. Petitions of nomination for the presidential preference primary election must be presented to the election administrator of the county in which the signatures are gathered. The election administrator must verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and must forward the petitions to the secretary of state. The petitions must be submitted to the election administrator at least 30 days before the filing deadline established in 13-10-201(6). No filing fee is required."

Section 8. Section 13-13-114, MCA, is amended to read:

"13-13-114. Marking precinct register book before elector votes. (1)(a) Before an elector is permitted to receive a ballot or vote, he shall sign his name on the place designated in the precinct register. Before signing the register, the elector shall state his name and current address. If the name or address is not as listed in the precinct register, the elector must complete a transfer form or new registration form to correct the information. The election judges shall write "transfer form" or "registration form" beside the name of any elector submitting a form. No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections have been made.

(b) In addition, when a presidential preference primary is held as provided in Title 13, chapter 10, part 4, the elector shall mark a box provided beside his name on the precinct register to indicate his party preference for the presidential ballot only.

(2) The election judges shall require an elector not able to sign his name to produce two electors who shall sign an affidavit stating that the elector is the individual whose name and address appears in the precinct register before one or more of the election judges on a form prescribed by the secretary of state. The affidavit shall be filed by the election judges and returned to the election administrator with the returns of the election. One of the judges shall write the elector's name, noting the fact of his inability to sign, and the names of the two electors signing the affidavit.

(3) If the elector fails or refuses to sign his name or, if unable to write, fails to procure two

7
3-25-89
HB 459

electors who will take the oath required, he may not vote. ""

Renumber: subsequent sections

6. Page 7, line 8.

Following: line 7

Insert: "NEW SECTION. Section 12. Repealer. Section 13-10-406, MCA, is repealed."

Renumber: subsequent sections

7. Page 7, line 17 through line 22.

Following: "date."

Strike: "This act is"

Insert: "(1) Sections 1 through 6 and 8 through 11 are"

Following: line 22

Insert: "(2) Sections 7 and 12 are effective on passage and approval."

Carroll

Proposed Amendments to HB 459

Third Reading Copy (blue)

(Suggested by Montana Association of County Clerks/Recorders)

1. Title, line 17.
Following: "13-1-302,"
Insert: "13-10-201,"

2. Title, line 19.
Strike: "A CONTINGENT"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"

3. Page 4, line 2.
Following: "administrator,"
Insert: "If a county election administrator specifies polling places or hours that differ from those set for the school election, the county shall bear any additional costs incurred as a result of the different polling places or hours."

4. Page 4, line 15.
Following: line 15
Insert: "Section 3. Section 13-10-201, MCA, is amended to read:
"13-10-201. Declaration for nomination. (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. Each candidate for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.
(2) A declaration for nomination shall be filed in the office of:
(a) the secretary of state for a congressional office, state or district office to be voted for in more than one county, member of the legislature, or judge of the district court;
(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in only one county.
(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination shall be acknowledged by an officer empowered to acknowledge signatures if sent by mail or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by his party.

(5) The declaration for nomination shall be in the form and contain the information prescribed by the secretary of state. The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(6) Declarations for nomination shall be filed no sooner than ~~the first business day in January of an~~ 135 days before the election year for that office, in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election.

Renumber: subsequent sections

5. Page 6, line 13 through page 7, line 2.

Following: line 13

Strike: section 7 in its entirety

Insert: "NEW SECTION. Section 7. Presidential preference primary election procedures. (1) The polls for a presidential preference primary election shall open not later than noon. The county election administrator may order the polls to open earlier, but no earlier than 7:00 a.m.

(2) Procedures for the close of voter registration for a presidential preference primary election must follow 13-2-301.

(3) The county election administrator may designate polling places for a presidential preference primary that differ from those designated for other county elections. Notice of the location of polling places must be given as provided in 13-3-105.

(4) For a presidential preference primary election, the election administrator shall appoint, under the provisions of 13-4-102(3), at least three election judges for each polling place. The judges may also serve for school elections and special district elections. The provisions of 13-4-105, 13-4-106, and 13-4-107 apply to the election judges for the presidential preference primary.

(5) Election day polling place procedures, absentee balloting, challenged ballot procedures, canvassing, and recount procedures for the presidential preference primary election must comply with the requirements of Title 13, except that presidential preference primary returns may be canvassed and reported by precinct or by polling place.

6. Page 7, lines 13 and 16.
Following: "SECTIONS"
Strike: "7 and 8"
Insert: "8 and 9"
7. Page 7, line 18.
Following: line 17
Strike: "This act is"
Insert: "(1) Sections 1, 2, and 4 through 11 are"
8. Page 7, line 23.
Following: line 22
Insert: "(2) Section 3 is effective July 1, 1987."

