MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman William E. Farrell, on February 6, 1989, at 10:00 a.m. in Room 331, Capitol.

ROLL CALL

Members Present: Senator Hubert Abrams, Senator John Anderson, Jr., Senator Esther Bengtson, Senator William E. Farrell, Senator Ethel Harding, Senator Sam Hofman, Senator Paul Rapp-Svrcek, Senator Tom Rasmussen, Senator Eleanor Vaughn

Members Excused: None

Members Absent: None

Staff Present: Eddye McClure

HEARING ON SB 286

Presentation and Opening Statement by Sponsor:

Senator Tom Beck testified that SB286 is a bill to put before the voters of the State of Montana a constitutional amendment to allow any initiative, which is thrown out for procedural purposes, to be put back on the ballot for the next general election, after the corrections are made. He added it also requires that an initiative ballot can not be challenged until after the election.

Senator Beck pointed out that, in the last election, Initiative 30 gathered signatures and was put on the ballot. It was voted on and passed by the people. After the Legislature had recessed, the Supreme Court ruled that there was a procedural error, and it was thrown out on that basis. Senator Beck indicated this was one of the reasons for bringing this to the committee's attention. He noted that a lot of effort went into that initiative and, if that much effort is put into something, they have a right to go back to the people again, by having it put back on the ballot, without having to go through the whole process once more.

Senator Beck then pointed out the possibility exists that, if there was a ballot issue that someone did not like, they

could just change some wording, so that it would get thrown out. He added that he thinks everything has to be looked at, constitutionally, but the situation with Initiative 30 was a procedural matter, and he added that he certainly hopes the committee will consider this.

List of Testifying Proponents and What Group they Represent:

Jim Whitehead, Executive Director, Montana Liability Coalition
Mike Cooney, Secretary of State
C. B. Pearson, Executive Director, Common Cause in Montana
Larry Dodge, Initiative Improvement Committee

Testimony:

Mr. Whitehead testified that the Montana Liability Coalition supports SB286, and indicated it is a very fair way to handle the whole situation. He noted the Coalition has gone through 2 years of working and hoping there would be a special session to get their Constitutional Amendment put on the ballot, but there was not, then they worked on gathering signatures, and that did not work out for a number of reasons. He noted he thinks this bill would help everyone out a lot. Mr. Whitehead indicated the Supreme Court not only took the vote away from the people that voted for CI-30, but it also took the vote away from the people who voted against it, and he does not think that is fair.

Testimony:

Mr. Cooney indicated he has talked with some of the people who have been supporting this proposal, he thinks their intent is good, and that what they are trying to accomplish with this bill is good. He stated he has looked at it from the standpoint of the mechanics of his office, that he does not have any problems with it, and he thinks it may clear up some of the confusion that has existed in the past. Mr. Cooney added they are very concerned that the initiative process be maintained, as they understand the importance of maintaining the integrity of the initiative process, and he thinks this is a step in the right direction.

Testimony:

Mr. Pearson distributed copies of his written testimony to the committee members, a copy of which is attached as Exhibit 1, and indicated there would be a correction to this testimony. He stated he talked with his attorney regarding his interpretation of one portion of the Constitution that has changed

things to some degree. Mr. Pearson testified the Common Cause is in support of SB286, but they would like to see an amendment to the bill. He noted they would like to see subsection 2 removed from the bill because they are concerned that it would limit the challenge on the constitutionality question early on. He noted that, in the last session, there was a bill put forth that set out a process by which a ballot issue could be challenged, constitutionally, and he thinks it is a straight-forward process and one which they support. He stated they are concerned that if constitutional challenges are not allowed up front, public support will be weakened for the initiative process. Mr. Pearson indicated that, if an issue is voted on and then, later, ruled to be unconstitutional, that will weaken the initiative process, and they are concerned about that.

Mr. Pearson reiterated that the Coalition does support having a question placed back on the ballot, if it has been removed for a technical reason, and they want to make that point very clear. He noted it is also clear, from their perspective, that some issues don't deserve to be on the ballot, if they do not meet constitutional tests and, therefore, it is improper to put them on the ballot, which would needlessly raise the hopes of people. Mr. Pearson indicated they think if they had a number of questions placed on the ballot that were later ruled unconstitutional, they would run into problems with public support for the process. He added they support the bill, and urge a do pass with amendments.

Testimony:

Mr. Dodge asked if the committee received a copy of his letter, a copy of which is attached as Exhibit 2. He indicated that some of the flaws that have appeared in some of the initiatives are too little of an excuse to "throw the baby out with the bath", and that he thinks it may be a good idea to correct some of the technical flaws, get the corrections known, and put it back up for a vote without going through the entire process.

Mr. Dodge stated that Montana has been very fortunate in having very good Secretarys of State, who have done everything they can to make sure the public is getting the correct information before going to the polls, but it is possible, some time down the road, that someone in that capacity could dislike a bill enough to deliberately inject a flaw. Mr. Dodge stated he does not know of anyone who has or would ever do that, but it is not impossible, is too great a risk, and puts too much power in the hands of one individual. He noted

that, if an initiative is completely thrown off the ballot and left off, it can be a very dangerous situation. He added that he thinks it is very wasteful of public and private resources to allow something to go so far and then, with a stroke of the pen, to throw out all the effort, all the voting, all the counting, canvassing, advertising, etc.

Mr. Dodge stated he thinks the court should be a referee in the process of making laws, he approves of judicial review, and can not imagine a world where laws could be made and there was no way to review them, but he added he does not know if the court should be a participant in the law-making process. At this point, Mr. Dodge stated he disagrees with Mr. Pearson, and indicated he thinks prior review is like prior restraint, and asked what it would be like to be a legislator, working on bills, and have the court come in and review it before the vote. He indicated that would not feel good, and it would also not feel good to the people who are working on initiatives and referendums, either. He noted he would not like to see that, but he does like to see judicial review and, so, he is in favor of review but not view. Mr. Dodge indicated that prior review has also become a tactic. He cited the example of a small grass-roots organization that wants to get something on the ballot. The group has a little money, is working hard to get people's attention directed toward an issue, and a special interest group that is well-heeled enough to afford a good court battle comes along and says they think it is unconstitutional, in advance. They can force them into court, and use up their entire resource base fighting just to keep it on the ballot. Mr. Dodge stated this shows the flaw in having things out of what he considers a proper sequence.

