

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 7, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on January 7, 1987, at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 29: Rep. Bardanouve, House District #16, sponsor of the bill, stated he was recommending the bill as the result of a Legislative Auditor's report recommending consolidation of state land records. Public school lands in Montana are in good shape but other areas are in horrible shape. The Department of Institutions' land ownership records have been a problem for many years, including ownership records of the old state prison at one point in time. This bill would centralize state ownership records in one agency, i.e. Department of State Lands. He stated some costs would be involved with this bill and perhaps an amendment is necessary to allow implementing this bill subject to availability of funds. If funds are not received during this session for a computerized system of knowing where our land is, then it could be implemented in the coming years.

PROPOSERS: Dennis Hemmer, Director, Department of State Lands, stated the proposed bill has merit. A fiscal note is coming through the system at the present time. Cost of implementation of HB 29 would be approximately \$71,000 per year since he does not know just how much abstracting is needed or how many titles are out there. He stated other state agencies would be impacted. He expressed concern about the definition of "conveyance record" on page 1, line 21, "ownership record" on page 1, line 24, "state land" on page 2, line 4 and felt page 3, section 5 should be amended to include "subject to the availability of funds".

Beate Galda, Attorney for the State Highway Department, submitted testimony on the bill (Exhibit #1). She also submitted proposed amendments (Exhibit #2).

Elwood English from the Secretary of State's Office said he thinks the bill is a good idea but submitted an amendment which is included in these minutes as Exhibit #3.

OPPOSERS: None

DISCUSSION ON HOUSE BILL NO. 29: In response to a question from Rep. Pistoria, Dennis Hemmer stated that his department has a card index

which only indicates which agency owns the state land. Rep. Cody questioned Rep. Bardanouve as to whether there was not any one place that contained a record of what the state owns, and he responded there was not. Rep. Jenkins questioned if the Highway Department would keep title to its land and register with the Department of State Lands. Rep. Bardanouve responded that the right of way and easements would remain with the Highway Department. Rep. Jenkins felt it would be easier to keep all original land titles with the Department of State Lands and suggested perhaps a subcommittee could come up with a proposed amendment to accommodate this concern.

Rep. Bardanouve closed the discussion emphasizing his concurrence of having a subcommittee established and indicated that once the records are perfected, the \$71,000 cost would not be on-going. He supported the concept of the proposed amendments and feels this bill will be a valuable asset for Montana.

CONSIDERATION OF HOUSE BILL NO. 18: Rep. Bradley, House District #79, sponsor of the bill stated the electoral college is outdated and in need of reform. In Montana, four votes are cast in the electoral college; it's a winner-take-all situation. Reforms in this area usually come after a catastrophe when the electoral college vote is different from the popular vote. Many people believe the electoral college should be eliminated altogether. There is much confusion as to how our presidents are elected. She proposed to change the present system to provide that two votes are on a winner-take-all basis and the other two votes would be according to congressional districts. Currently the number of electoral college votes is determined by the number of senators and representatives in the U.S. Congress, and the states have the authority to determine how electors are selected. In case of a tie, the decision is made by the U.S. House of Representatives. Two approaches are used by states to select their electors, those being the district and the at-large methods. She then proceeded to give several examples of problems with using the electoral college and informed the committee that the district approach is working very well in Maine. She opposes winner-take-all situations in all systems and requested that HB 18 be seriously considered by the committee.

PROPONENTS: Mac Anderson, a Bozeman resident, feels there should be a change and that the popular vote should count more than the electoral vote. Since 1920, the winner-take-all approach has been the preferred system for selecting electors. He feels that if he votes for the president, his vote should count as much as a New York or California vote. He thinks HB 18 is a step forward and will show the country that there is a better way to do things.

OPPONENTS: None

DISCUSSION ON HOUSE BILL NO. 18: Rep. Roth complimented Rep. Bradley on her research. Rep. Jenkins asked Rep. Bradley if a close vote situation could not happen just as easily with this system in a presidential race. She responded that the electoral college vote would be closer to the popular vote. Rep. Fritz asked how this would benefit the Montana vote. Rep. Bradley indicated candidates will give more attention to Montana. Rep. Fritz felt HB 18 does not address the issue of the unfaithful voter.

Closed by Bradley.

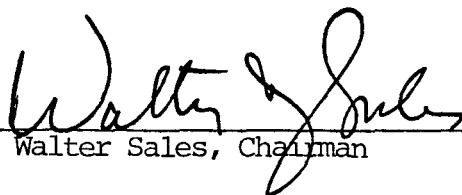
The committee recessed at 9:57 a.m. for 10 minutes.

Chairman Sales reconvened the committee for executive session at 10:09 a.m.

