

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

March 26, 1985

The fiftieth meeting of the State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m. on Tuesday, March 26, 1985.

ROLL CALL: All the members were present.

CONSIDERATION OF HOUSE BILL 921: Representative Bob Thoft, House District 63, is the sponsor of this bill entitled, "AN ACT REMOVING THE REQUIREMENT THAT THE MONTANA LAW ENFORCEMENT ACADEMY BE LOCATED AT ONE OF THE UNITS OF THE MONTANA UNIVERSITY SYSTEM; AMENDING SECTIONS ..., MCA." Representative Thoft said this eliminated the requirement that the law enforcement academy be located by one of the university system units. This would then give other locations in the state a chance to compete. He said they were asked to appropriate \$7 million for a new building. Representative Thoft said they do not have that much money, so they would like the opportunity to look at alternatives. Representative Thoft felt there were a number of locations that are adequate for this academy. He said they want all of these locations looked at, and that's the whole crux of the matter.

PROPONENTS: Representative Gene Ernst, District 29, supports this bill. He said that he was on the Long-Range Planning Committee that heard this request, and he wanted to stress that they need this option to look at all the sites in Montana.

Representative Jim Schultz, District 30, supports this bill. He felt that Lewistown was the best site and he felt that we need this bill in order for it to be considered.

Representative Red Menahan, Deer Lodge County, District 67, supports this bill. He said that it seems we have to build everything on the university campuses or in Helena. He said that the institutions have been diversified and that seems to work fine, so doing these type of movements are good for other areas. Representative Menahan said they have a place available in their area. He said at least they won't have the problem that they are having in Bozeman with the neighbors being afraid they are being shot at. He felt this bill will save the state money.

Senator Bob Williams, District 15, supports this bill. He said he hoped the Committee would concur with this bill and give him a chance to speak on the floor of the Senate.

Ken Byerly, Publisher, Lewistown News, supports this bill. Mr. Byerly went into great deal expanding on the virtues of their area for this academy. Mr. Byerly gave many examples of why the academy does not need to be on one of the university sites. He really feels that the legislature should have the option of looking at other sites in Montana. (For more of Mr. Byerly's testimony see Exhibit "1" attached hereto and by this reference made a part hereof.)

Robert K. Phillips, Fergus County Commissioner, supports this bill. He felt this would save the state a lot of money, and would be good economics. (For more of Mr. Phillips' testimony see Exhibit "2" attached hereto and by this reference made a part hereof.)

Senator Harold Dover, Lewistown, supports this bill. Senator Dover told the Committee about the Sheriff's, Police and Highway Patrol officers coming to Lewistown to take their drivers training. He said many cities and counties cannot afford to send their people to Lewistown for their drivers training. Consequently, he told the Committee many of them are very liable because their drivers have not been trained. He told the Committee that the driving course is on an abandoned run-way in Lewistown. He told the Committee that he hoped they would give the state this option, and he closed by reminding them how centrally located Lewistown is.

Senator Richard Manning, supports this bill. He feels this is a chance for the Attorney General to locate his academy at a cost savings to the state. He said these facilities will be available at a good price and this will bring jobs to these other communities.

Harlan Durgan, Livingston, Chairman of the Board of Big Sky Bible College, supports this bill. He said that if the way is opened up for the state to look at other sites, they will be glad to talk to the state about their facility at Lewistown, which would be perfect for the academy.

OPPONENTS: John Scully, Sheriff's and Police Officer's Association, opposes this bill. Mr. Scully told about a hospital in Bozeman that will be coming available that will possibly fit their needs for a lot less. Mr. Scully feels that this functions best because it is attached to the university. He felt that there would be a problem with the educational process if it was moved. He asked the Committee to look at the whole situation. Mr. Scully believes that the best process would be to back away and regroup and look at this again.

Senator Anderson, Senate District 37, opposes this bill. He said that the Committee should please keep in mind that law enforcement is a professional institution. When the court systems, the social systems, and even the criminal systems are growing more sophisticated, we cannot condone anything but professional

education and training for our law enforcement officers and other criminal justice personnel. It is difficult to duplicate the quality and quantity of resources on a campus of the university system. Senator Anderson told the Committee that Dillon had entered an exciting proposal to the Governor and Long Range Planning. It would cost the state nothing as they had private funding and the state would simply have to pay rent for the facility, and it would be near one of the university system units. Therefore, he felt that this bill was not needed. (See Exhibit 3, attached hereto.)

