

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Jan Brown, on January 31, 1989,
at 9:00 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies,
Staff Researcher

Announcements/Discussion: Chairman Brown announced the following: The Committee would be meeting between 1:30 and 3:00 p.m. that afternoon for executive action. The Committee would act on the bills it had heard that morning and Rep. Gould's HB 207, on the lottery. We are waiting on a fiscal note on Rep. Swysgood's HB 210 so we probably cannot act on that. We will act on Rep. Gervais's HB 114, Rep. Peck's HB 26, that has been in a subcommittee and Rep. Kilpatrick's HB 267, that is on the table. We are waiting for fiscal notes on Rep. Daily's HB 101 and Rep. Spaeth's HB 234 and they may be here by this afternoon.

HEARING ON HB 171

Presentation and Opening Statement by Sponsor: Rep. Bernie Swift, House District 64, Ravalli County, introduced the bill. The bill requires a person seeking to become a write-in candidate for an office (except the office of precinct committeeman) to file a declaration of intent. The declaration must be filed with the Secretary of State or election administrator no later than 5 p.m. on the 15th day before the election. After the polls have closed, an election judge may not count or record a write-in vote for a candidate who has not filed a declaration.

Rep. Swift said that basically the bill is no different from what every other candidate has to do. They must file by a certain date and have a certain time frame in which to do that. This allows a notice to be posted and allows the electors to know who is running.

Rep. Swift said the counting and recording of the write-in votes is a costly problem that is almost uncontrollable. He said that generally only 1 in 1,000 of the write-in candidates are ever elected.

Rep. Swift said that there was a "typo" in the bill. He said he would take care of the error by adding a new section, following Section 2. The Section refers to the counting of votes in a nonpartisan election. Rep. Swift distributed copies of write-in voting tallies from two counties for the Committee to look at and then return.

List of Testifying Proponents and What Group They Represent:

Cort Harrington, Montana Association of Clerk and Recorders

Betty T. Lund, Clerk & Recorder, Montana Association of Clerks and Recorders

Sue Bartlett, Clerk & Recorder of Lewis and Clark County

Peggy Hagland, Montana Association of Conservation Districts

Chuck Stearns, Finance Director and City Clerk, City of Missoula

List of Testifying Opponents and What Group They Represent:

Don Judge, Montana State AFL-CIO

Margaret S. Davis, Montana League of Voters

Testimony:

CORT HARRINGTON, proponent, said that his group supports the bill and that he wouldn't take up the Committee's time as he would let the clerks explain why they want the bill passed.

BETTY T. LUND, proponent, presented written testimony to the Committee (Exhibit 1) and a proposed Declaration of Intent form (Exhibit 2).

SUE BARTLETT, proponent, said she wanted to make the Committee aware that the problem is not only the number of write-ins they receive in even-year elections, but also there is a problem in city elections. (Ms. Bartlett handed the Committee a copy of the write-in portion of the 1987 city election for the Committee to peruse.) Ms. Bartlett said that for the office of mayor in 1987 there were 75 different write-in votes. The Helena Citizens' Council in Helena has 28 positions, and there was an average of 111 different names in each of 15 precincts in Helena's first elections. Ms. Bartlett informed the Committee that counties do bill costs of city elections back to the cities. She said that it took six people a day and a half to canvas the results of the election. Ms. Bartlett said they are not attempting to eliminate the voters' opportunity to write in, but they wish to limit the write-ins that must be counted to those individuals who are running serious write-in campaigns and who have registered their campaign prior to the election.

PEGGY HAGLAND, proponent, presented written testimony to the Committee (Exhibit 3).

CHUCK STEARNS, proponent, presented the Committee with a letter from Jim Nugent, Missoula City Attorney, also a proponent (Exhibit 4). He said the city of Missoula feels that this is a public right to know bill. He cited the following example of what happened when a candidate decided to run at the last minute: The weekend prior to the election, a candidacy was mounted and financed by an opponent party of a city councilman. The councilman had to react on a Sunday afternoon and knock on doors. Since it was a primary election a matter of ten votes could have made a difference as turnout in that election was 3.9 percent.

DON JUDGE, opponent, said that the AFL-CIO is opposed to any laws that would further restrict the access of the voting public to that process. He asked the Committee to imagine the situation wherein a candidate was the only one running for the office and the candidate was determined to be unacceptable to the voting public. For example if an individual was found to have embezzled several thousand dollars from the city and was running for re-election. Mr. Judge said this bill would effectively prohibit a voter from writing in a candidate to replace that unacceptable candidate.

MARGARET S. DAVIS, opponent, presented written testimony to the Committee (Exhibit 5).

Questions From Committee Members:

REP. RUSSELL asked Betty Lund what states have already passed a law similar to HB 171. Ms. Lund said she knew that Washington, Oregon, New Mexico, Arizona, Illinois, Florida and North Carolina have passed laws for sure. Ms. Lund offered to get information to Rep. Russell on which other states have passed this type of legislation.

REP. CAMPBELL asked Ms. Lund if there are any figures available of what the cost of counting write-in candidates is to the counties. Ms. Lund said that in the general election of 1988 Ravalli County had a cost of \$160. Missoula County has a cost of \$1,200. Yellowstone county had a cost of approximately \$500.

