

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
February 3, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m. in Room 129 of the Capitol. All members were present.

HOUSE BILL 506

REPRESENTATIVE DAN YARDLEY, sponsor of House Bill 506, explained the bill to the committee. He said the bill would add the words "repair" and "maintenance" to the definition of "construction" for the purposes of public construction contracts. It would also exempt repair and maintenance projects involving public buildings from the requirement that the Board of Examiners approve projects of more than \$25,000. Moreover, the bill would permit the Department of Administration to prepare working drawings for repair or maintenance projects and frees the Department from appointing an architect or consulting engineer for such projects. He said a bill in the 1981 session attempted to do the same, but a mistake in its language put the Department of Administration under the purchasing requirements. He said the bill would remedy that mistake.

PROPOSERS

Phil Hauck of the Department of Administration spoke for the bill. He said the hiring of an architect or engineer for such things takes two months or more. He said the agency needs the power to hire an architect for small jobs. The way to do that, he said, would be to take the provisions out of the construction laws. What happened in 1981 is that the bill automatically put the matters into the procurement laws which was not the intention.

Sonny Hanson, representing the Montana Association of Contractors, supported the measure.

Bill Lannon, representing the Montana University System, supported the bill.

THERE BEING NO FURTHER STATEMENTS BY PROPOSERS AND NO OPPONENTS TO HOUSE BILL 506, REPRESENTATIVE YARDLEY CLOSED.

COMMITTEE QUESTIONS

Representative Driscoll asked if passage of this bill would still require the bidding and minimum wage laws to apply to larger state projects. Hauck said it would.

Representative McBride asked if all jobs that would not meet the minimum figure would go to the Board of Examiners. Yardley said they would.

THERE BEING NO FURTHER QUESTIONS BY COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 506.

HOUSE BILL 521

REPRESENTATIVE JOHN VINCENT, sponsor of House Bill 521, said the measure would impose some regulation upon the obligation imposed upon persons preparing arguments for ballot issues. Representative Vincent distributed a handout listing various requirements of his bill, another bill, and current requirements. HB 521, he said, would allow a person appointed to a committee to prepare arguments for approval or rejection of a ballot issue to serve at his choice. It would also require that the person be notified of his appointment by certified mail at least 15 days before the appointment is filed by the Secretary of State, and the appointee must then accept in writing the appointment. Representative Vincent spoke of his own experience in which he was notified six days prior to a deadline that he had been appointed to a committee to write an argument for an issue. He said he had "no opportunity to decline." Under the circumstances, he said, there was "no way to accomplish" the duty imposed upon him. Representative Vincent said that when added to House Bill 107, this bill would do much to improve ballot issue process.

PROPOSERS

Jonathan Motl, representing Montana Common Cause, supported the measure.

THERE BEING NO FURTHER STATEMENTS BY PROPOSERS, AND NO OPPONENTS TO HOUSE BILL 521, REPRESENTATIVE VINCENT CLOSED HIS PRESENTATION ON THE BILL BY HANDING OUT AN ADDITIONAL AMENDMENT TO CREATE A SUBSECTION REGARDING NOTIFICATION BY CERTIFIED MAIL.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN McBRIDE referred to page three, line 25, in the event of lack of response, the word "within." Representative Vincent said it was a safeguard in case a person is not around.

REPRESENTATIVE GAY HOLLIDAY asked if the provision was similar to section three.

REPRESENTATIVE FRANCIS KOEHNKE inquired of the present circumstances. Representative Vincent said someone appointed to write an argument has a legal obligation to do so and faces misdemeanor penalties should he/she decline to do so.

REPRESENTATIVE HELEN O'CONNELL stated that on another issue, she had been appointed and give five days to come up with an argument.

REPRESENTATIVE WALTER SALES questioned what happens, under the proposed legislation, if after the first person rejects the appointment. Is a letter sent to a second person? Representative

Vincent said in that case, then maybe the appointment process is done by telephone.

REPRESENTATIVE JOE HAMMOND asked why the entire process is not done by telephone. Representative Vincent said he did not know; he just got a letter in his case.

REPRESENTATIVE JERRY DRISCOLL asked if a return receipt was necessary. Representative Vincent said he was not sure, and the committee should feel free to modify that provision if they felt strongly about it.