COMMITTEE QUESTIONS: Senator Farrell asked Representative Thoft how many people they were talking about, and how many classes, etc. Representative Thoft said 1,000 or 2,000 applicants for 64 slots. Senator Farrell asked if this was throughout the year. Representative Thoft replied yes. Senator Farrell asked Mr. Durgan if this facility had been kept up or if it had been abandoned. Mr. Durgan replied that it was kept up and there was a caretaker on the premises. Senator Haffey reminded the Committee that if this bill passes Lewistown can be considered as a site, but if it fails, Dillon will still be a viable site.

Representative Thoft is closed. HOUSE BILL 921 is closed.

EXECUTIVE ACTION ON HOUSE BILL 921: Senator Manning made a motion that HOUSE BILL 921 be concurred in. Senator Lynch told the Committee that he would like some time to think this over. He would like a chance to check into some of the proposals. He would also like to think over what Mr. Scully had to say. Senator Tveit said that he sat on the Long Range Planning Committee that handled this matter and asked for this bill, and that they wanted to look at other locations in the state. They sincerely felt that this is the way it should be handled because of the \$7 million request. Senator Haffey agreed that the Committee should think about this a day, so he deferred action until Wednesday, March 27, 1985.

CONSIDERATION OF HOUSE BILL 893: Representative Joe Quilici, House District 71, is the sponsor of this bill entitled, "AN ACT LIMITING THE NUMBER OF COPIES OF THE ADMINISTRATIVE RULES OF MONTANA TO BE PROVIDED TO COUNTIES; REMOVING THE PROVISIONS FOR PROVIDING A COPY TO THE CLERK OF EACH COURT OF RECORD; AMENDING SECTION ..., MCA." Representative Quilici said this bill was drafted at the request of House appropriations and all it asks is that you limit the number of copies of the Administrative Rules of Montana (ARM) sent to the counties. He said copies are sent to the law libraries, legislative council, and everyone has one that needs one. He said many people never use theirs and it is expensive to send out all these copies. He said this will save the state about \$30,000. He said Mr. Akey would explain further.

to receive them or not, we would only have to send them one copy. Mr. Akey said that many counties don't need or want to receive them. He said sending one copy would save about \$15,000 per year.

Sue Bartlett, Lewis and Clark County Clerk & Recorder, said that she had a unique situation in Lewis and Clark County and she needed both copies. She told the Committee that in her county the court system, which used ARM extensively was located in one building and the administrative offices, which also used ARM, are located in another. Ms. Bartlett told the Committee that they use these extensively and they need two copies and she urged that they retain the flexibility of allowing them two copies.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Lynch wanted to know how the bill originally read. Mr. Akey replied that originally it said that they were to only get one copy, but now it says that they have the option of receiving two copies. Senator Lynch asked about the cost of sending these, Mr. Akey replied that it cost about \$225 to print and send the administrative register.

Representative Quilici said he was closed. HOUSE BILL 893 is closed.

EXECUTIVE ACTION ON HOUSE BILL 893: Senator Harding moved that HOUSE BILL 893 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 893 BE CONCURRED IN. (Senator Lynch will carry this to the floor.)

CONSIDERATION OF SENATE JOINT RESOLUTION 33: Senator John Mohar, Senate District 1, is the sponsor of this bill entitled, "A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE APPROPRIATE ROLE OF THE STATE IN REGULATING AND LICENSING CONTRACTORS AND PROMULGATING AND ENFORCING BUILDING CODES; REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 50TH LEGISLATURE." Senator Mohar told the Committee that this was one of the ideas to come out of the Governor's Advisory Council and he thinks it needs to be studied. He told the Committee that if you lived outside one of the big cities and you bought a house, chances are, that house will not be inspected to see that it comes up to the codes. Senator Mohar feels that this is really a problem. He also feels that it is a problem with the state licensing contractors and that the state might have some liability. Senator Mohar said that the bill that was introduced was too restrictive, but he feels that a study on this subject needs to be undertaken and answers found.

