

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

March 2, 1983

The thirty-eighth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman on March 2, 1983 at 10:00 a.m. in room 331 of the State Capitol Building in Helena, Montana.

ROLL CALL: Senator Tveit and Senator Stimatz were absent.

The meeting was called to order to hear H.B.167, H.B.173, H.B.346, H.B.487, H.B.557, H.B.107 and H.B.259.

CONSIDERATION OF HOUSE BILL 487:

"AN ACT CLARIFYING THE PAYMENT OF DEATH BENEFITS UNDER THE MUNICIPAL POLICE OFFICERS' AND THE MONTANA FIREFIGHTERS' UNIFIED RETIREMENT ACTS; DEFINING SURVIVING SPOUSE AND DEPENDENT CHILD; AMENDING ...."

REPRESENTATIVE O'CONNELL, District 34, introduced this bill and stated that it is presented so the police and firefighters can name their beneficiaries.

PROPOSERS:

LARRY NACHTSHEIM, Department of Administration, presented EXHIBIT 1 as an explanation to this bill and as a statement of his testimony.

Senator Story asked if it were Mr. Nachtsheim's feeling that this would be a savings rather than an increase to the system.

Mr. Nachtsheim said that it was.

MIKE WALKER, representing the Montana State Council of Firefighters spoke as a proponent saying that the change they were concerned with was the change of minor children to dependent children, thus this clause would apply to education beyond that child considered a minor.

OPPOSERS: None

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT asked if these changes fit in with the provisions in other areas.

MR. NACHTSHEIM said that he did feel they should get into civil areas.

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ACTION ON HOUSE BILL 487:

SENATOR MANNING MOVED THAT H.B.487 BE CONCURRED IN.  
MOTION PASSED. Senator Manning will carry this bill.

CONSIDERATION OF HOUSE BILL 107:

"AN ACT AMENDING SECTIONS 13-27-406 AND 13-27-407, MCA,  
TO REVISE THE DEADLINES FOR FILING BALLOT ISSUE ARGUMENTS  
AND REBUTTAL ARGUMENTS; AND TO CLARIFY THE RESULT OF NOT  
MEETING THE DEADLINE."

REPRESENTATIVE WALTER SALES, District 79, introduced H.B.107  
and said that this deals with the ballot issues and sets a  
time the arguments and rebuttals must be presented to the  
Secretary of State's office.

PROPOSERS:

BILL CHRISTIAN representing the Secretary of State's office  
said that this bill tightens up the law and gives them the  
reason to refuse.

OPPOSERS: None

QUESTIONS OF THE COMMITTEE: None

ACTION ON H.B.107:

SENATOR MANNING MOVED THAT H.B. 107 BE CONCURRED IN.  
MOTION PASSED. Senator Marbut will carry the bill to the floor.

CONSIDERATION OF HOUSE BILL 167:

"AN ACT TO AMEND AND GENERALLY REVISE THE LAWS RELATING TO THE  
FILING OF DUPLICATE ORIGINALS OF DOCUMENTS WITH THE SECRETARY  
OF STATE; AMENDING SECTIONS ..."

REPRESENTATIVE SANDS, District 68, stated that this bill was  
requested by the Secretary of State. This bill demands duplicate  
filing, one original and one copy of application for registration  
of an assumed business name shall be executed and delivered to  
the secretary of state. If a corporation wants to change  
it's registration office or agency now it must be signed by  
the president or vice-president of the corporation.

PROPOSERS:

~~CLIFF~~  
~~BILL~~ CHRISTIAN of the Secretary of State's office said that  
this bill will reduce alot of red tape in the office.

OPPOSERS: None

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QUESTIONS OF THE COMMITTEE:

SENATOR MANNING asked if this would cut costs.

MR. CHRISTIAN said it would.

The hearing closed on H.B.167.

ACTION ON HOUSE BILL 167:

SENATOR MANNING MOVED THAT H.B.167 BE CONCURRED IN.  
MOTION PASSED. Senator Story will carry this bill to the floor.

CONSIDERATION OF HOUSE BILL 557:

"AN ACT TO AMEND AND GENERALLY REVISE THE LAWS RELATING TO THE REQUIREMENTS FOR EXECUTING CERTAIN DOCUMENTS FILED WITH THE SECRETARY OF STATE; PROVIDING PENALTIES FOR MAKING FALSE STATEMENTS; AMENDING SECTIONS...."

REPRESENTATIVE SANDS, District 68 introduced this bill and stated that notarization and verification was always the rule and many people did not realize this so instead of requirements of notarizing and verifying, there could be printed on the document that the person swears the information is true to the best of their knowledge. If the person signs this knowing that the information is false he is subject to perjury.

