

STATE ADMINISTRATION
JANUARY 22, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on Thursday, January 22, 1981, with Chairman Jerry Feda presiding. All members were present except Representatives Azzara and Kennerly who were absent.

Chairman Feda opened the hearing on House Bill 128.

HOUSE BILL 128-SPONSOR, Representative Manuel, introduced the bill to the committee. Under current law, nonprofit organizations and the state and its political subdivisions may make payments in lieu of contributions to the state Unemployment Insurance fund. This bill would also permit rural electric and telephone cooperatives to make payments rather than contributions. Representative Manuel passed out copies of a flowsheet which is attached and is EXHIBIT 1 of the minutes.

PROPOSERS

PAT McKITTRICK, Montana Assoc. of Utilities, arose in support of HB 128. Mr. McKittrick explained the flow sheet to the committee. He cited examples of cooperatives that have paid in much more than has been paid out in unemployment benefits. If this bill were passed he stated, there would be a considerable savings to the cooperatives. He said that he had talked with Mr. Harold Kansier of the Montana Employment Security Division about a possible federal conflict with this bill but he felt they could work something out.

MR. DICK PECK, Fergus Electric Coop., appeared in support of HB 128. He said that it is difficult in this day and age for all cooperatives to make their margins as required by law. He said this bill would help them a great deal. He said that in his coop in the last three years they have paid in a total of \$12,807 and have had no benefits paid out. He said that all they are asking is that they have the opportunity to pay the benefits directly.

OPPOSERS

HAROLD KANSIER, Montana Employment Security Division, said that the division was in opposition to this bill because it does not meet the federal standards. He said that the State government has the right to provide the reimburse-
albe system only to government entity or C-3 organizations.

ROBERT HELDING, Montana Wood Products Assoc., Missoula, stated that he concurred with Mr. Kansier.

Chairman Feda opened the hearing to questions to the committee.

Representative Pistoria asked if this bill could be amended to Mr. Kansier's satisfaction. He said that he did not think this bill would work.

Mr. McKittrick said that he did not feel it was right that cooperatives with such low employment turnover should subsidize those with rapid turnover. He said that perhaps they could work out some type of incentive formula that would adjust for this problem.

Chairman Feda opened the hearing on House Bill 203.

HOUSE BILL 203-SPONSOR, Representative Sivertsen, introduced this bill to the committee. Currently the registration of voters who fail to vote during the general election in which a president is elected is cancelled following this election. This bill requires cancellation of registration following each general biennial election.

PROPOSERS

WILLIAM ROMINE, Montana Clerk & Recorder's Assoc., presented testimony for HB 203 to the committee. A copy of his written testimony is attached and is EXHIBIT 2 of the minutes.

HELEN KOVICH, Office of Clerk and Recorder in Helena, presented testimony in favor of HB 203 to the committee. A copy of her testimony is attached and is EXHIBIT 3 of the minutes.

OPPOSERS

There were no opposers to House Bill 203.

Chairman Feda opened the hearing to questions from the committee.

Representative Spilker asked about the savings in cost this bill would have. Ms. Kovich said that there would be a great savings in the area of mailing expenses.

Representative Sivertsen closed the hearing on House Bill 203.

Chairman Feda opened the hearing on House Bill 201.

HOUSE BILL 201-SPONSOR, Representative Sivertsen, introduced the bill to the committee. This bill requires the Department of Revenue to compile and publish annually a sales ratio study from information gathered from realty transfer certificates. This study must contain comparisons of the assessed value and sales price of real estate in the counties and cities throughout the state. Also, taxpayers who file assessment appeals may request that the department provide assessed values and sales prices of comparable properties located in the same area as the property subject to appeal. This information may be used in contested cases involving assessment appeals.

PROPONENTS

DENNIS BURR, Montana Taxpayers Assoc. appeared in support of HB 201. He said that presently a taxpayer making an appeal has had to present property assessments comparative to his own to the court. This can be very expensive and time consuming. A Sales Ration Study sheet would be very convenient to a taxpayer and allow him to do his own assessments.

OPPONENTS

JOHN CLARK, representing the Department of Revenue, spoke not so much as an opponent of the concept of the bill, he stated, but to point out some problems the department has with the bill. He said that the April 15 deadline date was too short for the department. Currently their sales files for previous years are not completed until June. He also said that now there is a stringent confidentiality on the Realty Transfer Act and this bill would violate that.