PROPONENTS: W. James Kembel, Building Codes Division, Department of Administration, supports this bill. Mr. Kembel said that since the creation of the building codes division in 1977, the

types of structures required to have building permits has been modified on numerous occasions. The proposed resolution would allow an interim committee to review the advantages and disadvantages of building codes and thus make recommendations as to what the role of the State should be in code enforcement. As currently written, the enforcement provisions of the statutes do not provide adequate tools for assuring compliance with the building codes. The Committee will thus be able to review different approaches to the enforcement issue and make recommendations as to desirable methods. Mr. Kembel also said that currently the statutes do not designate whether someone has to be trained in order to preview designs, and a lot of the plans submitted to the division for review are prepared by individuals not trained in design and thus are difficult if not impossible to review. Mr. Kembel said in summary, many of the topics addressed in SJR 33 have been before legislature on several occasions. There is a need to provide a forum to discuss the overall regulation of the construction industry and decide what role the state should play in that regulation in future years. (For more of Mr. Kembel's testimony, see Exhibit "4" attached hereto and by this reference made a part hereof.)

Barbara Martin, Governor's Advisory Council Researcher, supports this bill. She said the Committee had a lot of people speak to the need or look at certain codes, but the Council didn't have the time. She said this would require a study of certain codes and licensing procedures, and imposes certain standards by which contractors should be licensed. Ms. Martin felt that there was very little enforcement regulation and this could lead to the state being liable. (For more of Ms. Martin's testimony see Exhibit "5" attached hereto and by this reference made a part hereof.)

Keith Colbo, Director of Department of Commerce, supports this bill. He said this would transfer from the Department of Administration to the Department of Commerce and we actively support that transfer, and he felt that this bill was very timely. Mr. Colbo said that there are weaknesses in the law both procedural and in enforcement and these need to be addressed. He hoped the Committee would endorse this.

Gene Fenderson, Laborer's union, supports this bill. He agreed with the things that had been said before. He said that they felt they would have to go back to the cities and counties to put these codes into effect, and that would necessitate working with many different entities. It would be haphazard at best and this way was better and they would wait and see what happens with this resolution.

Terry Carmody, Montana Association of Realtors, supports this bill for all the reasons above.

Bill Lannon, University System, supports this bill for all the reasons above.

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Marty Crennan, Architect and member of Governor's Advisory Board, supports this resolution.

William Belforte, Governor's Advisory Council, supports this study.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: There were no committee questions.

Senator Mohar closed by saying there was a need for this study. SENATE JOINT RESOLUTION 33 is closed.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 33: Senator Manning made a motion that SENATE JOINT RESOLUTION 33 do pass. Senator Hirsch said that he would like to have time to think this over and discuss it. Senator Haffey said that this would be held until after the hearings. After the hearings, Senator Manning made a motion that SENATE JOINT RESOLUTION 33 do pass. Senator Hirsch said that he did not know how important this was. He felt that it had been thoroughly studied, first in the Advisory Council, and second during the committee meetings. Senator Haffey told Senator Hirsch that the Advisory Council's work was broader than this, and this was only one small area that they looked at, and they could not give it all the time it required. However, they felt it should be brought to the legislature. He said that they heard repeatedly that there were problems in this area, but they did not have time to comprehensively address this problem. He said that he thought the study was important. Senator Manning said that he felt that if this passes and it is placed high on the priority of studies, it will solve a lot of problems and he feels that it is needed, otherwise they will have a hodge-podge. Senator Harding felt that there were no small contractors that had input into this and they were needed. Question was called, and the Committee voted unanimously that SENATE JOINT RESOLUTION 33 DO PASS.

CONSIDERATION OF HOUSE BILL 864: Representative Harry Fritz, House District 56, Missoula, is the sponsor of this bill entitled, "AN ACT PROVIDING THAT CANDIDATES' NAMES NEED NOT BE ROTATED ON PAPER BALLOTS REQUIRED TO BE AVAILABLE WHERE VOTING MACHINES OR DEVICES ARE USED; PROVIDING THAT IF THE NAMES ARE NOT ROTATED, THEIR ARRANGEMENT ON THE BALLOT MUST BE DETERMINED BY LOT; AMENDING SECTIONS ..., MCA." Representative Fritz said that if this had passed the way it was introduced in the House, it would have banned that peoples names be rotated on all ballots. However, it was felt that position does make a difference, so they decided on drawing of lots. One of the people suggested that the first to file should have the top slot, but they were afraid they would kill each other at the door trying to be the

first to get signed up. Representative Fritz said that even in counties where only 1 or 2% of the paper ballots are used, the names have to be rotated and this is very expensive. It costs approximately \$60.00 per ballot. This bill eliminates need for rotation on paper ballots where machines are used.