PROPOSERS:

ALAN ROBERTSON of the Secretary of State's office testified in favor of this bill and said that it is done in other states. He said that they have been taking about 2000 documents a year that must be rejected. This law is already in place in the statutes. Mr. Robertson presented copies of documents EXHIBITS 2 and 3. EXHIBITS 4 and 5 are varification statements.

BOB MURDO, representing the Business Law Section of the State Bar of Montana testified in favor of H.B.557 and expressed what the amendments in the bill are doing. It was his suggestion that Section 29 be deleted. EXHIBIT 6 is Mr. Murdo's testimony.

SENATOR MARBUT questioned him about the language on page 41 removing non-profit organization and what is non-profit.

BOB MURDO said you have to be non-profit under the non-profit laws.

ALAN ROBERTSON stated that they do concur in Section 29 being removed from the bill.

The record will note written testimony EXHIBIT 7, from Ward Shanahan to the Secretary of State.

~~STATE ADMINISTRATION~~

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QUESTIONS OF THE COMMITTEE: (H.B.557)

SENATOR TOWE asked what the penalty is for perjury.

REPRESENTATIVE SANDS said it was \$50,000 or 10 years in jail.

SENATOR TOWE commented that that was quite a change.

MR. MURDO stated that he is not sure that it is that much of a change.

SENATOR TOWE stated that the penalty for signing a false document now is a misdemeanor.

MR. ROBERTSON stated that that does not apply here. He said that he believes "swearing" in the statutes is \$500 or six months but that attorneys differ on this.

Mr. Robertson said that section 29 shows consistency but the churches objected so they took it out.

REPRESENTATIVE SANDS stated the problem with Section 29 was just pointed out to him but that he has no problem with it either way.

The hearing closed on House Bill 557.

CONSIDERATION OF HOUSE BILL 346:

"AN ACT TO DELETE THE REQUIREMENT THAT STATE AGENCIES AND THE GOVERNOR SUBMIT CERTAIN REPORTS; AMENDING SECTIONS ..."

REPRESENTATIVE NANCY KEENAN, District 89, introduced H.B.346 and said that this bill deletes the commissioner's report and the governor's report. She reviewed the sections and their changes and said that this will be a savings of about \$31,000.

PROPONENT:

DAVE LEWIS with Budget, Program and Planning testified that this goes way back and with the legislative staff now it is not necessary. He said no one he knows put out the reports.

OPPONENTS: None

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE said that he receives the reports and looks them over but did agree the reports are not necessary and there is the information in the budget books but ask that they be a little more complete now.

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The hearing closed on H.B.346.

ACTION ON HOUSE BILL 346:

SENATOR TOWE MOVED THAT H.B.346 BE CONCURRED IN.

MOTION PASSED. Senator Stimatz was selected to carry this bill.

CONSIDERATION OF HOUSE BILL 173:

"AN ACT AMENDING SECTION 13-12-101, MCA, TO REQUIRE THAT THE ELECTION LAWS TO BE FURNISHED TO ELECTION PRECINCTS INCLUDE ONLY TITLE 13, MCA."

REPRESENTATIVE CLYDE SMITH, District 18, introduced H.B.173 and said that this was a cost letting bill. The passage of this bill will save over \$12,000.

PROPOSERS:

BILL CHRISTIAN of the Secretary of State's office testified that this was a result of a letter from Diana Dowling to Jim Waltermier, shown as EXHIBIT 8. It was suggested that an index was not quite the right thing. In addition to Title 13 they are printing 16 titles. Title 13 should be sufficient. A fiscal note shows a decrease of \$9,000 and this has been taken from the budget and if this is not accepted they would have to ask the money to be appropriated.

MARGARET DAVIS testified to H.B.173 as a proponent and offered an amendment: page 1, line 15: after "title" insert "and the Montana State Constitution". SEE EXHIBIT 9.

OPPOSERS: None

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT stated that Title 7 was not in the book.

MARIAN CAMPBELL stated that it was not included because of the extreme size.

The hearing closed on H.B.346.

CONSIDERATION OF HOUSE BILL 259:

"AN ACT TO PROVIDE FOR THE PAYMENT OF COMPENSATION AND EXPENSES TO ANY LEGISLATOR ATTENDING PRESESSION MEETINGS OF ANY COMMITTEE ALTHOUGH NOT A MEMBER THEREOF; CHANGING THE NUMBER OF ROUND TRIPS DURING A SESSION FOR WHICH A LEGISLATOR MUST SUBMIT A MILEAGE CLAIM IN ORDER TO BE REIMBURSED; AMENDING SECTIONS..."