DISPOSITION OF HOUSE BILL NO. 29: Chairman Sales said a fiscal note is needed. He referred HB 29 to a subcommittee composed of Reps. Cody, Campbell and Jenkins, and Rep. Cody was appointed chairman. Rep. Peterson stated she likes the concept of the bill but is concerned that the Highway Department wants to keep the original records. Rep. Phillips stated he would like to see the system centralized.

DISPOSITION OF HOUSE BILL NO. 18: Rep. Fritz moved DO NOT PASS. The motion was seconded by Rep. Campbell. Rep. Fritz feels the electoral college does work and is a good system because it ratifies a close election and gives a majority seal of approval to the president. He does not feel it is a catastrophe to have an election decided by the U.S. House of Representatives. Rep. Whalen disagreed with Rep. Fritz and was impressed with Rep. Bradley's presentation. He suggested that maybe HB 18 should go on the floor for further debate. Rep. Fritz stated he felt HB 18 would decrease Montana's importance in the national picture. The motion passed 16-2.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 10:35 a.m.


Walter Sales, Chairman

DAILY ROLL CALL

State Administration COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan 7, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

SECRETARY OF STATE
AMENDMENT TO HB29

1. Page 2, lines 12 through 22.

Strike: section 2 in its entirety.

Insert: "NEW SECTION. Section 2. Transfer of records held by the secretary of state. By November 1, 1987, the secretary of state shall transfer all ownership and conveyance records on file in his office to the department of state lands. The department of state lands shall further transfer the records of land held or administered by the department of highways for highway or road construction to the department of highways and the remaining conveyance records to the state agency administering the interest or property described in the conveyance."

Exhibit #1
January 7, 1987
HB 29
Beate Galda

H.B. 29 transfers certain land ownership records out of the Secretary of State's office to the Department of Lands and other agencies, including the Department of Highways. The Department of Highways has submitted a fiscal note which indicates the estimated cost of this transfer.

In addition, the bill requires all state agencies to file certain land ownership records with the Department of State Lands. Section 6 excludes certain of the Department of Highways records. For the purposes of clarification it is suggested that the words, "or road construction" located on Lines 23 - 24 of Page 3 be eliminated and the words, "rights of way and maintenance purposes" be inserted. For example, the department has 143 maintenance sites out of which the road crews work and in addition there are numerous material sites out of which gravel is extracted and/or stored.

It is suggested that on Page 4, Line 1 the words, "on a permanent basis" be eliminated and the words, "for administrative purposes" be inserted. This would be clearer and would conform to present practice.

1. Page 3, Line 24

Strike: "or road construction"

Insert: "rights of way and maintenance pruposes"

2. Page 4, Line 1

Strike: "on a permanent basis."

Insert: "for administrative purposes."

STANDING COMMITTEE REPORT

January 7

19⁸⁷

Mr. Speaker: We, the committee on STATE ADMINISTRATION


report House Bill No. 18

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

 reading copy (_____)
color

ROLL CALL VOTE

Referred to Sub-Committee

State Administration

COMMITTEE

DATE Jan 7, 1987 BILL NO. ~~18~~ 99 NUMBER _____

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		
Dorothy Cody		
Duane Compton		
Gene DeMars		
Harry Fritz		
Harriet Hayne		
Gay Holliday		
Loren Jenkins		
Janet Moore		
Richard Nelson		
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		
Rande Roth		
Tonia Stratford		
Timothy Whalen		

TALLY

Secretary

Chairman

MOTION: _____

Do Not Pass

ROLL CALL VOTE

State Administration

COMMITTEE

DATE Jan 7, 1987 BILL NO. 18 NUMBER _____

NAME	AYE	NAY
Walt Sales		✓
John Phillips	✓	
Bud Campbell	✓	
Dorothy Cody	✓	
Duane Compton	✓	
Gene DeMars	✓	
Harry Fritz	✓	
Harriet Hayne	✓	
Gay Holliday	✓	
Loren Jenkins	✓	
Janet Moore	✓	
Richard Nelson	✓	
Helen O'Connell	✓	
Mary Lou Peterson	✓	
Paul Pistoria	✓	
Rande Roth	✓	
Tonia Stratford	✓	
Timothy Whalen		✓

TALLY 16 2

Secretary _____

Chairman _____

MOTION: _____

WITNESS STATEMENT

Beate Salda

NAME ~~Uwona English~~ ^{H.B.} BILL NO. 29

ADDRESS 2701 Prospect Ave. DATE 1-7-87

WHOM DO YOU REPRESENT? Department of Highways

SUPPORT _____ OPPOSE _____ AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 29

DATE January 7, 1987

SPONSOR Bardanouve

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Kim Enkerud	MT Stockgrowers		
Beate Galda	MT Dept of Highway	Aracnd	
MacKerby Anderson	Self		
Elwood English	Secy of State		
Dennis Hemmer	State Lands	✓	
Jim Williams	" "		
Rj Ross	SOC		
Bill Fogarty	Doc		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.