

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 22, 1985

The meeting of the State Administration committee was called to order by Chairman O'Connell on January 22, 1985, at 9 a.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Pistoria, who was excused and Chairman Sales, who was testifying as sponsor of a bill being heard in another committee.

CONSIDERATION OF HOUSE BILL 176: Rep. Bardanouve, District #16. testifying as sponsor of the bill, stated that as bills are received and the cash flow is not sufficient to cover their payment, notes are issued by the Department of Administration to compensate. He said the interest paid on the notes has historically been a little less than the investment pool earns and the bill would allow statutory appropriation of funds necessary to pay the expenses of issuing such notes.

Rep. Bardanouve explained the expenses were \$48,000 on \$38 million issued or less than one-tenth of one percent and that it is difficult to determine when a note may be issued or the amount of expense involved. He said an appropriation of approximately \$50,000 appears to be necessary, although that amount may vary somewhat and provided a copy of amendments proposed by the Department (Exhibit #1).

PROPOSERS: Mr. David Ashley, Deputy Director, Department of Administration, stated the purpose of the bill is to give the Department statutory authority to pay the costs of short term borrowing techniques.

There were no other proponents of the bill and no opponents.

DISCUSSION OF HOUSE BILL NO. 176: Rep. Smith asked if the practice described in the bill was already in use. Rep. Bardanouve replied it was, but the Department is presently acting only upon a legal opinion, thus the need for authorization of the Legislature.

Rep. Nelson asked if the notes were similar to a revolving fund in function. Rep. Bardanouve replied there were not, that it is only a one-time placement of note proceeds to the general fund, and likened the large volume of printing done by the Department of Administration to a revolving fund.

Rep. Fritz asked how the notes were being issued presently. Rep. Bardanouve replied the Department of Administration removes enough funds to make payment, based upon a legal opinion as referred to earlier.

Rep. Bardanouve closed without further comment.

CONSIDERATION OF HOUSE BILL NO. 190: Rep. Earl Lory, District 59, sponsor of the bill, said it was requested by the Department of Administration's Building Codes Division in a effort to strengthen enforcement of building codes, and reduce violations.

PROPOSERS: Mr. Jim Kembel, Administrator, Building Codes Division, Department of Administration, stated the bill would allow issuance of notices to violators to appear in court and authorize county and city attorneys to prosecute such violations. He said the bill would also require a permit prior to construction, a new fine from \$150 to \$500 and violation fee equal to the permit fee, in order to force compliance for those who violate building codes. Mr. Kembel explained his Division is presently slow in gaining compliance and the goal of the bill is to obtain compliance at the earliest possible stage of construction when violations are easier to correct, in addition to protecting lives, cutting property losses, preventing urban sprawl, promoting safety and encouraging fair competition.

Mr. Kembel cited examples of violations discovered in (1) a bar and restaurant with seating capacity for 600, in which the roof and walls sagged after completion because of structural deficiencies; (2) a bar, with a capacity limit of 300, having major problems in the roof, floors and foundation for which construction was halted by the county attorney; (3) a health club, whose fate is now in the hands of the county attorney, since the building was constructed without a permit and the Division subsequently had no legal authority to investigate the matter, although the owner is seeking the help of a licensed designer to save the building.

Mr. Kembel told committee members current enforcement methods are costly to the agency and the consumer, and not as efficient as they could be.

Mr. Dennis Fullerton, Hamilton, President of the State Plumbing and Heating Contractors Association reminded committee members that owners of structures constructed in violation of building codes suffer serious problems.

Mr. Bill Verwolf, City of Helena, told the committee the City of Helena supports the bill, and in particular sections 1(a) and 1(b), which relate to knowing and willful violators.

Mr. H.S. "Sonny" Hanson, Montana Technical Council and Association of Design Professionals, stated his support for section 1(b) to increase fines for design violations.

There were no opponents of House Bill 190.

DISCUSSION OF HOUSE BILL NO. 190: Rep. Jenkins asked if it were possible the health club alluded to by Mr. Kembel might not actually be in violation of the building codes. Mr. Kembel replied the problems are evident and he can only assume there may be others, based on this premise.

Rep. Moore stated she was concerned with the amount of time elapsed between the time an application for a permit is made and when it is actually issued. Mr. Kembel replied the Division is totally self-supporting and experienced a drop in income this past spring, which led to delays in issuing permits but this situation is anticipated to improve.

