

HOUSE LOCAL GOVERNMENT COMMITTEE MINUTES  
January 15, 1983

The House Local Government Committee convened at 12:30 p.m., on Saturday, January 15, in Room 224A of the State Capitol, with Chairperson Kathleen McBride presiding and all members present except Rep. Bertelsen, who was excused. Chairperson McBride opened the meeting to a hearing on HB 145.

HOUSE BILL 145

REPRESENTATIVE HAL HARPER, District 30, chief sponsor of this bill, said his main purpose for introducing this bill was to save Cooney Home in Helena. The bill authorizes a county to levy mills for the support of county hospitals and nursing homes, and deletes the poor-fund funding of hospitals. Since Lewis and Clark would need only 2 3/4 mills to run Cooney, he said Rep. Ryan's HB 58 which has a 10 mill cap would solve their problem, and there would be no need for this bill and it could be tabled.

BEVERLY GIBSON, Montana Association of Counties, said they support the bill. She said the better part of HB 145 over HB 58 is that it does not include a cap on the mill levy. She said Mr. Holter from Garfield County earlier had discussed the fact that his county needs 10 to 11 mills to open their hospital. With no cap it would depend on the local taxpayers to set the mill levy at what is required to maintain this type of facility. She suggested the two bills be separate and the committee support this bill with no cap and HB 58 be amended to remove the language that doesn't refer to hospital districts. She said if the committee wished to combine the bills they could table HB 145 and could amend HB 58 to remove the 10 mill cap. A copy of her witness statement is Exhibit 1 of the minutes.

REPRESENTATIVE HARPER closed.

During questions it was asked if Rep. Ryan would oppose an amendment to his bill. Rep. Harper said the two bills looked much more similar now than in the drafting stage and HB 58 would accommodate their problem. Rep. Harper said HB 58 does not need to be amended and is fine for their problem just as it is. He felt it was better to be open ended but it was up to them to decide whether County Commissioners are responsible enough for the people or if they want to write the protection into the law. He said while they don't need that much of a levy for Cooney, in other cases they might and that should be given some serious thought.

In response to another question, REPRESENTATIVE MARKS said he would like to draw the committee's attention to a problem. Both of these bills take the operation of county nursing homes outside the poor fund budget and this causes a great deal of difficulty in SRS's auditing to determine the Grant in Aid, as to whether it will be available or not.

Chairman McBride closed the hearing on HB 145 and opened the hearing on HB 152.

HOUSE BILL 152

REPRESENTATIVE LES KITSELMAN, District 60, chief sponsor of this bill, said this bill amends the provisions relating to absentee ballot voting and sets up a separate counting board. It would be permissive to the counties. A separate counting board would be appointed and they would take an oath to not reveal any early information. This would speed up the counting process as they would do the counting early in the election day. The bill would save money as it would eliminate the late hours now needed to count the ballots after the close of the polls, and it would prevent potential abusers where a person decides to vote absentee and then goes through the regular polling place and votes again. When a county chooses this method, they must give public notice and the public must be permitted to observe. The public observing would need to remain and to also take the oath of silence. Representative Kitselman passed out copies of suggested amendments. A copy of these is Exhibit 2 of the minutes.

DAVE HALLAND, Election Administrator of Yellowstone County, spoke next in favor of the bill. He emphasized the results would be received quicker, at a savings to the taxpayer, and it would reduce the chances of error. He said he had contacted a number of chief judges and one of the problems they mentioned is that they are practically numb by the time they get to the absentee ballots as this is one of their last duties. He said this would reduce the temptation of the election judges to cut the counting process. The law requires two judges write in the tally book and two others read the ballots as they are written. One of the shortcuts is they will worry about time and instead of using two they will use one, which leaves no one to cross check. This increases the chances of error. He said efficiency is another reason for the bill as the results would be available sooner.

BILL ROMINE, Clerks and Recorders, said they support the bill as it should help in speeding up the election results, as long as proper safeguards are present to prevent premature announcements. He said they would need to repeal the present law which allows one who has voted absentee to vote again in person. Public observers must also be sequestered. He questioned the value of the oath as there is no penalty provided. A copy of his witness statement is Exhibit 3.

