

HOUSE BILL NO. 521

INTRODUCED BY VINCENT

IN THE HOUSE

January 27, 1983	Introduced and referred to Committee on State Administration.
February 3, 1983	Committee recommend bill do pass as amended. Report adopted.
February 4, 1983	Bill printed and placed on members' desks.
February 5, 1983	Second reading, do pass.
February 7, 1983	Considered correctly engrossed.
February 8, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 9, 1983	Introduced and referred to Committee on State Administration.
March 24, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Nays, 0.

IN THE HOUSE

March 28, 1983	Returned to House with amendments.
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April 1, 1983

Second reading, amendments
concurrent in.

April 4, 1983

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 521
 2 INTRODUCED BY Vincent

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PRIOR
 5 NOTIFICATION TO PERSONS APPOINTED TO SERVE ON COMMITTEES TO
 6 PREPARE ARGUMENTS FOR AND AGAINST BALLOT ISSUES; PROVIDING
 7 THAT NO PERSON MAY BE REQUIRED TO SERVE ON SUCH A COMMITTEE;
 8 AMENDING SECTIONS 13-27-402 AND 13-27-403, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 13-27-402, MCA, is amended to read:

12 "13-27-402. Committees to prepare arguments for and
 13 against ballot issues. (1) The arguments advocating approval
 14 or rejection of the ballot issue and rebuttal arguments
 15 shall be submitted to the secretary of state by committees
 16 appointed as provided in this section:

17 (1)(a) The committee advocating approval of an act
 18 referred to the people or a constitutional amendment
 19 proposed by the legislature or an act referred to the people
 20 by referendum petition shall be composed of one senator
 21 known to favor the measure, appointed by the president of
 22 the senate; one representative known to favor the measure,
 23 appointed by the speaker of the house of representatives;
 24 and one individual who need not be a member of the
 25 legislature, appointed by the first two members.

1 (2)(b) The committee advocating rejection of a ballot
 2 issue referred to the people or proposed by the legislature
 3 shall be composed of one senator appointed by the president
 4 of the senate; one representative appointed by the speaker
 5 of the house of representatives; and one individual who need
 6 not be a member of the legislature, appointed by the first
 7 two members. Whenever possible, the members shall be known
 8 to have opposed the issue.

9 (3)(c) A three-member committee advocating approval of
 10 a ballot issue proposed by any type of initiative petition
 11 or advocating rejection of any ballot issue that is a
 12 legislative act referred to the people by referendum
 13 petition shall be appointed by the person submitting the
 14 petition to the secretary of state under the provisions of
 15 13-27-202.

16 (4)(d) A committee advocating rejection of a ballot
 17 issue proposed by any type of initiative petition shall be
 18 composed of five members. The governor, attorney general,
 19 president of the senate, and speaker of the house of
 20 representatives shall each appoint one member, and the fifth
 21 member shall be appointed by the first four members. All
 22 members shall be known to favor rejection of the issue.

23 (2) No person may be required to serve on any
 24 committee under this section."

25 Section 2. Section 13-27-403, MCA, is amended to read:

"13-27-403. Appointment to committee. (1) Appointments to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature shall be filed with the secretary of state no later than 4 months before the election at which the ballot issue will be voted on by the people.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition shall be filed with the secretary of state no later than 10 days after the measure is certified to the governor. At the same time the certification of the sufficiency of a petition is made to the governor, the secretary of state shall notify all persons responsible for appointing members of committees advocating approval or rejection of the issue of the date by which such appointments must be filed in his office.

(3) A person appointed to a committee pursuant to 13-27-402 and this section must be notified by the appointing authority by certified mail with return receipt requested, at least 15 days before filing of the appointment with the secretary of state. An appointee may assent or decline to serve on the committee by so informing the appointing authority by certified mail. Lack of response to

the appointing authority for any reason 10 days after mailing of notice is considered to be refusal of appointment.

(4) A vacancy on a committee caused by rejection of an appointment or by failure of the appointing authority to receive notice of acceptance of appointment must be filled according to the deadlines in subsections (1) through (3)."

