

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN RICHARD SIMPKINS, on February 28,
1995, at 9:15 a.m.

ROLL CALL

Members Present:

Rep. Richard D. Simpkins, Chairman (R)
Rep. Matt Denny, Vice Chairman (Majority) (R)
Rep. Dore Schwinden, Vice Chairman (Minority) (D)
Rep. Matt Brainard (R)
Rep. Patrick G. Galvin (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Harriet Hayne (R)
Rep. Sam Kitzenberg (R)
Rep. Bonnie Martinez (R)
Rep. Gay Ann Masolo (R)
Rep. William Rehbein, Jr. (R)
Rep. George Heavy Runner (D)
Rep. Susan L. Smith (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Sheri Heffelfinger, Legislative Council
Christen Vincent, Committee Secretary

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

Committee Business Summary:

Hearing: SJ 8, SB 148
Executive Action: NONE

CHAIRMAN SIMPKINS entered letters for HB 327 and HB 268 into the record. He asked if the committee would object to having an open executive action on HB 268. It was decided these people who have concerns could enter something into the record in writing.

{Tape: 1; Side: A.}

HEARING ON SB 148Opening Statement by Sponsor:

SEN. CASEY EMERSON, SD 14, opened by stating this was a simple bill. He gave background on the concept of the bill before explaining it. He stated in 1986 there was an initiative to amend the constitution. The trial lawyers didn't like this initiative and tried to get it off the ballot. The initiative passed by the vote of the people. After this the lawyers tried again to appeal to the court. They went to the Supreme Court to try and repeal this amendment to the constitution on a typographical error. The judge threw out the initiative. The Constitution says they can pass a law by initiative. The second statement tells about how many signatures and where they have to get the signatures. The third statement says the sufficiency of petitions shall not be questioned after the people have voted on the issue. After the people have voted on an issue and have passed it the people should realize the people want the initiative. It shouldn't matter at that point how it got on the ballot. The signatures are to show there is enough interest from the public to put the issue on the ballot so the people get the chance to vote on it.

On the Constitutional amendments, where it talks about a Constitutional amendment initiative, it says it goes through the same process. The third part was left out. It doesn't say anything about the sufficiency of the petition not being questioned after the people have voted on it. He felt the judge was wrong in his ruling and thought the intent of the law pertained to all initiatives. This bill repeats the phrase and adds constitutional initiative to the initiatives covered by the first bill so they won't have this problem again and the initiatives can't be challenged after the vote of the people.

Proponents' Testimony:

Laurie Koutnik, Christian Coalition of Montana, stated government and the people are best served when all people are allowed to participate in government. The initiative process is the people's way of involving themselves directly into the process. She stated the more they encourage people to participate in government, the better the government is served. She said if the committee refused this bill they would be reinforcing in the minds of the people that they are being ignored by the government. If the committee were to pass this bill it would show the people the government welcomes participation and they have been listening and are in touch with the people of Montana. She hoped the committee would give the bill a do pass recommendation.

Opponents' Testimony: noneInformational Testimony: none

Questions From Committee Members and Responses:

REP. GALVIN asked **SEN. EMERSON** if once this bill is passed if that meant no one could challenge the constitutionality of the initiative.

SEN. EMERSON stated that was true now when they pass bills by initiative. They just wanted to make it apply to the constitutional initiatives as well.

REP. SCHWINDEN asked how many times an initiative has been questioned after an election.

Joe Kerwin, Election Bureau Chief, Secretary of State, stated he wasn't sure how often an initiative had been questioned. He said it didn't happen often. He stated there have been instances where there has been a mistake, like the one in the voter's information pamphlet, that would bring the initiative to be questioned. These initiatives wouldn't be put on the ballot for that election, but would be held over until the next election.

CHAIRMAN SIMPKINS stated he thought they were talking about two different things. He stated technically the constitution now covers the initiative process creating laws. It does not cover the Constitution itself. **SEN. EMERSON** was talking about the Supreme Court case that would not apply to the constitutional change section. Therefore, they would not apply one section to another part of the Constitution. The sponsor is putting one section into the section of the law where the Constitutional amendments are. He asked if that is what was being dealt with.

Mr. Kerwin stated this would bring continuity and consistency to the Constitution. This bill deals with sufficiency of the petition. He stated he understood it as meaning the signatures on the petition and how it got onto the ballot. The question of constitutionality would still be decided by the court.

