

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 13, 1987

The twenty-fourth meeting of the State Administration Committee was called to order by Chairman Jack Haffey at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present. Senators Farrell and Harding were excused for a portion of the meeting.

The hearing was opened on Senate Joint Resolution 10.

CONSIDERATION OF SENATE JOINT RESOLUTION 10: Senator Hubert Abrams, Senate District 12, Wibaux, was the sponsor of this resolution entitled, "A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO AMEND THE ENABLING ACT TO PERMIT THE STATE TO EXEMPT LOCAL GOVERNMENTS FROM ROYALTIES, FEES, BONDS, AND PENALTIES FOR THE EXTRACTION OF STONE, GRAVEL, AND SAND FROM STATE LANDS." Senator Abrams then asked Gordon Morris to explain the resolution.

PROPOSERS: Gordon Morris, Executive Director of the Montana Association of Counties, spoke in favor of the resolution. He noted there are many minerals in our state and among these is gravel and sand. Much of this type of mineral is found on state land. When gravel is needed for projects such as for county roads, school bus routes, etc. the county has to go through the Department of State Lands to purchase the gravel. They have to pay the prevailing market rate for the gravel and this is then placed back on a county or state road. He felt this was taking dollars out of one pocket and putting it back in another and it all benefits the school trust program. The counties had tried to resolve this matter before in another legislative session and had been told it was a constitutional matter. The counties would like to be exempted from paying the prevailing rate for the gravel. The first step is to request congressional consideration for changing the state enabling law. Next legislative session the counties will be asking for the exemption from paying the prevailing rate.

OPPOSERS: Dennis Hemmer, from the Department of State Lands, noted that all state lands are not necessarily owed by the state. Much of the land is being held in trust for the support of our education foundation program. These lands were granted to the state for this purpose through the enabling act. This makes the state really a trustee of the land and not the owner. He did not feel giving away trust assets was a fair or equitable practice. He noted that a change in the constitution would have to be made. The fiscal impact would be minimal also he stated. He urged this do not pass. (EXHIBIT 1)

QUESTIONS ON SENATE JOINT RESOLUTION 10: Senator Lynch asked Senator Abrams if he felt it was fair to give away gravel to some school districts and also take funds away from the school foundation program. Senator Abrams stated this problem arose in his area when they needed gravel for roads and the only gravel available was on a piece of state owned property and the county was forced to pay a very high rate for it. He asked if that was fair to the county. Senator Harding wondered if the county was trying to opt out from paying for services on state owned property. Gordon Morris noted this was for the benefit of the public and not just an individual's benefit. Senator Hofman asked about the fee the county had to pay for the gravel. Dennis Hemmer stated the fees are set up on a regional basis and then an average price is used as the prevailing rate. He did not think this was unfair nor that it was extremely high. Senator Haffey asked what the fiscal impact would be and was told the highest amount the state has ever received for gravel was \$129,763 in FY 86 and Dennis Hemmer's estimate was that about half or less of this came from the counties.

Senator Abrams then CLOSED on Senate Joint Resolution 10.

The hearing was opened on House Bill 238.

CONSIDERATION OF HOUSE BILL 238: Representative Dorothy Bradley, House District 79, Bozeman, was sponsor for this bill entitled, "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO DISASTER AND EMERGENCY SERVICES; AND AMENDING SECTIONS 10-3-101, 10-3-103, 10-3-311, AND 10-3-401, MCA." The bill was at the request of the Department of Military Affairs. It would clarify the disaster and emergency laws of the state. It would clarify that there is local authority to make emergency evacuations in a disaster and prohibit state aid to the sanctioned areas which is what federal aid does. The language would clarify that the sheriffs' office and county authorities are responsible for search and rescue operations which they do now anyway. She noted the current law was written back in the 50's and this revision just brings the language up to date. On page 6 language had been added dealing with the restriction of the expenditure of general funds for sanctioned areas. She noted if the counties follow national flood plain plans and identify flood plains, follow flood proofing techniques, such as not allowing basements in those areas, etc. they are then eligible for federal flood insurance programs. Then if a disaster should occur the federal insurance would pick up the costs rather than the state general fund. In section 7 it would allow local authorities to give permission to evacuate without waiting for official word from the governor. She noted this was common practice to do this now but this would put the language into statute.

