

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 6, 1987

The nineteenth meeting of the State Administration Committee was called to order by Chairman Jack Haffey on February 6, 1987 at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on Senate Bill 264.

CONSIDERATION OF SENATE BILL 264: Senator Matt Himsl, Senate District 3, Kalispell, was sponsor of this bill entitled, "AN ACT REQUIRING THAT THE TERMS, CONDITIONS, AND DETAILS OF ANY COMPROMISE OR SETTLEMENT AGREEMENT ENTERED INTO OR APPROVED BY A GOVERNMENTAL ENTITY BE SUBJECT TO PUBLIC INSPECTION; AND AMENDING SECTIONS 2-9-303 AND 2-9-304, MCA." The bills deals with any public sector, compromise or settlement of claims made against political subdivisions being a matter of public record, not necessarily being published but being available for public inspection. (EXHIBIT 1)

PROPOSERS: George Moore, Executive Director of the Montana Press Association, spoke in favor of the proposal which would keep the public better informed about the performance of their officials, elected and appointed, and allow the public to judge whether a governmental entity has done a responsible defense against claims made on the public purse. (EXHIBIT 2) Dan Black, of the Montana Press Association, also spoke in support as he felt the public has a right to know what their elected officials are doing. By allowing the terms of a settlement to remain secret, the insurance companies are removing the accountability from the public policy makers. (EXHIBIT 3) Karl Englund, of the Montana Trail Lawyers' Association, noted usually in a vast majority of cases there is an agreement entered into at the insistence of the insurance companies for confidentiality. He noted there are some cases, for example in the guardianship of a child perhaps, where it is in the best interests to keep the terms and conditions confidential. He noted there are provisions in our constitution for open records for government. He thought perhaps it might be beneficial to add wording for exceptions in cases where the demands of individual privacy clearly exceed the merits of public disclosure.

OPPOSERS: There were none.

QUESTIONS ON SENATE BILL 264: Senator Himsl was asked if he had objections to the amendment proposed by Karl Englund. He stated he felt it it was in court it was public knowledge already and saw no reason to discriminate. Senator Haffey

asked Karl Englund if the language in the constitution would be operative even if it was not changed in this bill and he noted this was accurate. Senator Anderson noted there is a fine line between the right to know and the right to privacy. Sen. Hims1 felt if it is a matter of being in court it is already public.

In CLOSING, Sen. Hims1 noted that Senator Van Valkenburg has a bill being proposed which would make cases under \$10,000 not needing approval of the court but they would still be subject to public record. He noted it had been suggested in subsection 2 that a possible amendment be made to apply to insurance companies. The bill says self-insurance currently. He urged the committee to carefully consider the bill so they were sure it was doing what it was intended to do. He then CLOSED on SB 264.

The hearing was opened on Senate Bill 267.

CONSIDERATION OF SENATE BILL 267: Senator Fred Van Valkenburg, Senate District 30, Missoula, is chief sponsor of this act entitled, "AN ACT PERMITTING LEGISLATORS TO APPLY THE EMPLOYER CONTRIBUTION FOR GROUP BENEFITS TO PREMIUMS REQUIRED FOR COVERAGE UNDER ANOTHER DISABILITY INSURANCE PLAN; AND AMENDING SECTION 5-2-303, MCA." It would permit legislators who are not enrolled in the state employee's health plan to have this contribution submitted to their own plan. It would provide some equity for those who might have better benefit plans of their own to have these contributions to the state plan be contributed to their plan instead. He felt it would only affect a few, possibly 10 or more. Because the legislators are serving on a parttime basis, he felt it was sufficient reason to take this into consideration for them but not to necessarily expand to all state employees.

PROPOSERS: Rod Sundsted, Chief of the Labor Relations and Employee Benefits Bureau for the Department of Administration, stated it would not be a problem to administrate and had no objections to the legislation. David Evanson, with the Montana University System, felt it would not harm their system and was also in support. A letter of support was also submitted by the Missoula Board of County Commissioners. (EXHIBIT 4)

OPPOSERS: There were none.