JOE LAMSON, Democratic Party, said they support the bill as it should help the process move along more quickly and it allows the public to view the counting. He voiced a concern about section 2 which does not allow for a person to vote again on election day and misprints in the ballots.

CLIFF CHRISTIAN, representing the Secretary of State, spoke in support of the bill.

ROSE SKOOG, representing self, Helena, said they did have some problems

in Lewis and Clark County during the last election. She urged the amendments be placed in the bill. She said this piece of legislation will allow the process to go more efficiently and a little faster.

MARGARET DAVIS, League of Women Voters, spoke as an opposer although she said they were somewhere in-between. She said their concern is this could encourage absentee voting and questioned the long-term implications of this on campaigns and voter information. She asked if other methods might not be better to expedite voting rather than giving encouragement to absentee voters. She said under present law workers that have been working all day can be relieved by others. She said the counties must be prepared to pay for the best election they can put on and have enough well-paid personnel and adequate equipment to serve the number of voters. The maximum and not the average turnout should be prepared for. She offered one amendment on page 4, line 17: that this board be sequestered until the close of the polls. A copy of her witness statement is Exhibit 4.

REPRESENTATIVE KITSELMAN in closing said from the standpoint of people changing their minds, the reason for absentee ballots is because they are going to be unable to vote on election day. You can vote absentee up to 5 p.m. on the day before election and most people know what they are going to do by that time. On the question of sequestering the board for the entire time of the election, he said he liked to feel the people counting the ballots are responsible people and will so act.

During questioning Rep. Hansen said they handled absentee ballots differently in her precinct. The judges counted them during the slack morning time and the names were entered in the books so people could not vote again. Rep. Kitselman said under the present law they could come in and demand to vote again.

Mr. Holland in response to a question said there is already a law that allows for a second counting board. It is sequestered at the polling place and there are two sets of ballot boxes, books and after so long they are properly changed and the earlier votes counted by judges properly sequestered and observed.

Chairman McBride closed the hearing on HB 152 and opened the hearing on HB 115.

#### HOUSE BILL 115

REPRESENTATIVE STEVE WALDRON, District 97, the bill's chief sponsor, said the summary on Mr. Heiman's summary sheet explained the bill well. The bill allows local governments to set up service districts and provides the means to pay for it. This bill provides flexibility

so the local districts can set up needed districts and those residents receiving the services will be the ones paying for it. This also provides for joint service districts where parts of the district lie within two local government districts. Rep. Waldron went through the bill explaining the parts. He said he had made a strong attempt to make this as clean administratively as possible so as not to give our local governments any extra hassle.

ANN MULRONEY, Montana League of Women Voters, spoke next in support but with a wish to amend. A copy of her testimony and suggested changes is Exhibit 5 of the minutes.

JIM NUGENT, Missoula League of Cities and Towns, spoke in support of HB 115. A copy of his testimony and suggested amendments is Exhibit 6 of the minutes. He also handed in written testimony from DAVID W. WILCOX, Administrative Assistant to Mayor, City of Missoula, supporting the bill and this is Exhibit 7 of the minutes.

SARA PARKER, Montana State Librarian, spoke next in support. She said the Montana State Library Commission has statutory responsibility to advise on public library development and service to citizens not served by libraries. She said library districts when good are good and when bad are horrid. Library districts have built some of the best libraries in the nation. The districts need to be strong enough, with enough resources, to serve well. She said section 3 of the bill would let government units act within library districts on behalf of people who are not adequately served by libraries. She said this appears to be a good bill for library development.

ALEC HANSON, Montana League of Cities and Towns, said they support the concepts of this bill and the bill itself if Mr. Nugent's amendments are incorporated.

DENNIS TAYLOR, City of Helena, said he was serving as the chair of the local government study commission. He said the concept embodied in the bill would help Lewis and Clark address some of their vexing problems. The concept of having subordinate service districts is a valuable thing. He said this would offer them an opportunity to coordinate certain services and in the long run would save taxpayers money.

