

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 20, 1985

The forty-sixth meeting of the State Administration Committee was called to order by Vice-Chairman Les Hirsch on Wednesday, March 20, 1985, in Room 331, Capitol, at 10 a.m.

ROLL CALL: All the members were present with Senator Haffey arriving late.

CONSIDERATION OF HOUSE BILL 816: Representative Melvin Williams, House District 85, is the sponsor of this bill entitled, "AN ACT TO SPECIFY THE TYPE OF LETTERING USED ON THE STATE FLAG; AMENDING SECTION ..., MCA." Representative Williams told the members of the Committee that they didn't want to change the flag. The flag is just exactly as they want it. The problem arose over the word in the statute of Roman letters. It seems this is like saying the word house, there are all kinds of houses. Consequently, the only change they have made is to change Roman to helvetica bold.

PROPOSERS: There were no other proposers.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: There were no Committee questions.

Representative Williams closed by urging the Committee to give this a do pass. HOUSE BILL 816 is closed.

EXECUTIVE ACTION ON HOUSE BILL 816: Senator Lynch moved that HOUSE BILL 816 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 816 BE CONCURRED IN. (Senator Conover will carry this to the floor.)

CONSIDERATION OF HOUSE BILL 557: Representative Dave Brown, House District 72, Butte-Silver Bow, is the sponsor of this bill entitled, "AN ACT TO CONSIDER AS RESIDENTS FOR CERTAIN-PURPOSES THE PURPOSE OF OBTAINING FISHING AND HUNTING LICENSES THOSE NON-RESIDENTS WHO MEET CERTAIN CONDITIONS, INCLUDING BEING EMPLOYED IN MONTANA FOR AT LEAST 6 12 MONTHS A YEAR AND PAYING TAXES IN MONTANA; AMENDING SECTIONS..., MCA." Representative Brown said that they amended this in the house to take out the first two sections and take out the university system. Representative Brown said there were a number of people who live just outside of Montana and work in the state and pay taxes here, and he felt that these people should be given a few benefits for these taxes. One of the benefits was having their children go to school as residents, which as he mentioned the Board of Regents did not want. The second was to let them buy hunting and fishing licenses as residents. This, of course, is contingent upon the people in Wyoming passing a reciprocity agreement. This will not come

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this year because they are out of session. However, the state of Wyoming meets annually and it could possibly happen next year. Representative Brown asked the Committee to look at the fiscal note. He told the Committee that he felt the fiscal note was ridiculous. He said that they are figuring that all 500 people that are buying nonresident licenses will buy resident licenses and he doesn't think that will happen. He said there were people here to speak in favor of this bill, but he told them that it wouldn't be necessary to have all of them stand up and speak. (See Exhibit "2" attached hereto.)

PROPOSERS: Jim Flynn, Fish Wildlife & Parks, supports this bill. Mr. Flynn said that HB 557 addresses an area of uniqueness here in the state of Montana. Because of that uniqueness, the department supports its passage. The inclusion on the bill on page 4, line 25 and page 5, line 1 of the requirement for reciprocal consideration from another state lessens concerns we might have for such legislation without that requirement. Further, on page 5, lines 19-24, a procedure for licensing is required which enables us to assure against abuses of the process. As mentioned, this is a unique situation and we can support this legislation to address that situation. (See Exhibit "1" attached hereto.)

Jim Mockler, Montana Coal Council, supports this bill. Mr. Mockler said they had many men who live in Wyoming and work in Montana, and pay complete taxes and all they get for their taxes is 10 miles of bad roads. He said these men have to cross the Tongue Reservoir to get to work and they cannot fish in that reservoir without nonresident fees. He said this is not without precedent, because they allow his daughter to go to school in Wyoming as a resident because he is in the coal industry.