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REPRESENTATIVE RAMIREZ, District 64, introduced this bill by saying it deals with compensation for prelegislative sessions and events, specifically speaking of the special session in the first suggestion. The second suggestion is reimbursement of travel during the session to and from home. He stated that they now get two trips at the beginning and one additional trip during the session without vouchers. They would then get two additional if they submit claims. This bill would see that we would get another trip during the special session. He said that they had some trouble defining what a "presession meeting" is.

SENATOR STORY stated that last session the Appropriations Committee met a full week before session started and others choose to come and hear it and that should constitute compensation.

REPRESENTATIVE RAMIREZ said that they may want to amend something in this bill to define that.

PROPONENTS: None

OPPONENTS: None

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT asked if this bill was intended to apply to this session.

REPRESENTATIVE RAMERIZ said "no", but those that have not put in claims may be able to put in three.

It was suggested that it is possible that if there is a budget problem there could be a special session soon.

SENATOR STORY suggested that if an invitation was extended to a non-member of a committee then they could be paid.

The hearing closed on H.B.259.

ACTION ON HOUSE BILL 259:

SENATOR TOWE MOVED THAT H.B.259 BE CONCURRED IN.  
MOTION PASSED. Senator Towe will carry this bill.

It was the decision of the committee to take EXECUTIVE ACTION on other bills.

HOUSE BILL 557 was discussed. SENATOR HAMMOND stated that the non-profit concerns should not be addressed in this bill.

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SENATOR TOWE remarked that many non-profit organizations are donated time, such as the Search and Rescue.

ACTION ON H.B.557:

SENATOR TOWE MOVED TO AMEND H.B.557 BY STRIKING SECTION 29 and include the title.

MOTION PASSED.

SENATOR TOWE MOVED THAT H.B. BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Towe will carry this bill.

ACTION ON H.B.173:

SENATOR HAMMOND MOVED S.B.173 BE CONCURRED IN.

MOTION PASSED. Senator Story will carry this bill.

ACTION ON H.B.36:

SENATOR HAMMOND MOVED H.B.36 BE CONCURRED IN.

MOTION PASSED.

ACTION ON H.B.37: Held

Discussion was held on this bill.

SENATOR MARBUT presented his amendments.

SENATOR STORY asked that this bill be held until Friday and that Senator Marbut present his amendments at that time.

ACTION ON H.B.47:

SENATOR TOWE presented amendments shown as EXHIBIT 10.

SENATOR TOWE MOVED THE AMENDMENTS.

MOTION PASSED.

SENATOR TOWE MOVED H.B.47 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Towe will carry this bill.

ACTION ON H.B.92:

SENATOR TOWE MOVED AMENDMENT TO SUBSECTION 2.

MOTION PASSED

SENATOR TOWE MOVED THE AMENDMENT ON PAGE 2, LINE 9 thru 12.

MOTION PASSED. Senators Hammond and Marbut voting "NO".

SENATOR TOWE MOVED AMENDING PAGE 2, LINE 9 & 10.

MOTION PASSED. Senators Hammond and Marbut voting "NO".

SENATOR TOWE MOVED LINE 20 PAGE 2 CHANGING "shall" to "may".

MOTION PASSED.

SENATOR TOWE MOVED H.B.92 BE CONCURRED IN AS AMENDED. EXHIBIT 11.  
MOTION PASSED.

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There being no further business the meeting adjourned at  
11:45 a.m.

A handwritten signature in cursive script, reading "Pete Story". The signature is written in dark ink and is positioned above a horizontal line.

CHAIRMAN, Senator Pete Story



## ROLL CALL

STATE ADMINISTRATION

COMMITTEE

47th LEGISLATIVE SESSION -- 1983

Date 3/2/83

[illegible]

Each day attach to minutes.

DATE March 2, 1983

COMMITTEE ON

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

HOUSE BILL 487- CLARIFICATION OF DEATH BENEFITS FOR POLICE OFFICERS AND FIREFIGHTERS -  
O'Connell

Police System

Section 1 (beginning page 1, line 24). The definition of dependent children in the police system is the same as the definition enacted by the previous legislature in the firefighters' system.

(Page 4, line 22). This provides a legal definition of surviving spouse for retirement purposes.

Section 2 (beginning page 5, line 4). Provides police officers who do not have a surviving spouse who dependent child, the opportunity to elect a beneficiary to receive any residual left in the officers' retirement account at his/her death or have it paid to their estate.

Section 3 (pages 4, 5, and 6). These sections are amended to reflect the terms previously undefined in this act.

Had these amendments been in effect in 1975 when the system was consolidated, there would not have been an increase in any benefit payments. Had there been a situation similar to the case in the Unified Firefighters' System in 1981, it would have cost the system \$70,000 dollars.