QUESTIONS ON SENATE BILL 267: Senator Harding wondered how many people this might affect and was told there are presently 140 legislators who do have the state health plan. Sen. Van Valkenburg noted it would just be a matter of equity to be able to let them apply this to their own plans. Senator Harding wondered if this would just open it up to local government employees asking for this same benefit. Senator Van Valkenburg thought perhaps there might be special employees such as a commissioner or council

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member who only are present a couple of times a month perhaps but it would not apply to those working fulltime. Senator Rasmussen wondered if more legislators would drop their coverage if this were to pass. Rod Sundsted stated there might indeed be more who would elect to change but noted for those who carry two coverages now they just pay the secondary benefits and felt it would not have a big impact on the state health plan. They might possibly have to implement some new rules regarding getting back on the health plan once you have elected to not be on the plan.

Sen. Van Valkenburg then CLOSED on SB 267 be stating as a matter of fairness he felt this should be considered favorably.

The hearing was opened on Senate Bill 260.

CONSIDERATION OF SENATE BILL 260: Senator Ethel Harding, Senate District 25, Polson, is the sponsor of this bill entitled, "AN ACT TO GENERALLY REVISE, CLARIFY, AND UPDATE THE ELECTIONS LAWS; AMENDING SECTIONS 13-1-2-2, ...MCA; REPEALING SECTION 13-13-242, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This would upgrade and revise our current election laws. Amendments had been proposed to the bill and these were distributed to the committee members. (EXHIBIT 5) The bill was at the request of the Secretary of State's office and had been reviewed also by the Clerk and Recorder's Association. She then explained briefly what each section would do to the current laws. Section 2 would allow notary public's to act as deputy registrars without having been appointed by the county governing body. Section 3 removed some language tying a registrar authority to the county in which he resides. Section 4 removed language that no longer conforms to postal regulations. Section 5 prescribes procedures for filing a declaration of acceptance. Section 6 provides that the clerks can combine non-partisan office elections with partisan offices on the same ballot as long as they are separated. Section 7 removes restrictive language of where the stamp must be placed on the ballot. Section 8 removes the provision that allows a preprinted label being affixed over any other name. Section 9 removed the stipulation that only a registered elector may assist someone voting. Section 10 allows a person who had requested an absentee ballot but had not received one, to be able to vote at the polling place. Section 11 changes the length of time that an absentee ballot will be available. Section 12 allows the election judges to deposit the absentee ballots during the day when they are less busy rather than at the end of the election day. Section 13 deals with a vote by a challenge elector which was necessary to conform with election laws. Section 14 removed the stipulation you must take the election returns back to the place of polling. Section 16 is a provision to allow a person to withdraw their name off a ballot. Section

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Page Four

17 allows a constitutional amendment that is approved by the people to have its own effective date. Section 18 allows a procedure for dealing with duplicate signatures once a reapportionment has taken effect. Section 19 requires those who are forming committees for writing ballot issue arguments to have written approval. Section 20 changes the time for making appointments to committees for writing ballot issue arguments to 6 months before the election. Section 21 is codification instructions and Section 24 gives an effective date of approval.

PROPOSERS: Greg Jackson, representing the Montana Clerk and Recorders' Association, spoke in support of the bill and wished the opportunity to have time to review the bill with the new amendments proposed. Diane Mellem from Hill County and Sue Bartlett, from Lewis and Clark County, were present to respond to questions. Larry Akey, Chief Deputy to the Secretary of State, noted it was a very large housekeeping bill which would fine tune our current election laws and bring them into compliance with the federal elections laws. It would allow language for the newer voting devices and clean up the ballot issue process. He noted as first proposed, their office would have had rulemaking authority and this language is removed from the current proposed amendments. He felt it would be helpful to have such language in place.

Maggie Davis, from the League of Women Voters, stated they were in support of the amendments as proposed but noted there are a couple of areas they felt should be addressed more closely dealing with absentee ballots and restricting the availability of absentee ballots before an election. (EXHIBIT 6)

OPPOSERS: There were none.