REP. CAMPBELL asked Ms. Lund if she knew of any instances of where someone had been found to be doing something wrong in the last fifteen days before an election like Mr. Judge pointed out. Ms. Lund said "no."

REP. WHALEN voiced concern over the sample Declaration of Intent form. He was concerned about what form a person's name must be in. He was told that the form, if the bill passed, would probably be made in the Secretary of States' office and that this was only a sample.

Closing by Sponsor: Rep. Swift said he wished to make a comment in relation to the opponents. Rep. Swift said that the bill does not restrict or disenfranchise anyone. The bill is the same as the Legislators must do when they file for office. There are problems at times when a person may pass away between the 15-day filing date and the election, but he said he thinks that those things can be provided for.

DISPOSITION OF HB 171

No action was taken by the committee.

HEARING ON HB 345

Presentation and Opening Statement by Sponsor:

Rep. Fred Thomas, House District 62, introduced the bill. This is an agency bill requested by the Secretary of State. It permits facsimile copies of

documents, such as financing statements filed to perfect a security interest, articles of incorporation, or registration of an assumed business name or a trademark, to be filed with the Secretary of State's Office. The Secretary of State must treat the facsimile copy of a document the same as an original document if he receives the original within five working days of the receipt of the facsimile copy. The fees must also accompany the original copy if they are required.

Rep. Thomas gave an example of when it is very necessary to meet a deadline and copies could be faxed: If there is a loss of a director or a shareholder of a corporation that in order to continue business that "replacement" must be filed immediately with the Secretary of State.

List of Testifying Proponents and What Group They Represent:

Doug Mitchell, Chief Deputy, Secretary of State's Office

Allen Chronister, Montana State Bar

List of Testifying Opponents and What Group They Represent:

Gene Phillips, Montana Land Title Association

Testimony:

DOUG MITCHELL, proponent, submitted written testimony to the Committee (Exhibit 6).

ALLEN CHRONISTER, proponent, said that the State Bar rises in support of HB 345. He said that automation technology is the wave of the future, and it is true even in the practice of law. Mr. Chronister said he knows it is frightening to those of us who are just getting used to the ballpoint pen, but facsimile (fax) machines are popping up almost everywhere. Mr. Chronister said you do not have to have a fax machine in your office as they are available to almost anyone who wants or needs to use it. Lawyers live and die by deadlines as they can make or break them. He said that anything that makes it easier to make a certain deadline and knowing that it is there and not having to trust the vagaries of dropping something into a mailbox is greatly to be favored.

GENE PHILLIPS, opponent, said that the Montana Title Association, which he represents, recognizes that fax machines are the coming thing in the United States and are used increasingly. Mr. Phillips said the title companies have a problem with the delay between the filing of the fax and the original document. Mr. Phillips asked the Committee to consider a situation where a title company is required to issue a title policy today to conclude a transaction. The title policy is based on the fax copy that is in the Secretary of State's office, and then the original copy is not sent within the stated five-day timeframe. What happens then to the title policy in the transaction, which the title company was insuring? Mr. Phillips said the bill would create a problem and asked the Committee to give it a do not pass.

Questions From Committee Members:

REP. WHALEN asked what would be the effect on a filing if the faxed copy and the original were not exactly the same. Doug Mitchell said that when one files a document that if they wish to change the document, they need to amend it. Mr. Mitchell said that he believed they would handle it as an amendment.

REP. WHALEN asked Mr. Phillips if the title companies put reservations in the insurance title policies that they issue such as for the payment of future taxes and so forth at the time of closing. Rep. Whalen asked if that couldn't be done in the case of a fax for a five-day time lag in a filing the title company is involved with. Mr. Phillips said that the title companies put many exceptions in any title policy that is issued; their concern is that if they rely on a fax document having been filed in the Secretary of State's Office that would be noted as an exception. Now whether a lender or a buyer, for example, is going to rely on that title policy and go ahead and close the transaction with the exception in the preliminary report, Mr. Phillips said he couldn't answer. Mr. Phillips said the title companies will not insure title based upon fax documents until the original has been filed.

REP. WHALEN asked Mr. Phillips if he knew of any transactions, other than what he has already stated, that might cause problems if the bill was passed. Mr. Phillips said he had thought that maybe a problem could exist if a certificate of good standing of a corporation was based on fax filings and then the originals were not filed, would that then mean that the

corporation still is in good standing and will a lender be willing to lend on the basis of the certificate of good standing.

REP. WESTLAKE said he could see where the bill could cause more delay and excuses for a delay. He also voiced concern about the problem with all of duplication in the system. Rep. Westlake asked Rep. Thomas if he had any facts that this does not happen. Rep. Thomas said that there will be duplication. But, he said that due to the advancement of technology, the bill was necessary to transact business. Rep. Thomas pointed out that this would be the first step forward in making the advance communication available to state government in Montana.

REP. PHILLIPS said that the bill looks like it has good points, and he asked Mr. Phillips if there is something that could be amended so the title problem could be solved. Mr. Phillips said that could be a possibility. He said another problem situation had occurred to him. If there was a release of a lien and the original document releasing the lien never shows up and a title policy insuring title clear and free of that lien and the lien is not released by the original document within the five day timeframe. Does the buyer take subject to that lien? Where are you then? That is the kind of problem the title companies foresee with the bill. Fax filing is not the original document and it cannot act as the original document. It is not actually notarized; it is a facsimile -- just as it says.