-End-

STATE OF MONTANA

REQUEST NO. 280-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 521 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

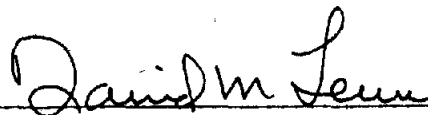
DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 521 requires prior notification to people appointed to serve on committees preparing arguments for and against ballot issues for publication in the Voter Information Pamphlet. Provides mechanism for refusing appointment.

FISCAL IMPACT:

No fiscal impact anticipated.

FISCAL NOTE 10:R/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-3-83

Approved by Committee
on State Administration

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THAT NO PERSON MAY BE REQUIRED TO SERVE ON SUCH A COMMITTEE;
AMENDING SECTIONS 13-27-402 AND 13-27-403, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-27-402, MCA, is amended to read:

"13-27-402. Committees to prepare arguments for and
against ballot issues. (1) The arguments advocating approval
or rejection of the ballot issue and rebuttal arguments
shall be submitted to the secretary of state by committees
appointed as provided in this section:

(1)(a) The committee advocating approval of an act
referred to the people or a constitutional amendment
proposed by the legislature or an act referred to the people
by referendum petition shall be composed of one senator
known to favor the measure, appointed by the president of
the senate; one representative known to favor the measure,
appointed by the speaker of the house of representatives;
and one individual who need not be a member of the
legislature, appointed by the first two members.

(2)(b) The committee advocating rejection of a ballot
issue referred to the people or proposed by the legislature
shall be composed of one senator appointed by the president
of the senate; one representative appointed by the speaker
of the house of representatives; and one individual who need
not be a member of the legislature, appointed by the first
two members. Whenever possible, the members shall be known
to have opposed the issue.

(3)(c) A three-member committee advocating approval of
a ballot issue proposed by any type of initiative petition
or advocating rejection of any ballot issue that is a
legislative act referred to the people by referendum
petition shall be appointed by the person submitting the
petition to the secretary of state under the provisions of
13-27-202.

(4)(d) A committee advocating rejection of a ballot
issue proposed by any type of initiative petition shall be
composed of five members. The governor, attorney general,
president of the senate, and speaker of the house of
representatives shall each appoint one member, and the fifth
member shall be appointed by the first four members. All
members shall be known to favor rejection of the issue.

~~(2) No person may be required to serve on any
committee under this section."~~

Section 2. Section 13-27-403, MCA, is amended to read:

1 "13-27-403. Appointment to committee. (1) Appointments
2 to committees advocating approval or rejection of an act
3 referred to the people or a constitutional amendment
4 proposed by the legislature shall be filed with the
5 secretary of state no later than 4 months before the
6 election at which the ballot issue will be voted on by the
7 people.

8 (2) Appointments to committees advocating approval or
9 rejection of a ballot measure referred to the people by
10 referendum petition or proposed by any type of initiative
11 petition shall be filed with the secretary of state no later
12 than 10 days after the measure is certified to the governor.
13 At the same time the certification of the sufficiency of a
14 petition is made to the governor, the secretary of state
15 shall notify all persons responsible for appointing members
16 of committees advocating approval or rejection of the issue
17 of the date by which such appointments must be filed in his
18 office.

19 ~~(3) A person appointed to a committee pursuant to~~
20 ~~13-27-402 and this section~~ SUBSECTION (1) must be notified
21 by the appointing authority by certified mail, with return
22 receipt requested, at least 15 days before filing of the
23 appointment with the secretary of state. An appointee may
24 assent or decline to serve on the committee by so informing
25 the appointing authority by certified mail. Lack of response

1 to the appointing authority for any reason 10 days after
2 mailing of notice is considered to be refusal of
3 appointment.