QUESTIONS ON SENATE BILL 260: Senator Haffey noted with the number of amendments that were being proposed it would be very helpful to have a gray bill printed so it would be easier for all to understand. Eddy McClure will incorporate the amendments into workable form and present them next week to the committee.

Senator Harding CLOSED by stating that ballots are still counted precinct by precinct even though they are counted in a single location in response to concerns by Ms. Davis. She felt it was a good bill addressing concerns about the election procedures and urged its passage. The hearing was CLOSED on SB 260.

EXECUTIVE ACTION ON SENATE BILL 267: Senator Harding MOVED that SENATE BILL 267 DO PASS. Senator Anderson seconded the motion. The motion carried unanimously.

Senate State Administration  
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EXECUTIVE ACTION ON SENATE BILL 264: Senator Harding MOVED that SENATE BILL 264 DO PASS. Senator Farrell noted there had been mention of a possible amendment regarding insurance companies. It was then decided to discuss this further with Sen. Hims1 before taking final action. Senator Harding then WITHDREW her motion.

FURTHER CONSIDERATION OF SENATE BILL 95: Senator Rasmussen wished to discuss the bill further with the printers before final action would be taken as a courtesy to them. Final action will be taken on Monday, February 9. The amendment he was proposing was distributed to the members. (EXHIBIT 7)

EXECUTIVE ACTION ON HOUSE BILL 158: Senator Lynch MOVED that HOUSE BILL 158 BE CONCURRED IN. It had been called off of second reading on the Senate floor and referred back to the committee for further consideration after a call had been received by a concerned constituent. After discussion the committee voted unanimously to concur in HB 158.

EXECUTIVE ACTION ON SENATE BILL 167: A proposed amendment to SB 167 had been proposed and was distributed to committee members regarding committee bills. (EXHIBIT 8) It would allow more flexibility regarding notification of meetings. Senator Lynch MOVED TO PASS this AMENDMENT. Senator Farrell seconded the motion. The motion carried unanimously.

Senator Lynch then MOVED TO TABLE SB 167 AS AMENDED. Senator Hofman seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:25 a.m.

cd

  
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SENATOR JACK HAFFEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/6/87

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NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY	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.



SENATE BILL #264

SECRET NO. \_\_\_\_\_  
DATE 2-6-87  
BILL NO. HIMSL SB264

SETTLEMENTS ARE PUBLIC RECORD

Senate Bill #264 deals only with public sector, compromise or settlement of claims against the state and compromises or settlements of claims against political subdivisions, such as counties, cities and school districts.

When claims are settled by some court action, the settlements are public but when agreements are reached by compromise or negotiation, the public has no way of knowing yet pays the insurance bill that compensates the winner.

It has become not only fashionable but profitable to sue; the action makes the headlines -- then time drifts on -- eventually there is an announcement of a settlement but no one knows what it is. The public - the taxpayer has a right to know.

Our county business manager responded to questions on liability settlements that such information was confidential! I know of several cases where the press could not get the information.

Some of these tort claims against the state are of significant amounts. In the period from 1976 to Feb. 1986, the Dept. of Administration paid \$6,459,769 in settlements.

Individual agencies settled 51 claims for \$796,700. One claim was for over \$500,000.

This bill does not require publishing the terms or conditions of settlement but make them a matter of public record available for inspection.

Surely this is a reasonable, sensible, and forthright requirement for all stewards of the public trust and I respectfully ask for your support for a "do pass" recommendation on Senate Bill #264.



NAME: George W. Moore DATE: 2/6/87

ADDRESS: 1900 N. Main

PHONE: 443-2850

REPRESENTING WHOM? Ynt. Press Assn

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

2  
2-6-87  
SB 264

Testimony of George W. Moore, executive director of the Montana Press Association, on SB 264. Hearing before Senate State Administration Committee Feb. 6, 1987.

SENATE STATE ADMINISTRATION  
COMMITTEE NO. 2  
DATE 2-6-87  
BILL NO. SB 264

MISTER CHAIRMAN, MEMBERS OF THE COMMITTEE.

