

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

February 7, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales on the above date in Room 317 of the State Capitol.

ROLL CALL: Fourteen members were present with Reps. Moore and Jenkins absent and Reps. Holliday and Kennerly excused.

CONSIDERATION OF HOUSE BILL NO. 398: Rep. Mike Kadas, District #55, sponsor of the bill, explained to the Committee that he had served on an interim study and found that building inspections are very poor - they are not up to standards, not done on time and not done consistently. This bill would require that building inspectors would be certified by the International Conference of Building Officials (ICBO). They would have a three day course for certification and they would have to renew this certification every three years.

PROPONENTS: Jim Kembel, Department of Administration, read his prepared testimony which set out the reasons for their support of HB 398. See attached Exhibit #1.

There were no further proponents of HB 398.

OPPONENTS: There were no opponents to HB 398.

DISCUSSION OF HOUSE BILL NO. 398: Rep. Campbell asked if the \$15 for the renewal fee would support the program. Mr. Kembel said that this fee would go directly to the ICBO.

Chairman Sales asked Mr. Kembel how many inspectors they are talking about. Mr. Kembel replied that there are 56 cities in the code enforcement program. They have 20 inspectors at the present time and they would be looking at about 80 more for the 56 cities. The educational program would be held through Montana State University and they are willing to move that around the state. The test could be given at MSU and at other locations under the auspices of the ICBO.

There being no further questions, Rep. Kadas closed.

CONSIDERATION OF HOUSE BILLS NOS. 463 and 464: Rep. Bob Marks, District #75, sponsor of the legislation, said that these two companion bills would abolish the salary commission. HB 464 would be the statutory implementation if HB 463 should pass. The recommendations of this salary commission has never worked and they have been disregarded completely. This salary commission was set up by the 1972 Constitutional Convention as an advisory commission only. This has proved to be very frustrating for everyone involved. One of Rep. Marks' appointees

resigned from the commission because he thought it was a waste of everybody's time and a waste of taxpayer's money. The replacement was in favor of abolishing the commission also. This bill would put it back into the hands of the Legislature where it eventually ends up for approval and appropriations.

PROPOSERS: There were no proposers.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILLS NOS. 463 and 464: Rep. Cody asked Rep. Marks why he didn't introduce a bill that would give this Commission some strength. Rep. Marks told Rep. Cody that the authority is in the hands of the Legislature as the Constitution says this commission is just an advisory commission.

There were no further questions from the Committee.

Without further comment, Rep. Marks closed on HB 463 and 464.

CONSIDERATION OF HOUSE BILL NO. 488: Rep. Dennis Iverson, District #12, said that this bill would establish a Montana and Canadian Advisory Committee which would be empowered to carry on conferences with Canadian provinces. They suggested that the two agricultural committees get together, however, the Canadian agricultural committee is entirely different. There were more subjects that came up besides agriculture. Reps. Marks, Harper, Manuel and Iverson, along with Sens. Galt, Kolstad, Aklestad and Mazurek attended a meeting approximately a year ago as did members of several state agencies. They met again in Great Falls in October and focused on a few subjects they felt they could really work on. This bill asks for authorization to continue these conferences. One of the most important subjects would be a joint water storage project on the Milk River. He proposed two amendments, one on page 2, line 20, which would read governor or his designee. Another amendment would be page 3, line 6 strike "shall" and insert "may".

PROPOSERS: Rep. Smith wanted it on the record that the Montana Loggers' Association was in support of this bill.

Lauren McKinsey, Director of the 49th Parallel Institute of the Department of Commerce handed out the booklet "Bridging the 49th Parallel" (Exhibit #2) and said they intend to produce material like this on water, education, agriculture, etc. The discussions between Alberta and Montana about the possibility of building a reservoir in Canada to store Milk River water will help to alleviate closure of the Milk River. Hundreds of thousands of dollars are spent for studies after the problems arise when some advance work could have been done.

Brace Hayden, of the Governor's Office, said that the governor agrees with the amendment proposed by Rep. Iverson regarding a designee and supports this exchange with the Canadian provinces.

