

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

January 22, 1985

The eighth meeting of the State Administration Committee was called to order at 10 a.m. on January 22, 1985 by Chairman Jack Haffey, in Room 331 of the Capitol Building.

ROLL CALL: All members were present with Senator Manning and Senator Tveit arriving late.

CONSIDERATION OF SENATE JOINT RESOLUTION 6: Senator Chet Blaylock, Senate District 43, is the sponsor of this bill. Senator Blaylock said that this is a bill to name the new DNRC building after Senator Metcalf. He said that if you will read the bill, it lists all the things that Senator Metcalf did for our natural resources, such as water and air. He said he was not a perfect man, but he fought hard to preserve our natural resources. Senator Blaylock said consequently this is a fitting name for the DNRC building.

PROPONENTS: Karl Englund, Lobbyist for the Montana Trail Lawyers Association, and son of Brett Englund, Senator Metcalf's assistant, supports this Resolution. I know it was Senator Metcalf's highest priority to protect our natural resources.

Representative John Vicent, House District 80, said that Senator Metcalf was a unique man whose contributions should be honored. Please give your consideration to this request.

OPPONENTS: None.

EXECUTIVE ACTION ON SJR-6: There were no questions nor discussion by the Committee. Senator Manning made a motion that SJR-6 do pass. Senator Conover called question and SJR-6 was put to a vote. It was voted unanimously that SENATE JOINT RESOLUTION 6 DO PASS.

CONSIDERATION OF HOUSE BILL 4: Representative Manuel, House District 11, is the sponsor of this bill entitled, "AN ACT TO GENERALLY REVISE AND CLARIFY LAWS RELATING TO GOVERNMENT, COURTS, ELECTIONS, PUBLIC RETIREMENT SYSTEMS, AND CRIMES; AMENDING the appropriate sections. Senator Manuel said that this is a bill based on a request from the Code Commissioner and we have John McMaster to explain what the changes are. Mr. McMaster explained that there were some changes to the summary, mainly Page 1, line 3, Public Employees Retirement System should be removed; Page 2, line 42 change 1983 to 1981; Page 4, line 4, change reference from Section 16 to Section 19. Mr. McMaster went on to say that Section 1, the provision that the Code Commissioner must submit a certified report to the Legislature is an unnecessary formality. The report

is published in the first volume of the annotations to the Montana Code Annotated and everyone has one. Section 2 lists two references in subsection (2) to "the legal assistance program" were inserted in 1979 in anticipation of the 1979 Legislature's passage of a program by that name. The bill was vetoed. A generic name change in subsection (2) is made to avoid any construction of the subsection as referring to or by implication mandating a specific program. Section 3 this bill deletes the brackets and legislates 2-7-516 as the correct section reference. Section 4, this bill deletes the brackets, thus legislating the bracketed language. Section 5, if a judge runs for another office, he has to resign and that violates the Constitution. This will clarify the statutes, as the prohibition was declared unconstitutional in a Montana Supreme Court opinion. Senator Lynch asked why this would only apply to running for an elected office. Mr. McMaster answered that it does not provide that the judge cannot run for a judicial office, just an elected office. The judge forfeits by filing for an elected office that is not judicial. Section 6 which refers to a judge losing his salary if he does not issue a decision within a month, was found unconstitutional. In Section 7, language was added to subsections (2) and (3) to conform them to Article VI, section 10 of the Montana Constitution, as amended in 1982. That amendment provided for a veto override by poll of the Legislature if a bill is vetoed after the end of the session. Section 8 deletes reference to licensing lobbyists. Section 9 clarifies 13-10-505. Section 10 clarifies the intent of Laws of 1983 by deleting the brackets. Sections 11 and 12 make amendments to conform to 1983 acts. Section 13 this clarifies the time limit to be consistent with 25-35-605 (1). Section 14 amends 27-27-101 and it was declared unconstitutional. Section 15 changes 45-2-101 to read that a felony offense is anything over \$300, otherwise if it is below this figure it is a misdemeanor. Section 16-21 will correct incorrect sections or subsections in the code.