Rep. Thomas said that they would do everything they could to make the Title Association as comfortable as possible with the bill as the fax is something that just can't be passed up. Rep. Thomas proposed that the Committee could say that we'll accept the fax as an original document as the notary stamp does show up over fax just like an original and then one would just have to send in their filing files.

REP. MOORE asked Rep. Thomas if facsimile could be stamped on the copies. She said she had received a letter from a Clerk of the Court who has suggested that. Rep. Thomas said that when a fax is received, it states at the top right now that it is a facsimile and they also state the date and the time that the fax is received, which makes good documentation.

REP. COCCHIARELLA asked Rep. Thomas if there are any savings here. Rep. Thomas said that between faxing and

Federal Expressing there is a tremendous savings. He also mentioned that overnight delivery does not always work. A \$3 fee has been suggested for the fax to be filed in the Office of the Secretary of State. The cost of faxing is minimal.

REP. WHALEN asked Rep. Thomas could there be a fraud situation where the person on the other end of the line is purporting to represent something, and the Office of the Secretary of State will not know the truth for another five days. REP. WHALEN asked if there was a way to identify the sender and the location of the fax machine. Rep. Thomas said that the receiving fax enters the time, the date and the sender on the document.

REP. ROTH stated that most fax machines now will also register the phone number of the sending fax machine and there is an end report that tells you both on the receiving end and the sending end whether the fax was received and on the receiving end the number of the phone.

Closing by Sponsor: Rep. Thomas thanked the Committee for their time. He said he felt that a workable situation could be reached with the opponents and asked for the Committees' help.

DISPOSITION OF HB.345

The Committee did not act on the bill.

HEARING ON HB 373

Presentation and Opening Statement by Sponsor:

Rep. Tom Hannah, House District 86, Yellowstone County, introduced the bill. Currently during a regular legislative session, a legislator is entitled to be reimbursed for mileage for three round trips to his or her place of residence if an appropriate claim is filed with the Legislative Council. (These trips are in addition to the mileage reimbursement for the trip to Helena at the beginning of the session and the return trip home; a legislator does not need to submit a claim to receive reimbursement for this initial trip.) This bill entitles a legislator to three more additional

round trips for a total of six trips. The bill is effective on passage and approval and applies retroactively to December 31, 1988.

Rep. Hannah requested the Committee to amend the bill to provide for five, rather than six, additional round trips. Rep. Hannah said that the Legislature had to agree that this was a priority item to go into the Feed bill, which it did, and passed both houses. Rep. Hannah said that the money is there. Now, after the policy change, the statutory changes must be made.

List of Testifying Proponents and What Group They Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members: REP. WHALEN asked Rep. Hannah about line 22, page 1, where there is a figure of \$50 a day, seven days a week, for reimbursement. He said that on the floor of the House that this was changed to \$66 a day, which is the federal deductible level. Rep. Hannah said that he has a bill being drafted that applies to the \$50 a day to bring the expense rate up to the federal deductible level. REP. PHILLIPS asked Rep. Hannah what the price tag on the bill would be. Rep. Hannah said he had the figures but didn't have them with him. He said that 93 percent of the legislative members take advantage of the trips home.

REP. CAMPBELL asked Rep. Hannah if the Committee amended line 22, page 1, what would happen. Rep. Hannah said the Committee could amend the bill if they so chose to accomplish what he tried to do on the House floor, but he assumed it would require an amendment to the appropriation bill and a supplemental.

REP. MOORE asked Rep. Hannah why Montana lawmakers have such a low opinion of themselves that they can't ask for any increase in their benefits or pay increase when we see the national legislators are going for \$125,000 salary. Rep. Hannah said, first, he doesn't think that we think little of ourselves, but most members realize that there are other needs out there as well. It is very difficult to balance a substantial mental health question against the needs of the state of Montana. Secondly, Rep. Hannah said that he thinks the Montana

Legislature is reaping the negative benefits of what is happening at the federal level. He thinks there is little distinction made "back home" about lawmakers, and that they think we're bringing home the same amount of money that they are talking about on the federal level.

Closing by Sponsor: Rep. Hannah said he would get the information to the Committee about the cost of this bill. He said he hadn't brought with him that morning as it is in the funding in the feed bill. He said he also has the cost related to changing the per diem.

DISPOSITION OF HB 373

No action was taken by the Committee.

HEARING ON HB 385

Presentation and Opening Statement by Sponsor:

Rep. Bruce Simon, House District 91, Billings, introduced the bill. The bill directs the Department of Highways to transfer a parcel of land near Billings to Yellowstone County. Yellowstone County must then make the land available to ZooMontana, Inc., a corporation for the development of a zoo, botanical gardens and related facilities. In addition, the department is permitted to provide an easement or otherwise grant title to or use of land owned by the department that is contiguous to the parcel.

The property is just west of Billings. Rep. Simon said that ZooMontana is a nonprofit organization.

List of Testifying Proponents and What Group They Represent:

Jim Duncan, Administrator of ZooMontana

Jane Reger, ZooMontana, Billings

Jess Munro, Acting Director, Montana Department of Highways

List of Testifying Opponents and What Group They Represent:

None

Testimony:

JIM DUNCAN, proponent, handed written testimony to the Committee (Exhibit 7); ZooMontana Business Plan and supporting documents (Exhibit 8).