BEVERLY GIBSON, Association of Counties, said this would allow local governments flexibility to provide services to those who wish to pay for the services. She said it does need clarification on establishing, administering and terminating.

REPRESENTATIVE BOB MARKS spoke as a maybe. He said he had questions. What are the limitations of the bill? How would counties coordinate? If a district includes parts of more than one county--could the part in one county get out and how?

REPRESENTATIVE WALDRON in closing urged the committee to adopt the suggested amendments of Nugent's. He said if there is concern about the size of an area that can be included, an amendment could be drafted for that. To Mr. Nugent's point he said certification of the petition should be made prior to circulation. He said there is a need for some sort of service district law in our state and he felt this was the best he had seen. He gave credit to Mr. Heiman for drafting it.

It was mentioned that free holders would be a better term than property owners. Mr. Heiman explained standard Montana law as it refers to setting up districts. He also explained that the provision for joint service districts is to solve problems such as voiced by Rep. Marks. When there are parts of two local government entities, an interlocal agreement would be set up where they would work jointly but be separate. The district would be administered by the administrative board which is not technically part of either local government entity. Each district has the option of opting out.

Chairman McBride closed the hearing on HB 115 and opened the hearing on HB 164.

#### HOUSE BILL 164

REPRESENTATIVE GENE DONALDSON, District 29, chief sponsor of the bill, said this is a simple bill as it just renames sprinkling districts as maintenance districts and expands the type of service they may do. He said the date on page 7, line 7, has been changed from November to August as this is better with the city budget.

AL THIELEN, Administrator of the City of Billings, spoke in support. He said he gets a lot of calls around tax time about what is a sprinkling district and they haven't seen any sprinkling on their street. He said the fee assessed is used to do things like cleaning up streets and dust control and ice - general clean-up. He said the sprinkling term is archaic and changing it to maintenance would clarify how the fee can be used. He said it is an alternative to the property tax and some areas would like to have a higher or lower level of service and can be charged accordingly.

BOB ERICKSON, City Manager of Helena, spoke next in support. He said he would like to echo what Mr. Thielen had said. He added that it was not just a simple matter of changing the tax statement, according to an attorney general's opinion. He said various functions that are contained in the bill cities have already interpreted the statute to mean as the present statute is ambiguous and vague.

JIM NUGENT, City of Missoula and League of Cities and Towns, spoke next in support and a copy of his testimony is Exhibit 8 of the minutes.

REPRESENTATIVE DONALDSON closed.

During questions Chairman McBride asked why the date needed to be changed on page 7, line 7. Mr. Erickson said it was better to keep it close to the budgeting time.

Rep. Sands asked if this bill is needed if Waldron's bill passes. Rep. Waldron said there is a real need to retain the other district laws on the books. He said it would cause local governments a lot of confusion to change too quickly. He said even if his bill would provide a more streamlined way if passed, it is best to keep this also.

Chairman McBride closed the hearing on HB 164.

Rep. Keenan moved that the meeting adjourn. The meeting adjourned at 2:25 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
KATHLEEN McBRIDE, CHAIRMAN

  
\_\_\_\_\_  
Emelia A. Satre, Relief Secretary

WITNESS STATEMENT

Ex. 1  
HB 145

NAME Beverly Gibson BILL No. HB 145  
 ADDRESS 1802 11<sup>th</sup> Ave. Helena DATE 1-15-83  
 WHOM DO YOU REPRESENT MT. Assoc. of Counties  
 SUPPORT  OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

allows a county to support its medical facility outside of the poor fund levy - thus cleaning up budgeting procedures - Without a cap, the county has the flexibility to levy as needed & supported by the taxpayers.

(may combine "no cap" provision with HB 58 New Section 1 which has a 10-mill cap.)

Some counties currently support their hospital at 10 or 11 mills (having increased over the years) and would find a 10-mill cap very restrictive (these are low-valuation counties - where 1 mill does not raise very many dollars - 10 mills in a low valuation county would not necessarily raise more dollars than 2 or 3 mills in a high valuation county where the value of a mill is many times higher. ~~than~~ in dollar value.)