PROPOSERS: Lorraine P. Molitor, Madison County Clerk & Recorder and Election Administrator, supports this bill. She said all election officials, clerks, printers and others who deal with the conduct of elections know that the most costly, time consuming duty in regard to elections is the rotation of the ballot. Ms. Molitor felt that the placement of the name was not really important because they were dealing with only those few paper ballots which we are required to supply under the provisions of 13-17-305. She said printers told them that the high cost of the ballots is not in the number printed but in the ballot layout. Rotation requires a number of such layouts, as many as 170 different ones for Butte-Silver Bow. Ms. Molitor requested an estimate on the difference between ordering 1000 ballots of the same rotation verses ordering 10 each of 100 rotations, but she has not received that information. However, she has the following information taken from the official records; Butte-Silver Bow, 1982 primary election cost \$1,424. Not one ballot used. She listed many other counties with outrageous costs. Ms. Molitor closed by saying, after all, Clerk and Recorders are elected officials also, if we thought that rotation on these paper ballots could jeopardize our own election, would we then be working so hard to eliminate it? She feels that such a remote possibility can justify the cost to her constituents. (For more of Ms. Molitor's testimony, see Exhibit "6" attached hereto and by this reference made a part hereof.)

Mike Stephen, Clerk & Recorders Association, supports this bill, for all the reasons stated above.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Lynch wanted to know if this would eliminate rotation on absentee ballots. Sue Bartlett said it would. She said in Yellowstone County you are talking several thousand ballots. Senator Lynch said you would have to trust your position on the ballot to a "flip" of the coin. There was some discussion about paper ballots being eliminated in counties with voting devices. Senator Hirsch asked what about Missoula County where they use a lot of paper ballots. Larry Akey, Secretary of State's office, explained that this would eliminate rotation in those counties where the paper ballots have to be counted by hand. Senator Farrell felt that position was important and 3100 voters could make a big difference. Senator Harding wanted to know how many people voted absentee ballot, which are all paper ballots. Mr. Akey said that the number 48,000 sticks in his mind, but he didn't know. Senator Harding felt that HB-631 would take care of the counties that

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did not use very many paper ballots, but she felt this bill needed some work.

Representative Fritz closed by saying that obviously Missoula County would have to keep using the rotation method, and that this wouldn't deny them the right to do that, it would simply give them the option. HOUSE BILL 864 is closed.

EXECUTIVE ACTION ON HOUSE BILL 864: Senator Lynch said he would like time to look this bill over. He was not comfortable with it. Senator Haffey said they would act on this bill tomorrow, March 27, 1985.

The meeting was adjourned at 11:25 a.m.

  
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SENATOR JACK HAFFEY, CHAIRMAN





DATE March 26, 1985

COMMITTEE ON State Administration

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Harold Dove	Bay Sky Bible College	921	✓	
Ken Byrsh	Lewistown News - Opyn	921	✓	
W. James Kembel	Building Codes Div DDA	SJR33	✓	
JOHN SHELHAMER	Big Sky Bible College	#R921	✓	
Robert K Phillips	Fergus County Commissioners	921	✓	
Ray R. Tisdall	New Industries Lewiston	921	✓	
Gene D. Hallman	Made-O-Day Indian Store	921	✓	
Walter Ferdinand	Ugogo Inn Lewistown	921	✓	
Wesley Anderson	Ugogo Inn Lewistown	921	✓	
Jim McGimpsey	Ugogo Inn Lewistown	921	✓	
Jack Barney	Fergus County Sheriff	921	✓	
Jerry Willis	Lewistown - New Industries	921	✓	
Anna Pennell	Lewistown - Giltrager	921	✓	
Augusta Schindler	Farm Bureau Dist. Lewistown	921	✓	
Phyllis Samuel	McNair Realty Co	921	✓	
Hebbie S. Pallott	Fergus Co Clerk & Recorder	864	✓	
Charlotta Tisdall	Lewistown	921	✓	
Shirley Tisdall	Lewistown	921	✓	
Pat Tisdall	Lewistown	921	✓	
Franklin Manning	Bellevue High School	5032	✓	
Erwin Fendler	Int State Bldg Trade	5JR33		
Paul Walker	Dist 15	921	✓	
Randy Sumis	NUOE Local 400	5JR33	✓	
Rev. Charles	Lewistown MT	921	✓	
Jim Schultz	" Dist 30	921	✓	