Firefighters

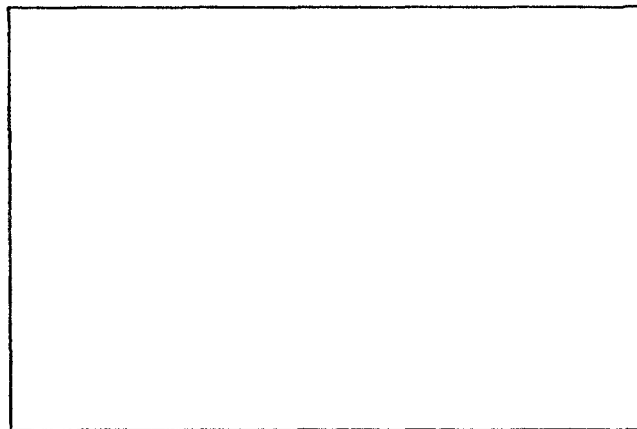
Section 5 (page 13, line 6). This provides a legal definition of surviving spouse for retirement purposes.

Section 6 (page 13, beginning on line 13). This section is amended to reflect changes in definition has been revised only for clarity. There is no overall change in the intention of the original section. There are no benefit changes.

This bill originated from a claim against the Unified Firefighters' System, by a lady who was a widow of a deceased firefighter and had her benefits terminated when she remarried. However, 10 years after her second marriage was terminated by divorce, she had her second marriage annulled in Court and by the annulment was made unmarried as of the date her benefits were terminated. She currently received \$674 dollars a month as a surviving spouse. Had the Board honored her original claim, she would have received about \$70,000 dollars in retroactive benefits, back to the date of the annulment.

In the bill we have tried to recognize a parity between the two systems in this area by using the same definition for dependent children of police officers that was enacted in 1981 as part of the Unified Firefighters' System. Currently, there are 340 recipients of monthly benefits in the police system of which 22 are surviving spouses.

In the Firefighters' System, there are currently 319 recipients of monthly benefits 34 of which are survivors.

STATEMENT ON ELECTION  
For Limited PartnershipsEXHIBIT 3  
State Admin.To Become Subject to the Provisions of the March 2, 1983  
REVISED UNIFORM LIMITED PARTNERSHIP ACTTO: THE HONORABLE JIM WALTERMIRE  
MONTANA SECRETARY OF STATE  
STATE CAPITOL  
HELENA, MT 59620(For use by the Secretary of  
State only)

Fee: \$ 7.50

For the purpose of bringing itself within the provisions of the Montana Revised Uniform Limited Partnership Act, Title 35, Chapter 12, MCA, the undersigned submits the following statements of fact to the Secretary of State of Montana:

FIRST: The name of the limited partnership is \_\_\_\_\_

(The name must contain the words LIMITED PARTNERSHIP in full)

SECOND: The certificate of limited partnership was filed in the office of the Secretary of State, State of Montana, under the laws of the State of Montana on \_\_\_\_\_, 19\_\_\_\_, for the duration of \_\_\_\_\_ years, and it is carrying on the business or conducting the affairs for which it was created.

THIRD: It elects to bring itself within the provisions of the Montana Revised Uniform Limited Partnership Act and make itself subject to its provisions.

FOURTH: It designates as its specified agent the following named individual resident, domestic corporation, or qualified foreign corporation:

FIFTH: It designates as its specified office the following: \_\_\_\_\_

(Street and number, City, State and Zip Code)

SIXTH: And it attaches an amended Certificate of Limited Partnership setting forth any and all information required by 35-12-601 which is not otherwise set forth.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Name of Limited Partnership)\_\_\_\_\_  
(Signature of General Partner)

NOTE: The execution of a certificate by a general partner constitutes an affirmation under the penalties of perjury that the facts stated therein are true, according to 35-12-604(3), MCA.

Prepare, execute and submit in duplicate original

TO: THE HONORABLE JIM WALTERMIRE  
Secretary of State  
Montana State Capitol  
Helena, MT 59620

FILED FOR RECORD

Filing Fee: \$20.00

STATE OF MONTANA

APPLICATION FOR REGISTRATION AND CERTIFICATE  
OF REGISTRATION OF MARK  
(Trademark - Service Mark)

For the purpose of registering a mark in the State of Montana, according to the provisions of 30-13-311, MCA, the undersigned submits the following statements of fact to the Secretary of State:

1. The essential feature of the mark to be registered is

and attached hereto is a specimen, facsimile or drawing of the mark. (Attach in the space below or if on another sheet, attach to this form).