FOR THE RECORD, MY NAME IS GEORGE W. MOORE, AND I'M EXECUTIVE DIRECTOR OF THE MONTANA PRESS ASSOCIATION, WHICH REPRESENTS 68 WEEKLY NEWSPAPERS AND ALL 11 DAILY NEWSPAPERS IN THE STATE OF MONTANA.

I APPEAR BEFORE YOU THIS MORNING IN SUPPORT OF SB 264.

THIS BILL WOULD ACCOMPLISH TWO OBJECTIVES, AS WE VIEW IT.

IT WOULD, FIRST, RESULT IN THE PUBLIC BEING BETTER INFORMED ABOUT THE PERFORMANCE OF THEIR OFFICIALS, ELECTED AND APPOINTED.

AS THINGS STAND NOW, THE PUBLIC -- THE PEOPLE PAYING THE BILLS -- ARE PRETTY MUCH KEPT IN THE DARK REGARDING THE CONDUCT OF THEIR OFFICIALS IN INSTANCES INVOLVING CLAIMS AGAINST THE PUBLIC. AS A RESULT, THE PEOPLE HAVE NO GOOD WAY OF JUDGING WHETHER THEIR OFFICIALS HAVE RESPONSIBLY DISCHARGED THEIR DUTIES AND MINIMIZED PUBLIC EXPOSURE TO SUITS OF ALL KINDS.

AN EXAMPLE MAY ILLUSTRATE THE POINT. LET'S SAY WE HAVE A PUBLIC OFFICIAL WHO IS FOND OF ROMANCING THE LADIES IN HIS OFFICE. AND LET'S SAY THAT ONE DAY, ONE OF THE WOMEN SAYS ENOUGH IS ENOUGH AND FILES SUIT AGAINST THE GOVERNMENTAL ENTITY SHE WORKS FOR.

NOW, EVERYBODY KNOWS IT'S BETTER TO NEGOTIATE THAN LITIGATE, AND SO EVENTUALLY, A COMPROMISE IS STRUCK AND THE SUIT IS DROPPED.

AS THINGS STAND NOW, THE PUBLIC WILL IN ALL LIKELIHOOD NEVER FIND OUT THE TERMS OF THE COMPROMISE ... OR FOR THAT MATTER, WHETHER THE PUBLIC OFFICIAL EVER ADMITTED TO THE QUESTIONABLE CONDUCT.

SENATE BILL 264 ALSO WOULD ALLOW THE PUBLIC TO JUDGE WHETHER A GOVERNMENTAL ENTITY ... AND THE INSURER, IF ONE IS INVOLVED ... HAVE MOUNTED A RESPONSIBLE DEFENSE AGAINST CLAIMS ON THE PUBLIC PURSE.

THIS LAST POINT IS IMPORTANT, BECAUSE, ON THE ONE HAND, IT CAN HAVE A DIRECT BEARING ON THE AMOUNT OF FUNDS AVAILABLE FOR PUBLIC SERVICES, AND ON THE OTHER HAND, IT CAN HAVE A DIRECT BEARING ON THE AVAILABILITY OF INSURANCE AND THE PREMIUMS, WHICH ARE BASED UPON EXPERIENCE.

FINALLY, MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE, THERE APPEARS TO BE NO GOOD REASON FOR CONFIDENTIALITY REGARDING THE TERMS, CONDITIONS AND DETAILS OF COMPROMISES OR SETTLEMENTS.

EVERYONE ALREADY KNOWS THAT GOVERNMENTAL ENTITIES ARE SUBJECT TO SUIT ... AND ALL LAWYERS WORTH THEIR SALT ARE MORE THAN HAPPY TO SUGGEST AMOUNTS OF RELIEF TO PROSPECTIVE CLIENTS.

AS THINGS STAND NOW, THEN, THE ONLY PEOPLE KEPT IN THE DARK ABOUT COMPROMISES AND SETTLEMENTS ARE THE FOLKS PAYING THE BILL -- THE PUBLIC -- AND THE INFORMATION IS BEING NEEDLESSLY WITHHELD FROM THEM.