DATE \_\_\_\_\_

COMMITTEE ON \_\_\_\_\_

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Barlow Durgan	Livermore	921	X	
Sue Battlett	Lewis & Clark Co. Clk & Recorder	864	X	
" "	" "	893	X	
Lorraine A. Malitor	Madison County, Cal.	864	X	
Do	Do	893	X	
Keith J. Colby	Dept of Commerce	SJ 33	X	
Mike Styer	MT Clk & Records	864	X	
LARRY AKEY	SEC OF STATE	893	X	
Bill Olson	MT. Contractors Assn	SJ 33	X	
Joe Johnson	Dist 1	897	X	
Wm Belote	Smackee Co MT	SJ 33		
Margaret S Davis	League of Women Voters HB	864		
Sen Richard Manning	Senate Dist 18	HB 921	X	

(Please leave prepared statement with Secretary)

Statement by Ken Byerly, Publisher  
Lewistown News-Argus

We in Lewistown well know the problems you Legislators face this session to keep the State "in the black." So we are not here to urge that you construct a new building for the Law Enforcement Academy, or that you buy a building or buildings to house it.

However, after learning that the Attorney General asked the Legislature for \$7.4 million to build a new facility near the Montana State University campus in Bozeman, we decided to offer a superb facility near Lewistown that can fill the Academy's needs and at the same time save Montana's taxpayers at least \$5 million.

It is the Big Sky Bible College's former home that was constructed originally by the Air Force as a radar base. It has over 25 acres of land in a beautiful setting and on an excellent highway.

The facility once housed 230 students. There is plenty of dormitory space, fine and fully equipped kitchen and dining room, excellent classrooms and offices, 27 houses, a gymnasium, recreational facilities, library, meeting room for over 200, a shop and even more.

But we are not here to try to sell you the former Big Sky facility in the Judith Mountains. That may come later.

We are here because several Montana communities, including Lewistown, have facilities available for consideration as a home for the Academy.

Our present law, as you know, says the Academy must be located in a city where there is a unit of the University System. This prevents you from considering other desirable sites. It can also place an added burden on Montana's already over-burdened taxpayers.

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Rep. Bob Thoft stated the problem well when HB 921 was approved by the

House. "From a standpoint of dollars and cents," he said, "we should have an opportunity to at least look at the Lewistown possibility."

His comment can also apply to other community possibilities that do not include one of the University System's six units.

Now a final point.

Much misleading information has been put out by those who advocate the Bozeman site. I have many examples, but shall use just one to make the point.

"The Academy must be at Bozeman," we have been told, "because many MSU faculty members are used as lecturers and teachers."

"This is not so," our Lewistown assistant chief of police told me. "I have attended at least eight sessions at the Academy in the past 13 years. Only one MSU professor appeared before us in all this time, and he for only two hours."

One of our patrolmen confirmed this saying: "I attended a six-week session at the Academy in 1982, and another for a week in 1984. There were no faculty members from MSU at either session except the one already mentioned, and he was with us only two hours."

On the contrary, we have had three or four of our Lewistown men, <sup>who</sup> drive over to Bozeman to teach classes at the Academy.

This, and other examples of misinformation that I can cite, may have given a false impression to Legislators and the public. The fact is that there is no real reason why the Academy must be in Bozeman.

In fact, there are important advantages to locating it elsewhere, including the great savings to taxpayers.

We feel strongly that passage of HB 921 is very important to Montana's already over-burdened taxpayers, and can also be in the longtime interest of the Law Enforcement Academy.

We respectfully urge ~~your~~ approval of HB 921 so that you can consider all possible sites.

Thank you.

**F E R G U S C O U N T Y**  
**S T A T E O F M O N T A N A**

*Lewistown, Montana 59457*

*Exhibit "2"*  
*HB-921*  
*3-26-85*

March 25, 1985

Senate State Administration Committee

I am Robert K. Phillips, Fergus County Commissioner, speaking in support of House Bill #921. This bill, if passed would allow the Law Enforcement Academy to be located in any town or city and not just a city where one of the units of the Montana University System is located.

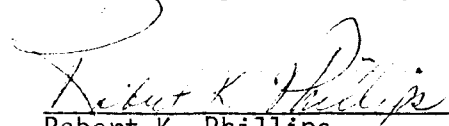
With the concern of legislature as well as the public in general about the States budget, it would seem any savings would be important. You can provide this savings by considering an open door policy as to location and sites. Interest earned on the State Investment Program from funds saved in site location would go a long way to meet needs of the Academy's budget.

We in Central Montana feel the current limiting stipulation is without cause. If other communities could offer sites that would suffice the needs of the Academy and do so at a savings to the taxpayers of Montana, the opportunity should be available.