2. The general description of the goods or services with which the mark is used is

and the class for such goods and service is

(Example: 2-FF, Sec. 30-13-331, MCA. See reverse for class numbers. One class per application.)

The mode or manner in which the mark is used in connection with the goods and services is

3. The applicant has heretofore adopted and used the mark and the date the mark was first used by the applicant or predecessor anywhere is

and the date of first use in the State of Montana is

4. The name of the applicant is

5. The business address of the applicant, including street and number, if any, and city or town and state, is

(street number) (street)

(city or town) (state) (zip code)

6. The applicant is (check one and complete when appropriate)

☐ An individual

☐ A partnership and the names and addresses of the partners are:

(name)

(address including street, city or town, and state)

(name)

(address including street, city or town, and state)

(name)

(address including street, city or town, and state)

(name)

(address including street, city or town, and state)

(attach schedule if necessary)

☐ A corporation organized and existing under the laws of

COMPLETE THE ONE AFFIDAVIT THAT IS APPROPRIATE.

- Affidavit if applicant is a corporation, partnership, or association.

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn  
(Name of Officer making affidavit)  
depose and say that I am \_\_\_\_\_, of  
(President, Vice President or Secretary or a Partner)  
\_\_\_\_\_, the applicant  
(Complete Name of Applicant)

herein, and make this affidavit in its behalf; that I have read the foregoing application; that the facts set out therein are true; that the applicant is the sole owner of the mark sought to be registered and has the right to the use of the same and that no other person has the right to such use in this state, either in the identical form or in such near resemblance thereto as may be calculated to deceive or might be mistaken for; and that the description and facsimile filed herewith is true and correct; and that I executed this document this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

X  
\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

NOTARIAL SEAL

Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_

★ ★ ★

- Affidavit if applicant is an individual.

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn  
(Name of Applicant)

depose and say that I am the applicant herein (doing business as \_\_\_\_\_); that I have read the foregoing application; that the facts set out therein are true; that I am the sole owner of the mark sought to be registered and have the right to the use of the same; that no other person has the right to such use in this state, either in identical form or in such near resemblance thereto as may be calculated to deceive or might be mistaken for; and that the description and facsimile filed herewith is true and correct; and that I executed this document this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

X  
\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

NOTARIAL SEAL

Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_

CLASSES: To assist you in completing item 2, the State Statute regarding classes is reprinted for your reference.

30-13-331. Classification. (1) The following general classes of goods and services are established for convenience of administration of this part. This classification does not limit or extend the applicant's or registrant's rights. A single application for registration of a mark may include any or all goods or services comprised in a single class with regard to which the mark is actually being used. However, in no event may a single application include goods or services that fall within different classes of goods or services.

(2) The classes of trademarks are as follows:		
(a) raw or partly prepared materials;	(s) vehicles;	(nn) fancy goods, furnishings, and notions;
(b) receptacles;	(t) linoleum and oil cloth;	(oo) canes, parasols, and umbrellas;
(c) baggage, animal equipments, portfolios, and pocketbooks;	(u) electrical apparatus, machines, and supplies;	(pp) knitted, netted, and textile fabrics, and substitutes therefore;
(d) abrasive and polishing materials;	(v) games, toys, and sporting goods;	(qq) thread and yarn;
(e) adhesives;	(w) cutlery, machinery, and tools, and parts thereof;	(rr) dental, medical, and surgical appliances;
(f) chemicals and chemical compositions;	(x) laundry appliances and machines;	(ss) soft drinks and carbonated waters;
(g) cordage;	(y) locks and safes;	(tt) food and ingredients of foods;
(h) smokers' articles, not including tobacco products;	(z) measuring and scientific appliances;	(uu) wines;
(i) explosives, firearms, equipment, and projectiles;	(aa) horological instruments;	(vv) malt beverages and liquors;
(j) fertilizers;	(bb) jewelry and precious metal ware;	(ww) distilled alcoholic liquors;
(k) inks and inking materials;	(cc) brooms, brushes, and dusters;	(xx) merchandise not otherwise classified;
(l) construction materials;	(dd) crockery, earthenware, and porcelain;	(yy) cosmetics and toilet preparations;
(m) hardware and plumbing and steamfitting supplies;	(ee) filters and refrigerators;	(zz) detergents and soaps.
(n) metals and metal casting and forgings;	(ff) furniture and upholstery;	
(o) oils and greases;	(gg) glassware;	(3) The classes of service marks are as follows:
(p) paints and painters' materials;	(hh) heating, lighting, and ventilating apparatus;	(a) miscellaneous;
(q) tobacco products;	(ii) belting, hose, machinery packing, and nonmetallic tires;	(b) advertising and business;
(r) medicines and pharmaceutical preparations;	(jj) musical instruments and supplies;	(c) insurance and financial;
	(kk) paper and stationery;	(d) construction and repair;
	(ll) prints and publications;	(e) communications;
	(mm) clothing;	(f) transportation and storage;
		(g) material treatment;
		(h) education and entertainment.