E:hb459.txt/hm

STANDING COMMITTEE REPORT

MARCH 25

87

19.....

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on.....

having had under consideration.....

HOUSE BILL

29

No.....

third

blue

reading copy (_____)
color

MOVING STATE LAND RECORDS TO DEPARTMENT OF STATE LANDS
Bardanouve (Vaughn)

Respectfully report as follows: That.....

HOUSE BILL

29

No.....

BE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

.....
SENATOR JACK HAFPEY

Chairman.

ROLL CALL VOTE

STATE ADMINISTRATION

SENATE COMMITTEE

Date 3/25/87

HOUSE BILL

Bill No. 325

Time 10:30 a.m.

<u>NAME</u>	<u>YES</u>	<u>NO</u>
SENATOR JACK HAFHEY	X	
SENATOR WILLIAM FARRELL	X	
SENATOR LES HIRSCH		X
SENATOR JOHN ANDERSON	X	
SENATOR ETHEL HARDING	X	
SENATOR ELEANOR VAUGHN	X	
SENATOR SAM HOFMAN		X
SENATOR HUBERT ABRAMS	X	
SENATOR TOM RASMUSSEN	X	
SENATOR J. D. LYNCH	X	

Carol Duval

Secretary

Senator Jack Haffey

Chairman

Motion: MOTION BY SENATOR FARRELL THAT HOUSE BILL 325 BE CONCURRED
IN AS AMENDED. Motion carried 8-2.

ROLL CALL VOTE

STATE ADMINISTRATION

SENATE COMMITTEE _____

Date 3/25/87 HOUSE BILL Bill No. 325 Time 10:25 a.m.

NAME	YES	NO
SENATOR JACK HAFHEY		X
SENATOR WILLIAM FARRELL		X
SENATOR LES HIRSCH	X	
SENATOR JOHN ANDERSON		X
SENATOR ETHEL HARDING		X
SENATOR ELEANOR VAUGHN		X
SENATOR SAM HOFMAN		X
SENATOR HUBERT ABRAMS	X	
SENATOR TOM RASMUSSEN		X
SENATOR J. D. LYNCH		X

Carol Duval
Secretary

Senator Jack Haffey
Chairman

Motion: SUBSTITUTE MOTION BY SENATOR HIRSCH THAT HOUSE BILL 325
BE SENT TO THE FLOOR WITHOUT RECOMMENDATION. Motion failed 2-8.

STANDING COMMITTEE REPORT

MARCH 25

87

..... 19.....

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on.....

HOUSE BILL

325

having had under consideration..... No.....

third

blue

reading copy (_____)
color

CREATE DEPARTMENT OF FAMILY SERVICES Mercer (Mazurek)

HOUSE BILL

325

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

be amended as follows:

1. Page 7, lines 11 and 12.

Following: "department;"

Strike: "and"

Insert: "(16) contract with the county board of welfare for
administration of child and adult protection services for
that county; and"

Renumber: subsequent subsection

2. Page 16, line 15.

Strike: "AND"

Insert: ", "

Following: "EXPENSES"

Insert: ", and indirect costs"

3. Page 16, line 19.

Following: "SALARIES"

Strike: "AND"

Insert: ", "

Following: "TRAVEL,"

Insert: "and indirect costs,"

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

(Continued)

.....
Chairman.

4. Page 17, line 5.

Following: "THAN"

Strike: "FOUR"

Insert: "five"

5. Page 17, line 7.

Following: "DEPARTMENT,"

Insert: "a representative of a county department of public welfare,"

6. Page 20, line 8.

Strike: "116"

Insert: "117"

7. Page 20.

Following: line 11

Insert: "Section 21. Section 2-18-303, MCA, is amended to read:

"2-18-303. Procedures for utilizing pay schedules. (1)

The pay schedules provided in 2-18-311 and 2-18-312 shall be implemented as follows:

(a) The pay schedule provided in 2-18-311 indicates the annual compensation for the fiscal year ending June 30, 1986, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(b) The pay schedule provided in 2-18-312 indicates the annual compensation for the fiscal year ending June 30, 1987, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(c) Each new employee shall advance from step 1 to step 2 of a grade after successfully completing 6 months of probationary service. The anniversary date of an employee shall be established at the end of the probationary period in accordance with rules promulgated by the department.

(d) (i) The compensation of each employee on the first day of the first pay period in fiscal year 1986 shall be that amount which corresponds to the grade and step occupied on the last day of the preceding fiscal year of 1985.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1987 shall be that amount which corresponds to the grade and step occupied on the last day of the fiscal year 1985.