I THEREFORE URGE YOU TO SUPPORT SENATE BILL 264.

THANK YOU.

  
George W. Moore  
Executive Director

February 6, 1987

SENATE STAFF ADMIN.  
EXHIBIT NO. 2  
DATE 2-6-87  
FILE NO. SB264

NAME: Dan Black DATE: 2/6/87

ADDRESS: Box 73, Kila, MT 59920

PHONE: 257-4525

REPRESENTING WHOM? Montana Press Assoc.

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE STATE ADMIN.  
COMMITTEE NO. 3  
DATE: 2-6-87  
BILL NO. SB264

Despite occasional discomfort or awkwardness, government functions best when its business is open to public scrutiny. The Legislature recognizes that, and the Montana Open Meetings law is testament to your intention ~~that~~ to make governments accountable to the people they represent.

But through a quirk of law, Montanans are being deprived of information about the terms of claims against local governments settled out of court.

Let me give three examples from Flathead County.

- A woman unloading trash at the county landfill falls over the embankment and sues for injuries.
- A man attending the Northwest Montana Fair gets in the way of a horse and sues for injuries.
- A local adult book store sues the city council for attempting to impose restrictions by ordinance.

All three cases were settled out of court. By arrangement with the insurers, terms of the settlements were not made public. Terms were not included in court documents. Unofficial information indicates the first two were settled for several hundred thousand dollars each. The suit against the city was a smaller but substantial sum.

Now, despite the fact that I am a newspaperman and that this bill is supported by the Montana Press Association, this is not a newspaper issue. At issue is the public's right to know what its elected officials are up to, and I believe it is a good government issue.

There is not only a public curiosity; there is also a public financial interest in the cases and dozens of others like them.

If they had gone to trial, the public would have access to all the facts. Instead, they were settled out of court, and by agreement, no one is talking. The public is denied any accounting for what happened. The public cannot know if steps have been taken to correct any problems.

Clearly, the insurance companies are agents of the policyholder, and the premium is paid with tax dollars, tax dollars levied against every taxpayer in the county. By allowing the terms of the settlements to remain a secret, the insurance companies are removing the accountability from the public policy makers.

Decisions on settlements of claims on behalf of public bodies are public decisions that affect public policy and public pocketbooks, and as such, they should be subject to public scrutiny.

Furthermore, allowing settlements to remain secret encourages culpable individuals to settle out of court thereby keeping the evidence of their culpability from the public.

3  
2-6-87  
SB 264

# MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

BCC-87-077  
February 2, 1987

SENATE STATE ADMIN.

TRACED NO. 4

DATE 2-6-87

BILL NO. SB 267


Jack Haffey, Chairman  
Senate State Administration Committee  
Montana State Senate  
Capitol Station  
Helena, MT 59620

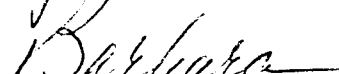
Dear Jack:

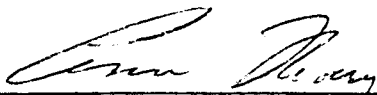
We are writing in support of Senate Bill 267, which would permit legislators to apply their employer contributions for health insurance to other health insurance plans. It is our belief that the bill is an elegant and simple solution for the problems that arise when legislators have to take a leave of absence from their jobs to serve in the legislature. The bill will enable them to keep their health insurance in force without any additional cost to either the state or their employers.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Janet L. Stevens, Chairman

  
\_\_\_\_\_  
Barbara Evans, Commissioner

  
\_\_\_\_\_  
Ann Mary Dussault, Commissioner

BCC/HS/lm

cc: Committee Members  
Missoula Legislators  
Kathy Crego, Personnel Officer  
Missoula County

ALL AMENDMENTS AGREED TO BY THE MONTANA ASSOCIATION OF CLERKS AND RECORDERS AND  
THE OFFICE OF THE SECRETARY OF STATE

5  
DATE 2-6-87  
BILL NO. SB 260

SB 260, Introduced (white), be amended as follows:

1. Page 2, line 17.  
Following: "registrar"  
Insert: "."  
  
Following: "."  
Strike: Balance of line 17, all of lines 18 and 19.
  