JANE REGER, proponent, presented written testimony (Exhibit 9).

JESS MUNRO, proponent, said that the Highway Department has been working on the ZooMontana program for a number of years. Mr. Munro said that the Department truly supports the bill.

Questions From Committee Members:

REP. MOORE said she was excited about being able to vote for a zoo in Montana. Rep. Moore asked Jim Duncan if the animals would be able to adapt to Montana's climate like the leopard and the lion. Mr. Duncan said that there are different subspecies in the leopard family. He said the more tropical animal is found in Africa, but ZooMontana will be exhibiting the Snow Leopard which is found in parts of Asia and native to the Himalayan Highlands area. Mr. Duncan said that not all monkeys are from the tropical area. The snow monkey will be exhibited, which is found in the northern mountains of Japan. The Bengal tiger, a warm weather cat, will not be exhibited, but the Siberian tiger will be exhibited, which is the largest of all tigers. A species of camel will be exhibited that is adaptable from 120 degrees above to 30 - 40 degrees below zero. Plus, ZooMontana will also be bringing in animals on a rotating basis in the summer month, like the art centers do, to give people a variety of animals that could not adapt to the winter temperatures.

REP. WESTLAKE asked Mr. Munro who owned the land prior to the Highway Department. Mr. Munro said he wasn't sure, but he could find out that information. REP. WESTLAKE said that he is sure that Mr. Munro is aware that there is a bill in the Legislature regarding the disposal of highway property. REP. WESTLAKE said that he understands that the original landowners will have the option of matching the bid if land came up for sale or disposal by the Highway Department. REP. WESTLAKE asked if the land would be put up for bid and will the previous owner be able to match the bid for the land.

Rep. Simon responded to REP. WESTLAKE'S question and said he had been informed that the land originally belonged to the federal government, and they gave it to

the Montana Highway Department.

Closing by Sponsor: Rep. Simon said that he thinks the bill is one that we can all get behind and support. He said that the sight is beautiful and would be a wonderful tourist attraction. He thanked the Committee for its time.

DISPOSITION OF HB 385

The Committee did not act on the bill.

HEARING ON HB 408

Presentation and Opening Statement by Sponsor:

Rep. Bruce Simon, House District No. 91, Billings, introduced the bill. This bill, introduced by request of the Legislative Audit Committee, requires revenue generated from alcoholic beverage taxes, licenses and permits be deposited in the enterprise fund in the state treasury so the revenue can be accounted for. The money is then transferred to the state general fund.

Rep. Simon said that the monies will not change, that it is merely an accounting change to meet generally accepted accounting principals. .

List of Testifying Proponents and What Group They Represent:

Julie Barr, Legislative Auditor's Office

List of Testifying Opponents and What Group They Represent:

None

Testimony:

JULIE BARR, proponent, said that the Legislative Auditor's office was involved in the audit that lead to the bill, and she would be happy to answer any questions.

Questions From Committee Members:

REP. WESTLAKE asked Ms. Barr if the bill would change any of the taxes or fees that are referred to in the bill, or is it just changing how they are deposited. Ms. Barr said it does not change any of the fees, it just changes the initial recording of the money.

Closing by Sponsor: Rep. Simon said that the bill is an accounting issue, and it will not affect the licensing revenues or the general fund.

DISPOSITION OF HB 408

No action was taken on the bill.

ADJOURNMENT

Adjournment At: 10:34 a.m.



REP. JAN BROWN, Chairman

JB/jb

2614.min

DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date January 31, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais	✓		
Rep. Janet Moore	✓		
Rep. Angela Russell	✓		
Rep. Carolyn Squires			
Rep. Vernon Westlake	✓		
Rep. Timothy Whalen	✓		
Rep. Bud Campbell	✓		
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Rande Roth	✓		
Rep. Wilbur Spring, Jr.	✓		

EXHIBIT 1
DATE 1-31-89
PAGE 171
1062

PLEASE DELIVER TO:
SECRETARY
House State Administration Committee
State Capitol
Helena, MT
Witness Statement
January 31, 1989
9:00 A.M.
HB 171

WITNESS STATEMENT

NAME: Betty T Lund, Clerk & Recorder

ADDRESS: Ravalli County Courthouse, Box 5002
Hamilton, MT 59840

WHOM DO YOU REPRESENT? Montana Association of Clerks and
Recorders

SUPPORT: HB 171

COMMENTS:

Madam Chairman and Members of the Committee:

For the the record I am Betty Lund, Clerk & Recorder for
Ravalli County.

H.B. 171 is a result of a resolution passed unanimously by
the Montana Association of Clerk & Recorders at their
convention this past August. The concept of requiring a
serious write-in candidate to file a declaration of intent
is not a concept unique to Montana. I have received copies
of similar laws from the State of Oregon, New Mexico,
Arizona, Illinois, North Carolina and Florida and know other
states I did not receive data from have it.

In this time of 1105's and severe budget constraints HB 171
will help to lower election costs, as it is very costly to
count the endless write-ins that elect no one.

I don't believe the general public realizes how many write-
ins there are in a single election and how much it costs to
process them.