Responding to a question by REPRESENTATIVE BILL HAND, David Rockwell, an aide to Representative Vincent, talked about the various committees set up for ballot issues. He described it as a "complicated set-up".

Chairman Brand asked what would happen under the legislation if "people kept turning appointments down." He asked if it would be better to use the telephone. Representative Vincent said "nothing in this bill precludes that."

THERE BEING NO FURTHER COMMITTEE QUESTIONS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 521.

HOUSE BILL 450

CHAIRMAN JOE BRAND relinquished the chair to VICE CHAIRMAN HELEN O'CONNELL while he presented arguments for his bill, House Bill 450. Representative Brand said the bill would abolish the Department of Institutions. It would divide the functions of the department between the Department of Health and Environmental Sciences and a newly created Board of Institutions. Representative Brand said he was not sure he went about the purpose of his bill in the right fashion by way of the legislation that he materialized. He said he had a similar bill previously and is still concerned that the intent is effected. Representative Brand detailed for the committee the specific sections within House Bill 450. (See attached statement read by Representative Brand).

Representative Brand noted that he was "disturbed" by the fiscal note. He said the fiscal note mentions total expenditures of \$5,000 plus, but says nothing about savings. Said Representative Brand, "they're assuming many things." He disputed the fiscal note, saying his bill would not create duplicative functions, but at the same time the fiscal note claims that functions would not be correlated between the Department of Health and the Board of Institutions. He also said the fiscal note incorrectly assumes that there would be creation of more state agencies, which is simply not true. He said that the fiscal note assumes that institutional transfers might not be available, but in fact the new department could coordinate. He described himself as "very disturbed" that the fiscal note was not a fiscal note but a

damaging criticism of the bill. Chairman Brand says the state has a problem at Deer Lodge and also at Warm Springs with the head of the Department of Institutions. He criticized the policies of the Director of the Department of Institutions. Representative Brand said with this legislation, the Governor would become responsible for the institutions. He also said there would be a great money savings to the state. Representative Brand conceded this was not a perfect bill and may need some amendments, but it was better than the existing circumstances. He said the prison warden ought to run the prison. At present, there is a person--the institutions' director--between the Governor and the warden and other institutional heads.

THERE BEING NO FURTHER PROPONENTS OF HOUSE BILL 450, VICE CHAIRMAN O'CONNELL CALLED FOR STATEMENTS BY OPPONENTS TO HOUSE BILL 450.

OPPONENTS

Gene Huntington, representing Governor Ted Schwinden, stated the Governor's opposition to the measure. He said the current situation and structure is functional. Huntington said one of the principals of executive reorganization is "accountability." He said under the system of appointed boards and bodies, the administration would not be responsible for operation of the various subordinate institutions. He said the executive branch needs simple structure, a chain of command, and clear duties and assignments. One of the problems, Huntington said, is that House Bill 450 would create two agencies with institutional duties. He said there was a 20-board limit by the Constitution on the state agencies. He said Governor Schwinden does not want a separate proliferation of agencies. "We look at executive reorganization and go by those principals," Huntington said. Huntington apologized for the fiscal note, saying it was more editorial than fiscal.

In closing, Representative Brand said that with regard to executive reorganization, "we must solve problems where they are." Representative Brand noted he himself was the only proponent to the measure. He said he believed that employees of the executive branch were told to stay away from this hearing and not to lend support. Regarding the fiscal note, Representative Brand noted there was not that much money to be saved by House Bill 450. He said he never said there would be a big savings but, he said during his years in the legislature, "I've seen government balloon into the biggest monstrosity ever."

COMMITTEE QUESTIONS

REPRESENTATIVE WALTER SALES asked if critics had every considered creating a board to run the Department of Institutions. Representative Brand said this board never had the power before.

REPRESENTATIVE JOHN PHILLIPS asked if this set up was ever looked at by the Governor's Council on Management. Huntington said the Governor's Council on Management called for a Department of Corrections rather than a Board of Institutions.

REPRESENTATIVE GLENN MUELLER asked if the board would concern itself with the day-to-day operations of the institutions. Representative Brand said no, the board would merely set policy. Representative Mueller asked if the board would deal directly with the Governor. Representative Brand said it would.