J. R. McPherson, Miracle Mining, supports this bill. He said that they are 50% owner of Decker mines and the men there paid \$800,000 worth of taxes in the state last year. He said they employ 600 people, and the majority live in Wyoming because of the closeness of the community. Mr. McPherson felt the fiscal note was very misleading. He said Wyoming must pass a reciprocal bill, but they won't pass it before July of '86.

Mike McCone, Western Environment Trade, supports this bill.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Lynch asked if this means that a person who lives in Wyoming and works in Montana can have residency licenses in both states? Representative Brown replied that it could. Representative Brown said that this caused a lot of consternation on the House floor, but he didn't see any reason for all the consternation as they are trying to give them something for all those taxes. Senator Farrell said that

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we are currently in a battle with Idaho regarding the transportation industry and he wondered if giving them a resident license would add more fuel. Representative Brown did not think they were connected. Senator Harding asked if Wyoming does not pass a reciprocity agreement what happens to this bill. Representative Brown said that it sits on the books until they do. Senator Hirsch asked Mr. Flynn to comment. Mr. Flynn said that the Wyoming legislature meets annually and that this will be heard in 1986, and it will depend on that action in 1986. Senator Hirsch asked Mr. Flynn how much it will cost to do this and how much of a hassle it will be. Mr. Flynn said that if they have to check everyone's income tax returns, it could be a problem, but the way this is written the people will just have to prove that they are eligible. Senator Mohar asked Mr. Flynn if, since they will require an additional expense, shouldn't they charge an extra fee. Mr. Flynn replied that he would like to see how well it works first, and then if it is taking too much time, he will be back next session to ask for help. Senator Mohar asked how long it takes to process these applications. Mr. Flynn replied 4 hours per application. Senator Mohar wanted to know what this would cost, about \$10 per hour? Mr. Flynn replied that if they came to him, it would be more than \$10 per hour.

Representative Brown closed by saying that this treats a unique situation in a good manner. HOUSE BILL 557 is closed.

EXECUTIVE ACTION ON HOUSE BILL 557: Senator Manning made a motion that HOUSE BILL 557 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 557 BE CONCURRED IN. (Senator Manning will carry this on the floor.)

CONSIDERATION OF HOUSE BILL 570: Representative John Mercer, House District 50, Lake County, is the sponsor of this bill entitled, "AN ACT REVISING THE LAW CONCERNING THE FREQUENCY OF FIRE SAFETY INSPECTIONS; EXPANDING INSPECTIONS TO COVER VIOLATIONS OF RULES; AMENDING SECTION..., MCA." Representative Mercer told the Committee that the way the law reads now it requires the inspections every six months. Representative Mercer said that it is impossible to do these inspections every six months. He asks that schools be done every 12 months and all other buildings within their jurisdiction be done at least once each 18 months. Representative Mercer also said that they are asking that a copy not be filed with the State Fire Marshall since he does nothing with them. They are not needed. Many times the codes are for that area and mean nothing to the State Fire Marshall. This bill eliminates the language providing that the inspection includes fire extinguishers and fire alarms, and fire escapes, and filing copies with the State Fire Marshall.

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PROPOSERS: Bob Kelly, State Fire Marshall, supports this bill. Mr. Kelly said that this legislation is to comply with recommendation of the audit committee. He said this was one of the recommendations by the auditor to update the present law. The auditor determined that local fire departments could not make inspections every 6 months. He said these are local matters and their follow-ups are done by local jurisdictions. He recommends a do pass.

Bruce Sueniom, Missoula Rural Fire and Career Chief, supports this bill.

Vern Erickson, Montana State Firemen's Association, supports this bill.

Lyle Natal, Volunteer Firefighter, supports this bill.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: There were no Committee questions.

Representative Mercer closed by saying that he hoped if this passed, Senator Harding would carry it. HOUSE BILL 570 is closed.

EXECUTIVE ACTION ON HOUSE BILL 570: Senator Manning made a motion that HOUSE BILL 570 be concurred in. Question was called and the Committee voted unanimously that HOUSE BILL 570 BE CONCURRED IN. (Senator Harding will carry this bill.)

