

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

January 8, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on January 8, 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. 63: Rep. Marian Hanson, House District #100, stated the Clerks of Court Association asked her to carry the bill. The bill removes the three-day waiting period for marriage licenses. If a couple comes in with proof of date of birth and blood test results, they still have a three-day waiting period. In a lot of areas, the district judge is signing a "blank check" to the clerk of court giving her authority in certain cases to waive the three-day waiting period. Since the three-day waiting period is being waived anyway, it would be a lot easier for the clerk of court to have it removed. All other states around us do not have the three-day wait. Counties around the border are losing business which does amount to quite a bit for the county. She hoped the committee would see favorably to pass the bill.

PROPOSERS: Tom Harrison, representing the Montana Clerks of Court Association, stated that the bill was considered a house-keeping bill. He stated that Coeur d' Alene does receive a substantial amount of revenue from people coming from Montana. The marriage license fee is \$30.25. Of that, \$16 is divided 40% to the state and 60% to the county; \$14 goes to the state battered spouse program. The clerks get the remainder which is 25 cents. The judges do routinely sign the waivers. He said obviously this is a business promotion bill as well as one that would help the clerks.

Kathryn Pederson, Clerk of the District Court in Polson in Lake County and also a member of the Montana Association of Clerks of Court stated they were in favor of removing the three-day waiting period. Her testimony is attached to these minutes as Exhibit #1.

Florence McGibeny, Clerk Recorder of Cascade County, was also in favor of removing the three-day waiting period.

OPPOSERS: None.

DISCUSSION ON HOUSE BILL NO. 63: Rep. O'Connell asked Mr. Harrison when the law was put into effect and why. Mr. Harrison replied that his recollection was that it was a result of a senator from here who had a problem with a child. The result was two laws, this one and another one which prohibited remarriage for six months. That law was repealed. This law lingered longer.

Rep. Cody asked Mr. Harris if he knew the divorce rate. Mr. Harris said he was sure it was high.

Rep. Hanson reiterated that they were already getting around the three-day waiting period with judges signing the order. She felt it was a wise move to give a do pass to the bill.

The hearing closed on HB 63.

CONSIDERATION OF HOUSE BILL NO. 62: Rep. Dennis Nathe, sponsor of the bill, explained that a oil land man is an individual who goes out on his own or on behalf of an oil company and leases land for mineral exploration. If an individual owns all his mineral rights, an oil land man will usually verify that the land is unleased before offering any money. That has to be checked with the Clerk and Recorder's Office. He stated it is possible that a person may have a half section in a township and another half section a couple miles away. Typically, an owner does not sign separate leases for each half section; he usually signs a lease for both sections. In most oil leases, part of the contingency is for the extension of the terms of the lease if they produce any gas or oil. If a person has production on one half section and signs a lease, it will hold for both half sections.

He said he knew there was some disagreement on the part of the oil industry on this bill, but stated that they wanted recording of the leases to be voluntary. There would be no penalty for not. In effect, this bill would make it easier for someone leasing land for any mineral exploration to know what tracts of land are currently being held by production.

He said there are some things with the bill that should be considered. One was that he wanted the committee to consider inserting that the bill would only apply to new production, not old production that is already in effect.

Rep. Nathe believed the Department of State Lands would come in with an amendment. He said for the committee to keep in mind that the Department of State Lands has a lease for each track of their land and that is not necessarily true with most landowners.

Dennis Hemmer from the Department of State Lands stated the department had one concern. He said the bill really does not affect them much because their land is in separate tracts and their leases are fairly easy to figure out. His testimony and proposed amendment is attached as Exhibits #2 and #3.

PROPOSERS: None.

OPPOSERS: None.

The Chairman asked Rep. Nathe where the oil industry people were.

Rep. Nathe stated that he thought there would be some opponents but evidently they must have talked among themselves. He said possibly there were no problems with the oil industry in regard to the bill even though he thought there might be. He recommended that the Chairman put the bill into a subcommittee with the amendments. He would then solicit any input from the industry, because he stated the industry was split on this issue. He said to some, it would be an advantage and to others, it would be an extra cost.

Chairman Sales stated that since there was only one amendment and unless some other questions came up from the committee, that executive action would be taken on the bill. If it passed, the industry would have plenty of time to work on the floor members before it went to the floor of the house or senate.