REPRESENTATIVE PAUL PISTORIA asked if Representative Brand had discussed the matter with Dr. Drynan, Director of the Department of Health and Environmental Sciences. Representative Brand said he had not.

Representative Sales asked Chairman Brand if he thought that under House Bill 450, things would run better than they are now. Representative Brand agreed.

Responding to a question by REPRESENTATIVE BILL HAND, Representative Brand said the warden and other institution heads can't do what they need to do because of problems existing in the Department of Institutions. He said the great majority of Deer Lodge Valley residents agree.

Representative Francis Koehnke asked if a solution could be achieved with the appointment of a different department head. Representative Brand said no, the predecessor was probably worse than the present occupant of that office.

REPRESENTATIVE JOHN RYAN asked if the measure would put a load on the Department of Health and Environmental Sciences. Representative Brand said he believed House Bill 450 was the best way to take care of the problem.

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, VICE CHAIRMAN O'CONNELL CLOSED ON THE HEARING FOR HOUSE BILL 450.

EXECUTIVE SESSION

Chairman Brand, reassuming the chair, brought the committee into executive session and called for action on House Bill 462.

HOUSE BILL 462

Chairman Brand noted the committee gave House Bill 462 a DO NOT PASS recommendation, but he held it back because of Senate Bill 312. He noted that Senate Bill 312 would cover all boards. He asked the committee for its preference. He suggested the bill be reconsidered, than tabled.

Representative Driscoll MOVED that House Bill 462 be reconsidered, and it was seconded. The question being called, the motion carried

unanimously by voice vote. House Bill 462 was reconsidered.

Representative Hand MOVED House Bill 462 be tabled, Representative Hammond seconded. The question being called, the motion carried unanimously. House Bill 462 was tabled.

HOUSE BILL 149

Chairman Brand called the committee's attention to proposed amendments for House Bill 149 submitted by REPRESENTATIVE CARL SEIFERT, and REPRESENTATIVE FRANCIS KOEHNKE. Representative Koehnke said his amendments would require reissuance of all drivers licenses that presently bear social security numbers with new licenses bearing another form of identification number. Chairman Brand asked if a fiscal note was needed. Representative Koehnke said he did not believe so.

Representative Driscoll said, regarding House Bill 149, that the University system should not be given a blanket exemption. Representative Driscoll said the student loan program, for which the University system claimed a needed exemption, is voluntary.

Representative Mueller noted that the problem could be solved by having appropriate state agencies post notices pointing out that social security numbers are voluntary in most cases. But to put on the books he said, "is opening a can of worms."

Representative Koehnke noted that "voluntary" programs can be made quite involuntary in the nature of the demand placed upon the citizen.

Representative O'Connell said she liked Mueller's idea, but asked what is a practical way of requiring executive branch employees to accommodate the voluntariness. Representative Mueller responded asking, "do we have to put everything--every two-bit thing--in a law? It's necessary."

Representative Phillips asked what would be accomplished with the bill.

Representative Mueller MOVED House Bill 149 DO NOT PASS, Representative Clyde Smith seconded. The question being called, the motion carried by a roll call vote. There were twelve "ayes" and five "nays".

HOUSE BILL 295

Representative Driscoll said there was extra information to be submitted about House Bill 295 and testimony by Jim Murry, Executive Secretary of the Montana State AFL-CIO. Representative Driscoll said that was in support of the bill. He said the bill is worthwhile because it would legitimize what is being done now anyway.

Representative Driscoll MOVED that House Bill 295 be reconsidered, Representative Koehnke seconded. The question being called, the motion carried by voice vote.

Representative Glenn Mueller asked Bill Romine, representing the Montana Clerks and Recorders Association, whether his group favored the measure. Romine said his group disfavored the measure. Representative Mueller asked if anyone today who was physically incapacitated could vote absentee. Romine said they could, and further, if someone cannot stand in line, that counted as incapacitation.

Cliff Christians, representing the Secretary of State's office said clerks and recorders cannot document the question of incapacitation or the probability of the whole issue becoming a "nightmare."

Representative Paul Pistoria asked if those persons who were incapacitated could call for an absentee ballot. Romine said they could.

