

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

March 5, 1981

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 a.m.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 470:

AN ACT TO REQUIRE THAT A MAJORITY OF THE  
PROPERTY OWNERS CONCUR IN THE NOMINATION OF  
THEIR PROPERTY BY THE HISTORIC PRESERVATION  
OFFICER AS A HISTORIC DISTRICT

Kathleen McBride, sponsor, stated this bill nominates single properties to the historical register, which is an official list of the nation's historical properties. She mentioned advantages that the property may receive, both grants in aid for restoration and tax incentives.

PROPOSERS: Marcella Scheify, from the preservation program of the Historical Society, gave a brief history of the law whereby properties may be listed in the register. The bill would provide property owners to encourage the preservation of their property and does not require that they keep that property.

Bob Archibald, from the Historical Society, stated in cases where state agencies or federal agencies or actions which are permitted by the above are going to affect the control resources the compliance must meet with the historical preservation act of 1966, whether it is or is not registered.

Other proponents were Alan Nicholson, builder; Margaret Davis, speaking for herself as a historical home owner; J. D. Holmes, Mt. Institute of the Arts.

OPPOSERS: Lester Loble, II, representing Amax Exploration, Inc., submitted an Antiquities Act and pointed out certain sections. He went through the process that Amax has to go through to mine in areas if something historical is found. Some may need environmental impact statements. He stated the proponents did not tell why the language was changed and why they ask written approval of the land owner. This entirely changes the thrust of the act that was originally law.

Other opponents were Bill Sternhagen, from Northwestern Mining Assn, who enclosed testimony; Bill Hand, from Montana Mining; and James Mochler, Montana Coal Council; Peter Jackson, Environmental Trade Assn. of Montana; George Johnson, ASARCO; Eric Anderson, Mt. Petroleum Assn.

In closing Rep. McBride stated that being listed on the register does not take away anybody's rights. She said the definition of historical districts is defined in federal law. She explained that this bill refers to the property, in particular the buildings, and not necessarily the mining claims and lands of which the opponents were concerned.

Questions: Sen. Towe asked if there might be any adverse effects on the dissenting persons and if mining would be prohibited. Mr. Loble said many procedures would have to be followed and much time may be elapsed.

Mr. Archibald stressed that this act does not apply to privately-owned properties; it only applies to groups of nominations; there are no mining claims.

Sen. Ryan asked why it was changed to written concurrence; answer, it made it more clear.

Sen. Towe asked Mr. Loble if he would agree if it would be limited strictly to town, and he answered yes.

Chairman Story put it into a subcommittee of Senators Hafferman and Hammond.

Sen. Hafferman asked how teepee rings and buffalo jumps would be affected, and he was answered by Archibald that they would be only if a group of them were nominated.

The hearing was closed.

#### CONSIDERATION OF HOUSE BILL 231:

AN ACT AMENDING SECTION 13-2-203, MCA, TO  
ELIMINATE THE REQUIREMENT THAT AN ELECTOR SIGN  
A REGISTRATION FORM BEFORE A NOTARY PUBLIC OR  
OTHER WITNESS

Rep. Calvin Winslow, sponsor, stated this bill will change the act that requires voters to sign before a notary public or other witness. He wants to send through the mail a form with an added oath. He submitted a sample form.

PROPOSERS: None.

OPPOSERS: Bill Romine, representing the clerks and recorders, feels they must protect the voting process, but this may give rise to come types of fraud. He enclosed testimony.

In closing Rep. Winslow said this bill makes the voter be responsible for himself.

Questions: Sen. Towe asked Mr. Romine how he could object to the card that was suggested. He answered that he prefers a third party.

The hearing was closed.

CONSIDERATION OF HOUSE BILL 484:

AN ACT AMENDING SECTION 13-10-601, MCA, TO  
ALLOW A MINOR PARTY TO QUALIFY TO HOLD A PRIMARY  
ELECTION BY PETITION

Rep. Ken Nordtvedt, sponsor, stated this bill creates an alternative route which a minor party could have a primary election to put a slate of candidates on the ballot. He went through the bill and pointed out that it requires five per cent. It would reduce the workload for the clerks and recorders.

PROPOSERS: Duncan Scott, Libertarian Party, discussed the current law and how this bill will change it and the advantages to the party and to the general public.

OPPOSERS: None.

The hearing was closed.

CONSIDERATION OF HOUSE BILL 505:

AN ACT TO REMOVE THE REQUIREMENT THAT THE  
SUPERINTENDENT OF THE MONTANA VETERAN'S HOME  
BE AN HONORABLE DISCHARGED VETERAN AND INSTEAD  
REQUIRE THAT VETERAN'S PREFERENCE BE GIVEN IN  
THE SELECTION OF THE SUPERINTENDENT

Rep. Jack Moore, sponsor, said that in hiring a superintendent for the Veterans' Home a veteran would be given preference.