PROPOSERS: Rep. Bradley noted the Department of Military Affairs, Department of Natural Resources, and Gordon Morris,

from the Montana Association of Counties all testified in support of this proposal in the House hearing.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 238: Senator Vaughn wondered if this would clarify that local authorities could respond without getting permission from the governor. Rep. Bradley stated this is already the procedure. Senator Hofman asked about the authority of the Department of Military Affairs to make rules. George DeWolf, Administrator of the Emergency and Disaster Services deferred to Jan Henry from his staff to address this concern. Mr. Henry stated when they proposed the change they did not request this wording be included but the drafters felt it should be in place. Major Ken Cottrill from the Centralized Services for the Department of Military Affairs, stated they already have this authority by statute. This would just allow rules to be made to implement this particular bill if it was necessary. He passed out a handout to the committee explaining the bill in more detail. (EXHIBIT 2)

Rep. Bradley then CLOSED on House Bill 238.

EXECUTIVE ACTION ON HOUSE BILL 238: Senator Harding MOVED THAT HOUSE BILL 238 BE CONCURRED IN. Senator Hofman seconded the motion. The motion carried unanimously. Senator Harding will carry the bill on the Senate floor.

The hearing was opened on Senate Bill 14.

CONSIDERATION OF SENATE BILL 14: Senator Ted Neuman, Senate District 21, is sponsor for this act entitled, "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO REMOVE CERTAIN CONSTRAINTS ON INVESTMENT OF PUBLIC FUNDS AND PROVIDE FOR INVESTMENT AS AUTHORIZED BY THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE." He noted currently the Board of Investments invests approximately 2.1 billion dollars from various retirement funds, the coal tax and other sources. The law presently restricts the investment of these funds except for 50% of PERS and TRS, into the most secure type of investment which is bonds. There is a specific restriction from investing in stock. Sen. Neuman felt that over the years the state has suffered by not being able to invest more funds in stocks. Those funds that have been able to be invested in stocks have more than doubled in value he noted. He noted the Board would only invest in those stocks which were from an approved list. The annual rate of return from bonds is 24% as compared to 47.5% for stocks. He noted there is a section in the bill which would give the legislature the ability to set the restrictions that the Board

of Investments could use. This bill would eliminate the constitutional prohibition they now operate under.

PROPONENTS: Mr. Jim Howeth and Mr. James Penner from the Board of Investments were not able to be present for the hearing but were in support.

OPPONENTS: There were none.

QUESTIONS ON SENATE BILL 14: Senator Hirsch wondered if the word "constitutional" should be added before the word restraints in the language. It was noted this would have to be a constitutional amendment anyway so this wording was unnecessary. Senator Rasmussen noted the stock market goes up and down so it might work both ways. Senator Neuman stated the Board would like to have the flexibility to be able to invest in either stocks or bonds in order to be able to adjust to market conditions and realize greater returns. Senator Haffey asked Senator Neuman to explain the prudent man investor concept. He noted the prudent investor takes the absolutely safest route of investment every time and the prudent expert compares his portfolio with what other experts do and does accordingly. Senator Haffey asked what this language would do for the Board and Senator Neuman stated it would allow the legislature to dictate the Board could follow the prudent expert standard.

Senator Neuman then CLOSED on Senate Bill 14.

The hearing was opened on Senate Bill 15.

CONSIDERATION OF SENATE BILL 15: Senator Ted Neuman, Senate District 21, is the sponsor for this act entitled, "AN ACT TO ALLOW FIVE ADDITIONAL STAFF POSITIONS OF THE BOARD OF INVESTMENTS TO BE EXEMPT FROM THE STATE EMPLOYEE CLASSIFICATION PLAN; AMENDING SECTIONS 2-15-1005 AND 2-18-103, MCA; AND PROVIDING AN EFFECTIVE DATE." His bill would allow the Board of Investments to exempt an additional five people from their staff from the state pay plan. He noted the logic behind this is to try and keep the type of individuals they need in order to manage the investments wisely. He did note this bill would not be necessary if his bill combining the Board of Investments with the Board of Economic Development passes. He asked that the committee table his bill until the fate of SB 298 is known.