Representative Pistoria asked the sponsor why she introduced the measure. REPRESENTATIVE ANDREA HEMSTAD said she introduced it at the request of the Secretary of State's office. She said she only knew of the incapacitation exclusion in the present law. She said this bill would, however, alleviate the problem. She said there would be no great increase in the number of absentee ballots cast just because of the bill.

Representative Driscoll said this bill would address who votes absentee. He said "let's get the questions answered and wait until the whole committee is here."

Representative Brent Bliss noted that the Montana League of Women Voters were against the bill.

Representative Mueller noted that the Democratic Party opposed the bill, and the Clerks and Recorders opposed the bill.

Representative Driscoll introduced written testimony by Jim Murry.

Chairman Brand suggested action on the bill be postponed.

HOUSE BILL 23

REPRESENTATIVE LLOYD "MAC" McCORMICK said his subcommittee would meet to discuss House Bill 23 the next day, after the regular committee meeting.

Chairman Brand brought the committee to discussion of Representative Koehnke's proposed committee bill regarding reapportionment. He said it would settle the problem regarding reapportionment of the Senate and which Senators serve in the Senate during the transition period.

Representative Mueller noted that the substance of Representative Koehnke's proposed bill is what happened ten years ago after reapportionment plan. Representative Mueller noted that the Attorney General's proposal for dual representation by Senators is "unworkable."

Representative Bliss noted, however, that Representative Koehnke's proposed bill would not solve the problem now.

Representative Pistoria said he thought that the Senators should draw for terms in the Senate and that was the law.

Representative Hammond asked if Representative Peck had a similar bill. Chairman Brand said Representative Peck's bill addressed only Congressional districting.

Representative Ryan suggested the committee should wait awhile and let the Senate come up with something.

Representative Solberg suggested there were legal problems regarding Senate reapportionment.

Chairman Brand said it was his impression that during the last election all Senators were running for two-year terms.

Representative Mueller MOVED that the committee have a committee resolution drawn up. Representative Hammond seconded. The question being called, the Mueller motion carried by unanimous voice vote.

HOUSE JOINT RESOLUTION 3

Representative Driscoll MOVED that House Joint Resolution 3 be tabled, Representative O'Connell seconded. The question being called, the Driscoll motion carried by unanimous voice vote. House Joint Resolution 3 was tabled.

Chairman Brand appointed a subcommittee to handle the question of salaries for elected officials. Chairman Brand appointed Representative Driscoll chairman and Representatives McCormick and Bliss also to serve.

HOUSE BILL 493

Chairman Joe Brand noted that the subcommittee for House Bill 493 would meet tomorrow.

HOUSE BILL 506

Representative Sales MOVED House Bill 506 DO PASS, Representative Hammond seconded. The question being called, the Sales motion carried by unanimous voice vote. House Bill 506 was reported out DO PASS.

HOUSE BILL 521

Representative Sales MOVED the amendments to House Bill 521, Representative Driscoll seconded. The question being called, the Sales motion carried by unanimous voice vote. House bill 521 was amended.

Representative Sales MOVED House Bill 521 DO PASS AS AMENDED, Representative Bliss seconded.

Representative Mueller said he opposed the bill. He said he could not see it would accomplish anything. He doubted if anyone would penalize violators.

Representative Driscoll noted that the law required those appointed to serve. Representatives Brand, Driscoll, Bliss and Smith said they favor the measure.

The question being called, the Sales motion passed by voice vote. Representative Mueller voting "no".

HOUSE BILL 450

Representative Sales MOVED House Bill 450 DO PASS, Representative Solberg seconded.

Representative Mueller said he opposed the measure. Representative Mueller said he agreed that Carroll South, Director of the Department of Institutions, is not the man for the job. But he said the real problems were just that. He said a board was not the best solution, and the present system was more practical.

Representative John Phillips suggested the bill be amended to create a "board of corrections".

Representative Hammond expressed confusion about the bill.

The question being called, the measure passed by voice vote. Voting "no" were Representative Holliday and Mueller. Abstaining was Representative Hammond.

The meeting was declared adjourned at 10:16 a.m.