Again voting favorably for House Bill #921 would be good economics in terms of tax dollar savings.

Thank you for your time concerning this bill.

Respectively submitted,

  
\_\_\_\_\_  
Robert K. Phillips

*Sen. Anderson  
Exhibit "3"  
HB-921  
3-26-85*

# Dillon For The MLEA

## FUTURE HOME OF THE MONTANA LAW ENFORCEMENT ACADEMY

### ORGANIZERS

John Eliel, chairman, BEAVERHEAD  
COUNTY COMMISSIONERS

Jim Wilson, mayor, City of Dillon

Dan Shively, member MONTANA  
AMBASSADORS, PRESIDENT NORWEST BANK

Wilbur Anderson, manager,  
VIGILANTE ELECTRIC

Bob Thomas, president,  
WESTERN MONTANA COLLEGE

Rick Later, sheriff,  
BEAVERHEAD COUNTY

Pat Clark, Chief of Police

Tom Brossart, editor and  
publisher, THE DILLON TRIBUNE-EXAMINER

Karen Castleman, president BEAVERHEAD  
COUNTY CHAMBER OF COMMERCE

Dr. Robert English, optometrist

Jerry Jack Boyd, CPA

Butch Opsahl, BEAVERHEAD COUNTY  
ECONOMIC DEVELOPMENT DIRECTOR  
683-4245

Senator Dick Manning  
State Administration Committee

Dear Senator,

As you consider HB 921, please keep in mind  
that Law Enforcement is a professional institution.

When the court systems, the social systems,  
and even the criminal systems are growing more  
sophisticated, we cannot condone anything but  
professional education and training for our law  
enforcement officers and other criminal justice  
personnel..

It is difficult to duplicate the quality and  
quantity of resources on a campus of the  
University system.

Law enforcement's close association with  
our University system and its resource is  
essential.

Thankyou

**MONTANA LAW ENFORCEMENT ACADEMY**

**AT**

**DILLON**

**THE**

**COMMON SENSE**

**ALTERNATIVE**

Exhibit (4)  
SJR-33  
3-26-85

NAME: W. JAMES KEMBEL DATE: 3/26/85

ADDRESS: BUILDING CODES DIVISION: DAA

PHONE: 414-2777

REPRESENTING WHOM? Same As Above

APPEARING ON WHICH PROPOSAL: SJR 33

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: See Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



TESTIMONY SJR 33

BUILDING CODES DIVISION  
DEPARTMENT OF ADMINISTRATION

The Department's position on SJR 33 is to provide information and offer support.

Since the creation of the Building Codes Division in 1977, the types of structures required to have building permits has been modified on numerous occasions. The proposed resolution would allow an interim committee to review the advantages and disadvantages of building codes and thus make recommendations as to what the role of the State should be in code enforcement.

As currently written, the enforcement provisions of the statutes do not provide adequate tools for assuring compliance with the building codes. The committee will thus be able to review different approaches to the enforcement issue and make recommendations as to desirable methods.

The current statutes do not provide clear direction as to the role of licensed designers in the preparation of plans for privately owned commercial buildings open to the public. A lot of the plans submitted to the Division for review are prepared by individuals not trained in design and thus are difficult if not impossible to review. The results are:

- More time is spent reviewing the plans than should be.
- Violations may not be discovered until the inspection phase when they are more costly to correct.
- Legal action required to encourage compliance of projects built with inadequate plans.
- Those submitting a properly prepared set of plans pay additional money to cover the cost of lengthy reviews.

In order to get inadequate plans into compliance with the codes, the Division is indirectly forced to provide design assistance, which should not be the role of an enforcement agency.

Concern has been expressed by contractors, designers, building inspectors and the public about the need to certify the qualifications of building code enforcement personnel. The proposed interim committee would have the opportunity to review the need for such a program and what role the State should play.

Currently, the Division is required by statute to certify local government code enforcement programs. On several occasions the need for the required certification has been questioned by legislature. The resolution would provide legislature opportunity to review the advantages and disadvantages of certifying local code enforcement program and again make recommendations as to what the State's role should be.

As discussed above for certification of inspectors, the same interest groups have expressed concern for the need to license contractors doing private funded construction. The interim committee would serve as a forum for discussion of those concerns.

In summary, many of the topics addressed in SJR 33 have been before legislature on several occasions. There is a need to provide a forum to discuss the overall regulation of the construction industry and decide what role the State should play in that regulation in future years.