CONSIDERATION OF HOUSE BILL 655: Representative Ray Peck, House District 15, Havre, is the sponsor of this bill entitled, "AN ACT REQUIRING THE APPROPRIATION OF ADMINISTRATIVE EXPENSES FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, TEACHERS' RETIREMENT SYSTEM, ~~BOARD-OF-HAIL-INSURANCE~~; AND THE RURAL REHABILITATION PROGRAM; PROVIDING THAT INCREASES IN SUCH ADMINISTRATIVE EXPENSES MUST BE APPROVED THROUGH THE BUDGET AMENDMENT PROCESS; AMENDING SECTIONS..., MCA; AND PROVIDING AN EFFECTIVE DATE." Representative Peck said that they felt that many of these agencies should go through the budget amendment process. He said the Hail Insurance Board was taken out in the House. Representative Peck said that prior to this it was in the fund in earmarked funds and this is how it was accounted for. He said this was a simple bill.

PROPOSERS: There were no other proposers.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Haffey told the Committee that normally when they have a bill from the Legislative Finance Committee they have someone from the Fiscal Analyst's Office, but they did not feel that was necessary since this was such a simple bill, and that is why they aren't here today. Senator Mohar asked if there have been some abuses in these boards in the past. Representative Peck replied that it is a structural

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change and they were earmarked revenue funds, and they no longer would fall under any type of review.

Representative Peck is closed. HOUSE BILL 655 is closed.

EXECUTIVE ACTION ON HOUSE BILL 655: Senator Conover made a motion that HOUSE BILL 655 be concurred in. Question was called and the Committee voted unanimously that HOUSE BILL 655 BE CONCURRED IN. (Senator Van Valkenburg will carry this to the floor.)

CONSIDERATION OF HOUSE BILL 631: Representative Kerry Keyser, House District 74, is the sponsor of this bill entitled, "AN ACT TO PROVIDE THAT AN ELECTOR MAY REQUEST TO VOTE BY PAPER BALLOT ~~ONLY~~ WHERE VOTING MACHINES ARE USED; TO PROVIDE THAT THE ELECTION ADMINISTRATOR MAY PROVIDE PAPER BALLOTS WHERE VOTING DEVICES ARE USED; TO DEFINE "VOTING MACHINE"; AMENDING SECTION..., MCA; AND PROVIDING AN EFFECTIVE DATE. This is an act to insure that people may request a paper ballot and they may provide them, and it defines the governing body of the counties. Representative Keyser said that there are some counties where voting machines are used and these counties should provide paper ballots. However, in some of the counties that use voting devices (such as the punch card machines), the call for paper ballots is minimal and the counties should not have to provide one for everyone. This should be at the discretion of the election administrator. Most counties do not use the paper ballots very much except Missoula County which has had some problems and uses them extensively.

PROPOSERS: Larry Akey, Secretary of State's Office, supports this bill. Mr. Akey gave the Committee copies of an amendment that his office proposes. He said that with this amendment, they could support the bill. Mr. Akey said that this amendment would take care of the fact that Missoula County has had a problem and prefers to vote with paper ballots. (See Exhibit "4" attached.)

Sue Bartlett, Clerk & Records Association, supports this bill. Ms. Bartlett introduced an amendment to the bill. She said that with this amendment in place, she can support this. Ms. Bartlett felt that the election administrator should have some say where she is appointed because the counties are really hurting for money and they may just tell her that she can't have the paper ballots, but she is the one who has to explain this. Ms. Bartlett said that in 1984 her county used 131 ballots and they cost \$17.85 each. She said her county was new to the voting devices and she did not have a true reading for 1984, but she got back 7/10ths of 1% used paper ballots and they cost \$9.30 each. Ms. Bartlett said she was also had a problem with insuring privacy. She said all paper ballot votes had to be recorded, and that if only two people voted paper ballots, it was easy to determine how they voted. She said they supported the amendment of the Secretary of State.