PROPONENTS: There were none.

OPPONENTS: Rod Sundsted, from the Department of Administration, opposed the bill. He stated the statewide classification and pay plan has restored some order to what a state employee can receive. He realized the reasoning behind the proposal to try and keep highly qualified individuals at the Board of Investments but felt it was unfair to other state employees. He felt it might tend to encourage more and more agencies to make exemptions.
(EXHIBIT 3)

QUESTIONS ON SENATE BILL 15: Senator Haffey asked how many exempt state employees we now have and was told about 200 currently. Senator Harding asked what the salaries of the Board of Investments personnel now were and was told that Jim Howeth earns about \$93,000 and his assistant \$61,000. The fiscal note indicated an impact of \$125,000 per year. Senator Haffey noted the dilemma is that because of the revenue the Board brings to the state, it has been felt these individuals should be paid accordingly. Many qualified people have worked at the Board for a few years and then have gone elsewhere for higher paid positions and the state is losing some very fine employees because of the pay.

Senator Neuman then CLOSED on Senate Bill 15.

EXECUTIVE ACTION ON SENATE BILL 15: Senator Hofman made a MOTION THAT SENATE BILL 15 BE TABLED. Senator Abrams seconded the motion. The motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 14: Senator Haffey noted this measure will go out on the Senate floor however the committee votes on it. Senator Hirsch wanted to speak with other senators on this before taking action. Senator Anderson noted it would not matter as it will be on the floor no matter what action is taken. Senator Abrams stated it would make no difference to him. Senator Hofman wanted to know what the arguments were against this bill. Senator Haffey explained the differences arose between those who wished the Board to use a more cautious approach to investments or other methods that were more risky. Senator Haffey was in favor of the proposal. Senator Rasmussen then MOVED THAT SENATE BILL 14 DO PASS. Senator Anderson seconded the motion. The motion carried with Senator Farrell, Abrams, and Hirsch voting "no."

The hearing was opened on House Bill 321.

CONSIDERATION OF HOUSE BILL 321: Representative Tom Bulger, House District 37, Great Falls, was the sponsor for this bill entitled, "AN ACT TO ALLOW DRIVER RECORDS TO BE REPRODUCED ON FILM OR PLACED ON A COMPUTER STORAGE DEVICE; TO ESTABLISH THAT REPRODUCTIONS OF SUCH RECORDS PLACED ON A COMPUTER STORAGE DEVICE ARE CONSIDERED ORIGINALS AND ADMISSIBLE IN EVIDENCE; AND AMENDING SECTION 6-11-102, MCA." It was by request of the Department of Justice. He noted the Department is now required to keep records of all driving convictions and these records are used in court proceedings. This would allow them to photostat and use computer records that are certified for the court proceedings rather than using the originals. It would realize quite a cost savings to them. The originals could always be available for inspection however.

PROPOSERS: Larry Majerus, from the Department of Justice, stated it would merely establish in statute their authority to keep records in the computer and be able to use this form to send to the courts as admissible evidence rather than the original conviction record. The originals could always be inspected if necessary. It would realize a cost savings to them also.

OPPOSERS: There were none.

QUESTIONS ON HOUSE BILL 321: Senator Farrell asked how long the records are kept and was told it depended on the type of record, some are kept longer than others. Senator Harding asked how long they have been on the computer system and was told they just completed a new system 9 months ago.

Rep. Bulger then CLOSED on House Bill 321.

EXECUTIVE ACTION ON HOUSE BILL 321: Senator Farrell MOVED THAT HOUSE BILL 321 BE CONCURRED IN. Senator Harding seconded the motion. The motion passed unanimously. Senator Vaughn will carry the bill on the Senate floor.