Kitchin  
EX. 2  
HB 152

Amendments to HB 152

1. Page 4, line 16.

Following: "room"

Strike: "in the county courthouse"

Insert: "separate from where ballots are being cast"

2. Page 5.

Following: line 8

Insert: "New Section. Section 6. Notices relating to counting board for absentee ballots. Whenever a counting board for absentee ballots is appointed under 13-4-101, the election administrator shall:

(1) publish in the contracted newspaper of the county as provided in 7-5-2411 a notice indicating that such a method will be used for counting absentee ballots;

(2) post in a conspicuous location at the office of the election administrator, by 5 p.m. of the day before an election, a notice that indicates the place and time the counting board for absentee ballots will meet on election day. The notice must inform the public that any person observing the procedures of the counting board must be sequestered with the board and must take the oath provided in [section 5].

Renumber: subsequent section

NAME: Bill Ramina DATE: 1-15-83

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? clerks & recorders

APPEARING ON WHICH PROPOSAL: H. B. 152

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Allowing the counting of absentee ballots before the polls close should help in speeding up the election results. As long as proper safeguards are present to prevent premature announcement, this procedure seems to be a good idea. It would be necessary to repeal the present law which allows one who has voted absentee to vote in person. If public observers are allowed to watch the counting, they must also be sequestered.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

Ex. 4  
HB 152

NAME Marionette Davis BILL No. HB 152  
ADDRESS 917 Harrison Helena 59607 DATE 15 Jun 83  
WHOM DO YOU REPRESENT League of Women Voters of MT  
SUPPORT          OPPOSE X AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

B<sub>52</sub> acknowledges that voters are increasingly voting absentee to avoid election day delays. What are the long term implications of this on campaigns and voter information? In the past, election day was often a holiday to accommodate the voters. This is no longer true, but perhaps other methods should be used to expedite voting rather than giving more encouragement to absentee voters.

I approved Pg 4, line 17, new sect. sec. (d)  
Amend to offer same protection as 13-15-103(z)  
ie. That this board be requested until the close of the polls.



Ex. 5  
HB 115

NAME Ann Mulroney BILL No. 115  
ADDRESS Helena, Montana DATE 1-15-83  
WHOM DO YOU REPRESENT Montana League of Women Voters  
SUPPORT XX OPPOSE \_\_\_\_\_ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Madame, Chair, members of the Committee: My name is Ann Mulroney and I represent the Montana League of Women Voters. The League supports the objectives of HB 115 but has some reservations about the current language.

We support the general service district technique for providing services in outlying unincorporated communities. Incorporation is often an unnecessary burden in these areas. A service district option can also help reduce the tremendous administrative burden that numerous overlapping districts place on county governments.

However, we are very concerned about the use of these districts in areas adjacent to municipalities. They can be used as a permanent substitute for annexation. The League strongly supports annexation as <sup>the</sup> major tool for assuring orderly municipal growth and again urges <sup>this committee and</sup> the legislature to resolve the problems in the annexations statutes. We also recommend the following changes in HB 115.

--Standards for the proposed services should be included in any petition or ordinance establishing the district. Including standards will assure that the governing bodies and residents are fully aware of the commitment and will make it possible to relate proposed costs to service levels. <sup>If districts are permitted</sup> In areas adjacent to municipalities, service standards should be subject to the approval of the municipality regardless of whether they participate in the district.

--The League would prefer that these districts not be established with a specified area around a municipality, perhaps the extraterritorial zoning jurisdiction or city-county planning jurisdiction. However, we would defer to the municipal position if they feel this is a needed technique in suburban areas. Should they be permitted in suburban areas, annexation protest should be waived at some point to make it clear that the district is not intended as a permanent alternative to annexation.

--We do not think that non-tax revenues intended for <sup>the</sup> entire local population such as payments-in-lieu and general revenue sharing should be available to a local government service district.