Rep. Campbell asked what the Division's recourse is when there are insufficient funds available to perform necessary functions. Mr. Kembel replied there are only two inspectors who travel 80,000 miles per year; however, the Division attempts to not delay projects pending inspections.

Rep. Cody asked what qualifications were required for inspectors. Mr. Kembel replied the Division looks for both construction and inspection experience. Rep. Cody then asked how long it takes to issue a permit. Mr. Kembel said the Division tried issuing permits within 2-4 weeks and found it to be impossible, adding that those who make no attempt to apply for a permit are the problem.

Rep. Nelson asked if rural areas were the source of the majority of problems. Mr. Kembel replied they were and said originally, 13 communities were working with building codes, while presently there are 56, as Butte-Silver Bow is the only community organization doing its own inspections.

Rep. Phillips, referring to page 2, line 25, asked what fees are charged for a permit. Mr. Kembel replied permits are issued on a sliding fee schedule, based upon the cost of the structure, with a lesser rate for higher values.

Rep. Jenkins asked if the permits covered only public buildings. Mr. Kembel replied they cover everything except 1-4 plexes, private storage and garages, which are covered by cities and counties.

Rep. Lory closed, stating his concern was with public buildings where safety factors are critical.

CONSIDERATION OF HOUSE BILL NO. 167: Rep. Tom Asay, District #27, testified as sponsor of the bill, which was requested by the County Treasurers Association to provide alternate dates for registration of snowmobiles and boats. He said the bill was a simple one and recommended amending out any reference to

snowmobiles on lines 5 and 6, line 7, section 23-2-618 and line 8, section 23-2-619. Rep. Asay continued with page 8, line 16, deleting December 31 and reinserting June 30; page 9 line 17, deleting December 31 and reinserting June 30; page 10, section 7, deleting the second paragraph or lines 16-20; page 10, line 13, changing March 1 to May 1.

Rep. Asay said the bill would then only change registration dates for motor boats and if left as proposed, would affect anyone buying a new snowmobile in the fall, adversely for registration purposes.

PROPOSERS: Mr. Charles Graveley, County Treasurers Association, said the Association would accept the amendments proposed for snowmobiles although they would prefer the bill in its original state.

There were no other proponents of the bill and no opponents.

DISCUSSION OF HOUSE BILL NO. 167: Rep. Phillips asked the reason for the bill. Mr. Graveley replied current motor boat registrations expire on April 30 of each year when the Treasurers are busiest with personal and real estate property taxes; that they wanted to move registration to a slower period of the year, which would also provide them with the income from boat registrations 4 months earlier.

Rep. O'Connell asked if the snowmobilers were happy with the proposed amendments. Mr. Bob Bushnell, President of the Montana Snowmobile Association replied that the Association is satisfied.

Rep. Peterson asked what the registration year is for boats. Mr. Graveley replied it is May 1 through April 30 for boats and July 1 through June 30 for snowmobiles. He also stated that there is no penalty for failure to register.

Rep. Asay closed without further comment.

Chairman Sales told those present the bill would be considered as amended by the sponsor; however, should additions or changes become necessary he would allow opportunity for same before taking executive action on the bill.

CONSIDERATION OF HOUSE BILL NO. 196: Rep. Jan Brown, District #46, sponsor of the bill, read from a prepared statement Exhibit #3, which stated the purpose of the bill is to allow political subdivisions to dispense with nonpartisan primary elections in certain circumstances. Rep. Brown said had such a law been in effect it would have saved the City of Helena an expenditure of \$7,000 for an unnecessary election in 1983. (Exhibit #4)

PROPOSERS: Mr. Blake Wordal, City Commissioner, Helena, told committee members he was a candidate in the election referred to by Rep. Brown and supports the bill for the sake of larger cities in the state who have nonpartisan primary elections. He said the city of East Helena was able to avoid an election at the same time, since its population is less than 10,000.

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support of the bill, which he said would save dollars for about 7 cities in Montana. He said Havre, Anaconda, Missoula and Butte are the few cities who have partisan primary elections.

Mr. Bill Verwolf, City of Helena, told the Committee only a few more than 1060 voted in the 1983 nonpartisan primary election, at a cost of approximately \$6 per person.

Ms. Sue Bartlette, Lewis and County Clerk and Recorder, stated her support of the bill and said only 7% of registered voters turned out for the 1983 primary compared to approximately 23% in other elections. She told the committee that city primaries are held in September of odd numbered years and as the general election is held in November, there would be no longer delay in presenting voters with the issues, should a primary election not be held.