Respectfully submitted,


JOE BRAND, CHAIRMAN

STANDING COMMITTEE REPORT

..... 2 - 3 19 88

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

462

having had under consideration Bill No.

first

reading copy (**white**)
color

**"AN ACT TO INCREASE THE SALARIES OF MEMBERS OF THE COAL BOARD FROM
\$25 A DAY TO \$50 A DAY; AMENDING SECTION 90-6-204, MCA."**

HOUSE

462

Respectfully report as follows: That Bill No.

~~DO PASS~~

Tabled

STANDING COMMITTEE REPORT

FEBRUARY 3,

19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 149

first reading copy (white)
color

"AN ACT PROHIBITING THE USE OF SOCIAL SECURITY NUMBERS BY
PUBLIC AGENCIES EXCEPT UNDER CERTAIN CIRCUMSTANCES; AMENDING
SECTION 13-2-114, MCA."

Respectfully report as follows: That HOUSE Bill No. 149

~~XXXXXX~~ DO NOT PASS

STANDING COMMITTEE REPORT

..... 2-3 19 83

MR. **SPEAKER:**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE JOINT RESOLUTION** Bill No. **3**

..... **Printing copy ()**
..... **Color**

**A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA TRANSMITTING
RECOMMENDATIONS TO THE MONTANA DISTRICTING AND APPORTIONMENT
COMMISSION REGARDING ITS REDISTRICTING PLAN SUBMITTED UNDER
ARTICLE V, SECTION 14, OF THE MONTANA CONSTITUTION.**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** Bill No. **3**

Tabled

DO PASS —

REP. JOE BRAND

STANDING COMMITTEE REPORT

FEBRUARY 3,

19 **83**

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. **506**

first

reading copy (**white**)
color

"AN ACT TO ADD "REPAIR" AND "MAINTENANCE" TO THE DEFINITION OF
"CONSTRUCTION"; TO EXEMPT REPAIR AND MAINTENANCE PROJECTS FROM
THE REQUIREMENT THAT THE BOARD OF EXAMINERS APPROVE PROJECTS
OVER \$25,000 AND THE REQUIREMENT THAT A PRIVATE ARCHITECT OR
CONSULTING ENGINEER BE RETAINED FOR SUCH PROJECTS; AMENDING
SECTIONS 18-2-101, 18-2-103, 18-2-111, AND 18-2-112, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE

506

Respectfully report as follows: That Bill No.

~~DO PASS~~

STANDING COMMITTEE REPORT

2 - 3

JANUARY 31, 1983

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 521

first reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PRIOR NOTIFICATION TO PERSONS APPOINTED TO SERVE ON COMMITTEES TO PREPARE ARGUMENTS FOR AND AGAINST BALLOT ISSUES; PROVIDING THAT NO PERSON MAY BE REQUIRED TO SERVE ON SUCH A COMMITTEE; AMENDING SECTIONS 13-27-402 AND 13-27-403, MCA."

Respectfully report as follows: That HOUSE Bill No. 521
be amended as follows:

1. Page 3, line 20.

Strike: "13-27-402" through "section"

Insert: "subsection 1"

2. Page 4.

Following: line 3

Insert: "(4) A person appointed to a committee pursuant to subsection (2) must be notified by the appointing authority by certified mail, with return receipt requested, at least 3 days before filing of the appointment with the secretary of state. An appointee may assent or decline to serve on the committee by so informing the appointing authority by certified mail. Lack of response to the appointing authority for any reason 5 days after mailing of notice is considered to be refusal of appointment."

Renumber: subsequent subsection

3. Page 4, line 7.

~~XXXXX~~ Strike: "(3)"

Insert: "(4)"

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 3,

19 **83**

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

having had under consideration **HOUSE** Bill No. **450**

first _____ reading copy (**white**)
color

'AN ACT ABOLISHING THE DEPARTMENT OF INSTITUTIONS; TRANSFERRING THE FUNCTIONS OF THE DEPARTMENT TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND TO THE BOARD OF INSTITUTIONS; ESTABLISHING A BOARD OF INSTITUTIONS; DEFINING THE POWERS AND DUTIES OF THE BOARD; AMENDING SECTIONS 2-15-104, 2-15-201, 2-15-2204, 2-15-2302, 2-18-103, 2-18-303, 17-3-1001, 17-3-1002, 18-4-104, 20-7-404, 20-7-422, 20-9-304, 41-5-103, 41-5-206, 41-5-523, 41-5-202, 44-5-202, 46-19-202, 46-19-303, 46-19-305,