NANCY GARRETT, realestate broker in Helena, arose and stated that she opposes HB 201 for the same reasons as Mr. Clark. She said that most importantly this bill would impose a "lack of personal privacy". She suggested that the cost for an appraiser is well worth the money if you look at it over a few years. She said much more data would have to be gathered for this report than is now available.

LARRY HUSS, Montana Taxpayers Assoc., arose and stated that he would be present to answer any question concerning the bill.

Chairman Feda opened the hearing for questions from the committee.

Representative Pistoria asked if this legislation would speed up the appeals process.

Mr. Huss said that it would both from the time standpoint and the cost standpoint.

In regards to the concerns about confidentiality, Mr. Huss said that this report could be put out without identifying specific transactions.

Representative Sivertsen closed the hearing on HB 201.

HOUSE BILL 202-SPONSOR, Representative Sivertsen, stated that he was carrying this bill at the request of the Dept. of Administration. The bill clarifies the definition of "Public Place" in the state building code to include, but not be limited to, places used primarily for a business purpose in which the public comes and goes and apartments and apartment complexes.

PROPONENTS

JAMES KEMBEL, Administrator, Building Codes Division, arose in favor of HB 202. A copy of his testimony is attached and is EXHIBIT 4 of the minutes.

BOB INMAN, owner of a 4-plex in Chinook, Montana, arose, representing himself, and told the committee about the problem he had with the department of Administration because his four-plex was considered public property. He built the four-plex with his own money and to make housing for teachers in Chinook. He said that he has gone to court over the matter and it has cost him a lot of money. Now he has to take the matter to the Supreme Court and it will cost him more.

CLIFF CHRISTIAN, Montana Assoc. of Realators, stated that they are in favor of the proposed amendment. (see amendment in EXECUTIVE SESSION section of minutes)

OPPONENTS-HB 202

There were no opponents to House Bill 202

Chairman Feda opened the hearing to questions from the committee.

Representative Spilker asked for clarification of a public place as compared to a private place. Mr. Bovinski, Dept. of Administration, referred to the State Building Codes of 1969.

Representative Sivertsen closed the hearing on HB 202.

HOUSE BILL 196-SPONSOR, Representative Brand, introduced the bill to the committee. This bill creates a preferential hiring system for unemployed firefighters who were members of a dissolved paying fire department. The local governing body that dissolves its fire department must compile a list of firefighters employed at the time of dissolution and distribute it to fire departments and local governments throughout the state. When a vacancy in another fire department occurs, the firefighters on the preferential hiring list must be offered the position before other applicants are considered. In addition, if a firefighter applies for a position within the local government entity in which the dissolved fire department was located, he must be given hiring preference. Firefighters who are bypassed for hire by an operating fire department may petition the district court for redress. Representative Brand also stated that this bill would save the departments money since they would not have to train new inexperienced firemen.

PROPOSERS

RAY BLEM arose and stated that he was in favor of trained, qualified people being hired.

AL SAMPSON, Montana Fire Chiefs Assoc., arose in support of HB 196.

OPPONENTS

AL THELEN, representing the City of Billings, stated that they were totally against the state mandating a priority list to the city. This, he stated, should be left up to

the local fire department. He said that they always considered qualified applicants for the jobs anyway. Also, many departments have volunteer firemen who work with the understanding that they may work up to a paid fireman if there is an opening. This bill, he said, would cause personnel problems in these situations.

JOE WOLF, Butte Silver Bow, stated that he also feels this decision should be left at the local level. He said that state mandating could have detrimental effects.

JOHN EVENS, Bozeman, concurred with other opposing testimony.

Chairman Feda opened the hearing to questions from the committee.

Representative Spilker said that if it would be in the cities best interest to hire qualified people why would they not do this.

Representative Brand said that when vacancies are available firemen who are looking for jobs do not know about the opening because there is no list of vacancies available.

Representative Brand closed the hearing on House Bill 196.

EXECUTIVE SESSION

HOUSE BILL 181

RECONSIDERED

Representative Sales explained that there were amendments to the bill and reconsideration of the committees action had been requested by Representative Moore.

Representative Mueller moved to reconsider action. The motion was seconded by Representative Kropp. A vote was taken and carried with 12 YES and 5 NO. Two members were absent. Representatives Sales, Smith, Winslow, Pistoria and Briggs voted no.

HOUSE BILL 128

DO NOT PASS

Representative Mueller made a motion that House Bill 128 DO NOT PASS. He explained his reason for this motion. He said that private cooperatives are in competition with other business and should be considered the same way. He said that eventually the system would be destroyed if this bill passed.