There were no other proponents of the bill and no opponents.

DISCUSSION OF HOUSE BILL NO. 196: Rep. Fritz asked Rep. Brown if the governing body of a city would be in a position to determine that an election need not be held, if all of the candidates were unopposed. Rep. Brown replied they would.

Chairman Sales told Ms. Bartlette he was confused about the two primary dates. Ms. Bartlette replied primaries are held in June during even numbered years and in September during odd numbered years.

Rep. Harbin asked what would happen if a school bond issue were on the ballot during such a primary. Mr. Verwolf replied the bill allows an election to be held by resolution of the city.

Rep. Brown closed her presentation of HB 196.

The Committee then went into executive session.

DISPOSITION OF HOUSE BILL NO. 196: Rep. Harbin moved that HB 196 DO PASS. Rep. Nelson seconded the motion. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 167: Rep. Nelson moved that HB 167 DO NOT PASS, AS AMENDED, seconded by Rep. Fritz.

Rep. Cody said she would vote in favor of the bill if there

was some penalty for failure to register a boat or snowmobile, but could not see the sense of the bill as it is written.

Rep. Phillips commented there may be some merit in the bill for a change in registration dates.

Rep. Harbin requested suspending action on the bill pending further receipt of additional information.

The motion made by Rep. Nelson FAILED with nine members voting "no" and 8 members voting "aye". Rep. Pistoria was absent. (See attached Roll Call Vote Sheet)

Rep. Phillips moved that HB 167 DO PASS, AS AMENDED, seconded by Rep. Compton and passed with 11 members voting "aye" and 6 members voting "no". Rep. Pistoria was absent (See attached Roll Call Vote Sheet).

DISPOSITION OF HOUSE BILL NO. 190: Rep. O'Connell moved that HB 190 DO PASS, seconded by Rep. Fritz.

Rep. Cody stated she was concerned with the quality of inspections being made now. Rep. Harbin stated he was against the bill as cities have only parttime staff attorneys and building inspectors and the bill would give them too much authority.

Rep. Moore made a substitute motion that HB 190 DO NOT PASS. Rep. Jenkins seconded the motion. The substitute motion passed with Rep.s O'Connell, Fritz and Garcia abstaining from voting. Rep. Pistoria was absent.

DISPOSITION OF HOUSE BILL NO. 176: Rep. O'Connell made a motion that the Committee ADOPT THE AMENDMENTS proposed for HB 176, seconded by Rep. Harbin. Motion CARRIED UNANIMOUSLY. Lois Menzies, Staff Researcher will prepare the amendments.

Rep. O'Connell then moved that HB 176 DO PASS AS AMENDED, seconded by Rep. Harbin and CARRIED UNANIMOUSLY.

There being no further business before the Committee, the meeting was adjourned at 11:10 a.m.


WALTER R SALES, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Jan 22, 1985

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales			
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
HolliDay, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul			€
Smith, Clyde	✓		

HOUSE State Administration COMMITTEE

DATE 22 Jan

[illegible]

FORM CS-33

STANDING COMMITTEE REPORT

January 22

19 35

MR. SPEAKER:

We, your committee on HOUSE ADMINISTRATION

having had under consideration HOUSE BILL Bill No. 190

FIRST reading copy (WHITE)
color

TO STRENGTHEN ENFORCEMENT OF THE STATE BUILDING, PLUMBING,
AND ELECTRICAL CODES; MAKING CERTAIN VIOLATIONS MISDEMEANORS
AND SETTING FINES AND PENALTIES THEREFOR; AUTHORIZING STATE
AND LOCAL BUILDING INSPECTORS TO ISSUE NOTICES TO APPEAR TO
VIOLATORS; AUTHORIZING COUNTY ATTORNEYS, THE ATTORNEY GENERAL,
CITY AND MUNICIPAL ATTORNEYS, AND ATTORNEYS OF THE DEPARTMENT
OF ADMINISTRATION TO CONDUCT PROSECUTIONS OF VIOLATORS;
AMENDING SECTION 50-60-110, MCA; AND PROVIDING AN EFFECTIVE
DATE.