*Barb Martin*  
*Exhibit "5"*  
SJR-33  
3-26-85

TESTIMONY  
SJR33

Background:

This bill would require a study of Montana laws that establish building codes (Title 50, Chapter 60) and licensing of public contractors (Title 37, Chapter 71). Both of these statutes establish standards and require enforcement, however, there has been little support for enforcement of either law. This situation could expose the state to considerable liability because of its legal responsibility to protect public safety in accordance with these existing laws, but in the absence of adequate resources to provide that protection.

The Council believes this study would be beneficial because it would provide an opportunity for the Legislature to conduct a comprehensive review of the licensing and building code laws to determine the appropriate scope of these laws, and the amount and type of enforcement that is necessary for adequate protection of the public.

Exhibit "6"  
NB-864  
3-26-84

1885 - 64

Office of Clerk and Recorder  
MADISON COUNTY, MONTANA

LORRAINE P. MOLITOR  
Clerk and Recorder

VIRGINIA CITY, MONTANA  
59755

**TO:** THE HONORABLE SENATOR JACK HAFHEY AND MEMBERS OF THE COMMITTEE ON STATE ADMINISTRATION

**FROM:** Lorraine P. Molitor, Clerk and Recorder & Election Administrator  
Madison County, Montana

**Re:** H.B. 864, AN ACT PROVIDING THAT CANDIDATES' NAMES NEED NOT BE ROTATED ON PAPER BALLOTS REQUIRED TO BE AVAILABLE WHERE VOTING MACHINES OR DEVICES ARE USED; PROVIDING THAT IF THEIR NAMES ARE NOT ROTATED, THEIR ARRANGEMENT ON THE BALLOT MUST BE DETERMINED BY LOT.

I am asking for your support for H.B. 864 for the following reasons:

1. All election officials, clerks, printers and others who deal with the conduct of elections know that the most costly time consuming duty in regard to elections is the ROTATION OF THE BALLOT. Though there are differences of opinion as to how advantageous it is for a candidate to have his name printed at the top of the list on the ballot, this question is of little significance where this bill is concerned. We are not discussing the bulk of the ballots, but only those few paper ballots which we are required to supply under the provisions of 13-17-305 which reads in part "where voting machines or devices are used, an elector may request to vote by paper ballot instead of using the machine or device". Figures show that only a few paper ballots are requested in precincts where machines or devices are used.
2. Printers tell us that the high cost of printing ballots is not in the number supplied, but in the ballot layout. Rotation requires a number of such layouts, as many as 170 different ones for Butte-Silverbow according to a printer at Artcraft. I requested an estimate on the difference between ordering 1000 ballots of the same rotation verses ordering 10 each of 100 rotations but have not been supplied with that information. Lacking that information I offer the following testimony taken from the records of several election administrators concerning the high cost of rotated paper ballots.
  - a. Butte-Silverbow, 1982 Primary Election, Democratic, Republican and Judicial ballots cost \$1,424.00. Not one ballot used. 1982 General Election, \$1,096.00, one ballot requested.
  - b. Gallatin County, 1982 Primary, 24,771 registered voters, Paper ballots cost \$3,183.40, 32 ballots used, each costing \$99.48. In the 1982 General Election only 7 paper ballots requested.
  - c. Park County, General Election, Paper ballots cost \$456.00, 12 paper ballots voted.
  - d. Madison County, 1982 Primary, Printing costs for CES voting device ballots was \$1,901.50, 2,243 ballots voted, Paper ballots cost \$1,180.85, 16 ballots requested each costing \$73.80.

3. I have never really been averse to supplying paper ballots where voting devices are used, only to the rotation requirement, though, as I have testified, the people in our county who vote paper ballots have not been the aged or handicapped, rather they are voters who resist change or have a vendetta against the system or those conducting the election. I still think it might be possible that a few of the elderly might feel intimidated by the machines and therefore not even go to the polls to exercise their right to vote. With this bill we will not be denying anyone the right to vote, but we will be saving a substantial amount of time and money.

After all, Clerk and Recorders are elected officials also, if we thought that rotation on these paper ballots could jeopardize our own election, would we then be working so hard to eliminate it? I do not think that such a remote possibility can justify the cost to our constituents.

Thank you for your time and your consideration.