EXECUTIVE ACTION ON SENATE BILL 260: A gray bill with proposed amendments had been reviewed by committee members. Margaret Davis, from the League of Women Voters had also reviewed the bill and suggested some very minor changes regarding counting ballots at precincts. The Clerk and Records Association and the Secretary of State had gone through the bill very carefully and were all in agreement to the amendments proposed. Senator Vaughn had a concern regarding the placement of the stamp on the front of the election ballot on votamatic ballots and was told this was covered by the rules the Secretary of State's office has for voting machines. Senator Harding MOVED THE AMENDMENTS PROPOSED TO SENATE BILL 260 BE ADOPTED. Senator Hofman seconded the motion. The motion carried. Senator Harding then MOVED THAT SENATE BILL 260 DO PASS AS AMENDED. Senator Hofman seconded the motion. The motion carried unanimously. (EXHIBIT 4)

The hearing was opened on House Bill 553.

CONSIDERATION OF HOUSE BILL 553: Representative Bruce Simon, House District 91, Billings, is the sponsor of this bill entitled, "AN ACT TO REQUIRE ALL WARRANTS ISSUED FOR THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES THAT ARE FUNDED WITH FEDERAL MONEY BE PRESENTED FOR PAYMENT WITHIN 180 DAYS AFTER THE DATE OF ISSUE; AND AMENDING SECTION 17-8-303, MCA. The bill was at the request of the Department of Social and Rehabilitation Services.

Senate State Administration
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Page Seven

PROPOSERS: Pat Godbout, Administrator of Centralized Services for the Department of SRS, stated this bill would request that warrants issued for public assistance and for medicaid be presented for payment within 180 days or else the state will be assessed for the amount held.

OPPOSERS: There were none.

QUESTIONS ON HOUSE BILL 553: Senator Haffey asked if there had been any concern regarding not holding these checks for a longer period of time than 180 days. Rep. Simon noted there had been no opposition and this would put them into compliance with federal regulations. He noted most checks are cashed within 180 days anyway.

Rep. Simon CLOSED on House Bill 553.

EXECUTIVE ACTION ON HOUSE BILL 553: Senator Hofman MOVED THAT HOUSE BILL 553 BE CONCURRED IN. Senator Vaughn seconded the motion. The motion carried unanimously. Senator Hofman will carry the bill on the Senate floor.

The meeting adjourned at 11:30 p.m.

cd



SENATOR JACK HAFLEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/13/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFLEY	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.

DATE _____

FEBRUARY 13, 1987

SENATE STATE ADMINISTRATION

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

TESTIMONY FOR THE DEPARTMENT OF STATE LANDS
ON SENATE JOINT RESOLUTION 10
(2-13-87, Rm 331, 10:00 A.M.)

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 2-13-87

BILL NO. SSR 10

The Department of State Lands opposes Senate Joint Resolution 10. When we speak of state lands, we automatically think of lands owned by all the people of the State of Montana. That is not the case. State lands are actually lands held in trust for the support of education. They were granted to the states for that exact purpose through the Enabling Act which this bill seeks to amend. Therefore, state government and the people of the state are not owners of the land, but rather are trustees of the land. They are trustees directed to administer these lands in such a way as to maximize the financial income to the school trust. While the majority of these lands are dedicated to the common schools, there are eight other endowments which have various acreages of land. All of the revenue from these lands either is directly distributed to the endowment from which they arose, or are deposited in the permanent trust, the interest from which goes to the endowment from which they arose. This concept of trusteeship very clearly spells out in the statute and has been held up in numerous court tests.

I don't oppose this resolution because I like being a jerk, or because I like telling a group of irate county commissioners that they are going to have to pay for sand and gravel from school trust lands, or for having to tell a group of Girl Scouts that if they wish to have an encampment on trust land, they will have to pay for it. I oppose it because I do not think there is an equitable way to give away trust assets. Is it fair that those counties which do have state land with sand and gravel on it should get free sand and gravel, to the detriment of the schools and all of the rest of the counties in the state? Is it fair for the counties to receive free sand and gravel to the detriment of the school for the deaf and blind? Recently the Department sold a school site in Billings to the Billings School District. The argument was made that since it was common school land, and it was a grade school going on the land, that the site should be given to the school district. That site was worth \$110,000. Would it be fair to give that site to the Billings School District to the detriment of all of the rest of the school districts in the state?