He indicated that, in 1986, the court did review a couple of initiatives, and they made a very weird statement. He stated that, before the election, they reviewed the initiatives, and said CI27 is "probably unconstitutional", but that they would let it go to a vote anyway. Mr. Dodge stated that, to him, that showed a great deal of discomfort on the part of the Supreme Court Justices. He indicated they are not used to judging something that does not exist yet, and what he thinks they were asking for is some kind of clarification; first let there be a law and then, if it is unconstitutional, they will go ahead and judge it. He added that he thinks they felt discomfort in judging it in advance, which is his opinion of why they would come up with a statement like that.

Mr. Dodge stated there is a 30-day period, after the signatures have been gathered and certified to the Governor, through the Secretary of State, during which a prior review

challenge may be filed. He indicated that, to him, this more or less institutionalizes the problem, rather than cures it. He indicated it says you have 30-days to make a mess of things but, after that, you can not do it. He stated that does not solve the problem of what prior review means to the voter, or to the court, that it just puts a time limit on it and, in so doing, says it is okay to do that. Mr. Dodge indicated he is not real happy with that legislation and, if the constitution were amended in the way they are suggesting here, that would have to be changed.

Mr. Dodge addressed quality control. He indicated he is very concerned with quality control; that the public is probably not as well trained and does not have as much opportunity to debate the things that it would like to put to a vote, as the Legislature does. The Legislature has the Legislative Council and committees, plus expertise in politics, and the Legislature makes better laws, in general. On the other hand, he indicated, if quality control is taken off shoulders of the people who are writing initiatives, and given to the courts, he does not believe they will ever take it seriously. He indicated that he thinks, unless they have to suffer the consequences of passing a bill, and having the court find it unconstitutional, they are never going to take seriously the responsibility for writing good laws. Mr. Dodge stated he thinks it should be the responsibility of the sponsors, and not of the courts, to pre-judge how good the work is that is going on the ballot.

Mr. Dodge stated that, when a law is passed by the Legislature, and signed by the Governor, it carries with it the presumption of constitutionality. He added he recently had the experience of challenging a law for its constitutionality in court, and learned very quickly that this is the way it is. The burden of proof that it is not constitutional falls upon the challenger, and it is difficult, because a well-intended Legislature is given the presumption of constitutionality when it passes an act. Mr. Dodge added that, in the case of an initiative, he does not think that is true, but he does not know that, and would like to research that further. He added that he believes an initiative does not carry with it the assumption that it is constitutional just because it passed. He noted that would mean, in a challenge situation, the burden would be shared equally. The challenger and defender would both have to come up with good arguments as to why it is or is not constitutional, and there is no presumption. He indicated that actually weakens the case for the proponents of the initiative; they have to do a better job than they would if it were the Legislature that had passed the same law.

Mr. Dodge reported that, last year, he received a phone call from Secretary of State Jim Waltermire, who was asking his opinion regarding whether or not to put initiatives 30 and 27 back on the ballot in the June primary for 1988. Mr. Dodge indicated he asked Mr. Waltermire if he wanted to know the right and moral thing to do, or the politically "cool" thing to do. He noted that Mr. Waltermire asked for both opinions. Mr. Dodge then reported he told Mr. Waltermire it was the right thing to do; first of all, it is the right thing to do because the people went to a great deal of trouble to get those things on the ballot, and they deserve a valid election. Second, Mr. Dodge indicated, these are diverse types of initiatives; one is conservative and would ban taxation of property, and the other would help the insurance industry and limit lawyer's ability to gather contingency fees and, therefore, maybe reduce the price of litigation. Mr. Dodge reported he told Mr. Waltermire that, in either case, the initiatives were so different from the one another, that Mr. Waltermire would not be labeled a conservative or a liberal, that he would be labeled a "good guy" because he took the ball that was handed to him by the court, and went ahead and put it back on the ballot so the people would have a vote. At this point, Mr. Dodge indicated there was not much clarity, that the whole decision was in the hands of the Secretary of State, which puts him in a "good guy/bad guy" position, which is why Mr. Waltermire was soliciting advise. Mr. Dodge added that these initiatives were put back on the ballot, but were stricken off by the court, and there never was a "valid" election on either of those initiatives.

Mr. Dodge indicated that, when he was running for the office of Secretary of State, he wondered how bad he would feel if he got the job and then, along the line, he made an error, and something was thrown out because of a small error in the text, and there was no way to correct it. He indicated he thinks the pressure on the Secretary of State's office, alone, is sufficient to warrant the re-election section of this bill. Mr. Dodge closed by saying he thinks this bill patches a couple of bad holes in our right to vote, the range of things the public can vote on, and whether there will be a valid election. He noted he thinks these are 2 important tears in the fabric of our right to vote; the courts are in a confused and confusing role, the Secretary of State is in a confused and confusing role, and he thinks the Legislature has a marvelous opportunity to put this for a vote of the people, and repair the fabric. Mr. Dodge stated he hopes the committee will send this to the Senate with a do pass recommendation.

Testifying Opponents and What Group They Represent:

None.

Questions From Committee Members:

Q. Senator Rapp-Svrcek indicated to Mr. Dodge that he is concerned about subsection 2. He indicated he thinks it might conflict with Article II, Section 16 of the Constitution, which states "courts of justice shall be open to every person and speedy remedy afforded for every injury of person, property or character". Secondly, Senator Rapp-Svrcek cited the example of the Pace Amendment people somehow getting the signatures necessary to put something on the ballot which says that no one other than a white person is allowed to live in the State of Montana. Senator Rapp-Svrcek stated that, if something like that were to pass, it could not be challenged constitutionally prior to the election, and this is something that is clearly, on its face, unconstitutional. He noted that, while this is an extreme case, he thinks it is a valid concern.

A. Mr. Dodge asked if these were two separate concerns, and asked Senator Rapp-Svrcek to explain why he does not think a speedy remedy is possible.

Q. Senator Rapp-Svrcek indicated he is concerned about having to wait until after something has been voted on, if there is a valid constitutional question, and he wonders if their access to speedy remedy will be hindered by making them wait until after the vote has been taken, as opposed to challenging the constitutionality of something prior to placing it on the ballot, or prior to it being voted on.