DISCUSSION ON HOUSE BILL NO. 62: Rep. Cody stated there was concern about the cost of the recordings. She asked if it would not be just the reverse, because if the affidavits were on record, a land man would save time. Rep. Nathe responded that it was a 50/50 wash and stated that this is the way it is being done in North Dakota and it seems to be working fine.

Rep. Whalen asked how this will help the land man if it was voluntary that the affidavit be filed. Rep. Nathe stated that the land man would actually be looking for something that is a tag or flyer to let him know what production is being done on other tracts of land.

Rep. Fritz asked why it wasn't made a "shall" bill instead of a "may" bill. Rep. Nathe responded that if it was a "shall" bill that it would come into immediate opposition and would die.

The hearing closed on HB 62.

CONSIDERATION OF HOUSE BILL 50: Rep. Cobb, sponsor of the bill, stated that the bill was a house cleaning measure for the Fire Services Training School located in Great Falls whose duties basically tied it to fire services training. The Legislative Auditor recommended in an audit of August, 1985 several changes concerning the goals, duties, and operation of the school. Rep. Cobb further explained the changes in the bill. He stated they would like a change on page 3, line 5, to strike "equipment" and insert "apparatus".

PROPOSERS: Sheldon Weedon, Director of the Fire Services Training School; Vern Erickson, representing the Montana State's Fireman's Association; Bruce Suenran, representing the Montana State Fire Chiefs' Association; and Lyle Nagel representing the Montana State Volunteer Firefighters' Association all stood in support of the bill.

OPPOSERS: None.

DISCUSSION ON HOUSE BILL 50: As a point of information, Rep. Nelson asked the difference between apparatus and equipment. Mr. Weeding stated that they were concerned about the statutes that identify the responsibility of the fire school. The fire school in the other statutes is responsible for testing fire apparatus. Apparatus is simply a more accurate term as to what is used.

Rep. Jenkins asked if the resource center on page 3, line 1 referred to a new building? Mr. Weeking responded that it is referring to a collection of materials on hand at the fire services training school for use by the local fire departments and fire instructors.

The hearing on HB 50 closed.

The committee recessed at 10:45 a.m. for 10 minutes.

Chairman Sales reconvened the committee at 10:55 a.m. for executive session.

DISPOSITION OF HOUSE BILL NO. 63: Rep. Pistoria moved DO PASS on HB 63. The motion was seconded by Rep. Moore.

Rep. Cody stated she would support the legislation on the basis that they were getting around the three-day limit with waivers. She stated that the divorce rate is ridiculous.

Rep. Sales stated that the blood test and the things that required a wait regarding a marriage were not done away with.

The motion passed unanimously.

DISPOSITION OF HOUSE BILL NO. 62: Chairman Sales stated he would like to put the amendments on the bill and then table it. Then if the industry showed up because of the bill being important, it could be brought back to committee.

Rep. O'Connell moved that the amendment proposed by the Department of State Lands be adopted (Exhibit #3). Rep. Jenkins seconded the motion. The motion carried unanimously.

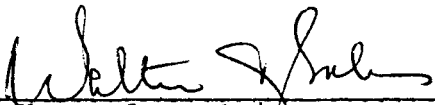
Rep. Jenkins moved to accept Rep. Nathe's amendment that it only apply to new production and tie that statement to the effective date of the bill. Rep. Whalen seconded the motion. The motion carried unanimously.

Rep. Phillips moved that the bill be TABLED. The motion carried with Rep. Cody voting no.

DISPOSITION OF HOUSE BILL NO. 50: Rep. O'Connell moved to adopt the amendment to strike "equipment" and insert "apparatus". Rep. Hayne seconded the motion and the motion carried. Rep. O'Connell moved DO PASS on HB 50 AS AMENDED. Rep. Roth seconded the motion, and it passed unanimously.

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ADJOURNMENT: There being no further business to come before the committee,
the hearing was adjourned at 10:00 a.m.



Walter Sales, Chairman

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DAILY ROLL CALL

State Administration COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date January 8, 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	✓		

HOUSE BILL NO. 63

TESTIMONY BY: Katherine E. Pedersen, Clerk of District Court
Polson, Lake County, Montana

ON BEHALF OF: Montana Association of Clerks of District Court

DATE: January 8, 1987

The Clerks of District Court are in favor of removing the 3-day waiting period for marriage licenses. Presently the waiting period can be waived by a District Court Judge. Most of the judges do waive the waiting period when asked. It has become a nuisance to the clerks to even have to ask a judge because they so rarely deny the waiver. In counties where there is no judge in residence all the time, many of the clerks have been instructed by the judges in that district to use their own discretion and issue a license effective immediately when requested. The judge then later signs the 3-day waiver on the marriage license application, probably after the couple has already gotten married.