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Mike Stephens, representing the Clerks & Recorders Association, supports this bill. Mr. Stephens told about having a problem with their system in Missoula County, and how it failed and they are trying to remedy the problem. He felt that this bill with these amendments will give them the flexibility they need for their elections. Mr. Stephens said in Butte-Silver Bow they printed 7,000 ballots and 2 were used.

Vera Cahoon, Missoula County Freeholders, supports this bill with the amendment of the Secretary of State's office adopted. Otherwise, they oppose it.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Haffey asked the proponents if they each supported both amendments. They answered yes. Senator Mohar asked why we are making a distinction between voting machines and voting devices. Ms. Bartlett said that voting machines are the big machines with the levers that were hard for the elderly and the disabled to use. She said voting devices are the punch card type of machine and that the elderly and disabled find these much easier to use. She said that with the voting machines the only way they have of giving them a ballot is a paper ballot. Senator Harding mentioned that Missoula County was trying out a new system with paper ballots that they would be counted by a machine. She said that under statute we are required that people who want to vote paper ballot will have to call them before hand.

Representative Keyser closed by saying that he hoped the Committee would vote favorably on this. He asked if this passes would Senator Harding please carry this. HOUSE BILL 631 is closed.

EXECUTIVE ACTION ON HOUSE BILL 631: Senator Conover made a motion that the amendment of the Secretary of State's office be adopted. Senator Mohar asked Larry Akey how many counties this would cover. Mr. Akey replied one county. He said 3100 in that county voted paper ballots. Question was called, and the Committee voted unanimously that the amendment of the Secretary of State's office be adopted. (Exhibit "4")

Valencia Lane, staff attorney, explained that she had reworded the amendment from the Montana Association of Clerks and Recorders (Exhibit "5") to fit in with the wording of the statute. Ms. Bartlett said that this was all right. Senator Manning made a motion that this amendment as rephrased be adopted. Question was called. Senator Hirsch wondered why the governing body shouldn't take all the heat on this. Ms. Bartlett explained that the election administrator should have some say because if the county refused to print the ballots, she is the one that would have to explain it to the people requesting them. The Committee voted unanimously that this amendment be adopted.

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Senator Manning made a motion that HOUSE BILL 631 as amended, be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 631, AS AMENDED, BE CONCURRED IN. (Senator Harding will carry this to the floor.)

EXECUTIVE ACTION ON HOUSE BILL 724: Senator Haffey explained that we had asked Valencia Lane, staff attorney, to work out an amendment for these elections to tie into school elections and mail ballot elections. Valencia Lane, staff attorney, said that she had worked with the Secretary of State's office on these amendments and had then gone over them with Representative Keyser. She said he had approved them. Senator Hirsch made a motion that the amendments be adopted. Senator Mohar wanted to know if we get a pretty good turn-out at regular school elections. Senator Harding replied yes. Question was called and the Committee voted unanimously that the amendment be adopted.

Senator Conover made a motion that HOUSE BILL 724, as amended, (Exhibit "6") be concurred in. Question was called and the Committee voted unanimously that HOUSE BILL 724, AS AMENDED, BE CONCURRED IN. (Senator Anderson will carry this to the floor.)

The meeting was adjourned at 11:00 a.m.



SENATOR JACK HAFFEY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-20-84

[illegible]

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Joe Brand	United Trans Union	557	X	
James T. Mular	BRO. of Rwy Airline Clerks	557	X	
Cal Burr	Bro of Locomotive Enginemen	557	X	
Chil Knutson	Bro Maintenance of Way Emply	557	X	
Lyle Nagel	MT. St. Val Firemans Assn	570	X	
DAVE Brown	Spencer-Ham Dist. #72	557	X	
JOHN EBZERY	Nerco Mining Co	557	X	
J.R. McPherson	Nerco Mining	557	X	
Jim Mockler	MT. Coal Council	557	X	
GARY A. LANGF	MT. MINING ASSN.	557	X	
Mike McNamee	WETA	557	X	
Don Allen	Nat. Wood Products Assoc.	557	X	
Bruce Swenson	Missoula Rural Elec. & Comm. Dist.	570	X	
Mara Cahoon	Missoula Co. Freeholders	631	amend	
Sue Battelle	Jewell & Clark Co. Clerk & Recorder	631	wt amend.	
Joanne Perez	MACR & Chouteau County	631	amend	
Mike S. Tyler	MT Assoc. of Clerks	631	Amend.	