A. Mr. Dodge responded that he is not sure he could give a good answer because he does not know what the status of the ballot issue, as law, would be while it is being challenged in court. He indicated that, if a remedy could be injected so that, until it has cleared the court it is not law, that would solve both of the problems. He indicated he would consider that a friendly amendment, if there is some way to do it.

Closing by Sponsor:

Senator Beck indicated that he understands Senator Rapp-Svrcek's concerns, but suggested that the committee remember the sophistication of the Montana voters. He noted that he thinks it would hard to get signatures on a petition such as what Senator Rapp-Svrcek was talking about, noting that is the first line on controlling the initiative process. Senator Beck indicated that, even if it went to an election, the Montana voters would not vote for it. He further indicated that some valid issues are being challenged by small interest groups, and it is not necessarily in the interest of all of the Montana voters. Senator Beck noted they are trying to say get it to the courts, see what the Montana people feel and, if it is unconstitutional at that time, let the Supreme Court make the final decision. He urged the committee's support on this constitutional amendment, noting he thinks it is a good one, and something that the Montana people will go for if given the opportunity to vote for it. Senator Beck recommended a do pass.

Chairman Farrell announced the hearing on SB286 as closed.

HEARING ON SB 297

Presentation and Opening Statement by Sponsor:

Senator Swede Hammond reported that this bill passed last session, but was vetoed by the Governor. He indicated the bill was brought to him by the small towns in his area, and many others in the state, but that they could not appear today because of the weather. Senator Hammond reported the bill restricts the publication of audit reports to a summary of significant findings and a statement that the report is on file and open to public inspection. He noted the bill was amended to state it shall include a summary of significant findings not to exceed 800 words, and a statement to the effect that the audit report is on file, in its entirety, and anyone who wishes to receive it can do so. He noted the government entity will send a copy of the audit report to any interested person.

List of Testifying Proponents and What Group they Represent:

Alec Hanson, Montana League of Cities and Towns
Shelly Laine, City of Helena
Don Peoples, Chief Executive, Butte-Silver Bow
Beverly Gibson, Montana Association of Counties

Testimony:

Mr. Hanson indicated the Montana League of Cities and Towns supports this bill. He noted the bill was passed in the last session with only 3 dissenting votes, but was vetoed by the Governor after adjournment. Mr. Hanson further indicated a similar bill was heard in the Senate Local Government Committee last week. He noted the newspapers claim these publication laws are about the issue of the right to know, but he disagrees, and thinks these bills are more about the cost of knowing. Mr. Hanson reported this law was enacted in 1975, for the reason that the governmental audit act was enacted in 1975. He noted the bill that requires the counties to print their financial statements and minutes was enacted in 1931, 44 years before the statues covering public participation in government, and 33 years prior to the open meeting laws. Mr. Hanson indicated this was at the time when the Anaconda Company owned most of the major daily papers in the state, which encourages the suspicion that these laws were more about advertising revenues than they were about the right to know.

Mr. Hanson reported that, in 1983, the Legislature exempted schools and special districts from the publication requirements, and they are required only to publish a statement that the audit is available on file, and the public can go down and look at it, or have a copy mailed to them. He indicated that this bill is a compromise to that, which was agreed to in the 1987 session, and they are prepared, as a paid advertisement, an 800 word summary of the significant findings of the audit, to be prepared by the auditors. Mr. Hanson reported that, currently, they are required to print the entire general comment section of the audit, which includes a lot of unnecessary and redundant accounting jargon difficult for a taxpayer to understand. He indicated that they are asking to print a clear, concise, direct statement of the significant findings of the audit, to be prepared by the auditors, which will inform the public if there is a problem. He added, on the other hand, if there is no problem, it could simply state that the auditors reviewed the books of the particular city or county, and found them to be in good order. Mr. Hanson reiterated they do not need to pay the newspaper to print a lot of unnecessary and redundant accounting jargon, and he thinks the 800 word summary is sufficient, although the newspapers may not agree with that. Mr. Hanson further stated that, under this law, there is nothing that would stop the newspaper from getting a copy of the audit, and writing an editorial or news article reviewing the audit, analyzing its findings, and offering that to the public in the news pages

of the paper. He noted that, when this was discussed 2 years ago, some representatives of the papers said they do not have the staff to do an analysis of a governmental audit and write a good news article. Mr. Hanson indicated that, in this situation, if the newspapers are sincerely interested and feel that the general comment section is necessary to maintain the public's right to know, there is nothing that would prohibit them from printing the general comment section, for free, in the news pages of the paper rather than as a paid advertisement.

Mr. Hanson stated that what they object to is the cost. He noted they estimate the cost ranges from $100 to $500, or $1,000, and the average cost is around $400-$500. He noted that, for 100 cities and towns with an average publication cost of $500, that is $50,000. Mr. Hanson stated cities in Montana are operating under a property tax freeze, valuations have declined across the state, federal financial assistance is being withdrawn, and they need every dollar they can get to continue to provide services to the public. He noted that $50,000 isn't going to bankrupt the cities, but that $50,000 in the operating environment that exists for municipal government in this state in 1989 is a lot of money, and he thinks they can save some of that money without interfering with the public's right to know since this 800 word summary would be a clear, concise statement of what the audit is all about. Mr. Hanson gave an example of the city of Ekalaka, which paid $390 to print the general comment section of the audit done last year. He noted that $390 is not a lot of money to Billings or Helena, but $390, in the town of Ekalaka, is 1.5 mils, which is a lot of money, and is a significant budget impact in that town. Mr. Hanson indicated that, for that reason, they encourage the committee to pass this bill and send it to the floor. He stated it represents a good compromise, protects the public's right to know and, at the same time, saves valuable tax dollars.

Testimony:

Ms. Laine testified the City of Helena supports SB297. Each year the City of Helena is required to satisfy the publication requirements for the annual audit at a cost of $450 to $600. This cost is borne by the taxpayers. In a time when local governments are faced with increasing costs and stagnant, if not declining revenues, potential cut backs must be sought. Very few citizens read the annual audit as published in the paper. Any person interested can easily obtain a copy of, or view, the report on file. The Helena City Commission would encourage you to take favorable action on SB297.