--Not only should the maximum mill levy be included in the establishing ordinance or petition to establish but also proposed service charges. An election should also be required to raise the mill levy or levy new charges.

--Because a mill levy is anticipated, freeholders should be required to petition or protest.

--A protest period should precede the adoption of any establishing ordinance and a majority protest should be required.

--The interlocal agreement required to establish a joint service district should require joint planning and specify how funding responsibilities are to be distributed.

The League agrees that statutes providing for general government service districts should be on the books in Montana. A bill to provide for community facility districts is being drafted and we recommend postponing any recommendation until that bill can be reviewed.

Ex. 6  
HB 115

To: House Local Government Committee Members  
Montana State Legislature  
Montana State Capitol  
Helena, Montana 59620

From: Jim Nugent, Missoula City Attorney

Re: House Bill No. 115

Date: January 14, 1983

House Local Government Committee Members:

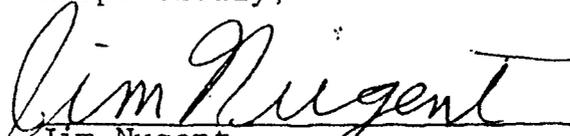
I would like to speak in favor of HB 115 to the extent that it attempts to establish and clarify Montana statutory service district law with respect to an incorporated municipality. However, at this point there is one very major objection to HB 115 from a municipality's perspective. Section 2, subsection 4 of House Bill 115 is objectional to municipalities for the reason that a municipality may want to annex an area pursuant to Section 2, subsection 4, but could be rendered "unable" to do so by matters completely out of their power. For example, a rural fire district could provide an obstacle to annexation pursuant to the statutory procedures for detracting from a fire district (see Sections 7-2-4734(4), M.C.A., 7-33-2122, 7-33-2123, and 7-33-2127, M.C.A.) thereby rendering a municipality "unable" to annex.

If any possibility exists for rendering a municipality "unable" to annex contiguous, adjacent, or nearby lands even though the municipality is willing to annex, then you are statutorily creating a tool for placing a municipality in a strait jacket with respect to future growth. The law could then become an obstacle or disincentive to annexation. Therefore, I would urge that in Section 2, subsection 4, a period be inserted in line 21, page 2, of House Bill 115 after the word "refuses" and further that the remaining language in line 21 "or is unable to annex the area" be deleted.

One other amendment that I would like to suggest is that the word "may" in Section 5, subsection 2, line 22, page 5 of the Bill be changed to "shall". Logically, the certification procedure should be required in advance of the circulation of the petition so that all signatures would be obtained on a valid petition.

Thank you for your consideration of these proposed amendments.

Respectfully,

  
Jim Nugent

*Nugent handed in* **EX. 7**  
HB 115-

TO: HOUSE LOCAL GOVERNMENT COMMITTEE

Information Sheet

House Bill No. 115

Local Government Service Districts

1. Provides a mechanism by which local governments may provide higher level or select services to different and specific geographic areas within their jurisdiction.
2. Provides a mechanism which greatly facilitates City-County cooperation in solving different service problems which cross City-County boundaries and are confined only to certain geographic areas. In Missoula, an example of a multijurisdictional problem which could be solved through the creation of a joint service district is the South Hills drainage and flood control problem.
3. Provides a mechanism by which Cities and Counties and particularly consolidated governments can provide services equitably by assessing those properties receiving the service within a district, while areas not receiving the service or receiving a lower level of service are assessed only for the service(s) they receive.
4. Limits service districts to services which local governments are authorized by statute to provide.

Suggested Amendments to House Bill No. 115

1. Section 2 (3) (a) changed to read: A service district may:
  - (a) Provide within the district ~~a higher level of any service that is available on a jurisdiction wide basis~~ or any service that by law the local government may provide;
2. Section 2 (3) (b) changed to read:
  - (b) Provide a service that is not available on a jurisdiction-wide basis that by law the local government may provide;
3. Section 2 (4) changed to read:
  4. A service district may not be established if:
    - (a) The service or services proposed to be provided can be provided by an existing service district; or
    - (b) ~~If~~ the proposed service district is in an <sup>unincorporated</sup> area the service or services can be provided by an incorporated municipality, however, the service district may be created if the municipality refuses to annex the area. *Jim Nugent City of Missoula*
4. Section 2 (5) changed by deleting the last sentence which states: The governing body may finance all or part of the services out of any other funds available, other than general taxes.