Rep. Hal Harper, District #44, appeared in support of the bill and stated that he was a member of the delegation that met with the delegation of Canadians. He stated that Montanans have as much in common with Canada as they do with other neighboring states. This is a beginning that the state should have taken a few years ago and said that it will bear fruit that both countries will enjoy.

Ralph Peck, Department of Agriculture, also one of the delegates to Edmonton, felt that that dialogue was irreplaceable and was very much in support of HB 488.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 488: Rep. Nelson asked if the Cabin Creek Mine is included. Rep. Iverson said it was not at the present time. They have only begun talks with Alberta and that is in British Columbia. The problem at Cabin Creek and Poplar perhaps would not have happened if this type of thing had been in existence.

Rep. Cody asked if anything had ever been resolved concerning the pollution of the Poplar River. Rep. Iverson said again that they have only been having discussions with Alberta and this problem would concern Saskatchewan and they are trying to have a meeting with representatives from these other two provinces.

Rep. Peterson asked if it was the intent to discuss a wide range of problems other than just agriculture and water. Rep. Iverson said that any time new appointments are made they would review the possible problem areas and perhaps come up with , different topics for discussion.

Mr. Hayden of the Governor's Office said that a representative of British Columbia does sit on the Flathead Basin Commission. Representatives from Montana, citizenry in Flathead valley and the federal government will look into the Cabin Creek problem and thought that this would be in the forefront again. Currently there is a U.S.-Canadian monitoring commission that is looking at the impacts caused by the mine regarding pollution of the Poplar River.

Rep. Iverson closed his presentation indicating that the governor is very much in support of this legislation and that there were several Senators that would have liked to have been in attendance at the hearing but were unable to attend.

The hearing was closed on HB 488.

CONSIDERATION OF HOUSE BILL NO. 482: Rep. Pistoria, District 36, said the purpose of the bill is to allow a person who becomes ill or otherwise unable to vote on election day to have the right to vote absentee. He explained the changes to the current election law. Tom Gomez of the Legislative Council and Alan Robertson of the Secretary of State's Office worked up this bill and also conferred with several clerks and recorders and election administrators.

PROPOSERS: Larry Akey, Chief Deputy, Secretary of State, said they did work with Alan Robertson and he is more familiar with the bill. They received several phone calls after the 1984 election concerning this problem. This bill would handle special instances that would not be foreseeable before the absentee ballot application closes. He said it would be a minimal cost to the counties. It would allow an opportunity to vote that could not be done otherwise.

Sue Bartlett, Clerk and Recorder from Lewis and Clark County, said that the clerks and recorders are all pleased with this bill. Presently, not only do they lose their ability to vote in the election but in the general election they also lose their voter registration. She said she would like to work with Rep. Pistoria on clearing up some of the language to make it more clear to election administrators before any action is taken on the bill, however, if this would be delaying the bill, they would live with it the way it is.

Joanne Peres, Montana Association of Clerks and Recorders, wanted it on record that they are in support of the bill.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 482: In answer to Rep. Cody, Ms. Bartlett explained the process of delivering an absentee ballot to an incapacitated person on election day. Rep. Campbell asked what the cost would be to the county. Ms. Bartlett said the cost would be minimal because there are only 10-20 requests for absentee ballots on election day.

Chairman Sales, quoting from the bill, said that "special absentee election boards as needed in various places" and asked if this would be every precinct. Ms. Bartlett said in counties that are large it would be the responsibility of the election administrator to have a board in a distant part of the county such as Augusta in Lewis and Clark County. These boards would come to the courthouse on election day and then be assigned to specific individuals to whom they would deliver the absentee ballots. Even to Augusta she said they could have this done well before the polls closed.

Alan Robertson, Secretary of State's Office, said he did support the bill and said that the bill could work.

Rep. Pistoria said he would be willing to work on the technicalities mentioned by Sue Barttlett. Chairman Sales said executive action would be delayed one day on HB 482 to allow time for proposed amendments to be prepared.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 14: Rep. Paul Pistoria, District #36, sponsor, said that this Resolution deals with the broadcasting companies giving the results and projections of the elections before the polls are closed.

PROPOSERS: There were no proponents.