~~XX~~

46-23-103, 46-23-401, 46-23-1901, 50-1-202, 50-3-102, 50-21-103, 53-1-101, 53-1-201 THROUGH 53-1-204, 53-1-301 THROUGH 53-1-304, 53-1-401, 53-10-101, 53-20-213, 53-21-102, 53-21-201, 53-24-103, 53-30-211, AND 57-2-802, MCA; REPEALING SECTIONS 2-15-2301 AND 53-30-201. MCA."

Respectfully report as follows: That HOUSE Bill No. 450

DO PASS...

STATE PUB. CO.
Helena, Mont.

REP. JOE BRAND,

Chairman.

COMMITTEE SECRETARY

ROLL CALL

HOUSE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION, 1983

Date 2 / 3 , 1983

HB149

Name	BARDANOUE																		
	BLISS	N																	
	BRAND	N																	
	COMPTON	A																	
	DRISCOLL	A																	
	HAMMOND	A																	
	HAND	A																	
	HOLLIDAY	A																	
	KOEHNKE	N																	
	McBRIDE																		
	McCORMICK	N																	
	MUELLER	A																	
	O'CONNELL	A																	
	PHILLIPS	A																	
	PISTORIA	A																	
	RYAN	N																	
	SALES	A																	
	SMITH	A																	
	SOLBERG	A																	

CHAIRMAN IS CIRCLED

12 "ayes"

5 "nays"

2 absent

VISITOR'S REGISTER

HOUSE ST. ADMIN.

COMMITTEE

BILL H. B. 506

DATE FEB. 3 / 83

SPONSOR YARDLEY

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXPLANATION OF BILL NO. #506

The purpose of this bill is to transfer the administration of repair and maintenance project contracts from the State Purchasing Division back to the Architecture and Engineering Division.

The 1981 Legislative Session amended Section 18-2-101, MCA, by deleting the repair or maintenance of an existing building from the definition of construction. This was done so that repair or maintenance projects costing more than \$25,000 would not be required to have an Architect or Engineer appointed to design such projects. The reason being that an Architect's or Engineer's professional services and the added expense of their fees were not necessary to reroof, repaint, recarpet, etc., existing buildings when their worn-out components were simply being replaced. It was also recognized that many repair or maintenance projects are of an emergency nature (i.e., a hail damaged roof that was leaking badly could do considerable damage to the interior of a building) and need to be accomplished as quickly as possible. The involvement of an Architect or Engineer and the numerous required approvals by the State Board of Examiners often doubled the time required to complete a repair or maintenance project.

Unfortunately, deleting repair and maintenance from the definition of construction took the administration of those projects out of the jurisdiction of the State's building construction laws and into the jurisdiction of the State's purchasing laws. This change has caused numerous problems. Many state agencies did not realize a jurisdictional change took place but thought Architect's and Engineer's had delegated repair and maintenance. The State Purchasing Division is not construction oriented but must comply with laws and procedures involving contractor's licenses and taxes, bonding and insurance requirements, preparation of plans and specifications, and approvals of various agencies, such as, the Department of Health and Environmental Sciences, Building Codes Division, etc.

The State Purchasing Division uses a formal competitive bidding procedure which is slow and cumbersome for urgent repairs. Also, State Purchasing Division

does not have personnel to inspect either work in progress or completed projects to determine the quality or acceptability of the work. Moreover, State Purchasing has a cut-off period from the middle of May to the first of July in which they do not accept new projects and they normally accumulate a backlog of work during the summers. This makes it difficult to expedite outside repair and maintenance projects that need to be done during good weather conditions.

This bill will put repair and maintenance projects back under the construction laws where they can be more efficiently administered. This bill also amends the construction laws so that an Architect's or Engineer's services or State Board of Examiners' approvals are not required for repair and maintenance projects as is currently the case under the Purchasing Division. This bill will not materially effect either State Purchasing Division's or Architecture and Engineering Division's budgets.

