

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - SPECIAL SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By Senator Vaughn, on December 10, 1993, at 11:30 a.m.

#### **ROLL CALL**

**Members Present:**

Sen. Eleanor Vaughn, Chair (D)  
Sen. Jeff Weldon, Vice Chair (D)  
Sen. Jim Burnett (R)  
Sen. John Hertel (R)  
Sen. Bob Hockett (D)  
Sen. Bob Pipinich (D)  
Sen. Bernie Swift (R)  
Sen. Henry McClernan (D)

**Members Excused:** Senator Harry Fritz and Senator Larry Tveit

**Members Absent:** None

**Staff Present:** David Niss, Legislative Council  
Sylvia Kinsey, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 45  
Executive Action: SB 45

#### **HEARING ON SENATE BILL 45**

**Opening Statement by Sponsor:** Senator Van Valkenburg said this bill would move the election on Initiative Referendum 112 from the November 1994 General election to the June 1994 Primary election. He said his reason for presenting this bill is set forth in the whereas clauses of the bill. He said everyone here knows how important 671 was to the balancing of the state's budget in the 1993 regular session. Montana Legislators had to make many difficult choices in respect to balancing that budget, and you know the consequences of not having that revenue 671 provided to Montana and it's citizens and what it has meant in this special session of the Legislature. He said he fully supports the right of the citizens of this state to use the initiative process and to challenge acts of the Legislature and put them up by referendum by the people. He also believed a majority of citizens as represented by their Representatives in

the Legislature should have an opportunity to decide those issues as soon as reasonably possible. He said the leader of the Montanans for Better Government organization, Professor Robert Natelson, has concurred in the opinion that it is completely within the Legislatures right and it would be appropriate to move the election forward so Montana citizens can decide for themselves if they want the substantive provisions of HB 671 to go into effect sooner rather than later. He pointed out that it is important that Montana citizens understand and plan for their individual financial consequences of the state's tax policy and know as soon as possible how they can prepare for it.

Senator Van Valkenburg said there will be some cost with doing this and the fiscal note reflects it at about \$114,000 incurred because of moving the election from November to June. He said he chose the June election to minimize the cost since it would be much higher because of staffing polling places and preparing ballots, etc. that will be done in June. He said the cost will amount to about 25 cents for each registered voter in Montana to resolve this issue in June rather than November, or about 15 cents for every citizen in Montana. He pointed out the advantage of knowing in June and being able to take steps in regard to the taxes is well worth it and the Legislature would have six months to prepare for the 1994 session rather than two. He said having this on the ballot in the June election will bring a greater turn out for the primaries.

**Proponents' Testimony:** Eric Feaver, MEA (Montana Educational Association) said they support SB 45. He said if this referendum is left to the November he was fearful that HB 671 would get lost in the general campaign in November. There will be candidates running for office as well as a potential avalanche of other petitions. He believed it would be hard at that time for voters to discern exactly what is at stake, and rescheduling this for next June to give voters a chance to concentrate on what is at stake here. He believed for every taxpayer in Montana it would be better to know in June rather than November what their tax liability would be back to January 1993 might be.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions From Committee Members and Responses:** Senator Swift asked Mr. Mitchell, Secretary of State, what the difference would be between what this bill costs and the cost in November in the general election. Mr. Mitchell said they are currently appropriated to run elections on ballot issues in November and that cost is pretty well fixed because it is in regard to printing and mailing of the voter pamphlets. That cost will be

similar to what you see here so far as the state portion, the \$27,000 figure you see. The \$86,000 figure is not appropriated by the state for the November election because counties are responsible for those general election expenses. When the state calls a special election, that is when the state becomes responsible to pay the expenses as they did in the county. The \$27,000 figure will be part of any ballot issue and is currently appropriated to the Secretary of State's office for November. With or without this bill, we will have ballot issues and we will spend that kind of money. The difference is the \$86,000 we would be reimbursing counties because we have called a concurrent special election.

Senator Swift said many general elections have four or more referendums and asked if this didn't change the cost. Mr. Mitchell said yes, but the base cost of getting the pamphlet prepared, printing it and sending it out only changes on the margin. He said the extra pages would probably cost their office around \$300 and they could eat it out of their budget. They just assume those marginal costs as part of their budget. The big difference is the \$86,000 we have to reimburse the county and the additional voter information pamphlet we would have to print.

Senator Swift asked Senator Van Valkenburg why this is so much more confusing, the 671, than the voter information pamphlet in the November election than it would be in a normal election process. Senator Van Valkenburg said he did not say it was confusing and was not making that argument. His argument is that it is in the best interests of individual taxpayers and in the best interests of the state of Montana to know in June of next year what the tax liability of individual citizens is and what the tax revenue of the state is. The other argument he made was that he believed that while we have to be very sure to protect minority rights, we also have to remember the real important strength of a democracy is that the majority has the ability to exercise its will and interests in society. If you don't let a majority have control you will end up with chaos in a democratic society. He believed the majority, represented by their elected representatives in the state legislature, ought to have the earliest reasonable opportunity available to voice their opinion on this legislation rather than have it delayed for a much lengthier period of time.

Senator Hertel said Senator Van Valkenburg said he had mentioned that it was okay with Professor Natelson. He asked if he had talked to him personally or read it in the paper. Senator Van Valkenburg said he did not speak to him personally. Senator Towe spoke to him personally on Senator Van Valkenburg's behalf, Professor Natelson has written a letter to both Senator Towe and Representative Fritz Daily, he had tried to find those before he came to the hearing room, and would get copies to the staff for distribution to the committee members.

Senator Hockett said there was a question about the Natelson

letter and Senator Hertel said he just wanted to know if there had been any personal contact with him.

There was some conversation on whether or not the Legislature should change the vote to June, and Chair Vaughn pointed out that it would be on the November ballot of the Legislature did nothing. The Legislature had the right to change the time of election and this was the reason for the bill.

Closing by Sponsor: Senator Van Valkenburg said he believed he had covered the bill.

EXECUTIVE ACTION ON SENATE BILL 45

Motion/Vote: Senator Pipinich moved SB 45 DO PASS. The motion passed with Senator Swift, Burnett and Hertel voting no. At the request of the no votes the vote was left open for the other two Senators. Senator Fritz voted yes, Senator Tveit voted no. The motion PASSED.

ADJOURNMENT

Adjournment: 11:55 A.M.

  
SENATOR VAUGHN, Chair

  
SYLVIA KINSEY, Secretary

EV/sk

## ROLL CALL

SENATE COMMITTEE on STATE ADMINISTRATION DATE 12-10-93

[illegible]

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
December 10, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 45 (first reading copy -- white), respectfully report that Senate Bill No. 45 do pass.

Signed: Senator Vaughn  
Senator Eleanor Vaughn, Chair

Oral ~~ROLL CALL~~ VOTE

SENATE COMMITTEE ON STATE ADMINISTRATION BILL NO. SB 45

DATE 12-10-93 TIME 11:50 (A.M) P.M.

[illegible]

**SECRETARY**

## CHAIR

MOTION: De Pass -



## MONTANA STATE SENATE

Re: SB 45 Do PASS Motion in  
Senate State Admin  
12/10/93

Senator Fritz Votes Yes  
D. Fritz

Senator Treit votes no  
Sen Treit