2. Page 4, line 1.  
Following: "~~1~~5"  
Strike: "1"  
Insert: "15"
  
3. Page 4, line 21.  
Following: "registrar"  
Strike: "in the county in which he resides "

AMENDMENTS TO SB 260:

Page 2: Strike lines 5 through 7.

Page 2, line 9: After "the"  
Strike: rules,

Page 4, line 1: After "March"  
Strike 1 and insert 15

Page 5, line 19: Before "on"  
Insert: in ~~on~~ at the general election ~~ballot~~ and receiving the largest

Page 5, line 22: After "than"  
Strike 5 and insert 10

Page 6, beginning on line 2:

"13-10-209. Arrangement of ballots. (1)(a) Ballots for a primary election shall be arranged and printed in the same manner and number as provided in chapter 12 for general election ballots, except there shall be separate ballots for each political party entitled to participate ~~and-separate-nonpartisan and-ballot-issue-ballots-if-necessary~~. The name of the political party shall be printed at the top of the separate ballot for that party and need not be printed opposite each candidate's name. Separate-nonpartisan-and-ballot-issue ballots-must-be-printed,-if-necessary,-except-as-provided-in-subsection-(6)- (b) Nonpartisan offices and ballot issues may be printed on a separate ballot or may appear on the same ballot as partisan offices if:  
(i) each section is clearly identified as separate; and  
(ii) such nonpartisan offices and ballot issues appear on each party's ballot.

Page 6, line 25: After "number."

Insert: If printed as a separate ballot, ~~The~~ the

Page 7, beginning on line 12: Strike lines 12 through 18.

Page 11, lines 4 and 5: After "omissions" on line 4  
Strike "or if the absentee ballot was destroyed"

Page 11, line 8: After "ballot,"

Strike the comma and insert: "or if the absentee ballot was destroyed,"



AMENDMENTS TO SB 260 (continued):

Page 11, line 11: After "received."

Strike the period and insert: or was destroyed. Before the ballot is given to the elector, the election judge shall write upon the back of the ballot the number of the ballot. The ballot may be cast out if it appears to the court to have been for any reason wrongfully or illegally voted.

Page 12, Section 12, beginning on line 1:

Section 12. Section 13-13-241, MCA, is amended to read:

"13-13-241. Examination of absentee ballot envelopes and affirmations while polls open -- deposit of absentee and unvoted ballots. (1) While the polls are open, the election judges may compare the signature of the elector on the absentee ballot request and affirmation. If they find that the signatures correspond, that the affirmation is sufficient, and that the absentee elector is qualified, ~~and has not yet voted, they shall place the absentee elector's envelope in a box or envelope marked "unopened" checked and valid absentee ballots"~~, they may open the absentee ballot envelope.

(2) If the absentee ballot does not meet the requirements specified in subsection (1), it shall be rejected. The election judges, without opening the absentee ballot envelope, shall mark across it the reason for rejection, and a majority of the judges shall sign their initials. Unopened rejected absentee ballot envelopes shall be handled in the same manner as provided for rejected ballots in 13-13-243.

(3) After opening the absentee envelope and without unfolding the ballots or permitting them to be examined, the election judges shall ascertain whether the stubs are attached or enclosed and whether the numbers correspond to the numbers in the certificate of the election administrator. If so, they shall detach the stubs and deposit the stubs and ballots in the proper ballot boxes. In a primary election, the unvoted ballots shall be deposited in the unvoted ballot box without being removed from their enclosure envelope.

(4) If upon opening the absentee ballot envelope it is found that the number does not correspond to the number on the certificate of the election administrator, the ballot shall be rejected. The reason for rejection shall be marked on the back of the ballot or ballots and the statement shall be initialed by a majority of the election judges."