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David W. Wilcox, Administrative Assistant to Mayor, City of Missoula

WITNESS STATEMENT

NAME Sara Parker BILL No. 115  
 ADDRESS 1515 E. 6th, Helena DATE January 15, 1983  
 WHOM DO YOU REPRESENT Montana State Librarian  
 SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Montana State Library Commission has statutory responsibility to advise on public library development and service to ~~unassisted~~ <sup>citizens</sup> unserved by public libraries. This appears to be a good bill for library development.

WITNESS STATEMENT

NAME Jewelry Gibson BILL No. HB 115

ADDRESS Helena DATE 1-15-83

WHOM DO YOU REPRESENT NACD

SUPPORT X OPPOSE \_\_\_\_\_ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*allows local govt.'s flexibility - to provide services to those who wish to pay for the services - needs some clarification on means of establishing, administering - terminating*



TO: HOUSE LOCAL GOVERNMENT COMMITTEE MEMBERS  
 MONTANA STATE LEGISLATURE  
 MONTANA STATE CAPITOL  
 HELENA, MONTANA 59620

FROM: JIM NUGENT, MISSOULA CITY ATTORNEY

RE: HOUSE BILL NO. 164

DATE: JANUARY 14, 1983

House Local Government Committee Members:

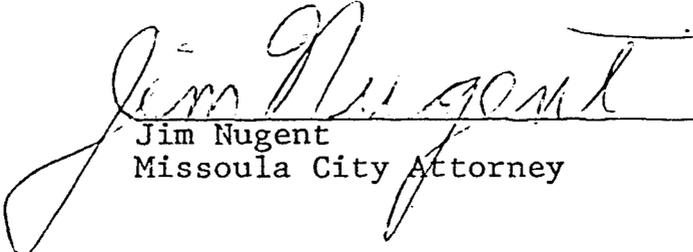
I would like to speak in support of HB 164, a legislative bill intended to rename municipal sprinkler districts to municipal maintenance districts and further defining the services that may be provided pursuant to the municipal maintenance district.

A review of the legislative history set forth in the Montana Code Annotated indicates that the chapter pertaining to the existing street sprinkling district law was originally enacted in 1897 and has essentially remained intact since 1897 with the exception of a 1927 amendment to some portions of the law. See Section 7-12-4401, M.C.A., et seq.

Obviously, the composition and surface of streets, roads, and highways has changed dramatically since 1897 and 1927. Therefore, it would be helpful to clarify the existing law to expressly indicate that these provisions of law may be relied on for graveling, oiling, chip sealing, seal coating, overlaying, general cleaning, sweeping, flushing, etc.

The City of Missoula and League of Cities and Towns would appreciate your support for the enactment of HB 164. Thank you.

Respectfully,

  
 \_\_\_\_\_  
 Jim Nugent  
 Missoula City Attorney

JN/jd



# STANDING COMMITTEE REPORT

HOUSE BILL 115  
Page 1 of 2

February 2, 1983

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 115

first reading copy ( white )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR LOCAL GOVERNMENT SERVICE DISTRICTS THAT MAY PROVIDE ANY LOCAL GOVERNMENT SERVICE WITHIN THE JURISDICTIONAL AREA OF ONE OR MORE LOCAL GOVERNMENTS; AND TO PROVIDE A METHOD FOR CREATING, MODIFYING, COMBINING, ABOLISHING, FUNDING, AND ADMINISTERING SUCH DISTRICTS."**

Respectfully report as follows: That HOUSE Bill No. 115

be amended as follows:

1. Page 2, line 17.

Following: "the"

Insert: ";