WITNESS STATEMENT

Name HS HANSON Committee On _____
Address HELENA Date 2/3/83
Representing MT. TECH. COUNCIL Support X
Bill No. HB-506 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. THE DESIGN PROFESSION SUPPORTS.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

TIMELINE FOR THE NOTIFICATION AND APPOINTMENT OF
COMMITTEE MEMBERS AND THE FILING OF ARGUMENTS AND
REBUTTALS FOR THE VOTER INFORMATION PAMPHLET.

1984

HB 521

Appointing authority must notify appointees to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature. (Notification must be by certified mail.)

JUNE 17

Appointees of the above committees must be filed with the Secretary of State.

JULY 2

Deadline for certification of petition to the Governor.

JULY 13

Appointing authority must notify appointees to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition. (Notification must be by certified mail.)

JULY 15

Appointees of the above committees must be filed with the Secretary of State.

JULY 23

HB 107

AUGUST 8

Deadlines for arguments advocating approval or rejection of a ballot issue to be filed with the Secretary of State.

AUGUST 18

Deadline for rebuttal arguments to be filed with the Secretary of State.

NOVEMBER 6

Election Day.

A REVIEW OF HB 450

(abolishing Department of Institutions)

SECTION
1.

Strikes "Department of Institutions" from the list of departments within the executive branch.

SECTION
2.

Abolishes the Department of Institutions.

Section 3. Transfers certain health-related functions of the Department of Institutions to the Department of Health and Environmental Sciences, including treating persons who are:

- developmentally disabled
- mentally ill
- aged
- alcoholic or intoxicated

Section 4. Transfers certain correctional functions of the Department of Institutions to the Board of Institutions, including functions relating to:

- The Montana Youth Court Act
- correctional facilities for adult and youthful offenders
- probation, parole and clemency

Section 5. Creates the Board of Institutions and attaches it administratively to the Department of Administration. The Board consists of five members appointed by the governor, and confirmed by the Senate, no more than three of whom may be from the same congressional district or affiliated with the same political party. Members serve five-year terms.

Section 6. Requires the board to elect a chairman and other necessary officers and entitles each member to \$25 a day plus expenses.

Section 7. Requires the board to meet bimonthly and provides that three members constitute a quorum for business.

(more)

Section 8. Outlines the powers and duties of the board, which include:

- establishing the state's correctional policy
- supervising juvenile and adult correctional programs and institutions
- consulting with and advising the governor on the management of these institutions

Section 9. Provides that the following institutions are under the board's control:

- Montana State Prison
- Mountain View School
- Pine Hills School
- Swan River Youth Firest Camp
- any other institutions that provide care and services for delinquents

Other significant sections:

Section 39. Provides that the warden and superintendents of the institutions shall communicate directly with the governor on matters concerning the operation of the institutions.

Section 37. Provides that the following institutions are under the Department of Health's control:

- Galen State Hospital
- Montana Veterans' Home
- Boulder River School and Hospital
- Warm Springs State Hospital
- Montana Center for the Aged
- Eastmont Training Center

(move)

Generally the remaining sections of the bill amend current law to delete references to the Department of Institutions and to insert the Board of Institutions or Department of Health and Environmental Sciences, depending on the function.

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Proposed Amendments to House Bill 149 (Introduced copy)

Amend page 2, following Section 2

Insert: "NEW SECTION. Section 3. Reissue license. If the division of motor vehicles has issued any new or renewed driver's license with an individual's social security account number contained on it, the division shall, at its own expense, promptly reissue a duplicate or substitute license to a driver with a different distinguishing number on it."

 "NEW SECTION Section 4. Codification instructions. (1) Except as provided in subsection (2), section 3 is intended to be codified as an integral part of Title 61, chapter 5, part 1, and the provisions contained in Title 61, chapter 5, part 1 apply to section 3.

 (2) The code commissioner shall add to the MCA, if necessary, statutory language to convey the intent of section 1."

 "NEW SECTION. Section 5. Effective date. This act is effective upon passage and approval."

Amend page 1, line 6

Following: "MCA"

Insert: "AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE."