(Please leave prepared statement with Secretary)

Exhibit "A"
HB-557
3-20-85

HB 557

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

March 20, 1985

HB 557 addresses an area of uniqueness here in the State of Montana. Because of that uniqueness, the department supports its passage.

The inclusion in the bill on page 4, line 25 and page 5, line 1 of the requirement for reciprocal consideration from another state lessens concerns we might have for such legislation without that requirement.

Further, on page 5, lines 19-24, a procedure for licensing is required which enables us to assure against abuses of the process.

As mentioned, this is a unique situation and we can support this legislation to address that situation.



THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH
HELENA, MONTANA 59620-2602
(406) 444-6570

Exhibit "2"
HB-557
3-20-85

COMMISSIONER OF HIGHER EDUCATION

TO: Representative Dave Brown
FROM: Larry Weinberg *LW*
DATE: February 12, 1985
RE: House Bill 557

At the February 7, 1985, meeting of the Board of Regents, the staff was told to prepare a board item to amend our residency policy to reflect the provisions of House Bill 557. I will do so shortly and anticipate that the Board will accept such a draft. Obviously I cannot commit the Board, but I believe that such a draft would provide an exemption from our residency policy for the class of persons described below. Another portion of the policy will give such exemption only so long as the Montana employment continues.

Class to be exempted: an individual domiciled in a state other than Montana who derives more than 50% of their family income, as reported or required to be reported under the United States tax laws, from full-time employment in a permanent job in Montana and who pays all required Montana taxes on Montana derived income and the spouse and dependent children of such individual; provided the state of domicile provides reciprocal treatment for Montana residents.

LW/lw

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

accepted
3/20

Exhibit "A"
HB-631
3-20-85

Offered by
Secretary of State

AMENDMENTS TO HB 631, THIRD READING COPY

2. Page 1, line 21.
Following: "NECESSARY."
Insert: "However, if more than 5% of the electors voting in
the last preceding general election voted using
paper ballots, the election administrator shall
provide paper ballots."

Proposed by MT. Assoc. of Clerks and Recorders

1. Page 1, lines 19 and 20:

Strike: , WITH APPROVAL OF THE GOVERNING BODY OF THE COUNTY,

2. Page 1, line 21:

Following: NECESSARY.

INSERT: In counties where the election administrator is an appointed official and voting devices are used, the decision to provide or not to provide paper ballots must be approved by the governing body.

P1, line 19.
election administrator may, ~~or w/ approval of the~~
governing body of the county, if the e. a. is an
appointed official,

1. P1, line 20.

Following: "COUNTY"

Insert: "if the election administrator
is an appointed official"

accepted
3/20

Proposed amendments to HB 724, Third Reading (blue)

1. Title, line 6.

Following: "IN"

Strike: the remainder of line 6

Insert: "AN"

2. Title, line 7.

Following: "YEAR"

Insert: ", ON THE NEXT REGULAR SCHOOL ELECTION DAY, OR BY MAIL
BALLOT"

3. Page 1, line 15.

Strike: "either"

4. Page 1, lines 16 through 18.

Following: "year" on line 16

Strike: the remainder of line 16 through "year" on line 18

Insert: "or on the next regular school election day held in
accordance with 20-3-304 [or by mail ballot election as
provided by [SB 169],]"

5. Page 2, line 14.

Following: line 13

Insert: "NEW SECTION. Section 2. Coordination instruction.