4 ~~(4) A PERSON APPOINTED TO A COMMITTEE PURSUANT TO~~
5 ~~SUBSECTION (2) MUST BE NOTIFIED BY THE APPOINTING AUTHORITY~~
6 ~~BY CERTIFIED MAIL, WITH RETURN RECEIPT REQUESTED, AT LEAST 8~~
7 ~~DAYS BEFORE FILING OF THE APPOINTMENT WITH THE SECRETARY OF~~
8 ~~STATE. AN APPOINTEE MAY ASSENT OR DECLINE TO SERVE ON THE~~
9 ~~COMMITTEE BY SO INFORMING THE APPOINTING AUTHORITY BY~~
10 ~~CERTIFIED MAIL. LACK OF RESPONSE TO THE APPOINTING AUTHORITY~~
11 ~~FOR ANY REASON 5 DAYS AFTER MAILING OF NOTICE IS CONSIDERED~~
12 ~~TO BE REFUSAL OF APPOINTMENT.~~

13 ~~††(5) A vacancy on a committee caused by rejection of~~
14 ~~an appointment or by failure of the appointing authority to~~
15 ~~receive notice of acceptance of appointment must be filled~~
16 ~~according to the deadlines in subsections (1) through ††~~
17 ~~(4)."~~

-End-

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(a) The committee advocating approval of an act referred to the people or a constitutional amendment proposed by the legislature or an act referred to the people by referendum petition shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members.

(b) The committee advocating rejection of a ballot issue referred to the people or proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(c) A three-member committee advocating approval of a ballot issue proposed by any type of initiative petition or advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition shall be appointed by the person submitting the petition to the secretary of state under the provisions of 13-27-202.

(d) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

~~(2) No person may be required to serve on any committee under this section."~~

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1 "13-27-403. Appointment to committee. (1) Appointments
2 to committees advocating approval or rejection of an act
3 referred to the people or a constitutional amendment
4 proposed by the legislature shall be filed with the
5 secretary of state no later than 4 months before the
6 election at which the ballot issue will be voted on by the
7 people.

8 (2) Appointments to committees advocating approval or
9 rejection of a ballot measure referred to the people by
10 referendum petition or proposed by any type of initiative
11 petition shall be filed with the secretary of state no later
12 than 10 days after the measure is certified to the governor.
13 At the same time the certification of the sufficiency of a
14 petition is made to the governor, the secretary of state
15 shall notify all persons responsible for appointing members
16 of committees advocating approval or rejection of the issue
17 of the date by which such appointments must be filed in his
18 office.

19 ~~(3) A person appointed to a committee pursuant to~~
20 ~~13-27-402 and this section~~ SUBSECTION (1) must be notified
21 by the appointing authority by certified mail, with return
22 receipt requested, at least 15 days before filing of the
23 appointment with the secretary of state. An appointee may
24 assent or decline to serve on the committee by so informing
25 the appointing authority by certified mail. Lack of response

1 to the appointing authority for any reason 10 days after
2 mailing of notice is considered to be refusal of
3 appointment.

4 ~~(4) A PERSON APPOINTED TO A COMMITTEE PURSUANT TO~~
5 ~~SUBSECTION (2) MUST BE NOTIFIED BY THE APPOINTING AUTHORITY~~
6 ~~BY CERTIFIED MAIL, WITH RETURN RECEIPT REQUESTED, AT LEAST 8~~
7 ~~DAYS BEFORE FILING OF THE APPOINTMENT WITH THE SECRETARY OF~~
8 ~~STATE. AN APPOINTEE MAY ASSENT OR DECLINE TO SERVE ON THE~~
9 ~~COMMITTEE BY SO INFORMING THE APPOINTING AUTHORITY BY~~
10 ~~CERTIFIED MAIL. LACK OF RESPONSE TO THE APPOINTING AUTHORITY~~
11 ~~FOR ANY REASON 5 DAYS AFTER MAILING OF NOTICE IS CONSIDERED~~
12 ~~TO BE REFUSAL OF APPOINTMENT.~~

13 ~~44(5) A vacancy on a committee caused by rejection of~~
14 ~~an appointment or by failure of the appointing authority to~~
15 ~~receive notice of acceptance of appointment must be filled~~
16 ~~according to the deadlines in subsections (1) through 44~~
17 ~~(4).~~

-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 521 be amended as follows:

1. Page 3, line 4.

Following: "be"

Strike: remainder of line 4 through "state" on line 5

Insert: "made"

2. Page 3, line 7.

Following: "people."

