

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 26, 1981

The thirteenth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00.

ROLL CALL: All members of the committee were present with the exception of Senator Kolstad.

CONSIDERATION OF SENATE BILL NO. 187:

AN ACT TO ALLOW THE STATE RECORDS
COMMITTEE TO ESTABLISH CERTAIN
CATEGORIES OF STATE RECORDS THAT
MAY BE DESTROYED BY STATE AGENCIES
WITHOUT PRIOR APPROVAL OF THE COMMITTEE.

Senator Carroll Graham, Lodge Grass, District 29, sponsor of the bill has introduced this bill by request of the Department of Administration to eliminate paper work and delay in records administration. This bill will retain control of records disposal in the records committee but streamline it.

PROPONENTS:

Mike Trevor, State Records Management, enclosed testimony and stated each and every state record requires unanimous approval or disposal. He claimed many times it is a repetition. This bill allows the state records commission to set standards for records disposal without prior approval of the committee. He cited the example of 850 items in 1980 that needed review. This bill will speed up the process which takes 7-10 days.

John Northey, from the Auditor's Office, supported the bill to reduce paper work and time involved. There would be no sacrifice but expedite proceedings.

OPPONENTS: None.

Questions from the Committee: Senator Towe asked Mr. Trevor if the Historical Society concurs. The answer was yes.

Senator Ryan asked a question to Mr. Trevor and he stated they do not review individual records.

Senator Hafferman asked Mr. Trevor if they would be microfilmed. The answer was no.

Senator Ryan asked if it would include records stored in computers. Answer: Yes.

In closing this bill, Senator Graham asked to move to have it pass.

Senator Story asked Senator Graham to work with the staff man, John Hollow, for a statement of intent. John Northey volunteered his services for this item.

CONSIDERATION OF SENATE BILL NO. 178:

AN ACT TO PROVIDE AN ADDITIONAL
EXCEPTION TO THE RESTRICTION LIMITING
PROXIMITY OF RETAIL LIQUOR LICENSEES
SCHOOLS AND PLACES OF WORSHIP.

Senator Gary Lee, District 17, Fort Shaw, sponsored this bill and submitted amendments. He said that this is a minor housekeeping bill that would provide changes in the bill.

PROPONENTS:

Cindy Price, from the Missoula County Tavern Assn., gave an example of a bowling alley, established before a church moved into the neighborhood that underwent some remodeling. That was in violation of the 600 feet limit. She stated there is a rapid proliferation of private schools and groups being termed "churches", affecting many more people than those of which she is speaking.

Bob Durkee, from the Montana Tavern Assn., supported the bill but indicated he has not had an opportunity to review the amendments. He advised putting it into a subcommittee because there is a House Bill #138 being heard tomorrow. He felt there is a language problem with this bill.

OPPONENTS: None.

Questions from the Committee: Senator Towe asked Senator Lee if he contemplates consent by the school board. Senator Lee said this leaves it open - up to the Department of Revenue, school, and/or bar owner. He stated this bill keeps it simple and keeps down the red tape.

Senator Towe asked Senator Lee if he saw a problem with the amendment. Senator Lee answered by saying prior to 1975

there was a difference between bar and beer. The original intention of 600 feet under the present law was that people coming out of church could not see the drunks. He claimed this bill is not to affect retail sales from stores.

Senator Towe asked if he meant 600 feet of their own property. Senator Lee answered that the subsections 2 and 3 apply.

Senator Ryan asked Senator Lee if there would be a retroactive provision. He answered no. They might change their mind but are willing to stand by their decision.

Senator Ryan asked, "If they decide to remove their stamp of approval, do you envision any problems, Senator Lee?" Senator Lee answered that it would be up to the courts, but he sees no problem.

Senator Story clarified the fact that under the present law if a bar is set up and a church moves in, it is okay. But if a bar moves in or makes changes, that would create a problem.

Senator Lee stated that now the church does not have the opportunity to waive its rights.

Senator Towe mentioned that in the 1975 session there was an attempt to remove the requirements altogether. The committee voted down the request. There is some support for this kind of limitation.