Respectfully report as follows: That HOUSE BILL Bill No. 190

DO NOT PASS

DO PASS

STANDING COMMITTEE REPORT

January 22, 1935

MR. SPEAKER:

We, your committee on HOUSE STATE ADMINISTRATION

having had under consideration HOUSE BILL Bill No. 167

FIRST reading copy (WHITE)
color

TO REVISE THE REGISTRATION PERIODS FOR SNOWMOBILES AND MOTORBOATS
AND THE LICENSE PERIODS FOR SNOWMOBILE AND MOTORBOAT DEALERS;
AMENDING SECTIONS 23-2-512, 23-2-513, 23-2-515, 23-2-618, AND
23-3-619, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
AN APPLICABILITY DATE."

Respectfully report as follows: That HOUSE BILL Bill No. 167

Be amended as follows:

Page 1 of 2

1. Title, line 5
Strike: "PERIODS"
INSERT: "PERIOD"
STRIKE: "SNOWMOBILES AND"
2. Title, line 6
Strike: "PERIODS"
Insert: "PERIOD"
Strike: "SNOWMOBILE AND"
3. Title, line 7
Following: "23-2-513,"
Insert: "AND"
4. Title, lines 7 and 9
Strike: "23-2-618," on line 7 through
"23-2-619," on line 9

RD AS AMENDED

DO PASS

(continued on second page)

Amendments to House Bill 167

Page 2 of 2

5. Page 9, line 10 through line 4 on page 10
Strike: Sections 4 and 5 in their entirety
Re-number: subsequent sections
6. Page 10, line 10
Strike: "(1)"
7. Page 10, line 13
Strike: "March"
Insert: "May"
8. Page 10, lines 16 through 20
Strike: subsection (2) in its entirety
9. Page 10, line 24
Strike: "7"
Insert: "5"

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

January 22

19 35

MR. SPEAKER:

We, your committee on HOUSE STATE ADMINISTRATION

having had under consideration HOUSE BILL Bill No. 176

FIRST reading copy (WHITE)
color

"TO AUTHORIZE THE PAYMENT OF COSTS AND EXPENSES RELATED TO THE
ISSUANCE AND SALE OF TAX AND REVENUE ANTICIPATION NOTES FROM THE
PROCEEDS OF SUCH NOTES OR FROM AMOUNTS AVAILABLE THEREFOR IN THE
GENERAL FUND; AMENDING SECTION 17-1-204, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That HOUSE BILL Bill No. 176

Be amended as follows:

1. Title, lines 3 and 9
Strike: "OR" on line 3 through "FUND" on line 9
2. Page 2, line 3
Strike: "in" through "or"
3. Page 2, lines 4 and 5
Strike: "as" on line 4 through "discretion" on line 5
Insert: "upon deposit in the general fund"

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

January 22 19 65

MR. SPEAKER:

We, your committee on HOUSE STATE ADMINISTRATION

having had under consideration HOUSE BILL 228 Bill No. 196

FIRST reading copy (WHITE color)

TO ABOLISH THE POPULATION LIMITATION IN THE STATUTE ALLOWING
POLITICAL SUBDIVISIONS TO DISPENSE WITH NONPARTISAN PRIMARY
ELECTIONS IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 13-14-115,
MCA.

Respectfully report as follows: That HOUSE BILL 196

DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE State Administration

DATE January 22 BILL NO. 167 TIME 11:00 am

NAME	DNPA	AYE	DPAA	DNPA	DPAA
Rep Sales					
O'Connell		X	X		
Campbell		X	X		
Compton		X	X		
Fritz					
Garcia	X				X
Hayne		X	X		
Holliday		X	X		
Harbin			X		X
Jenkins	X	X	X		
Kennerly		X	X		
Moore	X	X	X		
Peterson	X				X
Phillips		X	X		
Pistoria					
Nelson	X	X			
Smith	X				X
Cody	X				X

J. DeWolf
Secretary

Walter Sales
Chairman

Motion: 1st motion - DNPA } Note:
2nd motion - DPAA } you will need
to make two
sheets for these

VISITOR'S REGISTER

HOUSE State Administration COMMITTEE

BILL HB 176

DATE 1-22-85

SPONSOR Rep. Bardanave

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL HB 190

DATE JAN 22, 1985

SPONSOR REP. LORY

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE State Administration COMMITTEE