EXHIBIT 4  
State Admin.  
March 2, 1983

TO: Alan

FROM: Florence

RE: Notary Info

DATE: March 1, 1983

Attached are Limited Partnership Election forms (most others have a notary section) and Statement of Change forms as requested. We have no forms that require two signatures on any application as the applicant signature and verification are one.

During January and February 1983 we filed 8686 documents and rejected 2119 documents for 24.4%.

Approximately 27-30% of the rejects are rejected because of no notary or incorrect verification/acknowledgement - Using above ratio we would have rejected approx. 570 in Jan & Feb for this reason.

In 1982 we filed 34,184 documents. Using the above ratios we would have rejected 8340 documents total and 2251 for verification, etc.

Please know these are very rough estimates!!

EXHIBIT 5  
State Administration  
March 2, 1983

TO: Cliff

FROM: Florence

DATE: February 7, 1983

RE: Notorization in other states

Prior to preparing legislation for my bureau, I sent a questionnaire to all the states to see how each of them handled the various issues we were addressing.

Forty four of the 50 states responded. I found the following concerning notorization of documents:

- 14 required all documents to be notorized (acknowledged or verified)

- 20 required no notorization (signed under penalty)

- 10 required notorization of only selected documents  
(could not see any one reason for selection of various documents as opposed to either all or none)

Cliff, if you need more, let me know. Thanks.



EXHIBIT 6  
State Admin.

3/2/83

NAME BOB MURDO

BILL NO. HB 557

ADDRESS 203 No. Ewing Helena, MT.

DATE 3/2/83

WHOM DO YOU REPRESENT BUSINESS LAW SECTION - STATE BAR OF MONTANA

SUPPORT \_\_\_\_\_

OPPOSE \_\_\_\_\_

AMEND ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

THE GOVERNING COUNCIL OF THE BUSINESS LAW  
SECTION OF THE STATE BAR OF MONTANA SUPPORTS  
HB 557 WITH THE AMENDMENT RECOMMENDED BY THE  
SECRETARY OF STATE — I.R. — DELETION OF SECTION 29.

# STATE BAR OF MONTANA

EXHIBIT 7a

2030 ELEVENTH AVENUE • WASHINGTON PLAZA  
P. O. BOX 4669 • HELENA, MONTANA 59604 • (406) 442-7660

State Admin.  
March 2, 1983

HB 557

EXECUTIVE DIRECTOR  
Kent M. Parcell

February 14, 1983

Hon. James Waltermire  
Secretary of State  
State Capitol  
Helena, MT 59620

Re: House Bill 557

Dear Mr. Waltermire:

I am a member of the Council of the Business Section of the State Bar of Montana and have been actively involved in the revision of the corporation laws of Montana for the last twenty years. I was a member of the Corporation Law Revision Commission which introduced the American Bar Association Model Business Corporation Act, and I was a member of the Business Section Committee which introduced the substantial amendments which were made in the Act in the 1981 Legislative Session.

House Bill 557 involves an amendment of the Business Corporation Act and the Montana Nonprofit Corporation Act. Although laudible in purpose, it involves a rather severe series of penalties with respect to documents filed in your office. Many documents that are filed in your office are those routinely handed to corporate officers. If false or incorrect information is inadvertently inserted, the penalty of House Bill 557 is quite severe. To subject an officer signing a document with the "penalties of perjury" when an inadvertent omission or statement might be involved goes far beyond any present needs that I know of. Have there been a great number of false and fraudulent documents filed with your office? Nonprofit corporations such as churches and fraternal organizations have officers who are not paid and who rely upon "volunteers" to prepare documents for filing in your office in most cases. Why should the penalty of perjury also be imposed upon them?

I am not aware that anybody involved in the revisions of the Model Business Corporation Act and the Model Nonprofit Corporation Act was ever consulted by your office

COPY

Hon. James Waltermire  
February 14, 1983  
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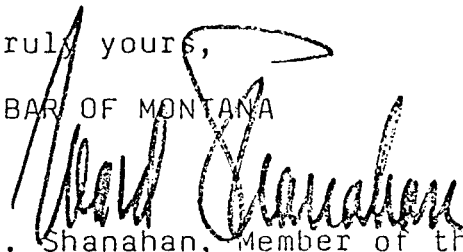
EXHIBIT 7b  
State Admin  
March 2, 1983

with respect to these changes. The Business Section is composed of law professors and practitioners who work with these provisions of the law on a regular basis. At several times in the past we have invited the Secretary of State's Office to participate in the Business Section. Our section has worked long and hard to achieve careful integration of the various provisions of the Model Corporation Code and effect a desirable and uniform result.