Closing by Sponsor:

SEN. EMERSON stated this was a thin line in 1986. He referred to the election in 1986 where the Supreme Court threw out the initiative. The legislature had passed 18 laws that were related to this initiative and when the initiative was thrown out their work went down the tube. The constitution has been amended that if this happens again the initiative or amendment will be rerun. The problem is they have to go through the whole thing and two years later spend all the money advertising for or against it and the second time no one knows what will happen. He believed this should be changed.

HEARING ON SJ 8Opening Statement by Sponsor:

SEN. CASEY EMERSON, SD 14, stated in Bozeman they were working on a statue for North 7th Avenue. An artist was very interested in Indian art and the history of Native Americans. This artist had been talking for years about doing a statue of Sacajawea. She felt Indian men had gotten enough publicity but there was nothing for the Native American women. He wanted to honor Sacajawea since she essentially led the Lewis and Clark expedition. He gave several examples of things named in the honor of Native American men. He felt that she had gotten shortchanged along with other Native American women. He proposed making one day a year known as Sacajawea Day. He wanted to make this a Native American woman's day so this would happen every year. He didn't want to have it one year that they unveil the statue and let it die. He stated the date they picked was around Mother's Day. Some people saw this as a positive and others saw it as a negative. He thinks this adds glory to Mother's Day.

Proponents' Testimony:

Kate Cholewa, Montana Woman's Lobby, stated Native American women have made great contributions, not just to other Native Americans in the state. Everyone benefits from what they have done. She stated picking a day to commemorate Native American women takes time out and holds these women up as role models. She stated she felt it was unfortunate the sponsor wasn't clear on the scheduling of the day.

Christine Kaufman, Montana Human Rights Network, stated the network encourages cultural diversity and said this resolution encourages this diversity with the people and honoring Sacajawea will bring honor to American Indian women. The constitution provided a commitment to preserve the cultural integrity of Native American Indians and she felt this was a good way to do that.

Opponents' Testimony: none

Informational Testimony: none

{Tape: 1; Side: B.}

Questions From Committee Members and Responses:

REP. DENNY asked if the proposed date, the second Sunday in May, will conflict with any other day.

SEN. EMERSON said this will conflict with Mother's Day this year. It wouldn't fall on Mother's Day every year, however.

REP. REHBEIN asked why they chose Mother's Day.

SEN. EMERSON stated the artist wanted the statue up as soon as possible. He stated he wouldn't have a problem with another date. They wouldn't want the date much earlier or much later than the one proposed.

REP. MARTINEZ asked if Cinco de Mayo would ever be in conflict with this proposed date.

SEN. EMERSON stated Cinco de Mayo would never fall on the second Sunday.

CHAIRMAN SIMPKINS asked why they couldn't make this a one year event instead of having it as permanent recognition.

SEN. EMERSON stated that they wanted it to be more than a one-year event. They could arrange to have this day on Mother's Day this year and change the date to another day for other years. They wouldn't want the date too much earlier or later, but the date could be negotiated. They did want it to happen for more than one year. Native Americans were talking about getting together and having a celebration on that day. He stated they wanted it to be something that could be remembered and not just a one-day event.

CHAIRMAN SIMPKINS stated he is concerned because they are setting up other mothers by doing this. He said there is a possibility that next time someone could come in and request that Mother's Day be for some other woman and so on. He said he saw that the sponsor was after a special event, but why not just have one day and not a permanent recognition?

SEN. EMERSON stated they talked about that. That is one of the reasons they wanted a joint resolution so that it would not be a one-day affair, it would be one day a year. The Mother's Day date is not necessarily part of the bill and could be negotiated.

Closing by Sponsor:

SEN. EMERSON closed.

ADJOURNMENT

Adjournment: 10:00 a.m.


RICHARD SIMPKINS, Chairman


CHRISTEN VINCENT, Secretary

RS/cdv

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE 2-28-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

Rosebud County

Forsyth, Montana 59327

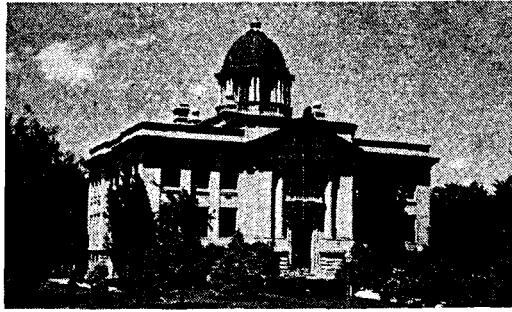
Commissioners:
Donald Bailey
Mark Pinkerton
Duane C. Martens