Testimony:

Mr. Peoples testified he is speaking as a proponent for SB297. He indicated he categorizes it as one of those bills that just makes good sense and that, when looking at the procedures that cities and counties go through in their auditing, this in no way interferes with the public right to know. He added he feels sure this applies to every local government in the State of Montana. Mr. Peoples reported that, at the conclusion of the audit, an exit conference is held, and that exit conference is open to the public. He noted that, in Butte-Silver Bow, it is always well-covered by the news media, who writes news articles on the findings of the auditor. Mr. Peoples reported that the county attorney then notifies each of the department heads that have audit deficiencies what those deficiencies are and asks for a response, which is also public information. He noted that sometime later, and it varies from weeks to months, the audit is printed in the local news media. Mr. Peoples noted that he is sure the committee will agree there is not a person in this room that has ever sat down and read that audit in the local news media, and he does not consider it as a situation of interfering with the public right to know. Mr. Peoples asked the committee to note that, in SB297, a copy of the audit must be sent to the newspaper publishing the statement, which is the 800 word summary, and there is no reason for anyone to say that the public's right to know is being interfered with. He reiterated that, in his view, this is a good sense bill, and one that Butte-Silver Bow's local government stands in strong support of.

Testimony:

Ms. Gibson reported that the Montana Association of Counties supports SB297, they fully support the comments of the other proponents, and consider this as a bill whose time has come.

Testifying Opponents and What Group They Represent:

Questions From Committee Members:

Q. Senator Bengtson asked why there was a veto of this bill.

A. Senator Hammond responded that he asked the Governor why it was vetoed, explaining the bill, and that it protected the public's right to know. Senator Hammond indicated the Governor responded that he did not know that was the case.

Closing by Sponsor:

Senator Hammond closed by reporting that he is surprised there are no opponents, because there were lots of them from the papers last session, when he first carried this bill. He added that, at that time, the newspapers called him indicating he was "getting into their pockets" yet, when they testified, they said that money had nothing to do with it, that it was the right to know they were concerned about. Senator Hammond indicated that has always bothered him, because it has been explained very well that it does not diminish the people's right to know. He added there is a cost to the small local communities, one community indicated they could hire a lifeguard for the community swimming pool, for the entire summer, for the cost of this audit, and it depends on where you are and how big a government entity it includes. Senator Hammond stated he hopes this bill will fare as well as it did last time, and he is going to speak with the Governor to see if there is any problem with it, noting that the previous Governor evidently had only one side of the story.

DISPOSITION OF SB 297

Discussion:

Senator Vaughn offered a motion that SB297 do pass.

Recommendation and Vote:

Motion passed by the committee that SB297 do pass.

HEARING ON SB 296

Presentation and Opening Statement by Sponsor:

Senator Tom Hager reported he introduced this bill at the request of Harold Gerke, a former speaker of the House. He stated that Mr. Gerke and his wife have done a lot of work with the mental health center in Billings, and have indicated there is a problem with investigations, in that there are quite a few state agencies that do this. Senator Hager indicated that, according to Mr. Gerke, when the people in Helena want to do some fishing, they go to Billings and do a little work, then go fishing. He stated the problem is that everyone at the mental health center is working and, when someone comes in to perform an inspection, they have stop what they are doing to go around with the inspector, which causes

a real problem. Senator Hager stated that SB296 requires that the state agencies, which have oversight practices in the various programs in mental health centers, cooperate in their on-site reviews of the mental health centers. He noted SB296 is an attempt to eliminate duplication, improve efficiency, and minimize the cost of on-site reviews. Senator Hager indicated that, currently, it requires extensive mental health center staff time to respond to the several on-site reviews which are done each year by several agencies. SB296 requires that agencies wishing to do on-site inspections cooperate, so that similar licensing review and inspection activities are done by personnel from one state agency, at a minimum, and that it would make sense for the agencies to come to the mental health center at the same time, rather than appearing at different times, and reviewing the same facilities and records. Senator Hager stated that the bill protects the interests of the agencies by requiring them to work out any problems through inter-agency agreements. In addition, each agency may require the inspecting staff of another agency to meet minimum standards of knowledge and training. Senator Hager noted that on-site inspections by the agencies listed in the bill are announced in advance, and it is not the intention of this bill to prevent necessary unannounced inspections as a result of complaints or allegations of misdeeds in the mental health centers. SB296 attempts to make government more proficient with a minimum of unnecessary intrusion in the delivery of services by Montana mental health centers. Senator Hager urged the committee to consider passage of SB296 as a small step towards the formation of a state government that operates in a more efficient and less intrusive manner.

Senator Hager then pointed out that Section 2 lists the state agencies that are cited in this bill. He added that former speaker Gerke did want to testify, is unable to be here at the present time, and would like to have the opportunity at another time to speak to the committee, or make some recommendations.

Chairman Farrell announced that the hearing on SB296 will be held open until Monday, February 13, 1989 to give further proponents and opponents time to offering testimony, due to the bad weather.

<u>List of Testifying Proponents and What Group they Represent:</u>

Steve Waldron, Executive Director, Montana Council of Mental Health Centers
John Thorson, Mental Health Association of Montana

Testimony:

Mr. Waldron testified they have had a number of complaints from the various centers about different agencies coming in at different times, and reviewing the centers. He noted they have no control of the federal agencies which come, in addition to the state agencies. Mr. Waldron stated they do not have a problem with the oversight functions of those agencies, but that they come in at different times, and often are reviewing the same facilities and looking at the same records. Mr. Waldron indicated that, much to their credit, the Department of Social and Rehabilitation Services has been cooperating with the Department of Institutions, using the sight reviews of the Department of Institutions and, in addition, sending staff out with the Department of Institutions on a consolidated site review. He noted one area where there seems to be some concern is the Department of Institutions will come in, pull out records and case loads, go through them, put them away, take up a lot of time talking to staff, doing some checking and talking to business managers, and then a month or 2 later, the same thing happens with the board of visitors. He noted they will put out case records, which are often the very same records that the Department of Institutions has gone through, and review those records. Mr. Waldron indicated they may be reviewing them for different reasons, but it would be nice if they could come at the same time to review those records, rather than cause a lot of disruption, with the staff having to expend a great deal of time working with them.

Mr. Waldron stated that Bob Anderson of the Department of Institutions has pointed out that there appears to be some drafting errors in the bill which included some agencies that rarely review the mental health centers. He indicated he would be happy to put together some amendments to exclude those agencies, and thanked Chairman Farrell for agreeing to hold open the hearing to give former speaker Hal Gerke a chance to offer his testimony.