PROPOSERS: There were no proposers.

OPPOSERS: There were no opposers.

Representative Manuel closed by saying he would like someone to carry this on the floor.

EXECUTIVE ACTION ON HOUSE BILL 4: Senator Haffey did not know whether we would have to make the changes to the summary. The Secretary of the Senate's Office advised us that we did not have to. Senator Lynch moved that we make the amendments and it was unanimously passed. Senator Lynch made a motion that House Bill 4 be concurred in. It was unanimously passed that HOUSE BILL 4 BE CONCURRED IN. Senator Lynch was appointed to carry this to the floor.

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CONSIDERATION OF HOUSE BILL 7: Representative Marks, House District 75, is the sponsor of this bill entitled, AN ACT GIVING THE LEGISLATIVE COUNCIL THE AUTHORITY TO DETERMINE DISPOSITION AND DISTRIBUTION METHODS AND SET THE SALE PRICE OR PRICES FOR THE PROCEEDINGS OF THE 1972 CONSTITUTIONAL CONVENTION; REPEALING SECTION 4, CHAPTER 373, LAWS OF 1977, AND SECTION 2 OF HOUSE BILL 897, LAWS OF 1979; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. Representative Marks said that he brings this bill before the Committee at the request of the Legislative Council. He said the proceedings of the 1972 Constitutional Convention were being sold for \$350.00. The Legislative Council feels that that is too high as they have not sold very many. They have 884 sets left and they are being stored in the basement at a cost of \$55.00. Representative Marks said that the minutes of the proceedings will not last much longer as they are deteriorating. The law required that they sell these sets at cost which was \$350.00. The Council would like to be able to dispose of them at a reasonable price.

PROPOSERS: There were no proposers.

OPPOSERS: There were no opposers.

Senator Haffey asked for questions from the Committee. Senator Lynch asked how many sets they had stored. Representative Marks said there were 884 sets stored in the basement. He felt someone had made a mistake in striking that many of them. Senator Lynch remarked that we didn't have a fiscal note, and Representative Marks said that it didn't have much fiscal impact. He's not sure that we can get anything for them. Senator Haffey asked if there were copies available to the public, such as in libraries, etc. Representative Marks replied that they have been given to major libraries, and they are available where people would look for them. Senator Haffey asked if it is contemplated that we will try to find places to put them that they are available to the people, as opposed to burning them. Representative Marks said they had no intention of burning them.

Representative Marks said that in closing he would ask that a Committee carry this on the floor. HOUSE BILL 7 is closed.

EXECUTIVE ACTION ON HOUSE BILL 7: Senator Tveit made a motion that HOUSE BILL 7 be concurred in, Senator Conover called question, and it was unanimously passed that HOUSE BILL 7 BE CONCURRED IN. Senator Anderson was appointed to carry this on the floor.

CONSIDERATION OF HOUSE BILL 78: Representative Williams is the sponsor of this bill. He represents House District 85. This bill is entitled "AN ACT AUTHORIZING USE OF A STAMP AS AN OFFICIAL SEAL; AMENDING SECTION 1-4-202, MCA." Representative Williams said he was sponsoring this bill to help the Clerk and Recorders. He said most of the papers filed with their office have to be duplicated or microcopied. This requires inking in all the notary seals so

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that they will appear on the copies. He said that notaries and other official officers ought to have the choice of using the old plier type stamp or a regular ink stamp. He said that this has been done in other states and there has been no problem with it. The Clerk and Recorders record a lot of papers and this would definitely make their job much easier.

PROPOSERS: Mike Stephens, Clerk and Recorders Association, supports this bill. This bill would assist the Clerk and Recorders to do their duties. Mr. Stephens passed out examples of what he was talking about and it is attached hereto marked Exhibit "A" and by this reference made a part hereof. Mr. Stephens said that the top copy shows a regular plier type stamp and it doesn't show up unless it is inked in. One of the other examples shows the stamp type stamp and how much better it looks. These stamps are used on papers that have to be microfilmed and the plier type stamp does not show up. If this bill passes, it would give the notary public as an officer the choice as to which type of stamp to use. The plier stamp costs about \$22.50 and the other stamp would probably cost about \$7.50. He said those notary publics that have the plier stamps would probably continue to use them but maybe the new ones would use the new stamps. We want them to have this option.