  
Madison County Clerk and Recorder & Election Administrator

*Given to Committee  
to look over  
because they  
are so extensive.*

Proposed amendments to HB160 (blue)

1. Title, line 10.

Strike: "15-24-207"

Insert: "61-3-101"

2. Pages 1 through 9.

Strike: everything following the enacting clause

Insert: "NEW SECTION. Section 1. Mobile home or  
housetrailer -- transfer of interest.

(1) Upon a transfer of any interest in a mobile home or housetrailer registered under the provisions of this chapter, the application for the transfer shall be made through the county treasurer's office in the county in which the mobile home or housetrailer is located at the time of the transfer.

(2) All transfers of interest in mobile homes or housetrailer must follow the procedures for transfer of title set forth in Title 61 and must be processed through the office of the county treasurer in the county in which the mobile home or housetrailer is located at the time of the transfer.

(continued)

✓ NEW SECTION. Section 2. Notice of intention to transfer title to mobile home. When a mobile home or housetrailer is sold under contract or under such conditions that title is not immediately conveyed, the parties to the transaction shall immediately file with the county clerk and recorder a notice of intention to transfer title. The notice must indicate the name of the party who is thereafter responsible for payment of taxes upon the mobile home or housetrailer. The clerk and recorder shall immediately notify the county assessor of the information in the notice. The penalty provisions of 61-3-201(2) do not apply if the notice of intent to transfer is filed with the county clerk and recorder within 20 days after the transfer.

Section 3. Section 61-3-101, MCA, is amended to read:  
"61-3-101. Duties of division of motor vehicles -- records. (1) The division of motor vehicles shall keep a record as hereinafter specified of all motor vehicles, trailers, and semitrailers of every kind, and of certificates of registration and ownership thereof, and of all dealers in motor vehicles.  
(2) In the case of motor vehicles, trailers, and semitrailers, the record shall show the following:  
(a) name of owner, residence by town and county, and business address;  
(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;  
(c) manufacturer of car;  
(d) manufacturer's designation of style of car or vehicle;  
(e) identifying number;  
(f) year of manufacture;  
(g) character of motive power and shipping weight of car as shown by the manufacturer;  
(h) the distinctive license number assigned to the vehicle;  
(i) if a truck or trailer, the number of tons' capacity or GVW if imprinted on manufacturer's identification plate;  
(j) such other information as may from time to time be found desirable.

(3) The division shall file applications for registration received by it from the county treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

(a) under the distinctive license number assigned to the vehicle by the county treasurer;

(b) alphabetically under the name of the owner;

(c) numerically under make and identifying number of the vehicle;

(d) such other index of registration as the division considers expedient.

(4) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.

(5) In the case of dealers, the records shall show the information contained in the application for dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.

(6) In order to prevent an accumulation of unneeded records and files, the division shall have the authority and it shall be its duty to destroy all records and files which have ceased to be of any value.

(7) The division may establish and maintain a short-wave radio station in order to report motor vehicle registration information to the highway patrol, to sheriffs, and to the chiefs of police of each incorporated city of the state who are able to communicate with such short-wave radio station.

(8) All records shall be open to inspection during all reasonable business hours, and the division shall furnish any information from the records upon payment by the applicant of the cost of transcribing the information requested.

(9) ~~Within 30 days following the end of each calendar quarter, the division shall send to each county assessor and to the department of revenue a list of the certificates of ownership for housetrailer and mobile homes issued during the preceding calendar quarter to owners within each assessor's respective county. The list must contain the name and address of the owner or the names and addresses of joint owners and a description of the housetrailer, including the year built and the serial number.~~



NEW SECTION. Section 4. Codification instruction.  
Sections 1 and 2 are intended to be codified as an integral  
part of Title 61, chapter 3.

END

# STANDING COMMITTEE REPORT

March 26, 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE JOINT RESOLUTION No. 33

first reading copy ( white )  
color

**REQUEST INTERIM STUDY OF ROLE OF STATE IN REGULATING CONTRACTORS  
& BLDG CODE**

Respectfully report as follows: That SENATE JOINT RESOLUTION No. 33

DO PASS

~~XXXXXXXXXX~~

.....  
Chairman.

# STANDING COMMITTEE REPORT

March 26 19 55

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE BILL** No. **893**

third reading copy ( blue )  
color

**(Senator Lynch will carry)**

**REDUCE COPIES OF ADMINISTRATIVE RULES TO COUNTIES**

Respectfully report as follows: That **HOUSE BILL** No. **893**

**BE CONCURRED IN**

~~HOUSE~~

~~SENATE~~

.....  
Chairman.