

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By WILBUR SPRING, VICE CHAIRMAN, on March 2,  
1993, at 10:02 a.m.

**ROLL CALL**

**Members Present:**

Rep. Wilbur Spring, Vice Chairman (R)  
Rep. Ervin Davis, Vice Chairman (D)  
Rep. Beverly Barnhart (D)  
Rep. Pat Galvin (D)  
Rep. Bob Gervais (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Brad Molnar (R)  
Rep. Bill Rehbein (R)  
Rep. Sheila Rice (D)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

**Members Excused:** Rep. Dick Simpkins, Chairman

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Dorothy Poulsen, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: SB 137; SB 84  
Executive Action: SB 137

**HEARING ON SB 137**

**Opening Statement by Sponsor:**

**SEN. DELWYN GAGE, Senate District 5, Cut Bank, introduced SB 137**  
which transfers the duty of coroner education from the attorney  
general to the Board of Crime Control.

Proponents' Testimony:

Beth Baker, Department of Justice, stated the department had requested SB 137 in order to streamline the training system for coroners. She explained the Board of Crime Control currently certifies training for all police officers and has a system in place which could be used well for coroner education. She said the legislation was an efficiency measure and reported the coroners supported the bill.

Ed Hall, Administrator, Montana Board of Crime Control, stated the Board has been keeping track of coroner training records for several years. He said the bill clarifies that the Board, rather than the attorney general, maintains the records. He reported there were 180 county coroners and deputy coroners for whom they track training. He stated there should be no additional cost since the Board is already performing the function. He urged the committee to support the bill.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. BARNHART asked Mr. Hall whether it was the POST Council which would oversee the coroners' education. Mr. Hall confirmed the Police Officers Standards and Training (POST) Council would oversee the training.

Closing by Sponsor:

SEN. GAGE closed by asking whether anyone on the committee would like to carry the bill. REP. BARNHART volunteered to carry the bill.

HEARING ON SB 84Opening Statement by Sponsor:

SEN. MIKE HALLIGAN, Senate District 29, Missoula, introduced SB 84 which revises the laws related to the commissioning of notaries and to the notarization of documents. He explained uniform laws were important in reducing attorney fees and court delays, and for making the function more efficient for the general public. SEN. HALLIGAN stated the bill did not affect current notaries. He explained that due to changes caused by international economic development and technologies such as FAX machines, current laws needed to be updated and made uniform.

Proponents' Testimony:

Garth Jacobson, Secretary of State, stated SB 84 was a uniform law on notarial acts and was necessary to update and improve statutes. He reported changes made with regard to the commissioning of notaries: (1) transferring the commissioning function from the governor to the secretary of state; (2) requiring that notaries cannot be convicted felons; (3) changing the term of office from three to four years; (4) allowing the secretary of state to revoke the notary commission; and (5) stipulating that the secretary of state's office will establish application forms and fees. Mr. Jacobson stated the bill addressed an important function and urged the committee to give it favorable consideration.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. GALVIN asked SEN. HALLIGAN whether individuals were considered convicted felons after having served their sentences. SEN. HALLIGAN responded under a deferred sentence, the sentence is stricken from the record. Under a suspended or other sentence, however, it is not stricken from the record.

REP. MASON asked whether an employee could notarize documents for an employer. SEN. HALLIGAN reported the Bankers Association had testified during the Senate State Administration hearing and drawn attention to conflicts in the law pertaining to employees notarizing employers' documents. He said the language was changed to allow employees to perform notarial acts for employers except when the employee was a party to the transaction.

REP. DAVIS asked Mr. Jacobson to "fill in" the sample forms shown on pages 9-12. Mr. Jacobson explained the forms were minimum requirements for notarial instruments; he described the kinds of information which would be used to fill in the forms.

REP. SCHWINDEN asked Mr. Jacobson to estimate the fees to be charged. Mr. Jacobson said the present fee was \$15 for a three-year term and anticipated it would increase to \$20 for a four-year term.

REP. MOLNAR asked SEN. HALLIGAN why the state would care if a 21-year-old who was convicted of driving under the influence wanted to be a notary. SEN. HALLIGAN agreed the requirement set a high standard. REP. MOLNAR asked if the requirement was important. SEN. HALLIGAN responded that as the state moves into a global economy, confidence in the character of notaries will be increasingly important. REP. ROSE agreed with SEN. HALLIGAN on the need for high standards for notaries.

Closing by Sponsor:


SEN. HALLIGAN reported SEN. KEATING wanted to propose an amendment to allow reciprocity with notaries of North Dakota. He said he would contact SEN. KEATING and ask him to offer his amendment for the committee's consideration. He asked the committee to delay action until SEN. KEATING had been contacted.

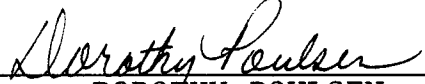
EXECUTIVE ACTION ON SB 137

Motion/Vote: REP. BARNHART MOVED SB 137 BE CONCURRED IN. Motion carried 15 to 0 with REP. WALLIN absent and REP. SIMPKINS voting by proxy.

ADJOURNMENT

Adjournment: 10:26 a.m.

  
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WILBUR SPRING, Vice Chairman

  
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DOROTHY POULSEN, Secretary

WS/DP



HOUSE STANDING COMMITTEE REPORT

March 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 137 (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_  
Dick Simpkins, Chair

Carried by: Rep. Barnhart

Committee Vote:  
Yes \_\_\_\_\_, No \_\_\_\_\_.

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