OPPOSERS: Jerry Loendorf, appearing on behalf of the Broadcasters of the state of Montana, said he recognized the concerns of Rep. Pistoria in this Resolution. The main issue is does reporting of these projections discourage people from going to the polls. Research has not indicated that to be so. This Resolution prohibits not just the reporting of projections but the actual reporting of results. He said that most of the electorate lives in the two eastern time zones of the U.S. so we know what 80% of the people have done when those polls are closed. He did not think this reporting discouraged the people from going to the polls

Larry Akey, Chief Deputy, Office of Secretary of State, disagreed with Jerry Loendorf and said that the statistics are not in on the impact of early projections and said they do have an impact on voter turnout.

DISCUSSION OF HOUSE JOINT RESOLUTION NO. 14: Rep. Cody was concerned about page 4, line 6 which prohibits the broadcasting of election returns.

In closing, Rep. Pistoria, voiced his disagreement with the opponents.

The Committee then went into executive session.

DISPOSITION OF HOUSE BILL NO. 398: Rep. Harbin moved that HB 398 DO PASS WITH STATEMENT OF INTENT ATTACHED, seconded by Rep. Fritz. Motion failed 10-6. See Roll Call Vote attached.

The vote was reversed that HB 398 DO NOT PASS WITH STATEMENT OF INTENT ATTACHED.

DISPOSITION OF HOUSE BILLS NOS. 463 and 464: Rep. Phillips moved that HB 463 DO PASS and that HB 464 DO PASS AS AMENDED. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 488: Rep. Fritz MOVED ADOPTION OF THE AMENDMENTS, seconded by Rep. Garcia. Motion CARRIED UNANIMOUSLY. See Committee Report for amendments.

Rep. Fritz then moved that HB 488, DO PASS AS AMENDED, seconded by Rep. Compton. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 14: Rep. Pistoria moved that HJR 14 DO PASS, seconded by Rep. Garcia. Rep. Harbin spoke in opposition to the Resolution. Reps. Garcia, O'Connell, Pistoria, and Phillips voting in favor of the Do Pass. Motion FAILED.

Rep. Cody moved that HJR 14 DO NOT PASS, seconded by Rep. Peterson. The vote was reversed with Rep. Garcia, O'Connell, Pistoria and Phillips voting "no". Motion CARRIED.

DISPOSITION OF HOUSE BILL NO. 394: Rep. Harbin explained the amendments proposed by Rep. Brown.

Rep. O'Connell moved that the LIBRARY BOARD BE INCLUDED, seconded by Rep. Pistoria. Motion CARRIED UNANIMOUSLY.

Lois Menzies explained the problems with the board members not receiving compensation for serving on these various quasi-judicial boards and cleared up the questions for several of the members.

Rep. O'Connell moved that HB 394 DO PASS AS AMENDED, seconded by Rep. Harbin. Motion CARRIED UNANIMOUSLY.

There being no further business before the Committee, the meeting was adjourned at 10:45 a.m.

Written votes on the above bills were left by Reps. Holliday and Kennerly who were excused.

  
\_\_\_\_\_  
WALTER R. SALES, Chairman

Thursday. Exec Action

HB 327

Vote yes on bill or  
amended in any manner  
to assure uniformity.

Vote no on any amend-  
ment or amended bill  
that would continue co-  
tation.

Rep. Holliday

State Administration  
Thurs. Feb. 7

~~HB 398 Kados~~ - Yes  
~~HB 463 Marks~~ - Yes  
~~HB 464 Marks~~ - Yes  
HB 482 Pistaria - No  
~~HB 488 Iverson~~ - Yes  
HSR 14 Pistaria - No

Vote to remain the  
same if bill is amend-  
ed. Except for HSR 14,  
vote yes if amended  
to "Continental" United  
States.

Rep. Holliday



State Adm. Kennerly

<del>HB 463</del>	<del>YES</del>
<del>HB 464</del>	<del>NO</del>
HB 482	YES
<del>HB 488</del>	<del>YES</del>
<del>HB 398</del>	<del>YES</del>

I have an excuse  
for the above  
list is my list.

Rep. Kennerly

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

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/7/85

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

# STANDING COMMITTEE REPORT

Page 1 of 2

February 7

85

19.....

