

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

January 15, 1987

The sixth meeting of the State Administration Committee was called to order by Chairman Jack Haffey on January 15, 1987 at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present except for Senator Harding who was excused.

The hearing was opened on House Bill 11.

CONSIDERATION OF HOUSE BILL 11: Representative Rex Manuel, House District 11, Fairfield, was the sponsor of the House Bill 11 which is an act entitled; "AN ACT AUTHORIZING THE LEGISLATIVE COUNCIL TO ASSIGN TO AN APPROPRIATE STATUTORILY CREATED COMMITTEES STUDIES OF ISSUES OF STATEWIDE IMPORTANCE ARISING WHEN THE LEGISLATURE IS NOT IN SESSION; AND AMENDING SECTION 5-11-105, MCA." This was being presented at the request of the Legislative Council. It would authorize the council to assign studies to the appropriate statutorily created committees when the legislature is not in session. He explained there was an issue arose after the last special session that needed some immediate attention and this would allow them authority when such needs occur.

PROPOSERS: There were none.

OPPOSERS: There were none.

QUESTIONS ON HOUSE BILL 11: Senator Farrell wondered who determined the need for a study and was told it would be the Legislative Council. Senator Hofman was concerned about the Council making assignments rather than the leadership. Senator Haffey explained how the need did arise after the last special session. Rep. Manuel noted that the council does not appoint the committees, they just have the ability to assign a study to an already appointed committee.

Rep. Manuel CLOSED on HB 11.

EXECUTIVE ACTION ON HOUSE BILL 11: Senator Farrell MOVED that HOUSE BILL 11 BE CONCURRED IN. Senator Anderson seconded the motion. The motion passed unanimously. Senator Lynch will carry the bill on the Senate floor.

The hearing was opened on House Bill 27.

CONSIDERATION OF HOUSE BILL 27: Representative Gary Spaeth, House District 84, Silesia, is the chief sponsor of HB 27 which is an act entitled, "AN ACT REQUIRING EACH DEPARTMENT HEAD TO

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APPOINT A QUALIFIED PERSON WITHIN THE DEPARTMENT TO REVIEW EACH DEPARTMENTAL ADMINISTRATIVE RULE NOTICE FOR COMPLIANCE WITH THE MONTANA ADMINISTRATIVE PROCEDURE ACT BEFORE IT IS FILED WITH THE SECRETARY OF STATE; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE." The bill was being presented at the request of the Administrative Code Committee. The bill would require the head of each agency to appoint a contact person to review each rule proposal notice, adoption notice or other notice relating to rulemaking to establish rationale for the intended rule, whether or not the proper statutory authority was cited and whether or not the intended action is contrary to any code section. It would prevent the code committee from having to do this sort of review.

PROPOSERS: There were none.

OPPOSERS: There were none.

QUESTIONS ON HOUSE BILL 27: Senator Haffey noted this would just reduce the need for the code committee to have to try and correct and review proposed rules and to be assured the rules have been well developed before reaching them.

The hearing was CLOSED on HB 27 by Rep. Spaeth.

EXECUTIVE ACTION ON HOUSE BILL 27: Senator Lynch MOVED that HOUSE BILL 27 BE CONCURRED IN. Senator Hofman seconded the motion. The motion carried unanimously. Senator Story will carry the bill on the Senate floor.

The hearing was opened on House Bill 63.

CONSIDERATION OF HOUSE BILL 63: Representative Marian Hanson, House District 100, Ashland, is the sponsor of this bill which is entitled, "AN ACT REMOVING THE 3-DAY WAITING PERIOD FOR MARRIAGE LICENSES; AND AMENDING SECTION 40-1-212, MCA." As the law reads at the present time, a couple wishing to be married must now wait three days after obtaining a license to be wed. In order to obtain a license they must first have obtained a blood test and have proof of birthdates and this can take up to a week or ten days depending on what area you are in. She noted that 27 counties border states where the 3-day waiting period is not required and as a result many go out of state or have a district judge waive the waiting period.

PROPOSERS: Tom Harrison, representing the Montana Clerk's Association, spoke in support of the bill. He noted many judges pre-sign these waivers anyway in order to get around the waiting period.

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OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 63: Senator Haffey wondered why the three day waiting period existed anyway and Mr. Harrison noted it was just to assure that a marriage did not take place without thinking it over carefully. Rep. Hanson noted the license is valid for 100 days after it is issued.

Rep. Hanson then CLOSED on HB 63.

EXECUTIVE ACTION ON HOUSE BILL 63: Senator Vaughn MOVED that HOUSE BILL 63 BE CONCURRED IN. Senator Lynch seconded the motion. The motion passed unanimously. Senator Hirsch will carry the bill on the Senate floor.

The meeting was adjourned at 10:30 a.m.

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SENATOR JACK HAFFEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/15/87

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NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFHEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING			X
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.



# STANDING COMMITTEE REPORT

JANUARY 15

87

19.....

MR. PRESIDENT

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

having had under consideration.....**HOUSE BILL**..... No. **11**

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## INTERIM STUDIES BY STATUTORILY CREATED COMMITTEES (Lynch)

Respectfully report as follows: That.....**HOUSE BILL**..... No. **11**

**BE CONCURRED IN**

~~XXXXXX~~  
DO NOT PASS

~~XXXXXXXXXX~~  
DO NOT PASS

.....  
Chairman.

# STANDING COMMITTEE REPORT

JANUARY 15

87

..... 19.....

MR. PRESIDENT

## SENATE STATE ADMINISTRATION

We, your committee on.....

HOUSE BILL 27

having had under consideration..... No.....

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color

**ONE DEPT. PERSON TO REVIEW ALL RULE PROPOSALS AND ADOPTIONS OF DEPARTMENT (Story)**

HOUSE BILL 27

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXXXX~~  
DO PASS

~~XXXXXXXXXX~~  
DO NOT PASS

.....  
Chairman.

# STANDING COMMITTEE REPORT

JANUARY 15

87

19.....

MR. PRESIDENT

**SENATE STATE ADMINISTRATION**

We, your committee on.....

**HOUSE BILL**

**63**

having had under consideration..... No.....

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color

**REMOVE WAITING PERIOD FOR MARRIAGE LICENSES  
(Hirsch)**

**HOUSE BILL**

**63**

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXXXX~~  
DO PASS

~~XXXXXXXX~~  
DO NOT PASS

.....  
Chairman.