JoAnne Perez, President of the Clerk & Recorders Association, supports this bill.

OPPOSERS: There were no opposers.

There were no questions from the Committee. Representative Williams closed by saying that this would solve the problem for the Clerk & Recorders if this bill passes. He also asked that a member of the Committee carry the bill to the floor for him. House Bill 78 is closed.

EXECUTIVE ACTION ON HOUSE BILL 78: Senator Manning moved that House Bill 78 be concurred in. It was unanimously passed that HOUSE BILL 78 BE CONCURRED IN. Senator Harding was asked to carry this bill.

The meeting was adjourned at 10:50 a.m.

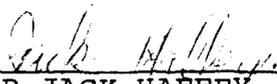
  
\_\_\_\_\_  
SENATOR JACK HAFFEY, CHAIRMAN





Exhibit A  
1-22-85  
AB-78

hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Molly M. Toney (SEAL)  
(SEAL)

STATE OF MONTANA

County of ~~Beauregard~~ Ferns ss.

On this 22<sup>nd</sup> day of Feb nineteen hundred and eighty-two before me the undersigned a Notary Public for the State of Montana, personally appeared MOLLY M. TONEY, Box 153, Dutton, Montana 59433

known to me

Approved to me on oath of to be the person whose name is subscribed to the within instrument, and acknowledged to me with that she executed the same.

SEAL WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal

STATE OF MONTANA  
Residing at Dutton Montana My Commission expires 4-16-1984

IMPRESSION OF SEAL BLACKENED FOR MICROFILMING



Section 27, Township 15 North, Range 5 West

Dated this 23 day of Oct, 19 84

JAMES B. COX  
MARY ANNA COX

WASHINGTON  
STATE OF WASHINGTON  
County of Spokane

On this day personally appeared before me JAMES B. COX and MARY ANNA COX

to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 23rd day of Oct, 1984  
Notary Public in and for the State of Washington,  
residing at Spokane

SEAL MADE WITH A

STAMP



FNTIC - Helona  
P. O. Box 251  
Helona

# STANDING COMMITTEE REPORT

January 27 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE JOINT RESOLUTION No. 6

white reading copy ( first )  
color

**RESOLUTION NAMING THE NEW DWRC BUILDING THE "LEE METCALF BUILDING"**

Respectfully report as follows: That SENATE JOINT RESOLUTION No. 6

DQ PASS

~~XXXXXXXXS~~



Chairman.

# STANDING COMMITTEE REPORT

January 22 19 85

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration..... **HOUSE BILL** No. **4**

third reading copy ( blue )  
color

**GENERALLY AMEND TITLES 1, 2, 3, 5, 13, 25, 27, and 45 MCA**

Respectfully report as follows: That..... **HOUSE BILL** No. **4**

**BE CONCURRED IN**

**EXCISE**

**XXXXXXXXXX**

.....  
Chairman.

# STANDING COMMITTEE REPORT

..... **JANUARY 22,** 19 **85** .....

MR. PRESIDENT

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

having had under consideration..... **HOUSE BILL**..... No. **7**.....

third reading copy ( blue )  
color

**COUNCIL AUTHORITY TO DISTRIBUTE AND SET PRICE FOR CON. CON. PROCEEDINGS**

Respectfully report as follows: That..... **HOUSE BILL**..... No. **7**.....

**BE CONCURRED IN**

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.....  
Chairman.

# STANDING COMMITTEE REPORT

January 22 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 78

third reading copy ( blue )  
color

**AUTHORIZING USE OF STAMP AS OFFICIAL SEAL**

Respectfully report as follows: That HOUSE BILL No. 78

BE CONCURRED IN

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~~XXXXXXXXXX~~

.....  
Chairman.