

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 10, 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 of the committee were there.

ACTION ON HOUSE BILL 38: Amendments were moved by Senator Towe; motion passed; he moved the bill DO PASS, AS AMENDED; motion carried unanimously. See standing committee report for the amendments.

ACTION ON HOUSE BILL 74: Amendments were made by Senator Towe with the consent of Mona Jamison, legal council for Governor Schwinden; motion carried. He moved the bill DO PASS, AS AMENDED; unanimous vote. Sen. Towe will carry it.

ACTION ON HOUSE BILL 161: Sen. Ryan moved DO NOT PASS; discussion with Sen. Ryan opposing a person being rewarded for doing his job. Roll call vote resulted in two to five; motion did not pass. There was discussion of an advisory council, and Chairman Story put the bill in a subcommittee of Senators Johnson, Hafferman, and Towe.

RECONSIDERATION OF ACTION ON HOUSE BILL 38: Staff man, John Hollow, brought up some amendments; Sen. Towe moved that the action be reconsidered; motion carried. New amendments were moved; passed; the bill was moved DO PASS, AS AMENDED. See standing committee report for the amendments.

ACTION ON HOUSE BILL 225: Sen. Hafferman moved DO PASS; withdrew the motion after discussion of an amendment of 2/3 majority; a straw vote was cast. On page 2, line 9 Sen. Towe moved an amendment to insert "that has passed each house by 2/3 majority". This passed with a no vote by Sen. Ryan. Sen. Towe moved the bill DO PASS, AS AMENDED; motion carried with dissention by Sen. Ryan. Sen. Kolstad will carry it.

ACTION ON HOUSE BILL 231: A vote had been cast on March 4, which resulted in a tie because Sen. Kolstad was absent. His vote on this date was No so the bill went out as a DO NOT PASS. See roll call vote on 3-4 and 3-10.

ACTION ON HOUSE BILL 291: Sen. Johnson moved the bill DO PASS, AS AMENDED. Discussion followed concerning the use of the words "reasonable and necessary". John Hollow, staff man, brought to the attention of the committee the statement of intent that page 2, line 11, following "department" an insertion should be made. Sen. Towe moved the amendment "in rules adopted for that purpose". The motion carried, and the bill carried with dissention by Sen. Ryan. See roll call vote.

ACTION ON HOUSE BILL 296: Sen. Towe moved DO PASS; motion carried. He will carry on the floor.

ACTION ON HOUSE BILL 302: There was discussion of section 6 and Sen. Ryan moved to table it; motion carried with a No vote by the chairman, Sen. Story.

ACTION ON HOUSE BILL 470: There was discussion of the bill with the advantages and disadvantages and possibly limiting it to cities and towns. Sen. Hammond moved DO NOT PASS; motion carried. He will carry the adverse report.

ACTION ON HOUSE BILL 481: Sen. Towe moved an amendment, which passed; he moved the bill DO PASS, AS AMENDED; majority passed it with no votes by Sen. Hafferman, Story, and Towe. Sen. Towe will carry it.


ACTION ON HOUSE BILL 545: See standing committee report for amendments which were moved by Sen. Towe, accepted; Sen. Johnson moved the bill DO PASS, AS AMENDED; motion carried.

ACTION ON HOUSE BILL 636: Sen. Ryan moved DO PASS; motion carried, see roll call vote. Sen. Story will carry on the floor.

ACTION ON HOUSE BILL 684: The amendments suggested by John Hollow were explained by Sen. Towe; discussion of moving the bill to Highways committee; Larry Majerus explained the purpose of the bill is being between the franchise and the dealer. He explained the amendment and the bill. Sen. Towe moved the amendment. Sen. Ryan asked if someone should have the opportunity to testify for or against, and the chairman said no. Sen. Towe moved the title and the new section to be amended; motion passed. He moved the bill DO PASS, AS AMENDED, motion carried with a no vote by Sen. Ryan.

ACTION ON HOUSE BILL 685: Sen. Ryan moved DO PASS; motion carried. Sen. Kolstad had to leave but left a yes vote; unanimous vote; motion carried.

ADJOURNMENT: 11:40.

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

PETE STORY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-10-

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.

~~2-1-81~~

VISITORS' REGISTER

[illegible]

STANDING COMMITTEE REPORT

MARCH 10 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 38

STOBIE (STORY)

Respectfully report as follows: That HOUSE Bill No. 38

, third reading copy, be amended as follows:

1. Page 2, line 4.

Following: "obtained."

Strike: "A"

Insert: "Upon request of the secretary of state, a"

2. Page 2, line 7.

Following: "No"

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (5), NO"

Insert: "No"

3. Page 2, line 10.

Following: "adopted."

Strike: "Each"

Insert: "Except as provided in subsection (5), each"

~~DO PASS~~

CONTINUED

HOUSE BILL 32, page 2

4. Page 2, line 17.

Following: "section."

Insert: "The committee may not require the publication of copyrighted material."

5. Page 2, line 25 through page 3, line 2.

Following: "funding"Strike: remainder of line 25, page 2, through "standards," on page 3, line 2.