Page 13, line 21: Make "provision" plural and, after "(1)"

Insert: "or of 13-13-204(2)"

AMENDMENTS TO SB 260 (continued):

Page 15, line 5: After "13-13-242"

Insert: 13-13-241

Page 17, line 16: After "(1) The"

Insert: Except as required by 13-27-104, ~~Within~~ within 2 4 weeks after receiving"

Page 18, beginning on line 16:

(3) Upon discovery of FRAUDULENT SIGNATURES OR OF duplicate signatures of an elector on any one issue, the election administrator may submit such-name THE NAMES OF THE ELECTOR AND/OR THE PETITION CIRCULATOR, to the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207."

NAME: Margaret S. Davis DATE: 6/1/87

ADDRESS: 816 Florence Helena Ave 59607

PHONE: 443-3487

REPRESENTING WHOM? League of Women Voters

APPEARING ON WHICH PROPOSAL: SB 260

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Check and Recorder amendments  
as approved by Sec. of State's office and  
a great improvement. It is unfortunate  
that the election laws have been out of  
technology and good election practices.  
The League would like to see the official  
ballots for municipal elections remain  
at 45 days (pg 11, line 25) rather than  
reduced to 20 days. Other than that,  
the League supports SB 260 as amended.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATE WASTE COMM.  
EXHIBIT NO. 6  
DATE 2-6-87  
BILL NO. SB 260

Proposed Amendment for SB 95

7  
2-6-89  
SB 95

1. Title, lines 5 through 6.

Following: "BALLOT"

Strike: "INSTEAD OF USING A VOTING DEVICE"

2. Page 1, lines 11 through 14.

Following: "(1)"

Insert: "(a)"

Following: "machines" on line 12

Strike: "or devices"

Following: line 13

Strike: "or device"

3. Page 1, following line 25.

Insert: "(b) Where voting devices are used, the election administrator, with approval of the governing body of the county if the election administrator is an appointed official, may provide paper ballots if the election administrator believes such ballots are necessary. 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. The printing of paper ballots provided pursuant to this subsection is an allowable election cost under the provisions of 13-1-302."

(c) A paper ballot provided by the administrator under this section may be prepared using a typewriter and photocopier. The ballots must otherwise conform to the requirements of this title.

4. Page 2, line 6.

Following: "machine."

Insert: "(3) For the purposes of this section, "voting machine" means a mechanical apparatus which is used for voting by using levers which provide a tabulating system within the machine."

DATE 2-6-87  
PAGE 8  
BILL NO. SB 167

Proposed Amendment to SB 167  
(Second Reading)

1. Title, line 5  
Following: line 4  
Insert: "OF BILLS REQUESTED BY A COMMITTEE OR"
  
2. Page 3, line 2  
Following: "NOTICE --"  
Insert: "Bills requested by committee --"  
Strike: subsections (1) and (2) in their entirety  
Insert: "The legislature shall provide rules for reasonable public notice when bills are requested by a committee, if the legislature is called into special session, or when a conference committee is called during a regular or special session."

# STANDING COMMITTEE REPORT

FEBRUARY 6

19 87

MR. PRESIDENT

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

having had under consideration..... **HOUSE BILL** No. **158**

**third** reading copy ( **blue** )  
color

**PERMIT MEMBER OF SHERIFFS' RETIREMENT SYSTEM TO QUALIFY MILITARY  
SERVICE Hathe (Lynch)**

**HOUSE BILL** **158**

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

BE CONCURRED IN

XXXXXX

XXXXXXXXXX  
DO NOT

.....  
**SENATOR JACK HAFPEY**

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 6 19 87

MR. PRESIDENT

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

having had under consideration **SENATE BILL** No. **267**

first reading copy (white )  
color

**PERMIT LEGISLATORS TO APPLY CONTRIBUTION FOR STATE INSURANCE TO OTHER PLANS (Van Valkenburg)**

**SENATE BILL** **267**

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

DO PASS

~~DO NOT PASS~~

.....  
**SENATOR JACK HAFPEY** Chairman.