In this past general election, Ravalli County had 377
different names written in for various offices. We had to
certify 184 different names with a total vote of 304 to the
Secretary of State as you can see by the copy of the
official canvass- if you will notice most candidates only
received one vote. The primary was worse - 261 different
names with 466 votes were certified to the Secretary of
State. These totals are only a fraction of the number of
write-ins as we only certify the state and national

EXHIBIT 1
DATE 1-31-89
HB 171

2 of 2

local government canvass book. The cost of the write-in board on election day for the General was \$120.60. The cost of the crew after the election to type the write-in votes in the Ravalli County official canvass book and certify all the write-ins to the Secretary of State was \$363.63.

Peggy Zeilie, the Election Administrator from Yellowstone County, called me before I left Hamilton and reported that in the General election she had 710 different write-in names of which 663 had two votes or less and in a soil conservation office, she had 6960 which took an employee 62 hours to process and the two people that were elected were already on the board but failed to file in time to get their names printed on the ballot. Her cost to process only the soil conservation write-ins was \$207.70. The total cost of the write-in vote was in excess of \$2000.00

Missoula County election spokesman, Wendy Cromwell reported that the total cost of her write-ins was \$720, however this cost is double in a primary election.. Lake County Election Administrator Charlotte Weldon reported that she had 228 write-ins, which took 20 minutes each write-in to complete the process at a cost of \$254.60.

In conclusion I would be happy to answer any questions that you might have. I have been running elections in Ravalli County for 17 years so do have some experience.

I strongly urge a DO PASS recommendation for HB 171.

Thank you for your attention.

Betty T. Lund

EXHIBIT 2

DATE 1-31-89

HB 171

DECLARATION OF INTENT

To the Honorable County Clerk and Recorder and Ex-Officio
County Registrar of the County of Ravalli, State of Montana,
and to the Members of the _____ party and the
Electors of Ravalli County, State of Montana:

I, the undersigned citizens of the United States of
American and resident of the County of Ravalli, State of
Montana, possessing the qualifications prescribed by
the Constitution and laws of the State of Montana for the
office herein named, declare pursuant to Section
MCA, that I am a write-in candidate for nomination by the
_____ Party for the office of _____
in the County of Ravalli, State of Montana at the
_____ election to be held in said county on
_____, 19____ and for such purpose do certify
that:

1. My name as it will be counted is

2. My complete mailing address is

(street and number of post office box number)

_____, Montana _____

(city or town)

(zip code)

Dated: _____ 19____

(signature of candidate)

STATE OF MONTANA)
County of Ravalli) ss

On this _____ day of _____, 19____, before
me, Ravalli County Election Administrator, personally
appeared _____ known to me to be the person
whose name is subscribed to the foregoing Declaration of
Intent, and acknowledged to me that ___he executed the same.

Election Administrator
Ravalli County

WITNESS STATEMENT

NAME Peggy Haaglund BUDGET _____

ADDRESS 1 South Montana Helena, 59601

WHOM DO YOU REPRESENT? MT Assoc. of Cons. Districts (MACD)

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: (MACD & Cons. Dist. of MT)
We do support HB 171.

Betty, referenced fund, Several CD's around Montana have had to have their supervisors elected by write in votes. For example, *(Yellowstone)* failed to get their supervisors names filed in time, this year, so they ran for election as write in candidates.

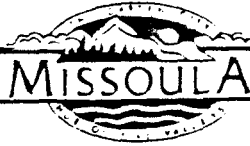
At election time, 116 pages of names were written in. This caused days & days of work counting the write in names.

There would have been no problem for the people who were running for reelection, as write in candidates, to have made a declaration of intent 15 days before the election.

MACD urges you to support HB 171

There is the necessity of notifying the electors about who the write in candidates are - My thought is the information will have to be available at the polling places & given to the people when they receive their ballots -

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



OFFICE OF THE CITY ATTORNEY

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

EXHIBIT

4

DATE 1-31-89

171

January 24, 1989

89-50

State Representative
Jan Brown
Chairman
House State Administration
State Capitol
Helena, Montana 59620

State Representative
Helena O'Connell
Vice Chairman
House State Administration
State Capitol
Helena, Montana 59620

House Administration Committee Members
State Capitol
Helena, Montana 59620

RE: SUPPORT FOR HB-171 REQUIRING WRITE-IN CANDIDATE TO FILE
A DECLARATION OF INTENT

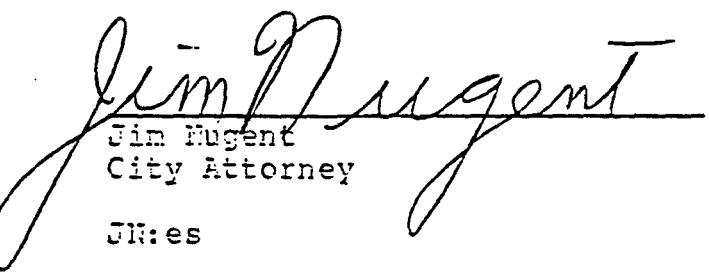
Dear Representatives Brown, O'Connell and House State Administration
Members:

The purpose of this letter is to urge your support for HB-171,
as well as express the City of Missoula's support for House
Bill-171 requiring a write-in candidate to file a declaration
of intent at least 15 days before an election. Further, the
Montana League of Cities and Towns membership has voted to support
the introduction and enactment of legislation to this effect.