When one of the parties is from out-of-state and arrives only a day or two before the wedding, obviously both parties cannot appear before the clerk the required 3 days ahead of time. If they forget to make arrangements to have the waiting period waived, a clerk would be quite embarrassed telling them to send the guests home, store the food and flowers, and come back in 3 days! Abolish the waiting period so that won't happen.

Female applicants are required to have a blood test before the parties apply for the marriage license. The time it takes to have the rubella test done or merely to get a doctor to sign the waiver of the test usually takes more than 3 days. Therefore, the

applicants have had to put some thought into the decision to get married before they apply for the license. There is no need to make them wait 3 more days.

Even if the waiting period is eliminated entirely, a clerk could still refuse to issue a marriage license if the applicants don't appear to know what they are doing. There is a question on the application, "Is either party under the influence of alcohol or drugs?" The clerk could always tell the party to come back later and reapply.

None of the states surrounding Montana has a waiting period. We don't want to force people to go out-of-state and pay fees elsewhere to bypass the waiting period. Therefore, the Clerks of Court urge that the 3-day waiting period be eliminated.

Exhibit 2
January 8, 1987
Dennis Hemmer

TESTIMONY ON HB 62

January 8, 1987

The Department of State Lands suggests a change to House Bill 62 as it is currently proposed. The Department is concerned that the provisions of the Bill could be interpreted as extending the term of an oil and gas lease merely by filing an affidavit with the County Clerk and Recorder even though other conditions are imposed by the lease. The Department urges that the Bill be amended so as to clarify that the filing of a declaratory statement with the County Clerk and Recorder and in no way affects underlying contractual obligations. The Department of State Lands therefore recommends the attached amendment to HB 62.

EXHIBIT 3
January 8, 1987
HB 62
Dennis Hemmer

Amendment to House Bill 62
Introduced Bill, Reading copy white, be amended as follows:

1. Page 2, line 8
Following: "according to law."
Insert: "Such recordings in no way affect underlying contractual obligations nor do they constitute prima facie evidence of the matters declared therein."

STANDING COMMITTEE REPORT

January 8, 1987

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report House Bill No. 63

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

B

FIRST

reading copy (

WHITE

color)

ROLL CALL VOTE

State Administration

COMMITTEE

DATE Jan. 8, 1987

BILL NO. 63

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

Passed

all Aye

Secretary

Chairman

MOTION: _____

STANDING COMMITTEE REPORT

January 8

1957

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report House Bill No. 50

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Page 3, line 5.
Strike: "equipment"
Insert: "apparatus"

FIRST

WHITE

reading copy ()

color

ROLL CALL VOTE

State Administration

COMMITTEE

DATE Jan. 8, 1987 BILL NO. 50

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: _____

ROLL CALL VOTE

State Administration

COMMITTEE

DATE Jan. 8, 1987 BILL NO. 62 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

All in favor

Secretary

Chairman

MOTION: Bill was tabled.

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 50

DATE January 8, 1987

SPONSOR COBB

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Lyle Nagel	Mt. St. Vol. Firefighters Assn	✓	
Ross H. Fitzgerald, Comm.	Fire Services Training School ^{ADV} BOARD _{ASSOC.}	✓	
VL ERICKSON	Mt States Fireman's	✓	
Seldon S Weedon	Fire Service Training	✓	
Henry E. Lohr	Vol. Fire Assn.	✓	
Michael Hunt	Mt. St. Firemans Assoc.	✓	
Edward Flies	Mt. St Firemans Assoc	✓	
Tim BERGSTROM	" " " "	✓	
Bruce Sweeney	Mt St. Fire Chiefs Assn	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 63

DATE January 8, 1987

SPONSOR HANSON

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Katherine E Pedersen	Mont. Assoc. Clerks of Court	X	
TOM HANSON	" " " "	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 62

DATE January 8, 1987

SPONSOR NATHE

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Janelle Fallon	Mont Petroleum		
Arline M. Carlson	Senator Ivie		
DENNIS NATHE	SPONSOR	✓	
Dennis Hemme	State Lands		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.