2. Page 2, line 18 through "area" on line 21.

Strike: lines 18 through line 21 in their entirety

Insert: "(a) the proposed service or services can be provided by an existing service district; or

(b) the proposed service district is in an unincorporated area and the service or services can be provided by annexation to an incorporated municipality, unless the municipality refuses to annex"

~~EXHIBIT~~

3. Page 5, line 14

Following: "services"

Insert: "including the necessary assessment method or fee  
schedule"

4. Page 5, line 22.

Following: "certification"

Strike: "may"

Insert: "shall"

AND AS AMENDED

DO PASS

January 26,

1983

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 152

first reading copy ( white )  
Color

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COUNTY GOVERNING BODY TO APPOINT A BOARD OF ELECTION JUDGES TO BE DESIGNATED AS A COUNTING BOARD FOR ABSENTEE BALLOTS; PRESCRIBING PROCEDURES FOR A COUNTING BOARD FOR ABSENTEE BALLOTS; ELIMINATING THE PROVISION THAT ALLOWS AN ELECTOR WHO HAS VOTED BY ABSENTEE BALLOT TO VOTE IN PERSON ON ELECTION DAY; AMENDING SECTIONS 13-4-101, 13-13-204, 13-13-233, AND 13-13-243, MCA."

Respectfully report as follows: That HOUSE Bill No. 152

AMEND HOUSE BILL 152 AS FOLLOWS:

1. Title, line 10.

Following: "DAY"

Insert: "UNLESS THERE HAS BEEN AN ERROR IN PRINTING ABSENTEE BALLOTS OR AN ABSENTEE BALLOT WAS DESTROYED"

2. Page 2, line 5.

Following: "effect"

Strike: "Effect"

Insert: "Authority to vote in person -- printing error or ballot destroyed -- effect"

~~CONFIDENTIAL~~

January 26

1983

**3. Page 2.**

Following: line 11

Insert: "(1) If an elector has voted by absentee ballot but the absentee ballot contains printing errors or omissions or if the absentee ballot was destroyed, the elector may vote in person in any manner at his polling place."

**4. Page 2, line 11.**

Following: "{2}"

Insert: "(2)"

**5. Page 3.**

Following: line 22

Insert: "(2) The unopened absentee ballot envelope of an elector who has voted in person as provided in 13-13-204 must be marked "voted in person" and initialed by a majority of the election judges."

Renumber: subsequent subsections.

**6. Page 4, line 16.**

Following: "room"

Strike: "in the county courthouse"

Insert: "separate from where ballots are being cast"

**7. Page 4, line 24.**

Following: "open"

Insert: "and must remain sequestered until the closing of the polls"

**8. Page 5.**

Following: line 8

Insert: "NEW SECTION. Section 6. Notices relating to counting board for absentee ballots. Whenever a counting board for absentee ballots is appointed under 13-4-101, the election administrator shall:

(1) publish in the contracted newspaper of the county as provided in 7-5-2411 a notice indicating that such a method will be used for counting absentee ballots;

(2) post in a conspicuous location at the office of the election administrator, by 5 p.m. of the day before an election, a notice that indicates the place and time the counting board for absentee ballots will meet on election day. The notice must inform the public that any person observing the procedures of the counting board must be sequestered with the board until the polls are closed and the counting board is released and must take the oath provided in [section 5]."

Renumber: subsequent section.

**AND AS AMENDED**  
**DO PASS**

# STANDING COMMITTEE REPORT

January 18, 19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 164

first reading copy ( white )  
Color:

A BILL FOR AN ACT ENTITLED: "AN ACT TO RENAME MUNICIPAL SPRINKLING DISTRICTS TO MUNICIPAL MAINTENANCE DISTRICTS AND TO DEFINE THE SERVICES THAT MAY BE PROVIDED BY SUCH DISTRICTS; AMENDING SECTIONS 7-3-1332, 7-6-4222, 7-12-4401 THROUGH 7-12-4407, 7-12-4421, 7-12-4423, 7-12-4424 THROUGH 7-12-4429, AND 7-14-4107, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 164

DO PASS