6. Page 3, line 3.

Following: "later"

Insert: "later"

7. Page 3, line 8.

Following: "REQUIRED"

Insert: "unless requested under 2-4-302 (4)"

8. Page 3, line 9.

Following: "administrative"Strike: "code"

Insert: "rules of Montana"

H.C.

AND, AS SO AMENDED,
BE CON CURRED IN

STANDING COMMITTEE REPORT

MARCH 10

1981

PRESIDENT

MR.

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 74
HARPER (TOWE)

Respectfully report as follows: That HOUSE Bill No. 74
, third copy, be amended as follows:

1. Title, lines 8 and 9.

Following: "COMMITTEE;"

Strike: "AND TO PROVIDE FOR ENFORCEMENT OF AGENCY DUTIES BY THE
COMMITTEE"

2. Page 2, line 23.

Following: "Contested"

Strike: "As determined by"

Insert: "In the discretion of"

3. Page 6, lines 24 through page 7, line 1.

Following: "{d}"

Insert: "(c)" and the remainder of line 24, page 6, through page 7, line

4. Page 7, line 2.

Following: "{e}"

Strike: "(c)"

Insert: "(d)"

DO PASS

Mc

CONTINUED

HOUSE BILL 74, page 2

5. Page 8, lines 7 and 8.

Following: "litigation"

Strike: "--enforcement of agency duties. (1)"

Insert: "."

6. Page 8, lines 18 through page 9, line 4.

Following: line 17

Strike: line 18, page 8 through line 4, page 9 in its entirety

AND, AS SO AMENDED,

BE CONCURRED IN

Mc

STANDING COMMITTEE REPORT

MARCH 11 61

19.....

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. 225.....

ELLISON (KOLSTAD)

HOUSE

Respectfully report as follows: That Bill No. 225.....

, third reading copy, be amended as follows:

1. Page 2, line 9.

Following: "bill"

Insert: "approved by two-thirds of the members present"

y/c
AND, AS SO AMENDED,

BE CONCURRED IN

~~DO PASS~~

STANDING COMMITTEE REPORT

MARCH 10

81

19.....

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

231

having had under consideration Bill No.

WINSLOW (STORY)

HOUSE

231

Respectfully report as follows: That Bill No.

BE NOT CONCURRED IN

~~BE CONCURRED IN~~
~~X PASS~~
D) PASS

J.A.

PETE STORY

Chairman.

STANDING COMMITTEE REPORT

MARCH 10

19 81

MR. PRESIDENT

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. 291

HUENNEKENS (STORY)

HOUSE

Respectfully report as follows: That Bill No. 291

be amended, as follows:

1. Page 2, line 11.

Following: "department"

Insert: "in rules adopted for that purpose"

AND AS SO AMENDED,

BE CONCURRED IN

DO PASS

ea

STANDING COMMITTEE REPORT

MARCH 10

81

19

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 296

HORDTVEDT (TOWE)

HOUSE

Respectfully report as follows: That..... Bill No. 296

BE CONCURRED IN
DO PASS

STANDING COMMITTEE REPORT

MARCH 10

81
19.....

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. **470**

MCBRIDE (HAMMOND)

HOUSE

Respectfully report as follows: That Bill No. **470**

BE NOT CONCURRED IN

~~RECOMMENDED~~

FOR PASS

STANDING COMMITTEE REPORT

MARCH 10

19 91

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. 481

NORDTVEDT (TOWE)

HOUSE

Respectfully report as follows: That..... Bill No. 481

be amended as follows:

1. Page 6, lines 12 and 13

Following: "funds"

Insert: all stricken material

AND, AS SO AMENDED,

BE CONCURRED IN
JOHNSON

STANDING COMMITTEE REPORT

MARCH 1

19

PRESIDENT
MR.

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **545**

SIVERTSEN (JOHNSON)

Respectfully report as follows: That **HOUSE** Bill No. **545**

, third reading copy,
be amended, as follows:

1. Title, line 6.

Following: "RIGHT"

Insert: "AND HIS FAMILY THE RIGHT"

2. Title, line 7.

Following: "ACTIVITY"

Insert: "AND TO ALLOW MEMBERS OF HIS FAMILY TO HOLD PUBLIC OFFICE"

3. Page 2, line 1.

Following: "(4)"

Insert: "(2)" and all remaining stricken language in lines 1-4.

4. Page 2

Following: line 4.

Insert: "(3) An officer or member of the police department may participate in political activity provided he does not do so while on duty ~~XXXXXX~~ or in uniform or that it does not otherwise interfere with the performance of his duties."

AND, AS SO AMENDED,
BE CONCURRED IN

STATE PUB. CO.
Helena, Mont.


PETE STORY

Chairman.

STANDING COMMITTEE REPORT

MARCH 10

19 81

MR. PRESIDENT

STATE ADMINISTRATION

We, your committee on

HOUSE

636

having had under consideration Bill No.

PEDA (STORY)

HOUSE

636

Respectfully report as follows: That Bill No.

BE CONCURRED IN
BOB ASS.