BILL HB 194

DATE 1/22/85

SPONSOR J. Brown

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Exhibit 1
Jan 22, 1985

PROPOSED AMENDMENTS TO H.B. 176

1. Page 2, line 3.
Following: "therefor"
Strike: "in the general fund or"
2. Page 2, lines 4 and 5.
Following: "notes,"
Strike: "as determined by the department in its discretion"
Insert: "upon deposit in the general fund"

HB 190
Exhibit 2
Jan 22, 1985

TESTIMONY

BUILDING CODES DIVISION
DEPARTMENT OF ADMINISTRATION

"An Act Strengthening Enforcement Of The State Building, Plumbing, and Electrical Codes; Making Certain Violations Misdemeanors and Setting Fines and Penalties Therefor; Authorizing State and Local Building Inspectors to Issue Notices to Appear to Violators; Authorizing County Attorney, The Attorney General, City and Municipal Attorneys, and Attorneys of the Department of Administration to Conduct Prosecutions of Violators; Amending Section 50-60-110, MCA; and Providing an Effective Date."

The proposed bill provides the following enforcement authority.

1. Authorizes state and local building inspectors to issue notices to appear to violators, for all codes, in city court or justice of the peace court.
2. Authorizes county attorneys, attorney general, state and local attorneys to do the prosecution.
3. Requires permits to be obtained prior to commencement of the work authorized by the permit.
4. Sets a fine of \$50 to \$500.
6. Sets an investigation fee equal to the permit fee.

Currently, the Department enforcement methods consist of public cooperation, injunctions and misdemeanor charges. These methods are slow in gaining compliance and buildings can be completed without ever complying. Corrections after-the-fact are very costly and legally troublesome. The goal is to obtain compliance at the earliest possible stage of construction when they can be more easily corrected and less costly.

The benefits derived from code compliance are:

1. Life-safety of building occupants is protected.
2. Building owner's investment is protected by having a better quality building.
3. Property losses due to fire and structural failure are greatly reduced.
4. Urban sprawl is reduced by discouraging those persons wishing to build outside a municipality's jurisdiction to avoid complying with the codes.
5. Encourages fair competition between contractors by

requiring them all to build to the same standard.

The following examples are just a few of many that have been experienced that demonstrate the need.

1. Bar/Pestaurant - The building has a capacity of 650 occupants. The building was constructed without adequate plans and obtaining the required permit prior to construction. During construction the project was discovered by the Department and structural deficiencies that could result in massive failure of the roof and some of the exterior walls were pointed out. The failure could have resulted in injury and even death of building occupants

Even though warned about the deficiencies, the contractor and owner continued to build without the required permit.

Shortly after the interior finish was applied the building did in fact commence to fail structurally, with very noticeable deflection of the roof and movement of exterior walls showing. The failure resulted in after-the-fact corrections that in themselves do not assure the building will not experience future problems.

2. Bar - The building has a 300 person plus capacity. The roof, wall and floor structural systems have highly questionable load carrying capacity. The Department discovered the construction well under way without the required permit. The owner continued to build in spite of warnings to stop until the county attorney became involved. At this point the building construction has appeared to be abandoned and only half built.

As currently constructed, the building could experience a major structural failure, which could cause injury or death.

3. Athletic Club - The Department discovered the building at an advanced stage of construction without the required permit. Since nothing has been submitted, we have very few details concerning the building.

The owners have ignored all notices from the Department. It is now completed and occupied. We have no idea if the building is safe structurally or fire wise. The case is now in the hands of the county attorney.

4. Shop Building - The owner of a shop building, built

without a permit, requested assistance from the Department. The building was showing definite structural failure immediately after the owner moved into the building. The owner was instructed to retain a licensed designer to prepare plans for correcting the structural system and submit them for review.

5. Bar/Restaurant - The building has an occupant load capacity of 150. The owner retained a licensed designer to prepare plans for the building. After obtaining the Department's approval, the owner constructed the building differently than shown on the approved plans. While the Department was attempting to obtain compliance and shortly after the building was opened it experienced a serious fire which caused much damage to the building. Since one of the violations was the lack of a proper fire wall on the property line, it was only through a concerted effort of the fire department that the adjoining property was not extensively damaged.

As can be seen from the above examples, the hazards to life-safety and the chances of substantial property losses demand adequate enforcement authority. The current enforcement authority is cumbersome, does not allow rapid enough response time and is costly both to the enforcement agency and consumer.