PROPOSERS: Bob Dierke, VFW; and Curt Chissom, Dept. of Institutions expressed support.

OPPONENTS: None.

Questions: Sen. Ryan asked if the intention is that they are dealing with personalities instead of capabilities and asked Rep. Moore if he were involved. The answers were no.

Sen. Towe asked if there might be a problem in interpretation especially if applicants were equal in ability. Rep. Moore said it is defined.

Sen. Johnson asked Mr. Dierke if his organization is in agreement with the veteran preference, and he answered yes.

The hearing was closed.

CONSIDERATION OF HOUSE BILL 342:

AN ACT TO PROVIDE THAT THE COMMISSIONER OF  
LABOR AND INDUSTRY SHALL SERVE AT THE PLEASURE  
OF THE GOVERNOR

The sponsor, Jack Moore, said this bill puts the Dept. of Labor and Industry the same as the other departments.

PROPOSERS: None.

OPPONENTS: None.

Questions: None.

The hearing was closed.

\*ACTION ON HOUSE BILL 505: Sen. Hammond moved DO PASS: motion carried.

ACTION ON HOUSE BILL 342: Sen. Ryan moved DO PASS; motion carried. Sen. Ryan will carry on the floor.

Sen. Towe moved they reconsider House Bill 505 because Sen. Ryan did not have the opportunity to discuss it before the vote. They voted to do so, and Sen. Ryan discussed the fact that the lawmakers should stop fixing laws to conform to practices, and also that he felt this bill disenfranchises veterans from some of the privileges that they have earned. Sen. Hammond said they want the best job done possible, which all agreed.

\*ACTION ON HOUSE BILL 505: Sen. Towe moved DO PASS; motion carried with dissention by Sen. Ryan. Sen. Johnson will carry the bill on the floor. This was the final vote.

\*action reconsidered


ACTION ON HOUSE BILL 484: An amendment was made on page 1, line 25, which was moved by Sen. Towe and passed; Sen. Towe moved the bill DO PASS, AS AMENDED; motion carried unanimously.

ACTION ON HOUSE BILL 231: Sen. Towe moved DO PASS; discussion; roll call vote resulted in a tie because Sen. Kolstad had been excused earlier. He will vote later or another ballot will be cast.

The committee discussed 470 but decided to act at a later date

See standing committee reports for the above bills.

ADJOURNMENT: 11:40.

A handwritten signature in cursive script, appearing to read "Pete Story", is written over a horizontal line.

PETE STORY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-5

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.

DATE: 4-3-01

ADDRESS: Montana High Lane

PHONE: 449 - 4582

REPRESENTING WHOM? Retained Local

APPEARING ON WHICH PROPOSAL: H B 470

DO YOU: SUPPORT? ✓ AMEND?            OPPOSE?           

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Robert Archibald DATE: 3/5/81

ADDRESS: Mt. Hist. Society

PHONE: 449-2694

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: HB470

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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NAME:

Allen Nicholson

DATE:

3/5/81

ADDRESS:

101 Dr. Lost Chance Gulch, Box 472

PHONE:

403-2167

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

HB 477

DO YOU:

SUPPORT?

✓

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mary Ann Davis DATE: 5 March

ADDRESS: 917 Skinner

PHONE: 443-3487

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: HE 47C

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: Historic districts are of benefit to  
individual property owners and com-  
munities in the following:

1. Stable tax base
2. Maintain neighborhood schools
3. Provide incentives for maintenance
4. Enhance property values

Inclusion in an historic district does not  
prohibit a property owner from doing anything  
he/she wants to with it. (However, if federal funds are  
involved the procedure is specified).

The present law requiring 10% approval is too restrictive  
especially in designated districts. When so few owners  
are required to bind a district.

NAME:

J.D. Holmes

DATE:

3/5/91

ADDRESS:

Helena

PHONE:

442-3258

REPRESENTING WHOM?

MT Institute of the Arts Foundation

APPEARING ON WHICH PROPOSAL:

HB 470

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

NAME: James H. Lobb, Jr. DATE: March 1, 1971

ADDRESS: Box 196 Helena MT 59621

PHONE: 444-0070

REPRESENTING WHOM? Anna F. Lobb, Jr.