Unless it can be demonstrated that there is a flagrant and widespread abuse of truthfulness in the filing of documents with your office, I would have to recommend that the Business Section of the State Bar of Montana oppose House Bill 557, which amends Section 35-2-413 of the Nonprofit Corporation Act.

Very truly yours,

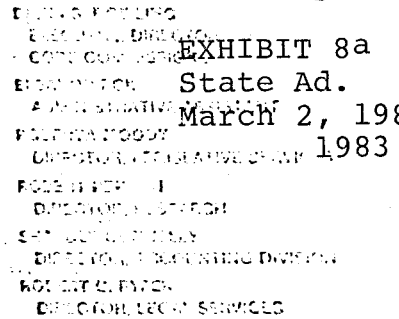
STATE BAR OF MONTANA

  
Ward A. Shanahan, Member of the  
Council, Business Section

WAS/mje

cc: Professor J. G. Wyse, Chairman,  
State Bar Business Section  
J. C. Weingartner, State Bar  
Legislative Liaison  
Kent Parcell, Executive Director,  
State Bar of Montana  
Senator Pete Story

0776W



State Capitol  
Havana, CUBA 59620  
-----  
(202) 442-3161

December 17, 1961

7. 1981

Legislative  
Change

Hon. Jim Gallimore  
Secretary of State  
State Capitol  
Helena, Montana 59620

Dear Mr. Waltermire:

I understand that because of faulty records and/or changes in personnel, etc., your office had difficulty in budgeting for the 1981 publication of the election laws required by 13-12-101. At its meeting December 15, 1981, the Legislative Council agreed to absorb Council staff wages and Department of Administration computer costs involved with this project, but requested that I let you know exactly what those costs were so that you can properly budget for this in 1983. The members of the Council also suggested that the Legislature would be very interested in your opinion as to whether or not the publication is needed and, if so, worth the exorbitant price. One suggestion that struck me as perhaps worth pursuing, since the Code is widely available at county offices, libraries, etc., was that the Secretary of State merely list the section numbers and catchlines of the laws involved with perhaps an accompanying index.

In addition to the charges paid to the printer by your office, which I understand will be over \$14,000 this year, and the \$4,187.71 charged by Data Retrieval to produce camera-ready copy at \$6.42 per page, the following costs were incurred by this office and should be considered a cost of producing the election laws.

NAME Margaret S. Davis BILL NO. HO 173  
ADDRESS Helena DATE 2 Mar 83  
WHOM DO YOU REPRESENT League of Women Voters  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Amend:  
page 1, line 15: after "title" insert  
"and the Montana State Constitution"

The election laws are a very valuable publication to which we and others refer often. The publishing of Title 13 is useful to candidates, parties and citizens. The League answers weekly inquiries on absentee voting, election administration, etc. from U.S. Service academies, universities, Montanans living out of state and from citizens.

We offer the amendment because many candidates would not otherwise inform themselves about the constitution nor do they have ready access to the complete codes. The constitution also deals directly with voting rights.

AMENDMENT FOR HB 47

1. Page 1, line 13 and 14  
Strike: "PRIOR TO THE EFFECTIVE DATE OF THIS ACT"  
Insert: "or to be adopted"
2. Page 1, line 19 through 21.  
Strike: "WHERE" through "ACT"  
Insert: "Such statement must be placed in the ARM"
3. Page 1, line 22.  
Following: "REPRINTING"  
Insert: "or upon request of the administrative code committee  
as provided in subsection (2)"
4. Page 1, lines 23 through page 2, line 1.  
Following: "(2)"  
Strike: "Upon" through "omitted." on line 1, page 2.  
Insert: "The administrative code committee may file  
with the secretary of state, for publication  
with any rule or portion thereof it considers  
to be adjective or interpretive, a statement  
indicating that it is the opinion of the  
administrative code committee that the rule or  
portion thereof is adjective or interpretive  
and therefore advisory only."

AMENDMENT HB 92

EXHIBIT 11  
State Administration  
March 2, 1983

1. Title, line 10.  
Strike: "AWARDING"  
Insert: "ALLOWING"
2. Page 2, line 9.  
Following: "to the rule"  
Insert: ", provided an agency response must also  
be published if requested by the agency"
3. Page 2, line 10.  
Following: "objection"  
Insert: "and the agency response"
4. Page 2, line 20.  
Strike: "shall"  
Insert: "may"
5. Page 3, line 5.  
Strike: "not"
6. Page 3, line 8.  
Following: "~~intent~~"  
Insert: "with an arbitrary or capricious disregard for  
the purpose of the authorizing statute as evidenced by  
documented legislative intent, or was not"

# STANDING COMMITTEE REPORT

MARCH 2

83

19

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 487

O'Connell (Manning)

Respectfully report as follows. That HOUSE Bill No. 487

BE CONCURRED IN  
~~DO PASS~~



# STANDING COMMITTEE REPORT

MARCH 2

83

..... 19.....