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 394

First reading copy ( White )  
color

## COMPENSATION FOR PUBLIC EMPLOYEES ON QUASI-JUDICIAL AND EDUCATION BOARDS

Respectfully report as follows: That HOUSE Bill No. 394

### BE AMENDED AS FOLLOWS:

1. Title, line 7.  
Following: "BOARDS"  
Strike: "AND"  
Insert: ";

2. Title.  
Following: line 9  
Insert: "AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE  
STATE LIBRARY COMMISSION;"

3. Title, line 11.  
Following: "20-2-101."  
Insert: "22-1-101."

DO PASS

CONTINUED

February 7

1985

4. Page 7.

Following: line 19.

Insert: "Section 7. Section 22-1-101, MCA, is amended to read:

"22-1-101. State library commission established. (1) There is a state library commission.

(2) This commission is composed of the following members:

(a) the state superintendent of public instruction or his designee;

(b) five persons appointed by the governor, who shall serve staggered terms of 3 years; and

(c) a librarian appointed by the commissioner of higher education from one of the six units of the Montana university system, who shall serve a term of 3 years.

(3) The commission shall annually elect a chairman from its membership.

(4) The members of said commission shall be compensated and receive no compensation for their services except their travel expenses, as provided for in 2-18-501 through 2-19-503 2-15-124."

Renumber: Subsequent sections

hb394.scr

nc2/kip

AND AS AMENDED  
DO PASS

# STANDING COMMITTEE REPORT

February 7

1935

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 433

First reading copy ( White )  
color

## ESTABLISH MONTANA-WESTERN CANADIAN PROVINCES BOUNDARY ADVISORY COMMITTEE

Respectfully report as follows: That HOUSE Bill No. 433

### BE AMENDED AS FOLLOWS:

1. Page 2, line 20.

Following: "governor"

Insert: "or his designee"

2. Page 3, line 6.

Strike: "shall"

Insert: "may"

AND AS AMENDED

DO PASS

# STANDING COMMITTEE REPORT

February 7

85

19

**SPEAKER**

MR. ....

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **398**

**First**

reading copy ( **White** )  
color

**REQUIRE STATE AND LOCAL BUILDING INSPECTORS TO BE CERTIFIED  
BY 1938**

Respectfully report as follows: That **HOUSE** Bill No. **398**

**DO NOT PASS**

~~DO NOT PASS~~

**STATEMENT OF INTENT ATTACHED**

A statement of intent is required for this bill because it grants rulemaking authority to the department of administration for the purpose of establishing certification standards for building code inspectors.

It is contemplated that the department's rules should address the following:

(1) types of suitable educational training programs which may be required to be successfully completed, such as classroom instruction, seminars, examinations, home study, or a combination thereof;

(2) standards for determining programs to be approved for fulfillment of the requirements, such as adequacy of facilities, qualifications of instructors, and course content;

(3) the number of hours of instruction required, if any; and

(4) the basic content of the procedures and passing grade for any examinations required.

It is contemplated that the department may adopt by reference the standards adopted by the international conference of building officials. However, any changes in the ICEO standards must be included in the department's rules, by amendment, if the department considers the changes appropriate.

# STANDING COMMITTEE REPORT

February 7

19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 464

First reading copy ( White )  
color

## ABOLITION OF MONTANA SALARY COMMISSION

Respectfully report as follows: That HOUSE Bill No. 464

### BE AMENDED AS FOLLOWS:

1. Title, line 6.  
Following: "WITH"  
Strike: " " through " 1 "  
Insert: "HOUSE BILL NO. 463"
2. Page 2.  
Following: line 22 23  
Strike: " " through " 1 "  
Insert: "HOUSE BILL NO. 463"

### AND AS AMENDED

DO PASS



STATE PUB. CO.  
Helena, Mont.

Walter R. Sales,

Chairman.

COMMITTEE SECRETARY



(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

HOUSE COMMITTEE STATE ADMINISTRATION

DATE 2/7/85 H Bill No. 398 Time 10:10

NAME	YES	NO
Sales, Walter		✓
O'Connell, Helen		✓
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		✓

Louise L. Sullivan  
Secretary

Walter Sales  
Chairman

Motion: Do Pass With Statement of Intent  
Motion Failed

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

# STANDING COMMITTEE REPORT

February 7

35

19.....