APPEARING ON WHICH PROPOSAL: #1-470

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Bill Sternhagen DATE: 4-5-81

ADDRESS: Power Block, Helena, MT 59601

PHONE: 442-0070

REPRESENTING WHOM? Northwest Mining Association

APPEARING ON WHICH PROPOSAL: HB 470

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: \_\_\_\_\_

1. This bill could force a man's private property into a Historical District, without his consent, <sup>by gerrymandering the boundaries of the district</sup>

2. "Historical District" is not defined in Montana law, according to the Legislative Council and its computer.

3. To amend a definition of "Historical District" into this bill would ~~require~~ require a change in the title and concept of this bill

NAME: Bill Hand DATE: Mar. 5-81

ADDRESS: P.O. Box 132 - Helena -

PHONE: 443-7297

REPRESENTING WHOM? Mt. Mag. Assoc. -

APPEARING ON WHICH PROPOSAL: HB 470

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: ① Historical ~~Design~~ designations

on Camber & ~~its~~ impact Mineral Search  
& Development -

② The Bill is too encompassing - & not only  
affects Butte but the entire State -

NAME: James E. Smith DATE: 7-5-57

ADDRESS: 1000 1st St. N.E.

PHONE: \_\_\_\_\_

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: 77-17

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: ERIC E ANDERSON DATE: 3/5/81

ADDRESS: 2030 11<sup>th</sup> Ave Site 17 Helen

PHONE: 402-~~B~~ 7582

REPRESENTING WHOM? MT Petroleum Association

APPEARING ON WHICH PROPOSAL: HB 470

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: How the potential to close areas

containing petroleum reserves to production and

development of those reserves.



NAME: Peter Jackson

DATE: 3-5-8

ADDRESS: 2301 Colonial Drive Helena Mont.

PHONE: 443-5541

REPRESENTING WHOM? Weta

APPEARING ON WHICH PROPOSAL: HB 470

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME William L. Parnice BILL No. HB. 231  
ADDRESS P.O. Box 1891 Helena DATE 3-5-81  
WHOM DO YOU REPRESENT Mont. Clerk & Records  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: the association feels that the removal of the requirement that the registration form be notarized or witnessed gives rise to possible fraud. We should not inhibit access to the voting booth, but at the same time, we must protect the integrity of the voting process. The argument that the person who is registering people is not always sure that the person is who he says he is, is not valid. If he is not sure, how can the clerk or the election administrator know. If the person doing the registration is not convinced as to the truthfulness of the person he is registering, then he shouldn't register the person.

In fact, the association believes that we should return to the old procedure where the forms had to be notarized. Notaries are used to taking oaths and checking identification. Many times, the forms are returned which have not been witnessed. It appears that many people who are registering voters do not know how to do so.

Although this bill might not give rise to large scale fraud, the election process is extremely sacred, and we should do ~~everything~~ every thing possible to prevent any fraud from getting into the system itself. It is not unusual for a candidate to win by only one or two votes. Therefore, even very little fraud can change an election.

Finally, we urge that the language stricken on lines 7 thru 9, page 2, be reinstated. If the forms need not be returned until the day of registration, huge stacks will be brought in on the last day. Even under the present system, huge stacks come in on the last day, under this bill, it will get worse.

# FOR OFFICE USE

POLLING PLACE		PCT. NO.	WARD	SCHOOL DIST.	HOUSE DIST.	SENATE DIST.	FD	SC	HW	HS	REGISTRATION NUMBER
State of Montana, County of <b>Yellowstone</b>		Social Security Number (1) - -									
Name (Last Name First) (2)											
Address (Street, City, Town) (3)										Zip Code	
Sect. (4)		Twp. (5)		Range (6)							
Date of Birth (7)		Length of Time Lived in State (8)		County (9)		City (10)		Yrs			
Place Last Registered City (11)		State (12)									
(13) I, _____ (Please Print Name Only) I am a citizen of the United States and will be at least 18 years of age at the time of the next election. I am not imprisoned for the conviction of a felony and am not a judicated to be of unsound mind. I will have been a resident of the county at least 30 days at the time of the next election, and consider this residence my home. I certify that the information on this affidavit is true and correct.											
For Transfer of Address <input type="checkbox"/> For Change of Name <input type="checkbox"/>											

Telephone No. \_\_\_\_\_

(14)  
Signature of elector

\_\_\_\_\_  
Please Print Name Prev. Reg. Under  
(15)  
(Mailing address if different than above)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

**DAVID L. HALLAND**

County Election Administrator

By \_\_\_\_\_ Assistant Election Administrator

NAME:

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

## Part 4

## Antiquities

22-3-401 through 22-3-413. Repealed. Sec. 16, Ch. 563, L. 1979.

22-3-414 through 22-3-420 reserved.

**22-3-421. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Antiquities permit" means the permit granted for exploration or field investigations of heritage properties or paleontological remains provided for in 22-3-432.