The bracketed language in section 1 is effective only if
Senate Bill No. 169 is passed and approved."

Renumber: Subsequent section.

STANDING COMMITTEE REPORT

March 20, 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE BILL** No. **816**

third reading copy (**blue**)
color

(Senator Conover will carry)

HELVETICA BOLD LETTERING ON STATE FLAG

Respectfully report as follows: That **HOUSE BILL** No. **816**

BE CONCURRED IN

XXXXXX

XXXXXXXX

Chairman.

STANDING COMMITTEE REPORT

..... March 20..... 19... 85..

MR. PRESIDENT

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

having had under consideration..... **HOUSE BILL**.. No..... **557**.....

third reading copy (blue)
color

(Senator Maaning will carry)

TO CONSIDER CERTAIN NONRESIDENTS AS RESIDENTS FOR CERTAIN PURPOSES

Respectfully report as follows: That..... **HOUSE BILL**.. No.. **557**.....

BE CONCURRED IN

~~XXXXX~~

~~XXXXXXXX~~

.....
Chairman.

STANDING COMMITTEE REPORT

March 20, 1905

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE BILL** No. **570**

third reading copy (**blue**)
color

(Senator Harding will carry)

REVISION OF FIRE SAFETY INSPECTIONS

Respectfully report as follows: That **HOUSE BILL** No. **570**

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Chairman.

STANDING COMMITTEE REPORT

March 20, 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 631

third reading copy (blue)
color

(Senator Harding will carry)

PROVIDING THAT ELECTORS MAY REQUEST A PAPER BALLOT WHEN VOTING MACHINE USED.

Respectfully report as follows: That HOUSE BILL No. 631

be amended as follows:

1. Page 1, line 20.

Following: "COUNTY"

Insert: "if the election administrator is an appointed official"

2. Page 1, line 21.

Following: "NECESSARY."

Insert: "However, if more than 5% of the electors voting in the last preceding general election voted using paper ballots, the election administrator shall provide paper ballots."

BE CONCURRED IN

~~XXXX~~

DO PASS

~~XXXXXXXX~~

DO NOT PASS

Chairman.

STANDING COMMITTEE REPORT

March 20 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE BILL** No. **655**

third reading copy (**blue**)
color

(Senator VanValkenburg will carry)

**REQUIRE APPROP. OF ADMIN. EXPENSES OF PERS, TEES, HALL BOARD
& RURAL RENAB.**

Respectfully report as follows: That **HOUSE BILL** No. **655**

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXX~~

Chairman.

STANDING COMMITTEE REPORT

March 20

1985

MR. PRESIDENT

STATE ADMINISTRATION

We, your committee on

HOUSE BILL

No. 724

having had under consideration

No.

third

reading copy (blue)
color

Senator Anderson

ALLOWS VOTE ON SPECIAL LEVY FOR HOSPITAL DISTRICT IN ODD OR
EVEN YEAR

Respectfully report as follows: That

HOUSE BILL

No. 724

be amended as follows:

1. Title, line 6.

Following: "IN"

Strike: The remainder of line 6

Insert: "AN"

2. Title, line 7.

Following: "YEAR"

Insert: ", ON THE NEXT REGULAR SCHOOL ELECTION DAY, OR BY MAIL
BALLOT"

3. Page 1, line 15.

Strike: "either"

4. Page 1, lines 16 through 18.

Following: "year" on line 16

Strike: the remainder of line 16 through "year" on line 18

Insert: "or on the next regular school election day held in
accordance with 20-3-304 [or by mail ballot election as
provided by [SB 169].]"

5. Page 2, line 14.

Following: line 13

Insert: "NEW SECTION. Section 2. Coordination instruction.

The bracketed language in section 1 is effective only if
Senate Bill No. 169 is passed and approved."

Re-number: Subsequent section.

AND AS AMENDED

BE CONCURRED IN

DO PASS

XXXXXX

DO NOT PASS

SENATOR JACK HAFLEY,

Chairman.