The other question is, unless we look at it on a financial and sound land management basis - How is the agency to make a decision between competing land uses? A case in point is the gravel pit which gave rise to this bill. We first heard that there was a problem when we got a call from the lessee asking us why the county was out digging test pits in the middle of his wheat field. Ultimately, we ended with a land-use decision. Do you let the county put in a gravel pit, or do you let the lessee continue to farm the land? The issue was decided in favor of the county, as the gravel brought in far more revenue to the trust, and the land could be reclaimed and put back to a productive use. However, it could not be put back to farming, it would have to go back to grazing land. If we can not charge for the gravel, how then do we make that decision?

I do not dispute the concept of this bill. I am often forced to charge entities for the use of trust land for uses which have a compelling reason to be given for free or which in some instances may save the state, as a whole, money. However, under the Enabling Act and under the Constitution, my duty is quite

clear. While conceptually the amendment of the Enabling Act seems just, in the long term, there is no equitable way to fairly give away assets of the school trust. Only by charging for all assets and then distributing them to the foundation account is equity achieved.

I would also note that in addition to the change in the Enabling Act, before we are able to give away sand and gravel, there will also have to be a concurrent change in the Constitution, which requires that the state receive fair market value for all the assets of state land.

While on its face, the bill looks like a good idea, you are in effect opening Pandora's box. If you look at the fiscal impact, you will find it is minimal. I would urge you to give a "Do Not Pass" recommendation to Senate Joint Resolution 10.

HOUSE BILL 238
2-13-87
HB 238

HOUSE BILL 238

**TESTIMONY OF THE DEPARTMENT OF MILITARY AFFAIRS - DIVISION OF
DISASTER AND EMERGENCY SERVICES**

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY
THE LAW RELATING TO DISASTER AND EMERGENCY SERVICES; AND AMENDING
SECTIONS 10-3-101, 10-3-103, 10-3-311 AND 10-3-401, MCA."

It is the position of this Department to support this bill.

**SEARCH AND RESCUE
10-3-101 AND 10-3-103**

Page 2 Title 10-3-101 (3) and 10-3-103 (9) identifies as a state
lines 5-7 responsibility to "prepare for prompt and efficient
and search, rescue, recovery, care and treatment of persons
Page 4 lost, entrapped, victimized or threatened by emergencies
Lines 21- or disasters," and defines "search and rescue." The
25 state has little capabilities in this area, and this
section of the law conflicts with the capabilities and
responsibilities of local governments which are
infinitely better prepared to handle this function.

**MITIGATION
10-3-103**

Page 4 The definition of "Disaster and Emergency Services" does
Lines 4, not include the concept of "hazard mitigation." The
7 and 8 concept of mitigating hazards either before they occur or
after a disaster has occurred was not in existence when
this law was developed. It has since become a major
focus of Disaster and Emergency Services effort and
activities.

**DISASTER EXPENDITURES
10-3-311**

Page 6 The National Flood Insurance Administration identifies
Lines 4-10 floodplains, issues maps and requires regulation of
development in floodplains by local governments. Local
governments which have National Flood Insurance Program
(NFIP) identified floodplains and which choose not to
participate in the program are put on the NFIP sanction
list. Federal disaster relief funds under a Presidential
Disaster Declaration are not available for political sub-
divisions or residents of political sub-divisions on the
NFIP sanction list. The state should not be expending
general funds, provided for in 10-3-312, to assist
jurisdictions which receive either Presidential or State
Disaster Declarations for flooding, if they are not
willing to regulate their floodplains.

**EVACUATION
10-3-401**

Page 7 While Title 10-3-104 (2) (b) gives the Governor authority
Lines 6-23 to order evacuations; and to control ingress and egress
under 10-3-104 (2) (c), there is no clearly defined
authority to do so at the city or county levels by the
principle executive officers. In situations which
require timely action such as in hazardous materials
incidents, dam failures or expected flooding, confusion
over who can order evacuations can jeopardize lives and
property.

Department of Administration

TESTIMONY OPPOSING SB15

I. Statewide Classification and Pay Act

We are not testifying against the Board of Investments but for this Act. Passed in 1973, this Act brought order to the chaos of state pay practices. The Act sought for the State, as an employer, to establish fair, consistent rationale in setting pay for all state employees. It put an end to rich agencies, boards and commissions paying a lot and poor agencies unable to compete.

II. Problems with the Act

The Act is frustrating for managers because they can't pay for performance, reward outstanding workers.