MR. SPEAKER.....

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

having had under consideration HOUSE..... Bill No. 463

First reading copy ( White )  
color

**CONSTITUTIONAL AMENDMENT REMOVING NEED TO CREATE A SALARY  
COMMISSION**

Respectfully report as follows: That HOUSE..... Bill No. 463

DO PASS

# STANDING COMMITTEE REPORT.

February 7

19 85

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE JOINT RESOLUTION** Bill No. **14**

**First** reading copy ( **White** )  
color

**URGING CONGRESS TO PROHIBIT THE BROADCASTING OF ELECTION PROJECTIONS**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** Bill No. **14**

**DO NOT PASS**

**DO PASS**

## STATEMENT OF INTENT

HOUSE BILL NO. 398

A statement of intent is required for this bill because it grants rulemaking authority to the department of administration for the purpose of establishing certification standards for building code inspectors.

It is contemplated that the department's rules should address the following:

(1) types of suitable educational training programs which may be required to be successfully completed, such as classroom instruction, seminars, examinations, home study, or a combination thereof;

(2) standards for determining programs to be approved for fulfillment of the requirements, such as adequacy of facilities, qualifications of instructors, and course content;

(3) the number of hours of instruction required, if any;  
and

(4) the basic content of the procedures and passing grade for any examinations required.

It is contemplated that the department may adopt by reference the standards adopted by the international conference of building officials. However, any changes in the ICBO standards must be included in the department's rules, by amendment, if the department considers the changes appropriate.

## VISITORS' REGISTER

STATE ADMIN

COMMITTEE

BILL NO. HB 482

DATE ~~2/6/85~~ 2/7/85

SPONSOR PISTONIA

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

## STATE ADMIN

COMMITTEE

BILL NO. HJR 14

DATE 2/7

SPONSOR PISTORIA

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## STATEMENT OF INTENT

HOUSE BILL NO. 398

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(4) the basic content of the procedures and passing grade for any examinations required.

It is contemplated that the department may adopt by reference the standards adopted by the international conference of building officials. However, any changes in the ICBO standards must be included in the department's rules, by amendment, if the department considers the changes appropriate.

Ex. #1  
HB-398  
2/7/85

TESTIMONY OF HE NO. 398

BUILDING CODES DIVISION  
DEPARTMENT OF ADMINISTRATION

The certification of local and state building inspectors will improve the quality of inspections providing for better safety of building occupants and reduce the conflicts between the construction industry and code enforcement agencies.

By having inspectors qualifications tested and certified, the legal liabilities inherent with code enforcement programs will be reduced for the enforcing governmental agencies.

It is only reasonable to require persons inspecting construction to be at least as qualified as those persons whose work they are inspecting and certification will provide that assurance.

A number of municipalities are already participating in training sessions for inspectors and therefore, no additional burden should be experienced.

As referenced in the bill, the Department would make use of the certification program made available by the International Conference of Building Officials (ICBO). ICBO tests inspectors, scores the tests and issues certification for a fee of \$60 per inspector. The certification is renewed, after successful completion of an open book exam, every three years upon publication of the new edition of the codes for a fee of \$15.

In closing, we would like to state that certification of inspectors will do much to improve the professional level of inspection programs and therefore, is worthy of positive consideration.



(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

HOUSE COMMITTEE STATE ADMINISTRATION

DATE 2/7/85 H Bill No. 398 Time 10:10

NAME	YES	NO
Sales, Walter		✓
O'Connell, Helen		✓
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		✓

Louise L. Sullivan  
Secretary

Walter Sales  
Chairman

Motion: Do Pass With Statement of Intent  
Motion Failed

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

EX #21  
H13-488  
2/17/85

# BRIDGING THE 49TH PARALLEL



WITNESS STATEMENT

NAME JIM KEMBEL BILL No. 398

ADDRESS Building Codes DOA DATE 2/7/85

WHOM DO YOU REPRESENT DOA

SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: ATTACHED

## VISITORS' REGISTER

STATE ADMIN

COMMITTEE

BILL NO. HB 398

DATE 2 / 7 / 85

SPONSOR KADAS

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.