A candidacy for public office should never be a clandestine,
behind the scenes campaign effort. Consistent with the public's
Montana constitutional and statutory rights to participate and
to know with respect to public government operations, all election
candidacy's should be open and known to the public well in advance
of any election date.

House Bill 171 further enchances the public's right to participate
and know with respect to public government operations by affording
the public an opportunity, at least 15 days prior to an election
to know who the candidates are so that the electorate may knowingly
participate in the election by knowing who all the candidates
for election are.

Yours truly,


Jim Nugent
City Attorney

JN:es

cc: State Rep. Bernie Swift; Missoula County Reps; Alec Hansen,
Executive Director, Montana League; City legislation file

EXHIBIT 5
DATE 1-31-89
HB 171

LEAGUE OF WOMEN VOTERS OF MONTANA

31 JAN 89

Joy Bruck, president
1601 Illinois, Helena, Montana 59601

HB 171: An act requiring a write-in candidate to file a declaration of intent...

The League of Women Voters opposes HB 171

In addressing the problems of nuisance write-in votes, HB 171 could potentially raise more difficulties than it solves. By formalizing the process for write-in candidates, public awareness of the potential for write-in voting is raised. A legitimate ground-swell of support is quite different from using declarations of intent to regulate the counting of ballots with write-in votes on them.

There are a number of lesser offices that are often filled by write-in votes, particularly if no candidate has filed for the position. The Helena Citizens Council is a good example. Neighbors have gathered before an election and realized that no one had filed for their district's council position. They then sought the permission of the potential office holder and worked to gather write-in support for that person. This often takes place within a week of the election.

With declarations of intent under this bill, election judges would have to remember who was and who was not qualified to be counted in tallying the returns. Any failures to complete the count correctly would require a recount which would be both time consuming and expensive. The present system of counting all write in votes cast that meet the requirements of 13-13-117 (4) seems both simpler and more efficient. Moreover, it sustains public confidence ⁱⁿ an election system where everyone's vote counts.

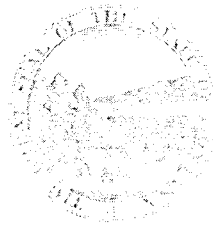
Margaret S. Davis
816 Flowerree
Helena, Montana 59601
443-3487

SECRETARY OF STATE
STATE OF MONTANA

EXHIBIT 6
DATE 1-31-89
HB 345

102

Mike Cooney
Secretary of State



Montana State Capitol
Helena, Montana 59620

Testimony in Support of HB345
House Committee on State Administration
by Doug Mitchell, Chief Deputy Secretary of State
January 31, 1989

Madam Chairman and members of the committee, for the record I am Doug Mitchell, Chief Deputy in the Office of the Secretary of State.

House Bill 345 is one of many bills before you this session which will address the technological revolution which we refer to as the 1980s. As Representative Thomas has mentioned, Facsimile machines have become an integral part of our corporate culture.

During the course of my research I have come across some interesting FAX facts which illustrate quite clearly just how enamored we have become with this particular machine. Donald Trump has a FAX machine in his car, and on his boat. Radio stations WNEW and WXRK in New York welcome FAX requests. Time magazine accepts its "letters to the editor" via FAX machine. The Los Angeles Lakers travel with a FAX machine so they can get accurate box scores while on the road. Last, and perhaps most remarkable, over half of the telephone calls made to the United States from Japan were made from FAX to FAX....over half.

Currently, about 2% of our filings are received by federal express or other similar overnight express company. The cost to the user for this service ranges between 10 and 15 dollars. House Bill 345 would allow us to immediately improve the service provided to these users by giving them "same day" service instead of "next day" service. At the same time, the consumer will save the expense of the overnight carrier.

House Bill 345 can be implemented immediately with no adverse affect upon the current office structure, or the fiscal standing of the state. The processes necessary for the acceptance and provisional filing of the FAX document is already in use, and the equipment necessary has already been included in the FY90 budget as recommended by the LFA, the Executive, and the Appropriations Subcommittee.

In fact, the levy of a \$3.00 filing fee for FAX documents,

EXHIBIT 6
DATE 1-31-89
HB 345

2012

assuming the 2% figure which reflects the current number of overnight filings, would pay for the increase in office supplies, and potential phone charges and still yield a surplus to the general fund. These figures are represented in a fiscal note submitted by our office to the executive budget office on January 26.

Madam Chairman and members of the committee, I urge you to recommend that House Bill 345 Do Pass. This good bill provides our office the ability to provide better service to all Montanans, and that is what we are here for.

I appreciate your giving me the opportunity to testify before you today, and I will be available for any questions you may have.

Thank You.

WITNESS STATEMENT

NAME JIM DUNCAN BILL NO. HB # 385

ADDRESS 1909 BURNSTEAD DR #A-4, BILLINGS, MT. 59106

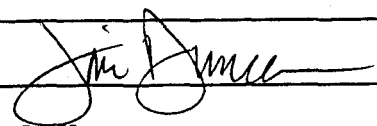
WHOM DO YOU REPRESENT? ZOO MONTANA

SUPPORT XXXX OPPOSE _____ AMEND _____

COMMENTS: I SUPPORT THE PASSAGE OF HB 385
TO GRANT YELLOWSTONE COUNTY 63.33 ACRES
OF LAND WHICH IS OWNED BY THE STATE OF
MONTANA. THE LAND WHICH IS CURRENTLY LEASED
FOR AN ANNUAL COST OF \$1500, COULD BE
REDUCED TO \$1.00 PER YEAR AFTER ACTION BY
YELLOWSTONE COUNTY.