The greater the extent of noncompliance, the greater the risk to life-safety, property loss, and the liability of the governmental agency enforcing the codes

WITNESS STATEMENT

Name W. JAMES KEMBEI Committee On STATE ADMIN
Address HELENA Date 1/22/85
Representing DOA Support ✓
Bill No. HB 190 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. SEE ATTACHED

2.

3.

4.

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

Exhibit 3

Mr. Chairman and Members of the Committee:

For the record, I am Jan Brown, House District 46, Helena.

House Bill 196 amends the current law allowing political subdivisions to dispense with nonpartisan primary elections in certain circumstances. The law now only allows political subdivisions with a population of 10,000 or less to do this, and my bill deletes the 10,000 population limit.

I submitted this bill in response to an editorial in the Helena Independent Record after the City of Helena held a primary election on Tuesday, September 13, 1983 in which we had so few candidates that none of them were eliminated from the November ballot.

There were only 7 people on the ballot for the 4 open positions -- 4 for the 2 available City Commission seats; 2 for Mayor, and only 1 for City Judge.

Our County Clerk and Recorder Sue Bartlett has given me a copy of the bill for the election, and it cost the City of Helena \$7,022.00 to hold this election that decided nothing.

We in the larger cities would like to have the same right as do the towns of less than 10,000 population so that we may dispense with a non-partisan primary election when it would decide nothing. I'd ask for your support for House Bill 196.

Thank you.

05560

Page 1 of 2 Pages

Exhibit 4
Jan. 22, 1985
House 196**THE CITY OF HELENA, Dr.**TO Clerk and Recorder, Lewis and Clark CountyMAILING ADDRESS Room 113, City-County Building

All claims against the City of Helena, Montana, must be fully itemized, showing the purchase order number, department ordering merchandise, date of service, or work performed, and be certified, or they will not be allowed for payment. Do not attach your own Bill Head. The City is exempt from payment of federal excise tax.

Date of Service

Purchase Order Number

August- Sept. 15, 1983	CITY PRIMARY ELECTION	HELENA		
	Office Personnel		\$ 2500	00
	Election Day Personnel		3408	00
	Advertising		267	00
	Printing		540	00
	Postage		55	00
	Election Supplies		252	00
	PRIMARY SUBTOTAL		\$ 7,022	00
October- November, 1983	CITY GENERAL ELECTION			
	Office Personnel		\$ 1414	00
	Election Day Personnel		4368	00
	Advertising		281	00
		DISCOUNT		
		TOTAL		

I certify that this claim is correct and just in all respects, and that payment or credit has not been received.

Date 4/5/84Payee _____
Corporation Company or IndividualSign Here Joe CastelliTitle _____
If Representing Corporation or Company

(This certification Need Not Be Verified by Affidavit)

Primary election law is nonsense

The City of Helena held an election Tuesday, and most of us — more than 93 percent of the registered voters, in fact — elected not to show up.

You hardly can blame us, un-American as that might sound, because the city's primary election was meaningless.

After all, the basic idea of a primary election is to pare the number of candidates down to a workable size for the general election.

Trouble is, Helena's slate of candidates already was pared down. There were so few candidates that nobody was eliminated from the November ballot; all them still will be there in the general election, asking for our votes all over again.

Meanwhile, lucky Helena taxpayers got to pay an estimated \$6,900 for printing primary ballots and hiring election judges.

Things were different back in 1979 (the year Rich Brown was elected mayor) and in 1981 (when eight candidates fought for four general-election ballot places). A primary election was needed, back then, and the turn-out, although never gigantic for Helena primary elections, showed it. Compared to this year's 7 percent primary turn-out, the turn-out was 30 percent in 1979 and 23 percent in 1981.

The question naturally arises: Why did we have to have this year's primary at all? Why didn't we just cancel it?

That's what East Helena did. East Helena's City Council, recognizing that nothing would be gained by having primary election, voted to junk it.

But Helena didn't have that option.

State laws governing non-partisan elections mandate cities to hold primaries. The statutes add, however, that a city with 10,000 or fewer people may cancel its primary if there isn't any reason to hold it.

So, while small cities are allowed to act rationally, Montana's bigger cities are stuck with an election whether they need one or not.

Maybe the Legislature thought it was trying to save small towns money. Maybe it thought little cities don't have important elections. Maybe it didn't think it could trust us city slickers. Or maybe, as is usual in such cases, it just wasn't thinking at all.

Short of going to court to fight the silly law, an action that could cost more than the election itself, what can we do?

We can hope our legislators are listening, that's what.