Insert: "All persons responsible for appointing members to such committees shall submit to the secretary of state the names and addresses of three prospective appointees for each position, set forth in the order or preference of appointment, no later than 3 weeks before the deadline for making such appointments."

3. Page 3, line 11.

Strike: "filed with the secretary of state"

Insert: "made"

4. Page 3.

Following: line 12

Strike: lines 13 through 18 in their entirety

Insert: "All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of two prospective appointees for each position, set forth in the order of preference of appointment, no later than 2 weeks after the final date for filing the petition in accordance with 13-27-301."

5. Page 3, line 19.

Strike: "A person appointed"

Insert: "All prospective appointees"

6. Page 3, line 21.

Strike: "appointing authority"

Insert: "secretary of state"

7. Page 3, line 22.

Following: "before"

Strike: remainder of line 22 through "state" on line 23

Insert: "the appointment deadline specified in subsection (1)"

8. Page 3, line 23.

Strike: "An"

Insert: "A prospective"

9. Page 3, line 25.

Strike: "appointing authority by certified mail"

Insert: "secretary of state"

10. Page 4, line 1.

Strike: "appointing authority"

Insert: "secretary of state"

11. Page 4, line 4.

Strike: "A PERSON APPOINTED"

Insert: "All prospective appointees"

12. Page 4, line 5.

Strike: "APPOINTING AUTHORITY"

Insert: "secretary of state"

13. Page 4, line 7.

Following: "BEFORE"

Strike: remainder of line 7 through "STATE" on line 8

Insert: "the appointment deadline specified in subsection (2)"

14. Page 4, line 8.

Strike: "AN"

Insert: "A prospective"

15. Page 4, line 9.

Strike: "APPOINTING AUTHORITY BY CERTIFIED MAIL"

Insert: "secretary of state"

16. Page 4, line 10.

Strike: "APPOINTING AUTHORITY"

Insert: "secretary of state"

17. Page 4, lines 13 through 17.

Strike: subsection (5) in its entirety

Insert: "(5) The secretary of state shall determine which of the prospective appointees assenting to serve on the committee shall be appointed, according to the order of preference specified by the appointing authority, and shall so notify all prospective appointees by the appointment deadline specified in subsection (1) or (2), respectively."

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(1)(a) The committee advocating approval of an act referred to the people or a constitutional amendment proposed by the legislature or an act referred to the people by referendum petition shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members.

(2)(b) The committee advocating rejection of a ballot issue referred to the people or proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(3)(c) A three-member committee advocating approval of a ballot issue proposed by any type of initiative petition or advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition shall be appointed by the person submitting the petition to the secretary of state under the provisions of 13-27-202.

(4)(d) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

~~(2) No person may be required to serve on any committee under this section."~~

Section 2. Section 13-27-403, MCA, is amended to read:

1 *13-27-403. Appointment to committee. (1) Appointments
2 to committees advocating approval or rejection of an act
3 referred to the people or a constitutional amendment
4 proposed by the legislature shall be filed--with--the
5 secretary--of--state MADE no later than 4 months before the
6 election at which the ballot issue will be voted on by the
7 people. ALL PERSONS RESPONSIBLE FOR APPOINTING MEMBERS TO
8 SUCH COMMITTEES SHALL SUBMIT TO THE SECRETARY OF STATE THE
9 NAMES AND ADDRESSES OF THREE PROSPECTIVE APPOINTEES FOR EACH
10 POSITION, SET FORTH IN THE ORDER OF PREFERENCE OF
11 APPOINTMENT, NO LATER THAN 3 WEEKS BEFORE THE DEADLINE FOR
12 MAKING SUCH APPOINTMENTS.