THE LAND WILL BE USED FOR THE DEVELOPMENT
OF A REGIONAL ZOO AND BOTANICAL PARK TO
SERVE THE NORTHERN ROCKY MOUNTAIN REGION. THE
ZOO WILL FEATURE ANIMALS FROM THE NORTHERN
HEMISPHERE OF THE WORLD THAT CAN EASILY ADAPT
TO OUR CLIMATE. THE ANIMALS WILL BE HOUSED
IN OPEN NATURAL HABITAT DISPLAYS.

THIS PROPERTY, IN ADDITION TO APPROXIMATELY
20 ACRES THAT HAVE BEEN HELD OUT BY THE STATE,
WILL PROVIDE AN ADEQUATE AND BEAUTIFUL LOCATION
FOR OUR ZOO. THE 20 ADDITIONAL ACRES CAN BE
TURNED OVER TO ZOO MONTANA AFTER THE HIGHWAY DEPT.
HAS DETERMINED THEY DON'T NEED IT.



PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ZOOMONTANA CAPITAL CAMPAIGN

FACT SHEET

EXHIBIT 8
DATE 1-31-89
HB 385
3 of 20

What is ZooMontana? A private, nonprofit organization establishing a regional zoological and botanical garden to serve Billings, and the surrounding Northern Rockies region.

ZooMontana's Goals? Education, Recreation, Conservation, Economic Development.

How much will it cost? \$4.5 million.

When will the Zoo open? Major construction on the zoo will not begin until the Campaign is completed (Fall 89). Partial zoo opening will be 1990. Construction time: 15 months.

Has anything been constructed yet? Yes. Bridges, Water Wells, the Plant Material Nursery, Pathways, etc....

How will the Zoo be funded once open? Self-funded.

Projected Annual Zoo Operations Cost.....	\$ 488,000
Projected Annual Zoo Revenue.....	495,000

Annual Revenue Breakdown

General Admissions.....	\$ 287,000
Zoological Society.....	60,000
Gift Shop.....	45,000
Concessions.....	58,000
Revenue Producers.....	25,000
Gifts / Grants / Donations.....	20,000

Total.....	\$ 495,000
------------	------------

Once the capital campaign is completed ZooMontana will begin to build an endowment to help insure operational and maintenance costs.

Projected ZooMontana Annual Attendance: 130,000 visitors per year.

Zoo Fact: More people visit zoos than attend all professional sporting events combined.

Is Billings too small for a zoo? No, Bismark and Minot, North Dakota and Sioux Falls, South Dakota are cities with smaller populations than Billings that have zoos.

Economic Benefits? Preliminary estimates show that ZooMontana will bring 2.2 million new dollars to Montana's economy, increase state government revenues by \$13,500 and create new jobs through the lodging and restaurant industry for a total economic impact of over \$6 million annually.

ZooMontana Location? Shiloh Road at Canyon Creek, north of Interstate 90, just west of Billings. 70 acres.

**ZOOMONTANA
ZOOLOGICAL SOCIETY
BOARD OF DIRECTORS**

Richard King	President
Annie Wirth	1st Vice President
Martha Thompson	V.P. Treasurer
Roger Flagan	V.P. Secretary
Sam Bailey	
Jim Nelson	
Bill Pryor	
Bill Thorndal	
Don Woerner	

**ZOOMONTANA, INC.
BOARD OF DIRECTORS**

Patrick Hanley	Chairman
William Lowe, Sr.	Vice Chairman
Jane Reger	Vice Chairman
Michael Sasich	Vice Chairman
Dave Rigg	Treasurer
Lucille Mills	Secretary
Jim Reger	Correspondent
Lynda Behling	
Marion Cooke	
Tom Hancock	
Bunny Hanley	
Ken Hickel	
Mike Hink	
Willard Johnson	
Dwight MacKay	
Joanne Marble	
Vic Miller	
Jodi Sasich	
Mike Sigman	
Tom Towle	
Ted Wirth	

**WYOMING
REPRESENTATIVES:**
Marty Coe
Joe DeSarro
Lambert Niederinghaus
Lee Peralta-Ramos

**ZOOMONTANA
ADVISORY COUNCIL:**

Gary Buchanan
Norma Buchanan
Mike Burke
Larry Daniels
Jack Hanna
Dwayne Jelinek
Al Kersich
Jay Kirkpatrick
Mary Jo MacIntyre
R.A. Mikelson
Butch Ott
Jean Rahn
Mike Rogers
Mike Sample
Joan Scott
Linda Sigman
Jim Thompson
Jim VanArsdale
Vince Yannonne

ADMINISTRATOR:
Jim Duncan

MEMBERSHIP COORDINATOR:
Tracy Corell

**ZOO
NEWS**

APRIL 1988

**ZOOMONTANA ZOOLOGICAL
SOCIETY NEWSLETTER**

ZOOMONTANA

WHAT'S YOUR ZOO I.Q.?