State salaries are below the market compared to surrounding states by about 12% on average.

Turnover rates are high in many high skill occupations because of above and limited advancement or earning potential.

These are not problems unique for the Board of Investments.

III. Problems with Exemptions to the Act

Each new exemption encourages other boards to seek exemptions (we have heard of three more with such plans). This trend will send us back to pre-1973 pay practices.

Exemptions are not fair to other managers who do not have resources or authority to seek exemptions and now can't compete.

It is demoralizing to workforce to see some occupations exempt and others not. Exemptions make everyone question the fairness of classified salaries.

For more information call Laurie Ekanger, State Personnel Division, 444-3871.

Amendments for SB 260

1. Title, line 7.

Following: "SECTIONS"

Strike: 13-1-202,"

2. Page 1, line 14 through page 2, line 10.

Strike: Section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 17.

Following: "registrar"

Strike: "but may" on line 17 through "13-2-203(3)" on line 19

4. Page 4, line 1.

Following: "±5"

Strike: "1"

Insert: "15"

5. Page 4, line 21.

Following: "registrar"

Strike: "in the county in which he resides"

6. Page 5, line 19.

Following: line 18

Strike: "in"

Insert: "at"

Following: "election" on line 19

Strike: "ballot"

7. Page 5, line 22.

Following: "than"

Strike: "5"

Insert: "10"

8. Page 6, line 2.

Following: "(1)"

Insert: "(a)"

9. Page 6, lines 10 through 12.

Following: "name." on line 10

Strike: "separate" on line 10 through "subsection (6)." on line 12

10. Page 6, line 12.

Following: line 12

Insert: "(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."

(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 must 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 must be rejected. The reason for rejection must be marked on the back of the ballot or ballots, and the statement must be initialed by a majority of the election judges."

22. Page 13, line 20.

Following: "under"

Insert: "the"

23. Page 13, line 21.

Following: line 21

Strike: "provision"

Insert: "provisions"

Following: "(1)"

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

24. Page 15, line 5.

Following: "and"

Insert: "13-13-241 and"

25. Page 17, line 16.

Following: "The"

Strike: "Within 2"

Insert: "Except as required by 13-27-104, within 4"

26. Page 18, lines 16 through 18.

Following: "discovery of" on line 16

Insert: "fraudulent signatures or"

Following: "submit" on line 18

Insert: "the name of the elector or the petition circulator, or both,"

Strike: "such name"

7042h/L:JEA\WP:JJ

STANDING COMMITTEE REPORT

FEBRUARY 13 19 57

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on.....

HOUSE BILL

238

having had under consideration.....

No.

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REVISE EMERGENCY AND DISASTER SERVICES

Bradley

(Harding)

HOUSE BILL

238

Respectfully report as follows: That.....

No.

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXX
DO NOT PASS

SENATOR JACK HAFPEY

Chairman.

STANDING COMMITTEE REPORT

19

MR. PRESIDENT

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

having had under consideration..... **SENATE BILL** No. **14**

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color

**CONSTITUTIONAL REFERENDUM TO REMOVE CONSTRAINTS ON PUBLIC
INVESTMENTS** **Neuman**

SENATE BILL **14**

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

DO PASS

~~XXXXXX~~

SENATOR JACK HAFPEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 13

87

19.....

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on.....

having had under consideration.....

HOUSE BILL

No. 321

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ALLOWING REPRODUCTION OF DRIVER RECORDS FOR PERPETUAL STORAGE

Bulger

(Vaughn)

HOUSE BILL

321

Respectfully report as follows: That.....

No.....

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

DO NOT PASS

SENATOR JACK HAFPEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 13

87

19

MR. PRESIDENT

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

having had under consideration..... **HOUSE BILL** No. **553**

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color

**REQUIRE WARRANTS ISSUED BY SRS TO BE PRESENTED FOR PAYMENT WITHIN
180 DAYS Simon (Hofman)**

Respectfully report as follows: That..... **HOUSE BILL** No. **553**

BE CONCURRED IN

XXXXXX

XXXXXXS

SENATOR JACK HAFLEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 13 19 27

MR. PRESIDENT

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

having had under consideration **SENATE BILL** No. **260**

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color

GENERALLY REVISE ELECTION LAWS

Harding

Respectfully report as follows: That **SENATE BILL** No. **260**

be amended as follows:

Amendments for SB 260

1. Title, line 7.

Strike: "13-1-202,"

2. Page 1, line 14 through page 2, line 10.

Strike: Section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 17.