Clerk & Recorder:
Geraldine Nile

Treasurer:
Sharon Lincoln

Clerk of District Court:
Marilyn Hollister

Assessor:
Donna Kennedy



Attorney:
John Forsythe

Superintendent of
Schools:
Sharyn Thomas

Justice of the Peace:
David J. Polley - Forsyth
Ann Wagner - Colstrip

Sheriff:
Kurt Seward

February 1, 1995

State Administration Committee
Representative Simpkins, Chairman
State Capitol
Helena, Mt. 59620

Dear Chairman and Members of the Committee:

I would like to write in opposition to House Bill 327. The bill will cost the counties alot of money that is not being funded by the Federal Government, who has all the rule making authority. The tracking process in the bill is so complex all counties will have to be on a computer system to handle it. I checked with a election software company and it will cost at least 2,500.00 for the software alone, and I am already on computer and I also have only 5000 to 6000 registered voters currently.

I feel the Secretary of State is supporting the bill for reasons of his own, like a centralized voter registration system. The problem with a centralized system, is we are left on the front line to take all the flack and deal with all the mistakes. It is hard enough to place voters in the right precincts and keep up with the mobile society we live in on a local level, so I do not understand how the Secretary of State could handle it with 2 or 3 additional FTE and be able to keep up with NVRA also. Of course the main parties will support a centralized system, so they can go one place and get their information, but that is not the point. The point is to provide the most efficient service to the voter and not to discourage anyone from voting if they so desire, not to make it easy for the parties to solicit donations and send out party brochures.

Thank you for allowing me to comment in opposition to House Bill 327 as it now stands.

Sincerely,

Geraldine Custer

Geraldine Custer
Rosebud County
Clerk & Recorder

EXHIBIT 1
DATE 2-28-95
HB 327

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR FALLON COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 200.00

EXTRA PERSONNEL \$ 7,000.00

COMPUTER UPDATES \$

MISCELLANEOUS SUPPLIES \$ 500.00

TOTAL ESTIMATED COSTS \$ 7700.00

SUBMITTED BY

Mary Lee Dietz

Mary Lee Dietz, Fallon County Clerk & Recorder & Election Admin.

It is really hard to estimate the cost of implementing NVRA until we have actually had to do it. If inactive voters can still vote this will also increase the cost of ballots as will have to provide ballots for these people "just in case" they decide to vote again. Extra personnel is also questionable as do not know how much additional time this will take. I have a part time person in elections and have figured cost on the basis that they would probably become a full time person which would raise the cost of benefits as well as full time people get some benefits over and above part time people.

Our computer program is with United Services Technology, Billings, MT and have not received an estimate from them (waiting for a call). If they are able to come up with an estimate am sure it would be the same for all counties with their programs.

As NVRA is federal law I guess we are stuck with it but we DON'T HAVE TO LIKE IT. I hate to think what this is costing the entire USA!!

EXHIBIT 2
DATE 2-28-95
HB 327

P.O. Box 86
Eureka, MT 59917
February 19, 1995

Dick Simpkins, Chair
House State Administration Committee
Capitol Station
Helena, MT 59620-1706

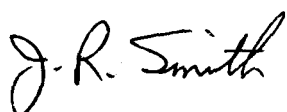
Dear Mr. Simpkins:

I am writing to encourage your support of HB 268 (GABA), the governor's bill for a guaranteed annual benefit adjustment for state pensioners.

Many retirees have a difficult (or impossible) time making ends meet when pensions shrink yearly due to inflation. HB 268 would help alleviate the burden for deserving persons after careers of public service. The bill is fair, and cost effective.

Please vote for HB 268.

Sincerely,



J. R. Smith

EXHIBIT 3
DATE 2-28-95
HB 268

February 1, 1995

Statement re: SJR-8

My name is Alvina Cusker Welliver, I am here to speak in support of SJR-8. It is high time that recognition is given to Native Americans.

My mother, Dolly Cusker Akers, spent her lifetime serving the people of Montana and the Indians of Montana. She made her first trips to Washington, D.C. in 1922 and 1923 as interpreter for two full blood Indian men, prior to Indian people receiving the vote in 1924. Before she died in 1986 she told me that she had traveled to Washington, D.C. 57 times. Most of these times she represented the Fort Peck Tribes. Her last trip to Washington, D. C. was in 1983 to appear before a Senate Committee on the Assiniboine Claim. She was in a wheel chair at that time and I took her there to make her appearance.

She was elected as State Representative from Roosevelt County in 1932 and served in the 1933 regular session and 1934 Special Session. She was in her early 30s at that time. Incidentally, she was not only the First Indian Woman elected to the State Legislature, she was the ONLY WOMAN in that particular legislature and was 31 years old at the time.