(iii) In compliance with rules adopted to implement this part, each employee is eligible on his anniversary date to advance one step in the pay matrix for fiscal year 1987. However, if the employee's anniversary date falls between

(inclusive) July 1 and the first day of the first pay period of fiscal year 1987, he will advance one step on the first day of that pay period.

(2) The pay schedules provided in 2-18-311 and 2-18-312 and the provisions of subsection (1) of this section do not apply to those institutional teachers, liquor store occupations, or blue-collar occupations compensated under the pay schedules provided in 2-18-313, 2-18-314, or 2-18-315.

(3) The pay schedules provided in 2-18-313, 2-18-314, or 2-18-315 shall be implemented as follows:

(a) (i) The pay schedules provided in 2-18-313 indicate the annual compensation for the contracted school term for teachers employed by institutions under the authority of the department of institutions or the department of family services for fiscal years 1986 and 1987.

(ii) The compensation of each teacher on the first day of the first pay period in July, 1985, shall be that amount which corresponds to his level of academic achievement and the step occupied on June 30, 1985.

(iii) The compensation of each teacher on the first day of the first pay period in July, 1986, shall be that amount which corresponds to his level of achievement and the step occupied on June 30, 1985.

(b) (i) The pay schedules provided in 2-18-314 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and June 30, 1987, for those employees in liquor store occupations who have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(c) (i) The pay schedules provided in 2-18-315 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and June 30, 1987, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the

case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(4) (a) (i) No member of a bargaining unit may receive the amounts indicated in the respective pay schedules provided in 2-18-311 through 2-18-315 until the bargaining unit of which he is a member ratifies a completely integrated collective bargaining agreement covering the biennium ending June 30, 1987.

(ii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4) (a) (i) of this section are not completed by July 1, 1985, retroactivity to that date may be negotiated.

(iii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4) (a) (i) of this section are not completed by July 1, 1985, members of the bargaining unit involved will continue to receive the compensation they were receiving as of June 30, 1985.

(b) Methods of administration not inconsistent with the purpose of this part and necessary to properly implement the pay schedules provided in 2-18-313 through 2-18-315 may be provided for in collective bargaining agreements.

(5) The current wage or salary of an employee shall not be reduced by the implementation of the pay schedules provided for in 2-18-311 through 2-18-315.

(6) The department may authorize a separate pay schedule for medical doctors if the rates provided in 2-18-311 and 2-18-312 are not sufficient to attract and retain fully licensed and qualified physicians at the state institutions.

(7) The department may develop programs which will enable the department to mitigate problems associated with difficult recruitment, retention, transfer, or other exceptional circumstances. Insofar as the program may apply to employees within a collective bargaining unit, it shall be a negotiable subject under 39-31-305.**

Renumber: subsequent sections

8. Page 60, line 9.

Following: "one-half"

Insert: "of the nonfederal share of"

(continued)

9. Page 60, lines 12 through 16.

Following: "(3)"

Strike: the remainder of line 12 through line 16

10. Page 60, line 17.

Strike: "EXCEPT"

Insert: "Except"

Following: "(4)"

Strike: "IF"

Insert: ", when"

11. Page 60, line 18.

Following: "OF"

Strike: "EXPENDITURE"

Insert: "reimbursement"

12. Page 60, lines 19, 20, and 21.

Following: "1987,"

Strike: the remainder of line 19 through "LEVEL" on line 21

Insert: "the county has no further obligation for foster care expenditures"

13. Page 60, line 25.

Strike: "PERCENTAGE OF"

14. Page 61, line 13.

Following: "(1)"

Insert: "(a)"

15. Page 61, lines 14 through 16.

Following: "41-3-404"

Strike: ", 41-5-403, 41-5-523, or 41-5-524"

Following: "facility" on line 15

Strike: "or youth correctional facility"

16. Page 61.

Following: line 25

Insert: "(b) Whenever a disposition under 41-5-403, 41-5-523, or 41-5-524 involves placement in a youth care facility or youth correctional facility and the department is responsible for all or part of the cost of such placement, the court shall order the probation officer to conduct an investigation of the financial status of the youth's parents or guardianship assets."

(continued)

17. Page 83, line 3.

Strike: ";"

Insert: ". The court shall determine whether continuation in the home would be contrary to the welfare of the child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home. The court shall include such determination in the order committing the youth to the department."

