

## MINUTES

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

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on April 5, 1993, at 10:34 a.m.

#### ROLL CALL

##### Members Present:

Rep. Dick Simpkins, Chair (R)  
Rep. Wilbur Spring, Vice Chair (R)  
Rep. Ervin Davis, Vice Chair (D)  
Rep. Pat Galvin (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Brad Molnar (R)  
Rep. Bill Rehbein (R)  
Rep. Sheila Rice (D)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

Members Excused: Rep. Beverly Barnhart; Rep. Bob Gervais

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 87  
Executive Action: SB 87

#### HEARING ON SB 87

##### Opening Statement by Sponsor:

SEN. BRUCE CRIPPEN, Senate District 45, Billings, introduced SB 87 at the request of the governor. He explained the bill was necessary if SB 235 passes because it provides the mechanism for a special election on June 8, 1993, on the sales tax proposed in SB 235. If SB 235 does not pass the legislature, then SB 87

would be null and void. He said there was some question whether SB 87 was necessary, but the governor had decided to introduce the bill to avoid any questions about the legality of the proposed special election. **SEN. CRIPPEN** recalled the special election for the Treasure State Endowment had been challenged in court by opponents for violating election deadlines. The supreme court held that in spite of statutory deadlines, the intent of the legislature should prevail, and the special election was held.

**SEN. CRIPPEN** distributed a calendar showing the deadlines provided in the bill for sending the ballot form to the attorney general, the close of voter registration, and the availability of absentee ballots. **EXHIBIT 1**

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

**REP. SQUIRES** asked **Judy Browning, Governor's Office**, whether an alternative to the sales tax could be placed on the special election ballot. **Ms. Browning** deferred the question to **Doug Mitchell, Secretary of State's Office**, who responded the bill allows a special election to occur on June 8, 1993, and does not limit the number of issues on the ballot. **REP. SQUIRES** asked **Mr. Mitchell** whether the legislation was limited to this single special election. **Mr. Mitchell** confirmed the bill would have no effect beyond the June special election.

**REP. MOLNAR** asked **Mr. Mitchell** whether there was sufficient time for more than one alternative to be placed on the ballot. **Mr. Mitchell** clarified there would be time for any legislative action to be placed on the ballot. He stated the bill does not change the initiative laws; and since the statutory deadlines for initiatives had passed, there was insufficient time for an initiative. He also noted initiatives were restricted constitutionally and could not address state appropriations.

**REP. SPRING** asked **Mr. Mitchell** to explain the need for the language in lines 12-15, page 5. **Mr. Mitchell** explained the lines provided an example of ballot language which was consistent with current state law.

**REP. SIMPKINS** asked **Mr. Mitchell** what happened to SB 87 if SB 235 does not pass. **Mr. Mitchell** explained SB 87 dies if SB 235 dies unless an alternative to SB 235 passes and SB 87 is amended for the alternative; if SB 235 lives, then other legislative proposals could be added to SB 87.

REP. SIMPKINS asked Mr. Mitchell to differentiate the effect of either/or language versus two different proposals on the ballot. Mr. Mitchell noted he was not an attorney, but he said the legality of the either/or language was questionable and described it as a "sticky wicket". He said two initiatives which addressed similar issues were permissible on the ballot; and if both issues passed, conflicts would need to be resolved legislatively. REP. SIMPKINS asked what would happen if ballot issues for a sales tax and an increased income tax both passed. Mr. Mitchell said they would both become law.

Closing by Sponsor: None.

#### EXECUTIVE ACTION ON SB 87

#### Discussion:

REP. MOLNAR declared his opposition to the bill. He said the bill shortened the time frame so other initiatives could not be proposed. He described the sales tax as major tax legislation and said the bill did nothing more than shorten the time frame and stifle dissent.

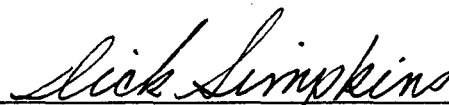
REP. SPRING asked REP. MOLNAR whether he considered the state's current fiscal problems severe and in need of immediate attention. REP. MOLNAR disagreed and pointed out by the end of the session the budget will be balanced for the next two years. He claimed it would make no difference whether the vote on the sales tax came two months or six months after the legislature's adjournment. He argued the public does not know the effect of taxes passed during the session and should be given a year to compare these taxes to a possible sales tax.