13 (2) Appointments to committees advocating approval or
14 rejection of a ballot measure referred to the people by
15 referendum petition or proposed by any type of initiative
16 petition shall be filed--with--the--secretary--of--state MADE no
17 later than 10 days after the measure is certified to the
18 governor. ~~At--the--same--time--the--certification--of--the~~
19 ~~sufficiency--of--a--petition--is--made--to--the--governor--the~~
20 ~~secretary--of--state--shall--notify--all--persons--responsible--for~~
21 ~~appointing--members--of--committees--advocating--approval--or~~
22 ~~rejection--of--the--issue--of--the--date--by--which--such~~
23 ~~appointments--must--be--filed--in--his--office.~~ ALL PERSONS
24 RESPONSIBLE FOR APPOINTING MEMBERS TO THE COMMITTEE SHALL
25 SUBMIT TO THE SECRETARY OF STATE THE NAMES AND ADDRESSES OF

1 TWO PROSPECTIVE APPOINTEES FOR EACH POSITION, SET FORTH IN
2 THE ORDER OF PREFERENCE OF APPOINTMENT, NO LATER THAN 2
3 WEEKS AFTER THE FINAL DATE FOR FILING THE PETITION IN
4 ACCORDANCE WITH 13-27-301.

5 ~~(3). A person appointed~~ ALL PROSPECTIVE APPOINTEES to a
6 ~~committee pursuant to 13-27-402 and this section~~ SUBSECTION
7 ~~(1) must be notified by the appointing authority~~ SECRETARY
8 ~~OF STATE by certified mail, with return receipt requested,~~
9 ~~at least 15 days before filing of the appointment with the~~
10 ~~secretary of state~~ THE APPOINTMENT DEADLINE SPECIFIED IN
11 SUBSECTION (1). An A PROSPECTIVE appointee may assent or
12 decline to serve on the committee by so informing the
13 ~~appointing authority by certified mail~~ SECRETARY OF STATE.
14 Lack of response to the appointing authority SECRETARY OF
15 STATE for any reason 10 days after mailing of notice is
16 considered to be refusal of appointment.

17 ~~(4) A PERSON APPOINTED~~ ALL PROSPECTIVE APPOINTEES TO A
18 COMMITTEE PURSUANT TO SUBSECTION (2) MUST BE NOTIFIED BY THE
19 ~~APPOINTING AUTHORITY~~ SECRETARY OF STATE BY CERTIFIED MAIL,
20 WITH RETURN RECEIPT REQUESTED, AT LEAST 8 DAYS BEFORE FILING
21 ~~OF THE APPOINTMENT WITH THE SECRETARY OF STATE~~ THE
22 APPOINTMENT DEADLINE SPECIFIED IN SUBSECTION (2). AN A
23 PROSPECTIVE APPOINTEE MAY ASSENT OR DECLINE TO SERVE ON THE
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25 ~~CERTIFIED MAIL~~ SECRETARY OF STATE. LACK OF RESPONSE TO THE

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2 DAYS AFTER MAILING OF NOTICE IS CONSIDERED TO BE REFUSAL OF
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4 ~~§§(5) A vacancy on a committee caused by rejection of~~
5 ~~an appointment or by failure of the appointing authority to~~
6 ~~receive notice of acceptance of appointment must be filled~~
7 ~~according to the deadlines in subsections (1) through (3)~~
8 ~~THE SECRETARY OF STATE SHALL DETERMINE WHICH OF THE~~
9 ~~PROSPECTIVE APPOINTEES ASSENTING TO SERVE ON THE COMMITTEE~~
10 ~~SHALL BE APPOINTED, ACCORDING TO THE ORDER OF PREFERENCE~~
11 ~~SPECIFIED BY THE APPOINTING AUTHORITY, AND SHALL SO NOTIFY~~
12 ~~ALL PROSPECTIVE APPOINTEES BY THE APPOINTMENT DEADLINE~~
13 ~~SPECIFIED IN SUBSECTION (1) OR (2), RESPECTIVELY."~~

-End-