18. Page 122, line 6.

Following: "arrange"

Strike: "provide"

Insert: "arrange"

19. Page 147, line 9.

Strike: "116"

Insert: "117"

20. Page 147, line 10.

Strike: "115"

Insert: "116"

21. Page 147, line 12.

Strike: "116(1)"

Insert: "117(1)"

Amendments, HB 325
7082e/C:JEANNE\WP:jj

AND AS AMENDED
BE CONCURRED IN

.....
SENATOR JACK HAFPEY, Chairman

STANDING COMMITTEE REPORT

MARCH 25

19 37

MR. PRESIDENT

We, your committee on SENATE STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 459

third reading copy (blue)
color

CHANGE DATE OF MONTANA PRESIDENTIAL PRIMARY
Keenan (Lynch)

Respectfully report as follows: That HOUSE BILL No. 459

be amended as follows:

1. Title, line 17.
Following: "13-1-302,"
Insert: "13-10-201,"
2. Title, line 18.
Following: "13-10-403,"
Insert: "13-10-405,"
Following: "MCA,"
Insert: "REPEALING SECTION 13-10-406, MCA;"
3. Title, line 19.
Strike: "A CONTINGENT"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"
4. Page 4, line 2.
Following: "administrator."
Insert: "If a county election administrator specifies polling places or hours that differ from those set for the school election, the county shall bear any additional costs incurred as a result of the different polling places or hours."

~~XXXXXXXX~~

~~XXXXXXXX~~
~~XXXXXXXX~~

(continued)

Chairman.

5. Page 4, line 15.

Following: line 15

Insert: "Section 3. Section 13-10-201, MCA, is amended to read:

"13-10-201. Declaration for nomination. (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. Each candidate for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination shall be filed in the office of:

(a) the secretary of state for a congressional office, state or district office to be voted for in more than one county, member of the legislature, or judge of the district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination shall be acknowledged by an officer empowered to acknowledge signatures if sent by mail or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by his party.

(5) The declaration for nomination shall be in the form and contain the information prescribed by the secretary of state. The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(6) Declarations for nomination shall be filed no sooner than ~~the first business day in January of an~~ 135 days before the election year for that office in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election. "

Renumber: subsequent sections

6. Page 6, line 7.

Following: line 6

Insert: "Section 7. Section 13-10-405, MCA, is amended to read:

(continued).....

"13-10-405. Submission and verification of petition. Petitions of nomination for the presidential preference primary election must be presented to the election administrator of the county in which the signatures are gathered. The election administrator must verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and must forward the petitions to the secretary of state. The petitions must be submitted to the election administrator at least-30-days before the filing deadline established in 13-10-201(6). No filing fee is required."

Renumber: subsequent sections

7. Page 6, line 13 through page 7, line 2.

Following: line 13

Strike: section 7 in its entirety

Insert: "NEW SECTION. Section 9. Presidential preference primary election procedures. (1) The polls for a presidential preference primary election must open not later than noon. The county election administrator may order the polls to open earlier, but no earlier than 7 a.m.

(2) Procedures for the close of voter registration for a presidential preference primary election must follow 13-2-301.

(3) The county election administrator may designate polling places for a presidential preference primary that differ from those designated for other county elections. Notice of the location of polling places must be given as provided in 13-3-105.

(4) For a presidential preference primary election, the election administrator shall appoint, under the provisions of 13-4-102(3), at least three election judges for each polling place. The judges may also serve for school elections and special district elections. The provisions of 13-4-105, 13-4-106, and 13-4-107 apply to the election judges for the presidential preference primary.

(5) Election day polling place procedures, absentee balloting, challenged ballot procedures, canvassing, and recount procedures for the presidential preference primary election must comply with the requirements of Title 13, except that presidential preference primary returns may be canvassed and reported by precinct or by polling place."

(Continued)

8. Page 7, line 8.
Following: line 7
Insert: "NEW SECTION. Section 11. Repealer. Section
13-10-406, MCA, is repealed."
Renumber: subsequent sections
9. Page 7, lines 13 and 16.
Following: "SECTIONS"
Strike: "7 AND 8"
Insert: "9 and 10"
10. Page 7, line 17.
Strike: "Contingent effective"
Insert: "Effective"
11. Page 7, line 18
Following: line 17
Strike: "This act is"
Insert: "(1) Sections 1, 2, 4 through 6, and 8 through 10
are"
12. Page 7.
Following: line 22
Insert: "(2) Section 3 is effective July 1, 1987."
(3) Sections 7, 11, and this section are
effective on passage and approval."

E:hb459.txt/hm

AND AS AMENDED
BE CONCURRED IN

.....
SENATOR JACK HAFPEY, Chairman