In closing, Senator Lee asked the committee to consider the amendments and the bill and recommended them to pass it.

Senator Hafferman asked how this distance is measured. Senator Towe stated from door to door.

Leon Messerly, from the State Tax Appeal Board, stated that if the property boundaries are within 600 feet, that is measured from entrance to entrance. The same store can be measured with property boundaries. He had a map of Billings to cite examples to the committee.

The hearing was closed on the bill.

Senator Story announced there would be an executive meeting Tuesday, January 27, plus the hearing of his S. B. 109.

ADJOURNMENT: 10:40



SENATOR PETE STORY, CHAIRMAN

13th meeting
J

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1-26-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.		✓	
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

MR. CHAIRMAN, I MOVE TO AMEND SENATE BILL 178 AS FOLLOWS:

1. Title, line 5.

Following: "PROVIDE"

Strike: "AN"

Following: "ADDITIONAL"

Strike: "EXCEPTION"

Insert: "EXCEPTIONS"

2. Page 1, line 12.

Following: "(1)"

Strike: "A"

Insert: "Except as provided in subsections (2) and (3) a"

3. Page 1, line 22.

Following: "of"

Strike: "this section"

Insert: "the 600 foot restrictions of subsection (1)"

4. Page 2, lines 4 through 6.

Strike: subsection (c) in its entirety.

Insert: "(c) has been licensed pursuant to a consent obtained under the provision of subsection (3)(b)."

(3) The 600 foot restrictions of subsection (1) do not apply to:

(a) licenses for the sale of beer, table wine, or both in the original package for off-premises consumption only; or

(b) any other alcoholic beverage license when the applicant or licensee has obtained written consent to waiver of the 600 foot restrictions from all places of worship and schools located within the 600 foot limits of subsection (1)."

DATE 1-26-81

BILL NO. SB 187

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Dan Veremko	Dept of Administration	187	✓
Mike Trevor	Dept. of Administration	✓	
Leon Messers	Dept of Revenue		
Bob Durkee	MONT TAVERN ASSN		
Arnell Durkee	" " "		
Leigh Kirkpatrick	Sen. Tom Lowe		
Dee Hermes	" " "		
Jim Brown	Mont. Council of Churches		
Kary Lee	S.B. 178	✓	
Gindy Rice	Missoula County Tavern Assoc	✓	
Shirley Harkness	S.B. 187	✓	
Phil Atwood	MONT TAVERN ASS		

(Please leave prepared statement with Secretary)

JUSTIFICATION FOR SENATE BILL 187

Senate Bill 187 amends Section 2-6-212, MCA to allow ongoing disposal of certain state records without repetative, time consuming action by the State Records Committee. Section 2-6-212, MCA is amended as follows:

- . A portion of the current section beginning on line 13 through 15 has been deleted to accomodate the additions at line 15,16 and 18 through 20.
- . Subsection (2) has been added at line 21 through 24 to establish the authority of the State Records Committee to designate categories of State records which may be destroyed in an on-going fashion, and would eliminate the need for State agencies to submit a disposal request each time such records were to be destroyed. Only selected records would be affected, and these would still have a minimum retention requirement. Conformance to this requirement could be verified by audit.

This amendment would streamline the records disposal process, and eliminate paperwork and delay. It would model disposal procedures after those adopted by the Federal government, and yet retain control of records disposal within the State Records Committee. Unanimous approval of the State Records Committee, composed of representatives of the Montana Historical Society, Legislative Auditor's Office, Attorney General's Office, and Department of Administration, would be required for records to be selected for on-going disposal authority. Agencies would be relieved of the burden of repetitively submitting disposal requests for records of minor importance.

NAME: Mike Trevor DATE: 1/26/81

ADDRESS: Computer Services Division, Rm 22
Mitchell Bldg.

PHONE: 449-2700

REPRESENTING WHOM? Department of Administration

APPEARING ON WHICH PROPOSAL: SB 187

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: see attached

DATE _____

COMMITTEE ON

BILL NO. SB 178

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)