-End-

HOUSE BILL 149

BE AMENDED AS FOLLOWS:

- 1) Page 1, line 23,
Strike: "Collection"
Insert: "or public assistance related"
Strike: "or"
- 2) Page 1, line 25,
Following: "programs"
Insert: "; or (d) the administration or the operation of the
Montana university system, the community colleges,
or the postsecondary vocational-technical centers"
- 3) Page 2, line 1,
Insert: "(d) law enforcement agencies while performing their
official duties."

Carl A. Siefert

VISITOR'S REGISTER

HOUSE.

COMMITTEE

BILL

DATE _____

SPONSOR

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Laurie Link (for Tim Murray) Committee On St. Adelin
Address Box 1176 Date 2-3
Representing AFL-CIO Support X
Bill No. 295 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



JAMES W. MURRY
EXECUTIVE SECRETARY

Box 1176, Helena, Montana

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON HOUSE BILL 295, HEARINGS OF THE HOUSE STATE
ADMINISTRATION COMMITTEE, FEBRUARY 3, 1983

I am Jim Murry, representing the Montana State AFL-CIO, speaking in favor of House Bill 295, which would allow any voter to vote by absentee ballot. Currently only those who know they will be absent, or physically incapacitated on election day may vote absentee.

Absentee ballots are a big help to those who are out of town or incapacitated on election date, but not everyone knows far enough in advance if one of these situations will occur. For almost anyone, there is almost always the possibility that they may be out of town, but it is not known for sure if that will be the case ahead of time. It is also possible that voters, especially older people, may be unexpectedly incapacitated when election day rolls around. Some people are chronically ill and never know from one day to the next whether they will be well enough to go out. Other voters may be neither out of town or physically incapacitated on election day but may have other reasons to believe they will not be able to make it to the polls, such as a job which requires frequent overtime hours or other responsibilities that cannot be left.

We can all remember that in the last election, many people in the larger counties had to wait in line for up to two hours to vote. Under this bill, the more people who vote absentee, fewer may have to wait in line on election day.

TESTIMONY OF JIM MURRY
HOUSE BILL 295
FEBRUARY 3, 1983

The Montana State AFL-CIO has traditionally supported any measure that would help increase public involvement and voter turnout. When voter turnout is only 74%, although Montana's turnout is higher than in many states, any measure that would increase the number of people voting is a good one.

House Bill 295 would do just that, and we hope you will support it.

Thank you.

MISSOULA COUNTY

REC'D 2/7 C. J. H. H.
ELECTION DEPARTMENT
OFFICE OF THE CLERK AND RECORDER
MISSOULA COUNTY COURTHOUSE
MISSOULA, MONTANA 59801
PHONE 721-5700, EXTENSION 468

February 1, 1983

House State Administration Committee
State Capitol
Helena, MT 59620

Gentlemen:

I am the Elections Supervisor for Missoula County and I would like to comment on House Bill 295, which has been re-referred to your committee.

I have no objection to allowing anyone to absentee vote, whether or not he will be unable to go to the polls on election day. I am concerned, however, that if this bill passes, and if House Bill 152 (which allows for a centralized counting board for absentee ballots) does not, then there will be further delays in releasing results on election night. At present, all absentee ballots must be delivered to the polling places before the polls close (in Missoula County, we had 3,000 ballots to deliver for the 1980 Presidential General Election). In addition, the statute does not allow judges to process those absentee ballots and place them in the ballot box until after the polls close. The judges in many precincts work for over an hour after the polls close just processing absentee ballots. If more people use absentee ballots, the delay will increase.

Another problem which has bothered me before, and which this bill could correct, is that a voter who chooses to vote absentee can change his mind and vote again in person on election day. I know of a number of people who have taken advantage of this option. The voter who votes once on election day does not have the right to change his mind and cast a second ballot once he has handed his vote to an election judge. Both voters should have equal rights, and since it is not feasible to allow an in-person voter to vote more than once, the absentee voter should not be allowed to either. An exception could be made for an absentee voter whose ballot does not arrive at the polls on election day (i.e., the post office lost or delayed it).

Thank you for listening to my suggestions.

Sincerely,

Wendy Ross Cromwell

Wendy Ross Cromwell
Recording/Elections Manager

WRC