Testimony:

Mr. Thorson stated he believes there is substantial merit to the concept proposed in SB296, and they feel that uncoordinated site visits by state agencies can result in disruptions to the work and the mission of the mental health centers. Mr. Thorson indicated they have one significant reservation with the bill, as it is drafted, pertaining to the board of visitors being included in the bill. He noted they

believe that board should be exempted from the provisions of this bill. He stated the board of visitors has preeminent responsibility for insuring humane and decent treatment of persons admitted to mental health facilities in the State of Montana, and they believe the Board should be free to conduct site visits, including unannounced site visits, independent of any other state agency. Mr. Thorson stated this would not prohibit the Board from trying to coordinate its visits with other state agencies, but feel it should have the opportunity to visit these facilities on its own mission. He stated they would propose an amendment, copies of which he distributed to the committee members and which is attached as Exhibit 3.

List of Testifying Opponents and What Group They Represent:

Tom Posey, Alliance for the Mentally Ill
Bob Anderson, Department of Institutions
Kelly Moorse, Executive Director, Board of Visitors

Testimony:

Mr. Posey stated this bill causes him a considerable amount of confusion, especially in 4 areas. He stated it reminds him of the time when he was young, and his father said he would give $1 for every "A" he brought home. Mr. Posey indicated he was elated by this, until he realized that, in order to collect the $1, he had to show him his report card, and that he would not take his word for it. He stated it appears to him that the agencies which derive over 50% of their funding from public money do not want to show their report card, and he can not understand that.

Mr. Posey indicated the site visits are necessitated by public trust, and the preservation of public trust, and each agency has a specific task in which to guarantee compliance with contracts, compliance with public monies, and other various things. He noted they are not all the same type of site visit and, although they may pull the same records, they are looking for different things and to coordinate them all into one visit would be extremely confusing. He noted, more importantly, it would remove the protection that is now provided for the consumer, especially in the case of the board of visitors. Mr. Posey indicated the board of visitors looks for client complaints, grievances, inappropriate medications, and many different things, and should never be expected to be told when they can come into a center, and what they can and can not see. He added the fourth problem is with the bill, itself, and pointed out that the codification section refers to Title 53, Section 10. Mr. Posey stated that Title 53, Section 10

only applies to federal block grant monies. He stated the board of visitors, for example, is mandated by Title 53, Section 21; the Department of Institutions is mandated by another section in Title 53, and noted that there are 7 different administrative rules that apply to the type of visit and to the purpose, and none are contained within the codification section. He then pointed out that Montana's manual on bill drafting specifically states that, if a bill covers more than 1 section of Montana code, each and every amended section must be listed in codification instructions, and that is not done with this bill. He stated he is afraid the Legislative Review Committee would have a problem in trying to sort it all out. Mr. Posey urged the committee to see the problems within the bill, the problems that it is going to create with consumers, and give this bill a do not pass.

Testimony:

Mr. Anderson stated they need clarification on the bill, because they are very confused. He noted that, regarding the list of agencies in the bill as those that are required to inspect the mental health centers, they have done some research. He pointed out the Department of Administration does not inspect mental health centers; the Department of Health and Environmental Sciences does inspect mental health centers, however, it is a fire/life safety type of inspection. Mr. Anderson pointed out they are the licensing agency, that there is a requirement in the law that mental health centers must be licensed by the Department of Health. He further noted the safety bureau of the Worker's Compensation is preempted by OSHA, which is the inspecting agency, and the fire marshall does not inspect mental health centers, the local fire marshall does in conjunction with the Department of Health. Mr. Anderson stated the Department of Institutions contracts $5 million of federal and state monies, on a fee-for-service basis, to the mental health centers, and they do announced reviews. He noted that, 30 days in advance, they notify the center they will be coming to review the contract compliance to insure the public funds are being spent the way they are intended to be spent. He added the board of visitors does inspections under a different requirement, and they are independent, unannounced reviews. Mr. Anderson then indicated the Superintendent of Public Instruction does not review mental health centers, that they review the education components that operate within an adolescent day-treatment program. He pointed out that component does not review based on what the mental health center provides, rather what the school district provides. Basically, Mr. Anderson pointed out, there are 3 reviews; the Department of Health for licensure require-

ments, the Department of Institutions for contract compliance, and the board of visitors, which are unannounced requirements. He reiterated that he is confused as to why the others are listed, and recommended the committee look into the statute already on the books, 50-8-101, 102 and 105, which addresses one-step licensing. He indicated they work with the Department of Health and, when reviewing a contract compliance, whether it be a mental health center or chemical dependency program, the Department of Health takes their word for it on anything that is redundant. He added that SRS also takes their word, includes their inspections in their review for Medicaid, and accompanies them on several of the reviews. Mr. Anderson pointed out those things are coordinated already, and they have a problem with the bill because they feel there is already a law on the books which insures coordination of agencies, they are already cooperating with SRS and the Department of Health, and that board of visitors is a different type of inspection.

Testimony:

Ms. Moorse testified that the board of visitors' reviews are different from the other review agencies. She noted that, although the law provides for their reviews to be unannounced, in the 12 years that she has been with the board of visitors, all of their reviews have been announced, and they receive a 3 to 4 week advance notice of their review. She added that their reviews are limited to 2 days at mental health centers for reviewing 5 major aspects of the functions of mental health centers. These aspects deal with treatment issues, record keeping, medication, consumer and environmental issues. Ms. Moorse stated they found the rights of the mentally ill are numerous and varied and, unfortunately, people with a mental illness need advocacy, just to maintain, and that often the reviews offer those basic rights and protections in making sure the consumers are protected.

Questions From Committee Members:

Q. Senator Rapp-Svrcek indicated that Section 5 states the Governor shall designate 1 state agency as the lead agency, and asked Senator Hager if he had a particular agency in mind.

A. Senator Hager responded he did not have a particular agency in mind.

Q. Senator Rapp-Svrcek then asked if it was possible that one Governor might appoint one lead agency, and another Governor would appoint another.

A. Senator Hager responded that is possible.

Q. Senator Rapp-Svrcek indicated that, in his opening statement, Senator Hager talked about the possibility of having all these agencies make conjunctive visits, but it does not allow for that in the bill.

A. Senator Hager responded that, as Senator Rapp-Svrcek pointed, there would be a lead agency that would schedule the visits, and how things should be accomplished on that visit.