MR. .... PRESIDENT

## STATE ADMINISTRATION

We, your committee on .....

having had under consideration ..... HOUSE ..... 107  
Bill No. ....

Sales (Marbut)

Respectfully report as follows: That ..... HOUSE ..... 107  
Bill No. ....

BE CONCURRED IN

~~DO NOT PASS~~

11/11

# STANDING COMMITTEE REPORT

MARCH 2 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 167

Sands (Story)

Respectfully report as follows: That HOUSE Bill No. 167

BE CONCURRED IN

~~DO PASS~~

# STANDING COMMITTEE REPORT

MARCH 2 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE 346 Bill No.

KEENAN (STIMATZ)

Respectfully report as follows: That HOUSE 346 Bill No.

BE CONCURRED IN  
~~DO PASS~~

# STANDING COMMITTEE REPORT

MARCH 2 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 259

Ramirez (Towe)

Respectfully report as follows: That HOUSE Bill No. 259

BE CONCURRED IN

XXXXXX  
DO PASS

# STANDING COMMITTEE REPORT

MARCH 2 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 173

Clyde Smith (Story)

Respectfully report as follows: That HOUSE Bill No. 173

BE CONCURRED IN

XXXXXX  
DO PASS

# STANDING COMMITTEE REPORT

MARCH 2

83

19.....

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 557

Sands (Towe)

Respectfully report as follows: That HOUSE Bill No. 557

third reading, be amended as follows:

1. Title, line 14.  
Strike: "35-2-413,"
2. Page 41, line 11.  
Strike: Section 29 in its entirety  
Renumber: subsequent sections

And as so amended  
~~DO PASS~~ BE CONCURRED IN

*g/c*

# STANDING COMMITTEE REPORT

MARCH 2

19 83

PRESIDENT

MR. ....

STATE ADMINISTRATION

We, your committee on .....

HOUSE

having had under consideration ..... Bill No. 36

Stobie (Hammond)

HOUSE

Respectfully report as follows: That ..... Bill No. 36

BE CONCURRED IN

XXXXXXXX  
DO PASS

# STANDING COMMITTEE REPORT

MARCH 2 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 47

SCHULTZ (Towe)

Respectfully report as follows: That HOUSE Bill No. 47

third reading, be amended as follows:

1. Page 1, line 13 and 14.  
Strike: "PRIOR TO THE EFFECTIVE DATE OF THIS ACT"  
Insert: "or to be adopted"
2. Page 1, line 19 through 21.  
Strike: "WHERE" through "ACT"  
Insert: "Such statement must be placed in the ARM"
3. Page 1, line 22.  
Following: "REPRINTING"  
Insert: "or upon request of the administrative code committee  
as provided in subsection (2)"

XXXXXX  
DO PASS

continued..



4. Page 1, lines 23 through page 2, line 1.

Following: "(2)"

Strike: "Upon" through "omitted." on line 1, page 2.

Insert: "The administrative code committee may file with the secretary of state, for publication with any rule or portion thereof it considers to be adjective or interpretive, a statement indicating that it is the opinion of the administrative code committee that the rule or portion thereof is adjective or interpretive and therefore advisory only."

and, as so amended  
BE CONCURRED IN

# STANDING COMMITTEE REPORT

MARCH 2 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

HOUSE 92  
having had under consideration Bill No.

Stobie (Hammond)

HOUSE 92  
Respectfully report as follows: That Bill No.

third reading, be amended as follows:

1. Title, line 10.  
Strike: "AWARDING"  
Insert: "ALLOWING"
2. Page 2, line 9.  
Following: "to the rule"  
Insert: ", provided an agency response must also  
be published if requested by the agency"
3. Page 2, line 10.  
Following: "objection"  
Insert: "and the agency response"
4. Page 2, line 20.  
Strike: "shall"  
Insert: "may"

XXXXXX  
DO PASS

continued...

5. Page 3, line 5.  
Strike: "not"
6. Page 3, line 8.  
Following: "intent"  
Insert: "with an arbitrary or capricious disregard for  
the purpose of the authorizing statute as evidenced by  
documented legislative intent, or was not"

And, as amended  
BE CONCURRED IN