Representative Pistoria made a substitute motion that House Bill 128 be tabled until the committee could get further information from Mr. Kansier.

Representative Holiday agreed with Representative Pistoria.

Following discussion a vote was taken and failed with 8 YES and 8 NO and 3 absent. Representatives Azzara, Kennerly and McBride did not vote. See roll call vote.

Representative Briggs made a motion that House Bill 128 DO NOT PASS. The motion was seconded by Representative Winslow. Following discussion, question being called a vote was taken and carried 13 to 4 with 2 absent. Representatives Kanduch, Pistoria and O'Connell and Holiday voted NO.

HOUSE BILL 201

NO ACTION TAKEN

The committee decided that the bill should have a fiscal note and also needed amendments before the committee could take action.

HOUSE BILL 202

DO PASS AS AMENDED

Representative O'Connell moved the following amendment to HB 202:

1. Page 4, line 3.

Following: line 2

Strike: "other than single-family houses"

Insert: "containing 5 or more dwelling units"

The motion was seconded by representative Mueller. A vote was taken and carried unanimously.

Representative Kropp moved that HB 202 DO PASS AS AMENDED. Representative Briggs seconded the motion. Question being called, a vote was taken and carried unanimously with 2 absent and Representative McBride abstaining.

HOUSE BILL 203

DO PASS

Representative Spilker moved that HB 203 DO PASS. Motion was seconded by Representative Kanduch. A vote was taken and carried unanimously.

A motion was made to adjourn at 10:00 a.m.

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The next meeting of the State Administration Committee
will be Friday, January 23, 1981 at 8:00 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin- Secretary

JOB SERVICE

EXHIBIT 1

State of Montana
Dept. of Labor & Industry

Employment Security Division

P.O. Box 1728 • Helena, Montana 59601
Phone: (406) 449-2511

BUSINESS NAME	CONTRIBUTIONS PAID IN 7-1-76 THRU 6-30-79	BENEFIT CHARGES 7-1-76 THRU 6-30-79
BEARTOOTH ELECTRIC COOP INC	7,069.02	2,097.00
BIG FLAT ELECTRIC COOP INC	5,018.92	567.00
BIG HORN ELECTRIC COOP INC	8,580.00	5,740.00
FERGUS ELECTRIC COOP	2,677.35	00.00
FLATHEAD ELECTRIC COOP, INC	19,765.43	2,810.00
GLACIER ELECTRIC COOP, INC	12,501.85	1,200.00
GOLDENWEST ELECTRIC COOP INC	4,715.26	182.00
HILL COUNTY ELECTRIC COOP, INC	33,341.09	8,853.00
LINCOLN ELECTRIC COOP, INC	10,594.98	3,903.00
LOWER YELLOWSTONE BEA	7,331.42	00.00
MARIAS RIVER ELECTRIC COOP	10,229.05	1,286.00
MCCONE ELECTRIC COOP, INC	12,513.33	00.00
MID-YELLOWSTONE ELECTRIC COOP	4,748.07	00.00
MISSOULA ELECTRIC COOP, INC	17,728.09	1,352.00
NORTHERN ELECTRIC COOP, INC	8,390.91	2,672.00
NORTHERN LIGHTS, INC	1,234.64	00.00
PARK ELECTRIC COOP, INC	7,401.32	00.00
PAVILLI COUNTY ELECTRIC CO-OP	10,401.78	4,174.00
SHERIDAN ELECTRIC COOP INC	7,275.04	00.00
SOUTHEAST ELECTRIC COOP, INC	4,233.67	00.00
SUN RIVER ELECTRIC COOP INC	12,407.45	3,164.00
TONGUE RIVER ELECTRIC COOP	9,056.97	130.00
VALLEY ELECTRIC COOP INC	4,874.87	00.00
VIGILANTE ELECTRIC COOP INC	11,983.41	2,748.00
YELLOWSTONE VALLEY ELECTRIC COOP	14,056.31	3,263.00
MONTANA TELEPHONE ASSN	CANCELLED	12-31-75
NATIONAL TELEPHONE COOP ASSN	NO RECORD	NO RECORD
BLACKFOOT TELEPHONE COOP	18,389.74	3,873.00
INTERPEL TELEPHONE COOP INC	NO RECORD	NO RECORD
LINCOLN TELEPHONE CO	2,043.25	460.00
MID-RIVERS TELEPHONE COOP INC	20,404.90	1,623.00
NEMONT TELEPHONE COOP INC	11,599.30	00.00
NORTHERN TELEPHONE COOP INC	5,022.74	2,455.00
NORTHWESTERN TELEPHONE SYSTEMS	104,835.12	41,529.00
PROJECT TELEPHONE COOP	3,324.47	00.00
RANGE TELEPHONE CO-OP, INC	9,273.18	00.00
ROMAN TELEPHONE CO	6,521.34	2,650.00
SOUTHERN MONT. TELEPHONE CO	2,439.16	00.00
THREE RIVERS TELEPHONE CO-OP	11,918.13	1,047.00
TRIANGLE TELEPHONE COOP INC	INCLUDED IN HILL CO ELECTRIC CO (018882)	
VALLEY RURAL TELEPHONE CO-OP	7,501.00	2,828.00
	467,581.62	100,606.00
	=====	=====
MONTANA ASSOCIATED UTILITIES	2,928.54	672.00
Less * Companies	(119,163.40)	(44,639.00)
	\$351,346.76	\$ 56,639.00