Q. Senator Rapp-Svrcek then indicated that he is concerned because, although the reason for the board of visitors unannounced visits is to make sure that the mentally ill are being taken care of properly, Ms. Moorse stated that, in the 12 years she has been there, all of the visits have been announced.

A. Ms. Moorse responded the on-site reviews are announced, but they do go to the mental health centers to follow up on complaints and grievances they get throughout the year, and those visits are unannounced. She added that, because their reviews include record keeping and consultants in the area of medication, psychology, etc., they are looking at the general overall operations and they look at the grievance formulas, how many have been processed by the center, how many by the board of visitors during that time. Ms. Moorse stated that complaints received are worked on right away so that they get addressed, rather than doing it at a site visit.

Q. Senator Harding asked Senator Hager what would his position be regarding amending out those entities that do not inspect mental health centers, prior to committee action on the bill.

A. Senator Hager responded the bill was drafted in a hurry, and some of them should not be in there. He added it should be better defined, and he will discuss it with the proponents and come up with some recommendations for amendments.

Q. Senator Harding further asked Senator Hager if those that do not do inspections would be removed, and if the

corrections would be made relative to the fire marshall and the superintendent of public instruction.

A. Senator Hager responded yes.

Q. Senator Harding then indicated the Department of Administration does not inspect, and should be removed, and asked Senator Hager to work with the drafter and prepare an amendment. She noted she thinks it should be corrected.

A. Senator Hager responded yes, and that it is his understanding the hearing is being held open until next week.

Q. Senator Bengtson asked Mr. Waldron if it was possible to have a check-list that a lead agency could utilize to check the things that the Department of Health, Institutions and the SRS checks, so that everybody is not pulling files and checking the same things over and over again. She further asked Mr. Waldron if he could visualize a lead agency and inspector, or an inspection team, covering all these bases.

A. Mr. Waldron responded that he envisions, rather than holding a number of inspections during the year, doing it one time because, for the most part, they are announced. He added he does not have a problem with the unannounced ones for complaints, etc., but for the run-of-the mill inspections that these agencies do every year, at a minimum, they should be able to work together, show up at one time, and review what they need to review.

Q. Senator Bengtson then asked Mr. Waldron how many people does he think should be on the team, and should it be one person from each of those agencies.

A. Mr. Waldron responded that the Department of SRS is already doing that, and they and the Department of Institutions deserve to be complimented for deciding that it is wise for them to come at one time and, when SRS does not come, they accept the documentation and review that the Department of Institutions does. He added he thinks there is some possibility for that sort of cooperation to happen, and he hopes this bill will encourage that. Mr. Waldron noted there are some drafting errors that will have to be corrected. He then indicated he does understand that the board of visitors wants to come at a totally separate time, and noted there

already is a great deal of cooperation, now, between the Department of Institutions and the board of visitors.

Closing by Sponsor:

Senator Hager thanked the opponents, and indicated he thinks their suggestions are good. He indicated what they want is the most efficient and effective delivery of services for the people who are served in the mental health agencies. Senator Hager then noted his appreciation for the hearing being held open until next Monday, and stated they will get the written recommendations to the committee.

Chairman Farrell announced the hearing on SB296 will be held open until Monday, February 13, 1989.

ADJOURNMENT

Adjournment At: 11:15 a.m.

William E. Farrell
WILLIAM E. FARRELL, Chairman

WEF/mhu
SB286.026

ROLL CALL

STATE ADMINISTRATION COMMITTEE

51ST LEGISLATIVE SESSION

DATE: February 6, 1989

NAME	PRESENT	ABSENT	EXCUSED
HUBERT ABRAMS	✓		
JOHN ANDERSON, JR.	✓		
ESTHER BENGTSON	✓		
WILLIAM E. FARRELL	✓		
ETHEL HARDING	✓		
SAM HOFMAN	✓		
PAUL RAPP-SVRCEK	✓		
TOM RASMUSSEN			
ELEANOR VAUGHN	✓		

SENATE STANDING COMMITTEE REPORT

February 6, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 297 (first reading copy -- white), respectfully report that SB 297 do pass.

DO PASS

Signed: Farrell

William E. Farrell, Chairman

2/16/89
12:24 p.m.

scrsb297.206

COMMON CAUSE/MONTANA
P.O. Box 623
Helena, Montana 59624 (406) 442-9251

STATEMENT OF COMMON CAUSE ON SENATE BILL 286

Mr. Chairman and members of the Senate State Administration Committee, for the record, my name is C. B. Pearson, Executive Director of Common Cause in Montana. On behalf of Common Cause members we would like to go on record in support of SB 286, if amended.

We support the holding of an election on an initiative or referendum that has properly qualified but was declared invalid because the election was improperly conducted.

We do not however support subsection (2) whereby the substance of an initiative or referendum may not be challenged in court prior to an election on the issue. We would advocate that this committee remove this subsection and give the amended version a "do pass" recommendation.

Our reading of subsection (2) in SB 286 and Article III, Section 4, subsection (3) of the Montana Constitution which states, "The sufficiency of the initiative petition shall not be questioned after the election is held" would, if implemented, seem to limit any challenge to the constitutionality of a given initiative or referendum. If this is the case, a given initiative or referendum, although clearly unconstitutional, could be placed before the people of Montana and, if the electors decide, become law.

Common Cause is concerned that the passage of such a provision limiting challenges to the constitutionality will weaken public support for the initiative and referendum process. The people of Montana need to have faith in the direct democracy process that they own. It is a fallacy to expect that every idea should be placed before the people. We have a system of checks and

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balances to ensure that no one body infringes upon our rights. Subsection (2) of SB 286 would seem to encourage an overriding of this system of checks and balances.

Common Cause has been and continues to be a strong advocate of the initiative and referendum process. We are, however, concerned that SB 286 as currently written would only serve to weaken public support for this form of direct democracy.

In 1987, there was debate on challenges to initiative and referendum that resulted in changes in Montana law. Those changes establish a process to challenge an initiative or referendum. I have attached that section of the law to my testimony.

The current process for challenges is expedient and fair. We need to have a clear-cut manner for challenges or the other hand we also need to place bona-fide initiative or referendum back on the ballot if the first election is declared invalid because the election was improperly conducted.