STANDING COMMITTEE REPORT

March 10, 1931

PRESIDENT:

We, your committee on STATE ADMINISTRATION

now having under consideration HOUSE Bill No. 684

LORY, (TOWE)

Respectfully report as follows: That HOUSE Bill No. 684, after third reading copy, be amended as follows:

Title, line 7.

Following: "VEHICLES;"

Insert: "AND TO REMOVE DUPLICATE LICENSING OF NEW MOTOR VEHICLE DEALERS;"

Title, line 8.

Following: "MCA"

Insert: "; REPEALING SECTION 61-4-211, MCA"

Page 4.

Following: line 7

Insert: (See attached)

36-35x

(CONTINUED)

90

March 10, 1981

Section 1. Section 61-4-202, MCA, is amended to read:

"61-4-202. License requirements. (1) No new motor vehicle dealer, manufacturer, distributor, factory branch, or distributor branch may engage in business in Montana except in accordance with the requirements of this part. The provisions of this part do not apply to a public officer engaged in the discharge of his official duties or to a trustee, receiver, or other officer acting under the jurisdiction of a court; to financial institutions disposing of repossessed vehicles; or to a person disposing of his personal vehicle. The provisions of this part regulating and licensing new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, and franchisors apply only to those new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, and franchisors of motor vehicles as defined by this part.

(2) ~~A new-motor-vehicle-dealer-or-a~~ manufacturer, distributor, factory branch, distributor branch, importer, or franchisor transacting business within Montana by offering, selling, trading, consigning, or otherwise transferring a new motor vehicle to a new motor vehicle dealer must be licensed by the state of Montana. The department shall issue licenses to qualified applicants upon receipt of a license fee in the amount of \$15 accompanied by the information required in this section.

(3) The following information, if applicable, shall be submitted by an applicant upon forms supplied by the department:

(a) the name and address of the applicant;

(b) the make and model of each new motor vehicle to be franchised;

(c) the name and address of each of the applicant's franchisees within the state; and

(d) the name and address of each factory branch, distributor branch, agent, or representative within the state.

(4) The license may be renewed each year if the applicant is in compliance with the provisions of this part, remits a renewal fee in the amount of \$15, and notifies the department of any changes in the information previously supplied.

(5) No new motor vehicle may be sold in this state unless either the manufacturer on direct dealership of domestic vehicles, the importer of foreign manufactured vehicles on direct dealership, or the distributor on indirect dealerships of either domestic or foreign vehicles is licensed as provided in this part. Notwithstanding any other licensing provision contained in Montana law, every new motor vehicle dealer must also obtain a license under ~~this--part~~ part 1 of this chapter. The obtaining of a license under this part or Part 1 conclusively establishes that a new motor vehicle dealer, manufacturer, distributor, or importer is subject to the laws of this state regulating new motor vehicle dealers, manufacturers, importers, and distributors."

And, as so amended,

BE CONCURRED IN

30.

PETE STORY, Chairman

HOUSE BILL 684, page 3

Section 4, Repealer. Section 61-4-211, MCA, is repealed."

J.C. AND, AS SO AMENDED,

BE CONCURRED IN

PETE STORY

Chairman

STANDING COMMITTEE REPORT

MARCH 10

19 91

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. 685.....

LORY (BERG)

HOUSE

Respectfully report as follows: That..... Bill No. 685.....

BE CONCURRED IN
UNANIMOUSLY

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 3/10/81 Bill No. 161 Time

NAME	DO NOT PASS	
	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman		X
Senator William Hafferman		X
Senator H. W. Hammond		X
Senator Jan Johnson		X
Senator Patrick Ryan	X	
Senator Thomas Towe		X

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Ryan moved this bill DO NOT PASS; motion failed.
Chairman Story put it into a subcommittee of Senators
Johnson, Hafferman, and Towe.

(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 3/4/81 & 3/10/81 Bill No. 231 Time

NAME	D O PASS	
	YES	NO
Senator Pete Story, Chairman		X
Senator Allen Kolstad, V. Chairman		X
Senator William Hafferman	X	
Senator H. W. Hammond		X
Senator Jan Johnson		X
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Hammond moved DO PASS; tie vote because of the
absence of Sen. Kolstad; his vote was cast on 3-10
and made the vote 3-4; bill resulted in a DO NOT PASS
Sen. Story will carry on the floor.

(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 3/10/81 Bill No. 291 Time

NAME	DO PASS AS AMENDED	
	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan		X
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Senator Jan Johnson moved this bill DO PASS AS AMENDED: motion
carried by majority. Senator Story will carry bill on the Senate floor.

(include enough information on motion—put with yellow copy of
committee report.)

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 3/10/81 Bill No. 470 Time

NAME	DO NOT PASS	
	YES	NO
Senator Pete Story, Chairman		X
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan	X	
Senator Thomas Towe		X

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Senator Hammond moved this bill DO NOT PASS: motion carried
by majority. Senator Hammond will carry bill on the Senate floor.

(include enough information on motion--put with yellow copy of
committee report.)

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 3/10/81 Bill No. 636 Time

DO PASS

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson		X
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Senator Ryan moved this bill DO PASS: motion carried by a majority.

Senator Story will carry this bill on the Senate sloor.

(include enough information on motion--put with yellow copy of committee report.)