She spent her entire life working for the good of "her Indian People" and many things that are taken for granted today on the Fort Peck Reservation and other reservations were brought about by her far sightedness. One of these things is the ability to hire their own attorneys. Among my mother's papers are many, many, need for tribes to be able to hire their own attorneys

EXHIBIT 3 to the
DATE 2-28-95
HB SJR 8

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the Bureau of Indian Affairs.

During the time of Governor Frank Cooney, my mother was appointed as coordinator of the seven Montana Reservations. She was sent to Washington, D.C. by Governor Cooney to work toward inclusion of Indians under the Welfare system. Prior to this time they were excluded.

She served as a member of the Farm Home Administration for a number of years and as Chairman of the Fort Peck Housing for many years. She was elected as the first woman Chairman of the Fort Peck Tribes.

Her life was long and her accomplishments were many. I could go on, as I was and am, very proud of my mother, but I realize time is limited.

Recognition of Native Americans and their accomplishments is long over-due.

Alvina Cusker Welliver

County of Hill

OFFICE OF THE CLERK AND RECORDER
HILL COUNTY COURTHOUSE
HAVRE, MONTANA 59501

Clerk and Recorder Diane E. Mellem
Deputy Carolyn Patrick
Deputy E. A. Williams
Deputy

3 February, 1995

House State Administration Committee
Montana State House of Representatives
Capitol Station
Helena, Montana 59620-2801

Dear Members of the Committee:

Attached is a 'rough' estimate of the costs that would be associated with implementation and continuing yearly costs for the NVRA. HB 327 sets up the implementation of the NVRA for Montana and places the legislature in a position of refusing another Federal mandate, or, placing Montana in the path of litigation from or toward the Federal government. Your course is not easy. As an election administrator I personally believe the NVRA is a waste of public money, is inefficient in its conception and goals, and will not accomplish more voter participation. It will increase registration in numbers, but will not increase VOTING participation. The saddest commentary to all of this is that it will cost millions of dollars across this nation.

If, however, the Legislature determines to implement HB 327, then as an election administrator I must ask that you keep certain objectives in mind. First, that the Secretary of State only be given rule making authority through the Election Advisory Council already established. These rules must be designed and promulgated through the approval of the Election Advisory Council to allow for the most efficient means possible in implementation, and that efficiency exists in the knowledge of those who handle actual elections at the precinct and registration level. Second, that this legislation not be used as a guise to create or enlarge another branch of state bureaucracy. There is no doubt that HB 327 if passed will be expensive, but it will be far less expensive if handled with diligent and efficient rules through the local level where registration is maintained as part of our daily jobs. You may be told that centralizing voter registration would aid in administration of the NVRA and there is no doubt that the issue must be looked at in the future. However, the issue of centralization needs addressed slowly, diligently, and with the public interest and dollars utmost in mind. It is not something to be attached to or bartered with in HB 327. Please keep in mind the HB Computerization

DATE 2-28-95

HB 327

County of Hill

OFFICE OF THE CLERK AND RECORDER
HILL COUNTY COURTHOUSE
HAVRE, MONTANA 59501

Clerk and Recorder

Deputy

Deputy

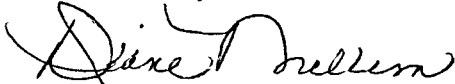
Deputy

2 of 2 pages

is a marvelous technological invention, but it is also a way of removing people further and further from government and any feeling that they are able to participate in government. I truly believe it is time to slow down on centralization issues and begin to work toward the maximum computer efficiency while still preservin people involvement efficiency.

Thank you for this opportunity to comment.

Sincerely,



Diane E. Mellem

Hill County Clerk and Recorder

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR HILL COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE	\$ <u>4,067.00</u>
EXTRA PERSONNEL	\$ <u>9,328.00</u>
COMPUTER UPDATES	\$ <u>1,500.00</u>
MISCELLANEOUS SUPPLIES	\$ <u>2,970.00</u>
TOTAL ESTIMATED COSTS	\$ <u>17,865.00</u>
SUBMITTED BY	<u>D. Mellem</u>

EXHIBIT 5
DATE 2-28-95
HB 327

Stato Admin

DATE 2-28-95

BILL NO. 578 SPONSOR(S) Emuon

PLEASE PRINT

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

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Admin

COMMITTEE

DATE 2-28-95

BILL NO. SB 148 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<i>Leanne Kestrick</i>	<i>Christian Coalition of MS</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Tabitha Kardon</i>	<i>Eagle Forum</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

HR:1993

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CS-14