Part 2
Supreme Court Jurisdiction

Part Cross-References
Jurisdiction of Supreme Court, Art. VII, sec. 2, Mont. Const.

3-2-201. Types of jurisdiction. The jurisdiction of the supreme court is of two kinds:
(1) original; and
(2) appellate.

History: En. Sec. 18, C. Civ. Proc. 1895; re-en. Sec. 6250, Rev. C. 1907; re-en. Sec. 8802, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 50; re-en. Sec. 8802, R.C.M. 1935; R.C.M. 1947, 93-213.

3-2-202. Original jurisdiction. (1) Except as provided in subsection (3), in the exercise of its original jurisdiction, the supreme court has power to issue writs of mandamus, certiorari, prohibition, injunction, and habeas corpus.

(2) It also has power to issue all other writs necessary and proper to the complete exercise of its appellate jurisdiction.

(3) (a) Except as provided in subsection (3)(b), a contest of a ballot issue submitted by initiative or referendum may be brought prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes:
(i) violation of the law relating to qualifications for inclusion on the ballot;
(ii) constitutional defect in the substance of a proposed ballot issue; or
(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (3)(a)(i) or (3)(a)(iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (3) limits the right to challenge a measure enacted by a vote of the people.

History: En. Sec. 19, C. Civ. Proc. 1895; re-en. Sec. 6251, Rev. C. 1907; re-en. Sec. 8803, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 51; re-en. Sec. 8803, R.C.M. 1935; R.C.M. 1947, 93-214; amd. Sec. 1, Ch. 540, L. 1987.

Compiler's Comments
1987 Amendment: In (1), at beginning, inserted exception clause relating to subsection (3); and inserted (3).

Cross-References
Right to habeas corpus, Art. II, sec. 19, Mont. Const.
Power of appellate court not limited, Rule 62(g), M.R.Civ.P. (see Title 25, ch. 20).
Acceptance and manner of conducting original proceedings in Supreme Court, Rule 17, M.R.App.P. (see Title 25, ch. 21).
Injunctions, Title 27, ch. 19.
Writ of Certiorari, 27-25-102.
Writ of Mandamus, 27-26-102.
Writ of Prohibition, 27-27-102.
Proceeding for unlawful assertion of authority, 27-28-101.
Habeas corpus — rights and procedure, Title 46, ch. 22.

3-2-203. Appellate jurisdiction. The appellate jurisdiction of the supreme court extends to all cases at law and in equity.

History: En. Sec. 20, C. Civ. Proc. 1895; re-en. Sec. 6252, Rev. C. 1907; re-en. Sec. 8804, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 52; re-en. Sec. 8804, R.C.M. 1935; R.C.M. 1947, 93-215.

3-2-204. Powers and duties of court on appeals. (1) The supreme court may affirm, reverse, or modify any judgment or order appealed from

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EXHIBIT NO. 2
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Senator William E. Farrell, chairman
and members
State Administration Committee
Montana Senate
State Capitol
Helena, MT 59620

February 3, 1989

Dear Senators:

I write to testify in favor of SB 286, "Valid Election Required on Ballot Issues." I hope to appear at the hearing scheduled for Monday, Feb. 6, weather permitting, but am writing in case I cannot.

SB 286 is aimed at alleviating a related pair of problems which have arisen in Montana's initiative/referendum process. First, it seeks to ensure that a valid election is held whenever the original election on a ballot issue is voided by the courts for procedural flaws in the election process.

At present, when a ballot-issue election is voided for such reasons as misprints in the voter information pamphlet or errors in the publication of the text of the measure in local newspapers, the Montana Supreme Court recognizes no constitutional basis for holding a reelection. Thus, even for the smallest of reasons, any ballot-issue election may be voided, without recourse by the sponsors or the voters. As I see it, this threatens the very concept of popular sovereignty upon which our system of government is supposed to be based.

The current situation also implies considerable waste--of all the energy and resources that went into designing, editing, filing, printing, petitioning, debating, advertising, voting, canvassing, publishing, and/or implementing each ballot issue—should it be "disqualified on a technicality" by the court.

SB 286, if placed on the 1990 ballot by the 1989 Legislature, and approved by the voters, would correct this problem by supplying a clear constitutional basis for resubmission of any ballot issue so voided to the voters at the next regularly scheduled statewide election. In my opinion, this is an important protection of our right to vote. Additionally, I believe it properly confines the role of the courts to that of referee, rather than participant, in the process of adoption or rejection of ballot issues as law.

Second, approval of the amendment offered by SB 286 would allow for judicial review of a ballot issue only after it has actually become law, in the same fashion as legislation. To me, this is foremost a matter of fairness and a proper sequence of events: to allow judgement of ideas before they become law has an awful ring of "prior restraint" to it, and our research shows that the public isn't any happier about it than the Legislature would be, if the court could intervene in its deliberations, and prevent some of them from coming to a vote. I hope the committee shares my view that constitutionality a ballot issue should remain a moot point until and unless the issue becomes law.

There are other reasons that prior review of ballot issues should be replaced by the more usual procedure. It has become a "cheap shot" strategy for opponents of initiatives to force proponents to spend all their resources in court, trying to keep their issue qualified for the ballot, instead of on promotion, advertizing, and education during the last few months before election. This means that whenever a modestly funded, grassroots ballot issue is opposed by large, well-heeled interests which can afford court costs, a tremendous advantage accrues to the opponents. It makes the initiative/referendum process, in many instances I can think of, a rich man's game, and that just isn't the idea.

In the last session, the Legislature approved a bill which provides that prior judicial reiview is permissible only if the challenge is filed within thirty days of the date on which the issue was certified to the governor as duly qualified for appearance on the ballot. While this prevents last-minute strategies of judicial entanglement from occurring, it also in effect institutionalizes those strategies, legitimizing them by providing a time limit for them. To me, this aggravates, rather than solves the basic problem of posing "court action" as a threat against initiative proponents.

The usual question I'm asked about the "no prior review" provision of SB 286 is whether quality control of ballot issues might be diminished. I contend that it certainly would not. The review process would merely be put in proper sequence, not dispensed with. And, since initiative sponsors would know in advance that their entire effort could be destroyed, even after voter approval, there would be that much added incentive not to prepare their proposal "on the back of a napkin", and not to ignore the advice given them by the Legislative Council. Nothing generates responsible action like facing the full consequences of irresponsibility.