(2) "Heritage property" means any district, site, building, structure, or object located upon or beneath the earth or under water that is significant in American history, architecture, archaeology, or culture.

(3) "Historic preservation office" means the office within the Montana historical society provided for in 2-15-1512.

(4) "Historic preservation officer" means the officer provided for in 2-15-1512.

(5) "Paleontological remains" means fossilized plants and animals of a geological nature found upon or beneath the earth or under water which are rare and critical to scientific research.

(6) "Preservation review board" means the board provided for in 2-15-1512.

(7) "Register" means the National Register of Historic Places, the official list of the nation's heritage properties worthy of preservation because of national, state, or local significance.

(8) "Registered property" means any heritage property listed in the register.

(9) "State agency" means any executive agency of the state of Montana.

History: En. Sec. 4, Ch. 563, L. 1979. HB 785 Natural Resources

### Compiler's Comments

**Severability.** Sec. 15, Ch. 563, L. 1979, provided: "If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Statement of Intent.** The statement of intent attached to HB 785 (Ch. 563, L. 1979) provided in part: "HB 785 formally establishes the Historic Preservation Office and identifies its duties and responsibilities. This bill is not creating a new office, but simply renames the old one to conform with the accepted title shared by similar offices in states throughout the country. The duties and responsibilities are also the same and are those established by federal rules and regulations for Historic Preservation offices in all states and trust territories. Such duties and responsibilities are necessary for the state to qualify for historic preservation grant monies appropriated by Congress each year."

HB 785 requires that the State Historic Preservation Office maintain the required staffing to assure that federal funds will continue to come into Montana. As written, the committee is assured that the State Historic Preservation Office must meet the requirements, even if changes should be made when the legislature is not in session.

The proposed bill departs from the current Antiquities Act in the establishment of a Preservation Review Board, in concert with the federal designation.

The proposed Review Board will be increased to nine members, of which a majority are professionals trained in fields relating to historic preservation and archaeology. The bill mandates that one member will be the State Liaison Officer for the federal Land and Water Conservation Fund, and although it is not a federal requirement, the inclusion of the Liaison Officer is particularly important in Montana. The Liaison Officer is the Parks Director at the

DATE 3-5-81

COMMITTEE ON \_\_\_\_\_ BILL NO. \_\_\_\_\_

# VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Lester H. Loble II	Amax Exploration Inc		HB 470
Bill Hand	Mt. Mtn Assoc		HB 470
Peter Jackson	Wetco		HB 470
George R. Johnston	ASARCO		HB 470
Bill Sternberger	Northwest Mining Assn.		HB 470
J. D. Hilmes	MT Institute of the Arts Foundation	HB 470	
William L. Rennie	clerk & Records		H.B. 231
Paul Ansbull	West. Society	HB 470	
Marvella Gandy	West. Society	HB 470	
Alan D. Nicholson	Self	HB 470	
Eric E. Anderson	MT. Petrochem Assn.		HB 470
Theresa Thibault	Self	HB 470	
John Scott	MT. LIBERTARIAN PARTY	HB 484	

(Please leave prepared statement with Secretary)

# STANDING COMMITTEE REPORT

.....MARCH.....<sup>5</sup>.....1931.....

MR. PRESIDENT.....

We, your committee on STATE ADMINISTRATION.....

having had under consideration HOUSE..... Bill No. 342  
MOORE ( RYAN)

Respectfully report as follows: That.....HOUSE..... Bill No. 342

*g/c*  
BE CONCURRED IN  
DO PASS

# STANDING COMMITTEE REPORT

MARCH 5 81  
..... 19 .....

PRESIDENT  
MR. ....

STATE ADMINISTRATION  
We, your committee on .....

HOUSE  
having had under consideration ..... Bill No. 505 .....

MOORE (JOHNSON)  
NORTHWEST

HOUSE  
Respectfully report as follows: That ..... Bill No. 505 .....

HE CONCURRED IN  
EXPRESS

..... PETE STORY .....  
Chairman.



# STANDING COMMITTEE REPORT

.....MARCH.....5.....19 81.....

MR. PRESIDENT.....

We, your committee on.....**STATE ADMINISTRATION**.....

having had under consideration.....**HOUSE**..... Bill No. **484**.....

**NORVEDT (MALLIGAN)**

Respectfully report as follows: That.....**HOUSE**..... Bill No. **484**.....

be amended as follows:

1. Page 1, line 25.

Following: "election"

Strike: "AND BY A NUMBER OF"

Insert: " , which number must include the"

2. Page 2, line 3.

Following: "IN"

Strike: "THE"

Insert: "those"

AND, AS SO AMENDED,

BE CONCURRED IN

~~DO NOT~~