Following: "registrar"

Strike: "but may" on line 17 through "13-2-203(3)" on line 19

4. Page 4, line 1.

Following: "15"

Strike: "1"

Insert: "15"

5. Page 4, line 21.

Following: "registrar"

Strike: "in the county in which he resides"

~~XXXXXX~~

~~DO PASS~~

~~XXXXXXXXXX~~

~~DO NOT PASS~~

Continued

Chairman.

February 13

1987

6. Page 5, line 19.

Following: line 18

Strike: "on"

Insert: "in at"

Following: "election" on line 19

Strike: "ballot"

7. Page 5, line 22.

Following: "than"

Strike: "5"

Insert: "10"

8. Page 6, line 2.

Following: "(1)"

Insert: "(a)"

9. Page 6, lines 10 through 12.

Following: "name." on line 10

Strike: "separate" on line 10 through "subsection (6)." on line 12

10. Page 6, line 12.

Following: line 12

Insert: "(b) Nonpartisan offices and ballot issues may be printed on separate ballots 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."

11. Page 6, line 25.

Following: "number."

Strike: "The"

Insert: "If printed as a separate ballot, the"

12. Page 7, lines 12 through 18.

Strike: Subsection (6) in its entirety

13. Page 11, lines 4 and 5.

Following: "omissions"

Strike: "or if the absentee ballot was destroyed"

14. Page 11, line 8.

Following: "ballot"

Insert: "or if the absentee ballot was destroyed"

15. Page 11, line 11.

Following: "received"

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 wrongfully or illegally voted"

16. Page 11, line 22.

Following: "13-1-104(2)"

Insert: "and (3)"

17. Page 12, lines 9 and 10.

Following: "qualified" on line 9

Strike: "and" through "voted" on line 10

18. Page 12, line 10.

Following: "they"

Insert: "may open the absentee ballot envelope."

19. Page 12, lines 12 through 16.

Strike: "may" on line 12 through "1" on line 16

20. Page 12, line 17.

Strike: "If,"

21. Page 12, line 24 through line 4, page 13.

Strike: "upon" on line 24, page 12 through "judges." on line 4, page 13

Insert: "If the absentee ballot does not meet the requirements specified in subsection (1), it must 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 must 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 must 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 must be rejected. The reason for rejection must be marked on the back of the ballot or ballots, and the statement must be initialed by a majority of the election judges."

22. Page 13, line 20.

Following: "under"

Insert: "the"

23. Page 13, line 21.

Strike: "provision"

Insert: "provisions"

Following: "(1)"

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

24. Page 14, lines 6 and 7.

Following: "in each precinct"

Insert: "by precinct"

25. Page 15, line 5.

Following: "and"

Insert: "13-13-241 and"

26. Page 17, line 16.

Following: "The"

Strike: "Within 2"

Insert: "Except as required by 13-27-104, within 4"

27. Page 18, line 16.

Following: "discovery of"

Insert: "fraudulent signatures or"

28. Page 18, line 18.

Following: "submit"

Insert: "the name of the elector or the petition circulator, or

both,"

Strike: "such name"

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29. Page 23, line 21.

Strike: "5"

Insert: "4"

30. Page 23, line 23.

Strike: "5"

Insert: "4"

31. Page 23, line 24.

Strike: "16"

Insert: "15"

32. Page 24, line 2.

Strike: "6"

Insert: "15"

7042h/L:JEA/WP:JJ

AND AS AMENDED
DO PASS

SENATOR JACK HAFLEY, Chairman

CLERICAL

Date: 2/16

Sen. Bill 260

Time: 6:15

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

Sen. State Administration

10. Insert: "(b) . . . if ; ;

~~Shaped~~

~~"of course"~~

spelling

#9 Strike: "Separate."

Jack Haffey
Sponsor
Sen. Haffey

Secretary of Senate
or
Chief Clerk

Caj
Legislative Council