Finally, in this regard, as far as I can determine, initiatives (and perhaps referendums) do not enjoy the presumption of constitutionality that legislated acts do. This means that the burden of proving constitutionality, or lack thereof, would fall equally upon proponents and opponents in court, whenever judicial review is undertaken. This would make it very difficult for "bad law" to survive the review, regardless of its popularity at the polls.

In sum, my feeling is that prior review unnecessarily subjects the range of choice voters can make to judicial screening, and in the process involves the court in lawmaking. To me, these are problems worthy of prevention by approving SB 286.

I think a few words about the Initiative Improvement Committee, which did the "R & D" work behind SB 286, may be of interest. We are a non-partisan (or more correctly, a multi-partisan) group with a common interest in seeing the initiative process work well in Montana. Our first meeting was in 1987, in the aftermath of a two-day conference on ballot issues, which featured an "Initiatives Fair". Initiative ideas of all types, from many points along the political spectrum, were presented at the fair, for comment and critique by the audience. But among those who stayed afterward, the consensus was that first, some problems with the process itself needed attention, before pursuit of any particular goal by initiative would be worth the effort and risk.

Our first ambition, then, was to improve the process by initiative. Thus began a project you may remember as the "Initiative Initiative." Several

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meetings and nearly a year later, it emerged as CI-53. It had many provisions, (probably too many), as you might expect from such a politically broad-based committee. Mostly because it wasn't completed until a few weeks before the deadline for turning in signatures to qualify issues for the 1988 ballot, we decided not to try for qualification. Instead, with the consensus of the committee, I turned its many provisions into questions on a questionnaire, which I circulated while campaigning around the state for public office that summer and fall.

Another reason we didn't try to gather signatures was the fact that the Supreme Court had just recently ruled that CI-30, whose election in 1986 was voided by reason of flaws in publications which explained it, could not reappear on the 1988 ballot. This may partly explain why the questionnaire item which asked about holding reelections in such instances received so many affirmative responses. It certainly escalated our resolve to pursue some kind of remedy for this problem. And it may even explain why only two of the many initiatives which were filed with the Secretary of State last year actually earned a place on the ballot: both sponsors and voters were thinking, "Why bother?"

The Initiative Improvement Committee compiled the results of the questionnaire in November of 1988, then met on December 4 to analyze results and decide what to do. Along with the question about reelections, another item which had drawn strong positive response was the idea of allowing judicial review only of actual laws made by initiative or referendum, and not of proposals. The two seemed highly related, and we ended up deciding to present them as a proposal for constitutional referendum to the 1989 Legislature. The result is SB 286, introduced last week by the Senator from my district, Tom Beck.

In a very real sense, given its genesis in public opinion, SB 286 has been "written by the people". And just to be sure that the questionnaire wasn't selective of only those with a particular point of view about ballot issues, the Initiative Improvement Committee compared the answers given by different categories of respondents, and found almost no differences, then conducted a random telephone poll of Montana voters to see if their opinions differed significantly from those given by questionnaire respondents. I'll let another committee member, Rick Mason, present the results, but can assure the committee that many minds seem to be running in the same direction on the reforms proposed in SB 286. I offer the long list of legislators who signed off on this bill before its introduction as further evidence of general consensus.

I thank the State Administration Committee for its indulgence in listening to (or reading) my rather lengthy testimony in support of SB 286, and close by urging its approval of this bill.

Sincerely,

Larry Dodge

cc: committee members,
Sen. Tom Beck
Rep. Bud Campbell

Larry Dodge, spokesperson
Initiative Improvement Committee
P.O. Box 60
Helmville, Montana 59843
Phone 793-5703

Mental Health Association of Montana

A Division of the National Mental Health Association

State Headquarters
555 Fuller Avenue
Helena, Montana 59601
(406) 442-4276

SENATE STATE ADMIN.
EXHIBIT NO. 3
DATE 2/6/89
BILL NO. SB296

Presentation of the
Mental Health Association of Montana

Concerning SB296, Requiring Joint Licensing, Review, and Inspection of Community Mental Health Centers

Before the Senate State Administration Committee,

February 6, 1989

The Mental Health Association is a nonprofit, volunteer organization advocating the improvement of care and treatment services and their availability and accessibility for persons of all ages. One of our primary interests is that the rights and condition of mentally ill individuals be fully protected under the law.

The Mental Health Association of Montana believes there is substantial merit to the consolidation of site reviews of mental health centers by state agencies, as proposed by SB 296. The work of these centers can be significantly disrupted if the visits of individual state agencies are not well coordinated.

Our support of SB 296, however, is conditioned on one important amendment being made to the bill as it has been originally proposed. We believe that the reviews and inspections of the Mental Disabilities Board of Visitors should be exempt from this proposed legislation. The Board of Visitors has preeminent responsibility for ensuring the humane and decent treatment of persons admitted to a mental health facility. The Board should be free to conduct its site visits, including unannounced site visits, independent of any other state agency. Also, the number of individuals typically included on a Board of Visitors' review team makes it difficult to coordinate with officials from other state agencies.

Thus, we propose the following amendment to SB 296:

> Page 2, lines 17-18: delete "(g) the mental disabilities board of visitors provided for in 2-15-211;"

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

DATE: February 6, 1989

NAME	REPRESENTING	BILL #	Support	Oppose
DALE TALIAFERRO	DAES	296		
Mike Voeller	Lee Enterprises	297		
JIM WHITEHEAD	LIAB. COALITION	286	✓	
Shelly Laine	City of Helena	297	✓	
TOM POSEY	Association for the Montana [illegible]	296		✓
John McCrea	M.N.P.A.H.	296		✓
H. W. Hammond		297		
Kelly Moore	BOV	296		✓
Bob Andersen	Dept of Inst	296		
Rick Mann	Seley	286		
Steve Waldron	Mental Health Centers	296	✓	
Mike Cooney	Sec. of State	286	✓	
C.B. PEARSON	Common Cause	286	✓ with	Amendment
JOHN THOMSON	MENTAL HEALTH ASSN	296	✓ w/ Am	endment
Larry Dodge	Initiative Improvement Committee	286	✓	
Beverly Gibson	Mt. Assn Co's	297	✓	
Don Peoples	Butte-Silver Bow Gov't	297	✓	
Tom Hager	SD 48	296	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY