

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIR, on January 22, 1993, at 9:07 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chair (R)
Rep. Wilbur Spring, Vice Chair (R)
Rep. Ervin Davis, Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: Rep. Mason; Rep. Rice; Rep. Squires

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 76
Executive Action: SB 76; HB 153

EXECUTIVE ACTION ON HB 153

Motion: REP. SPRING MOVED HB 153 DO PASS.

Motion/Vote: REP. SCHWINDEN moved to amend HB 153. EXHIBIT 1
The motion carried unanimously.

Motion/Vote: REP. SPRING MOVED HB 153 DO PASS AS AMENDED.
Motion passed unanimously with REPS. RICE, SQUIRES, AND MASON
voting by proxy. EXHIBITS 2, 3, 4

Announcements:

REP. SPRING distributed a letter to the committee from Robert G. Natelson, Professor of Law, University of Montana, in support of HB 166. EXHIBIT 5

REP. SIMPKINS announced that SEN. VAUGHN has asked the State Administration committee for a joint hearing on changing Columbus Day to be scheduled February 9.

HEARING ON SB 76**Opening Statement by Sponsor:**

SEN. DEL GAGE, Senate District 5, Cut Bank, introduced SB 76, by request of the Department of Administration, as a bill which comes before the legislature every session. SEN. GAGE stated that HB 76 gives the Legislature's validation to bonds sold by the State of Montana since the last legislative session.

Proponents' Testimony:

David Ashley, Department of Administration, explained that SB 76 reassures purchasers of Montana bonds that the State of Montana stands behind its bonds, even if irregularities in the bonds are discovered. Mr. Ashley explained the process of issuing debt for the State of Montana. He stated the Montana Constitution provides that the State can issue debt either by a majority vote of electors or, more typically, by the vote of two-thirds of each legislative house. Once a bonded bill is passed by the Legislature, a bond resolution is reviewed by the Board of Examiners, which consists of the governor, secretary of state, and attorney general. If the bond resolution is approved by the Board of Examiners, then the Department of Administration sells the bonds to investors. The bonds are repaid through statutory appropriation. Mr. Ashley concluded by thanking SEN. GAGE and REP. BARDANOUVE for their assistance on the Capital Finance Advisory Council.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

SEN. GAGE closed by stating that REP. BARDANOUVE would carry SB 76 to the House.

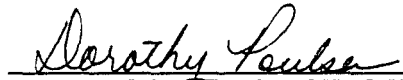
EXECUTIVE ACTION ON SB 76

Motion/Vote: REP. ROSE MOVED SB 76 BE CONCURRED IN. The motion passed unanimously with REPS. RICE, SQUIRES, AND MASON voting aye by proxy. EXHIBITS 2, 3 AND 4

ADJOURNMENT

Adjournment: 9:24 a.m.


DICK SIMPKINS, Chair


DOROTHY POULSEN, Secretary

DS/DP

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION

COMMITTEE

ROLL CALL

DATE

1/22/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS	✓		
REP. HARRIET HAYNE	✓		
REP. GARY MASON			✓
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE			✓
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES			✓
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

HOUSE STANDING COMMITTEE REPORT

January 22, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 76 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair


Carried by: Rep. Bardanouve

HOUSE STANDING COMMITTEE REPORT

January 22, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 153 (first reading copy -- white) do pass as amended .

Signed: 
Dick Simpkins, Chair

And, that such amendments read:

1. Title, lines 7 and 8.
Following: "PAYROLL" on line 7
Strike: ", " on line 7 through "ADMINISTRATION" on line 8

2. Title, line 10.
Following: "2-18-404"
Strike: ", "
Insert: "AND"

3. Title, lines 11 through 13.
Following: "2-18-405" on line 11
Strike: ", 2-18-411" through "39-51-3207" on line 13
Following: "MCA" on line 13
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

4. Page 4, line 18 through page 19, line 13.
Strike: sections 6 through 22 in their entirety
Insert:
Effective date. [This act] is effective July 1, 1993."

Amendments to House Bill No. 153
First Reading Copy

Requested by Rep. Bardanouve
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
January 22, 1993

1. Title, lines 7 and 8.

Following: "PAYROLL" on line 7

Strike: ", " on line 7 through "ADMINISTRATION" on line 8

2. Title, line 10.

Following: "2-18-404"

Strike: ", "

Insert: "AND"

3. Title, lines 11 through 13.

Following: "2-18-405" on line 11

Strike: ", 2-18-411" through "39-51-3207" on line 13

Following: "MCA" on line 13

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

4. Page 4, line 18 through page 19, line 13.

Strike: sections 6 through 22 in their entirety

Insert:

"NEW SECTION. Section 6. {standard} Effective date. [This act] is effective July 1, 1993."

EXHIBIT 1
DATE 1/22/93
HB 153



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE FRITZ DAILY
BUTTE, MONTANA

HOUSE DISTRICT 69

HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620
PHONE: (406) 444-4800
HOME ADDRESS:
1057 W. STEEL
BUTTE, MONTANA 59701
PHONE: (406) 782-4047

1-22-93

I give my prayer on
all bills amendments
and tabling motions
C. G. Quisenberry

~~HB 153 - No~~
HB 153 - Yes

EXHIBIT 3
DATE 1/22/93
HB 153; SB 26

MEMO FROM
Gary D. Mason

TO Chairman Simpkins

I hereby give Rep Spring
the right to vote for me
as he sees fit on
Bills before the Adm. Comm.
on 1-22-91

Gary D. Mason

EXHIBIT 2
DATE 1/22/93
HB 153; SB 76

HB 153 - Yes

~~HB 166 - No~~

ENT - These are my absentee ballots for State Ad Committed tomorrow.

I have a bill up in Judiciary, may miss the meeting.

Shuler
1-22-93

EXHIBIT 4
DATE 1/22/93
HB 153; SB 76

ROBERT G. NATELSON

1113 LINCOLNWOOD

MISSOULA, MONTANA 59802

(406) 721-2266

January 19, 1993

State Administrative Committee
House of Representatives
State of Montana
State Capitol
Helena MT

To the Members of the Committee:

I am writing in support of Rep. Wilbur Spring's proposed constitutional amendment to require legislative candidates to be residents of the districts they seek to represent.

During the U.S. Constitutional Convention and during the subsequent debate on ratification, leading framers such as James Madison often emphasized two basic principles relevant to this proposed amendment. They are:

- (1) The concept of representation is at the heart of republican government, and
- (2) Central to the concept of representation is that those who represent their constituencies should be rooted in those constituencies, should be deeply knowledgeable about them, and should share the concerns and outlook of those they represent.

The Montana Constitution now permits legislators to be elected from districts in which they do not reside, and to that extent the Montana Constitution is repugnant to those basic principles of republican government. Certainly residence in the county is not sufficient to effectuate those principles in Montana, for counties in this state are unusually large and internally diverse.

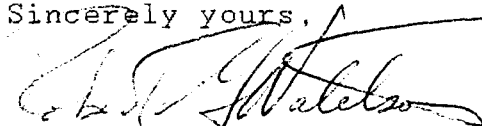
It can be argued, of course, that voters now may consider residence in deciding for whom to vote. For two reasons this is not a convincing argument. First, the variety of substantive issues the voter must weigh in making a selection dilutes effective choice -- and the residence issue merely complicates matters further. Second, the very purpose of Constitutions is to

EXHIBIT 5
DATE 1/22/93
HB 1166

improve representative democracy -- to render it more responsive and more effective as a governing technique. Rep. Spring's proposal would perform this purpose admirably.

I urge you to support this proposal and I thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert G. Natelson", written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal flourish extending to the right.

ROBERT G. NATELSON
Professor of Law
University of Montana

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

State Administration

COMMITTEE

BILL NO. SB 76

DATE 1/22/93

SPONSOR(S) Senator GAGE

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dawn Ashby	Dept of Admin	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.