NAME: William C. Romine DATE: 1-22-81ADDRESS: P.O. Box 1691 Helena 59624PHONE: 442-2220REPRESENTING WHOM? Mont. Clerk & Recorder's Assn.APPEARING ON WHICH PROPOSAL: H.B. 203DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The Association supports a return to the procedure of
cancellation after each general biennial election. Four years is too
long a time to wait. People move from district to district and
county to county on a regular basis. In the meantime, the clerk
has to print many more ballots than there are elections. In the
last cancellation, the clerk in Lewis & Clark county cancelled
8,000 registrations. In other words, she printed 8,000 more ballots
than were necessary. These costs are duplicated all over the
state. A return^{to} cancellation every 2 years will reduce these
costs.

Lewis and Clark County

Office of Clerk and Recorder

HELENA, MONTANA

443-1010 Ext 334

HELEN KOVICH
CLERK AND RECORDER

January 22, 1981

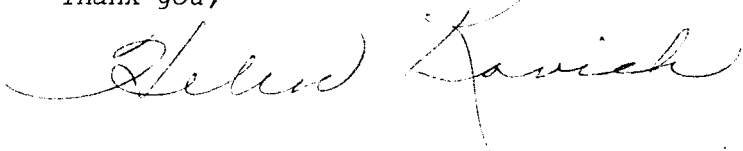
442-6330
XXXXXXX

Mr. Chairman
Members of the Committee

Re: HB. 203

I have ^{been} County Clerk & Recorder since 1959. After every General Election all those who did not vote were cancelled from the registration. I have worked with cancellation both ways, biennial cancellation and cancellation every four years. The biennial works by far the better. People move from state to state, county to county and also are always on the move in the county in which they live if they do make one certain county their home. The biennial cancellation removes all of the deadwood that is left in the registration list. It is impossible to cancel an elector from the registration list that has died out of state. This is where the Clerk & Recorder or Election Administrator is criticized for lack of registrations lists that ^{are} ~~are~~ up to date. When a person dies out of state, we have to wait until the next Presidential election to remove that name. We cannot go on just what someone has told us. Usually in an biennial cancellation year, my office has about 2,500 names to cancel. In the four year cancellation, for instance 1980, we had to cancel 8,000. Yellowstone County cancelled 18,000. Our budgets are so tight, because this is all taxpayer money, I am only allowed two part-time girls before the primary and two before the presidential election. Some people think this will constitute a better voter turn-out. This is not so I have had between 76% and 80% on all of my general elections.

Thank you,



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BUILDING CODES DIVISION

STATEMENT OF W. JAMES KEMBEL, ADMINISTRATOR

CONCERNING H.B. 202

The bill was introduced by Representative Sivertsen at the request of the Department of Administration.

The definition of "public place" has been the source of many disputes between the Department and the general public.

The Department has been covering apartments as "public places" and recently that practice was challenged in court by the owner of a new four-plex. The judge ruled that a four-plex should not be covered but that at some number of units, apartments probably should be covered.

The Department needs legislature to clarify what buildings should be under the code enforcement program. If we make this decision, without the guidance of law, the state may be found liable for any incidents occurring in those buildings administratively omitted.

The bill as printed is different from that requested by the Department and Representative Sivertsen. An amendment to correct the bill is attached. The intent was to cover any apartment containing more than 4 dwelling units.

VISITORS' REGISTER

HOUSE

COMMITTEE

BILL

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

~ TLL

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

U L L

Date

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

DTLL

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.