REP. SIMPKINS asked Mr. Mitchell whether SB 87 would take effect if SB 235 were amended to place the ballot issue on the November ballot. Mr. Mitchell said if SB 235 does not call for a special election, then SB 87 would be null and void. He said SB 87 would be in effect until June 9, but without the June special election the deadlines specified in the bill would have no meaning. REP. SIMPKINS suggested to Mr. Mitchell that the outcome of SB 235 determined whether or not a special election would occur. Mr. Mitchell responded the question was very important and confirmed only SB 235 called for a special election.

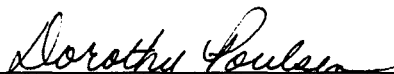
Motion/Vote: REP. SPRING MOVED SB 87 BE CONCURRED IN. Motion carried 13 to 3 with REPS. REHBEIN, GALVIN, and MOLNAR voting no and REPS. BARNHART and GERVAIS voting by proxy. EXHIBITS 2, 3

ADJOURNMENT

Adjournment: 10:55 a.m.



DICK SIMPKINS, Chair



DOROTHY POULSEN, Secretary

DS/DP

**HOUSE OF REPRESENTATIVES**  
**STATE ADMINISTRATION**

**COMMITTEE**

**ROLL CALL**

**DATE**

4/5/93

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

April 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 87 (third reading copy -- blue) be concurred in .

Signed:   
Dick Simpkins, Chair

Carried by: Rep. Simpkins

Committee Vote:  
Yes 13, No 3.

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# JUNE 8 SPECIAL ELECTION CALENDAR

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
April 11 (58)	April 12 (57)	April 13 (56)	April 14 (55)	April 15 (54)	April 16 (53)	April 17 (52)
April 18 (51)	April 19 <i>Letter to paper - notices - vrc</i> (50)	April 20 (49)	April 21 (48)	April 22 (47)	April 23 (46)	April 24 (45)
April 25 (44)	April 26 (43)	April 27 (42)	April 28 (41)	April 29 Ballot form sent to AG (40)	April 30 (39)	May 1 (38)
May 2 (During week, close of reg. notice printed statewide) (37)	May 3 (36)	May 4 (35)	May 5 (34)	May 6 (33)	May 7 VIP arguments due (32)	May 8 (31)
May 9 (30)	May 10 Close of registration (29)	May 11 (28)	May 12 Rebuttals due (27)	May 13 <i>Costs prepared</i> (26)	May 14 (25)	May 15 (24)
May 16 (23)	May 17 (22)	May 18 VIPs mailed to EAs (21)	May 19 (20)	May 20 (19)	May 21 (18)	May 22 (17)
May 23 During week, special election notice printed statewide (16)	May 24 (15)	May 25 (Absentee ballots available) (14)	May 26 (13)	May 27 (12)	May 28 (11)	May 29 (10)
May 30 During week, special election notice printed statewide (9)	May 31 (8)	June 1 (7)	June 2 (6)	June 3 (5)	June 4 (4)	June 5 (3)
June 6 (2)	June 7 (1)	June 8 <b>ELECTION DAY</b>	June 9 (+1)	June 10 (+2)	June 11 County canvass complete (+3)	June 12 (+4)
June 13 (+5)	June 14 Canvasses to SOS (+6)	June 15 State canvass board meets (+7)	June 16 (+8)	June 17 (+9)	June 18 Certified canvass to governor (+10)	June 19 (+11)

EXHIBIT 1

DATE 4/5/93

SB 87

Monday April 5

I leave my  
property with  
Mr DAVIS —

Beverly Bankert

SB 87 — yes

EXHIBIT 2  
DATE 4/5/93  
HB SB 87





*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

DATE 4/1/93

I GIVE MY PROXY VOTE  
TO REP DAVIS ON ALL ACTIONS  
IN STATE ADM

Rep Lewis

SB 87- yes

EXHIBIT 3  
DATE 4/5/93  
HB SB 87