Surely, somewhere among the hundreds of new laws that will be proposed during the next legislative session, they can find room for a bill giving city folks the same rights enjoyed by their small town friends.

**AN
IR
VIEW**

Exhibit 5
Jan 22, 1985
HB 196

Wast Sales

Tues. Jan. 22,
1985

I have 2 Bills
in B & L at 9:00
AM.

Excuses me

Paul & Patricia

HB 190
Extra Copy
Jan 22, 1985

TESTIMONY

BUILDING CODES DIVISION
DEPARTMENT OF ADMINISTRATION

"An Act Strengthening Enforcement Of The State Building, Plumbing, and Electrical Codes; Making Certain Violations Misdemeanors and Setting Fines and Penalties Therefor; Authorizing State and Local Building Inspectors to Issue Notices to Appear to Violators; Authorizing County Attorney, The Attorney General, City and Municipal Attorneys, and Attorneys of the Department of Administration to Conduct Prosecutions of Violators; Amending Section 50-60-110, MCA; and Providing an Effective Date."

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2. Authorizes county attorneys, attorney general, state and local attorneys to do the prosecution.
3. Requires permits to be obtained prior to commencement of the work authorized by the permit.
4. Sets a fine of \$50 to \$500.
6. Sets an investigation fee equal to the permit fee.

Currently, the Department enforcement methods consist of public cooperation, injunctions and misdemeanor charges. These methods are slow in gaining compliance and buildings can be completed without ever complying. Corrections after-the-fact are very costly and legally troublesome. The goal is to obtain compliance at the earliest possible stage of construction when they can be more easily corrected and less costly.

The benefits derived from code compliance are:

1. Life-safety of building occupants is protected.
2. Building owner's investment is protected by having a better quality building.
3. Property losses due to fire and structural failure are greatly reduced.
4. Urban sprawl is reduced by discouraging those persons wishing to build outside a municipality's jurisdiction to avoid complying with the codes.
5. Encourages fair competition between contractors by

requiring them all to build to the same standard.

The following examples are just a few of many that have been experienced that demonstrate the need.

1. Bar/Pestaurant - The building has a capacity of 650 occupants. The building was constructed without adequate plans and obtaining the required permit prior to construction. During construction the project was discovered by the Department and structural deficiencies that could result in massive failure of the roof and some of the exterior walls were pointed out. The failure could have resulted in injury and even death of building occupants

Even though warned about the deficiencies, the contractor and owner continued to build without the required permit.

Shortly after the interior finish was applied the building did in fact commence to fail structurally, with very noticeable deflection of the roof and movement of exterior walls showing. The failure resulted in after-the-fact corrections that in themselves do not assure the building will not experience future problems.

2. Bar - The building has a 300 person plus capacity. The roof, wall and floor structural systems have highly questionable load carrying capacity. The Department discovered the construction well under way without the required permit. The owner continued to build in spite of warnings to stop until the county attorney became involved. At this point the building construction has appeared to be abandoned and only half built.

As currently constructed, the building could experience a major structural failure, which could cause injury or death.

3. Athletic Club - The Department discovered the building at an advanced stage of construction without the required permit. Since nothing has been submitted, we have very few details concerning the building.

The owners have ignored all notices from the Department. It is now completed and occupied. We have no idea if the building is safe structurally or fire wise. The case is now in the hands of the county attorney.

4. Shop Building - The owner of a shop building, built

without a permit, requested assistance from the Department. The building was showing definite structural failure immediately after the owner moved into the building. The owner was instructed to retain a licensed designer to prepare plans for correcting the structural system and submit them for review.

5. Bar/Restaurant - The building has an occupant load capacity of 150. The owner retained a licensed designer to prepare plans for the building. After obtaining the Department's approval, the owner constructed the building differently than shown on the approved plans. While the Department was attempting to obtain compliance and shortly after the building was opened it experienced a serious fire which caused much damage to the building. Since one of the violations was the lack of a proper fire wall on the property line, it was only through a concerted effort of the fire department that the adjoining property was not extensively damaged.

As can be seen from the above examples, the hazards to life-safety and the chances of substantial property losses demand adequate enforcement authority. The current enforcement authority is cumbersome, does not allow rapid enough response time and is costly both to the enforcement agency and consumer.

The greater the extent of noncompliance, the greater the risk to life-safety, property loss, and the liability of the governmental agency enforcing the codes