The Siberian Tiger will be just one of the exotic animals making its home at ZooMontana. Test your knowledge of tigers by taking the following quiz:

- The Siberian Tiger is the smallest of all living tigers.
☐ true ☐ false
- The Siberian Tiger is the most common type, or race, of tiger in the world today.
☐ true ☐ false
- Siberian Tigers are paler in color than some other races of tigers.
☐ true ☐ false
- Siberian Tigers are easily distinguished from other tigers by a stripe pattern common only to their race.
☐ true ☐ false
- Siberian Tigers, like other tigers, will attack prey twice their size—and even humans—simply because they are ferocious by nature.
☐ true ☐ false
- Tigers are especially good hunters because of their ability to run fast for long distances.
☐ true ☐ false
- Tigers may eat as much as 100 pounds of meat during a single feeding.
☐ true ☐ false
- Tigers generally live in large groups.
☐ true ☐ false

Well, how did you do? You'll find the answers to these questions—and lots of other information about ZooMontana - in the newsletter. Read on.



USE YOUR ZOO MONTANA MEMBERSHIP

Society members can visit other fine zoos across North America free of charge or at a discounted rate. Just remember to take your membership card along on your next trip, then

spend a delightful afternoon with the animals. Many zoos will honor your card. Call the ZooMontana office for information about zoos in cities where you plan to travel.

ZOO MONTANA

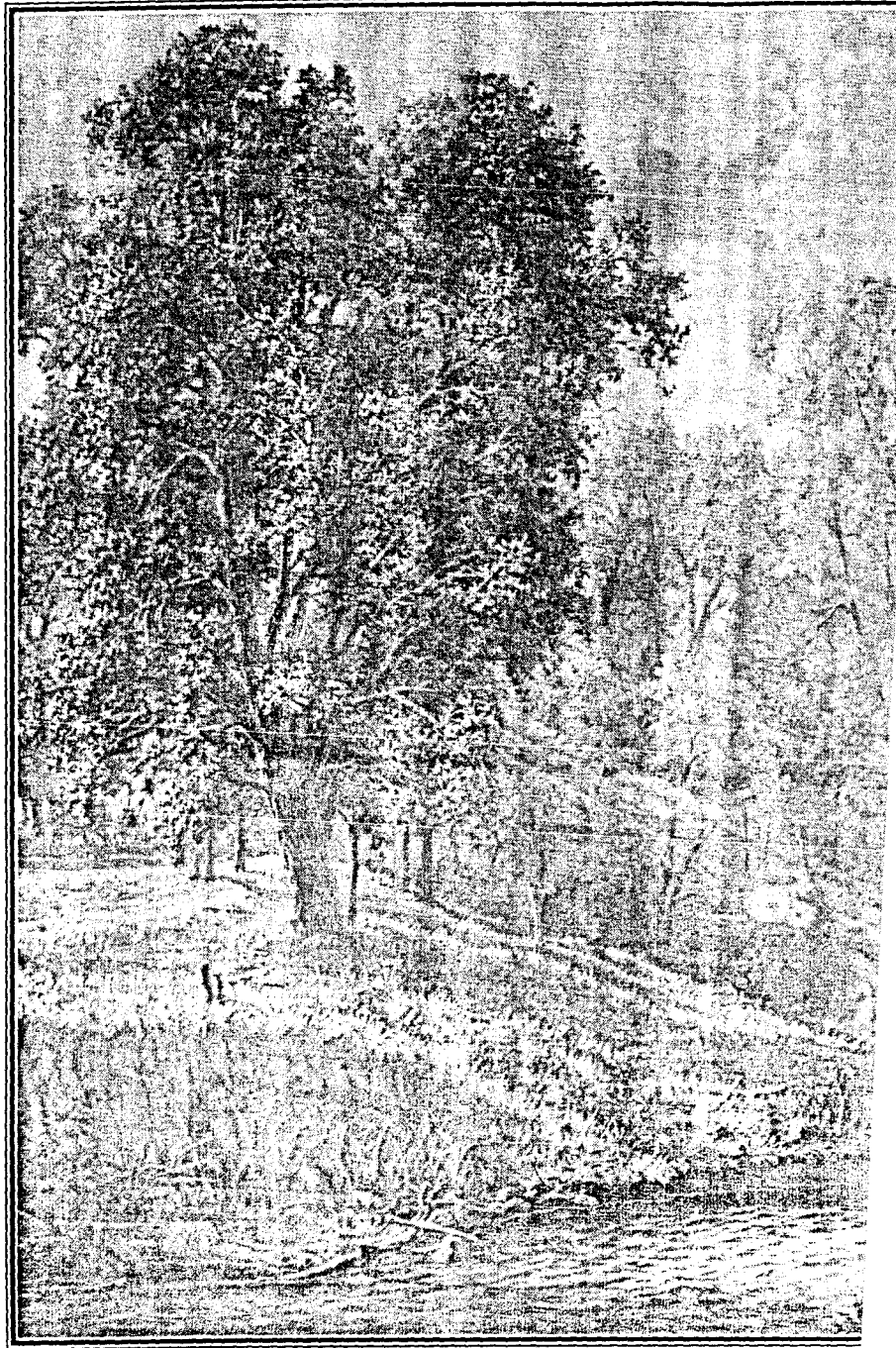
ZOOLOGICAL GARDENS



Join the adventure.

EXHIBIT 8
DATE 1-31-89
HB 385

Exhibit 8
1/31/89
HB 385
1 of 26



Canyon Creek at ZooMontana...by Hall Dite