

MARCH 3, 1979
PROCEEDINGS OF THE
HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Vice Chairman Arlyne Reichert on March 3, 1979, in the absence of Chairman Hershel Robbins. The secretary called the roll and found all members present except Chairman Hershal Robbins.

SENATE BILL 34: The bill was introduced by Senator Thomas. He stated that it would delete the freeholder or landowner requirements, stating that a person must be a landowner to be eligible to run for a municipal office. Senator Thomas stated the Supreme Court, the federal district court and the Montana Supreme Court had all ruled regarding this statute. He stated this bill had also been recommended by the Attorney General's office. Senator Thomas then introduced Mike McGrath, representing the Attorney General's office.

Mike McGrath stated that many people were having problems, particularly in the area of running for municipal office when city clerks, reading the statutes, found that a person must be a landowner in order to run for office. Some of them were not aware of the Supreme Court ruling regarding this, and there was a possibility the clerks could be held liable for any action if they allowed someone to run who was not a freeholder or landowner.

The chairman then called for opponents. There were none present.

There was then a short discussion by committee members. All members felt this would be a good bill, and since it had the rulings and requirements that they had no objection. There was no executive action taken at this time. Hearing was then closed on Senate Bill 34.

SENATE BILL 224: This bill was introduced by Senator Kolstad, District 5. Senator Kolstad stated this bill would delete procedures in awarding contracts for architectural services. He stated that currently school districts are required to go through complicated procedures of 6 to 7 weeks or longer regarding architectural services for buildings. There is then another two to four months time lapse, and building costs increase rapidly during that interval.

The Chairman then called for proponents.

Wayne Buchanan, from the Montana School Board Association, stated they were in favor of the bill. He did request an amendment to the bill. His amendment was regarding procedures

Senate Bill 224 (continued)

for awarding. He stated publication could be three weeks but asked that one week be entered into the bill as reasonable notice. He explained he felt there wasn't much input from people regarding awarding of the contracts; however, with one week's notice they could have a say as to the type of building to be constructed. He stated they were not seeking any major change in the bill, just the fact he felt notice should not be any longer. He then made reference to several school districts which had increased costs due to the length of time of publication and notice to the public.

Other proponents were called. There were none.

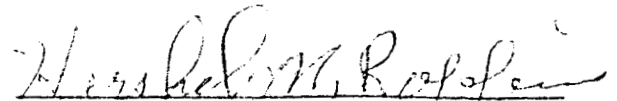
Opponents were then called.

Representative John Vincent opposed the bill stating he had been the chief sponsor of the statute that was passed in 1975. Representative Vincent stated that at the time the bill had been requested by the school boards. He stated the bill was passed because in many towns there is only one school board and one architectural firm. By having sufficient time to advertise, there is more input from other firms and this gives the board more selection in the type and design of building they desire to erect. Representative Vincent also pointed out that this would eliminate design flaws in buildings that might not be caught otherwise. Because of having several architects appear in public input, this could be eliminated. He also referred to the public meeting law, stating that there has to be time for the public to attend meetings, also to have them open the notice should be long enough for people to be able to hear about it and be able to attend the meetings.

There were then questions from committee members. Several Representatives pointed out the fact that this type of legislation should be left up to the local governing body, perhaps the Legislature should not be entering into this. Other members felt that flaws could be eliminated in buildings and people having public input could see the type of building erected that would be pleasant for all as well as useful. Several Representatives then pointed out areas in various cities in which buildings had been designed by architects that no experience with major facilities and they had sometimes run into problems. With the chance to advertise for other architectural services, perhaps this might not have happened. There then being no further discussion, hearing was closed on Senate Bill 224.

No executive action was taken by the committee at this time.

The meeting was then duly adjourned at 1:25 p.m.


HERSHEL M. ROBBINS, CHAIRMAN
LOCAL GOVERNMENT COMMITTEE

Patricia Hatfield
Secretary