

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Jan Brown, on February 8, 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

#### HEARING ON HB 325

Presentation and Opening Statement by Sponsor: Rep. Bob Marks, House District 75, introduced the bill. This bill concerns the allocation of space for state agencies other than the university system. The bill requires the Department of Administration to identify the amount, location and nature of space used by each agency. When an agency requires additional space, the Department must determine the amount and nature of the space needed and locate space for the agency.

Rep. Marks said he thinks the bill will help all of the agencies in the state. He presented to the Committee a report entitled: Space Utilization and Records Management of Helena-located State Agencies (Exhibit 1). He said that last biennium, when he was serving as speaker, they were looking at reallocation of space in the Capitol building or the Capitol campus and they needed the space that was being used by the Environment Quality Council (EQC) office. He said they met with the Senate and met with some resistance from the Senate in their giving up any of their space. He was told that there was no space for EQC's 4.5 people anywhere in the Capitol area.

Rep. Marks said that the state owns over 1.5 million square feet of building space and leases another 180,213 square feet. He said he believes that agencies could have some space that is not utilized and could be shared. He wants the Department of Administration to determine the needs of any agency before additional space is leased. Rep. Marks said this bill should be a cost saving for the state.

Testifying Proponents and Who They Represent:

David Ashley, Acting Director, Department of Administration

Peter Funk, Assistant Attorney General, Department of Justice

Proponent Testimony:

DAVID ASHLEY said that the Department of Administration's role outside of Helena is limited to approving state agencies' space. With this bill when a state agency desires space, we would work with that agency to see if there is other space already leased by another state agency in the area where they wish space. If there is, the Department would check to see if there was any vacant space in that present area being leased.

Mr. Ashley said that there were two fiscal notes with the bill. One grade 13 FTE would be required. The sponsor's fiscal note goes on to show future savings. Mr. Ashley referred to a 1988 Department of Administration, Statewide Lease Report that was a result of Rep. Simon's bill two years ago. In the report, it shows what space is leased in a town and the expiration date of the lease. When the lease is about to expire, we will contact them to see if they will have any extra space available.

PETER FUNK, representing the Department of Justice, said that they approve of the bill if the following two agencies could be exempted as are the university systems: Criminal Investigation Bureau (CIB) and Motor Vehicles Examiners. The CIB has individuals that are undercover agents and the department is concerned about where their agents are operating. Generally the space leased for undercover agents is kept confidential. The Motor Vehicles Examiners could be consolidated in many small locations, but in some cities it would not be possible due to the nature of their function.

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. MOORE said she tends to support the bill and asked Rep. Marks to explain the fiscal note. Rep. Marks said he is not comfortable with hiring another FTE, but if an FTE were to keep the state from leasing 10,000 square feet, the FTE salary would be paid, if the space was leased at a rate of \$3 a square foot. REP. MOORE asked if the sponsor could handle the Department of Justice's problem. Rep. Marks said he agreed with Mr. Funk and possibly an exemption could be entered in the bill on page 2. He said he would not want to exempt the whole Justice Department, just those two divisions.

Closing by Sponsor: Rep. Marks said he would like the Committee to read the last three pages of the report he had handed out beginning on page 12 and the recommendation of the Audit Committee.

## DISPOSITION OF HB 325

Motion: Rep. Campbell moved HB 325 DO PASS.

Amendments, Discussion, and Votes: Rep. Campbell moved the Department of Justice's amendment. Lois Menzies explained that the amendment provides that offices of the law enforcement division and motor vehicle division of the Department of Justice are exempt from consolidation. The motion CARRIED unanimously.

Recommendation and Vote: Rep. Campbell moved HB 325 DO PASS AS AMENDED. The motion CARRIED unanimously.

## HEARING ON HB 440

Presentation and Opening Statement by Sponsor: Rep. Dave Brown, House District 72, Butte-Silver Bow, introduced the bill. This bill provides a longevity payment for sheriffs equal to one percent of their base salary for each year of service with the sheriff's department. For the purpose of calculating the salary for undersheriffs and deputy sheriffs, this longevity payment and the annual \$2,000 payment provided in section 7-4-2503(1) may not be included in the base salary.

Rep. Brown said that the reason for the legislation is that the undersheriffs and deputies have been receiving a longevity payment for many years, and now these subordinates have a higher salary than the sheriff.

Testifying Proponents and Who They Represent:

Chuck O'Reilly, Sheriff, Montana Sheriffs and Peace Officers Association

Tim Solomon, Montana Sheriffs and Peace Officers Association

Proponent Testimony:

CHUCK O'REILLY, sheriff of Lewis and Clark County, said that in his particular department 31 percent of the officers receive more than he does. He said that this is true pretty much statewide. Mr. O'Reilly pointed out that sheriffs do not get sick leave time either. He believes that they should receive more than an undersheriff.

TIM SULLIVAN, a member of the Sheriffs and Peace Officers, spoke in favor of the bill.

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. ROTH asked if the \$2,000 payment was received in a lump sum and whether it is part of the salary. Mr. O'Reilly said it is one percent of the base salary for each year of service and it is combined with the salary. Mr. O'Reilly explained the complicated salary calculations based on the population of the county.

REP. SQUIRES asked how many contracts are negotiated by the sheriffs. Mr. O'Reilly said he does not have the exact figures. Some departments are unionized and some have employee associations within house; some do not have anything.

REP. SQUIRES asked if the county commissions will be upset by the bill. Rep. Dave Brown said the bill would affect about 54 people and would depend on how long the individual has been in the force. The cost probably will be a couple of thousand dollars. He said that the counties should be willing to put their officers back on the top of the heap.

REP. CAMPBELL asked what the average term of service is in the state. Mr. O'Reilly responded saying 12 to 15 years.

Closing by Sponsor: Rep. Dave Brown said he hoped the Committee would give this the bill a favorable review. The fiscal note at the county level it would cost a couple of thousand dollars.

#### DISPOSITION OF HB 440

Motion: Rep. O'Connell moved HB 440 DO PASS.

Amendments, Discussion, and Votes:

REP. DEBRUYCKER proposed an amendment to limit the longevity payment to the number of years served as sheriff. He said that he thinks that there will be trouble with the deputy that has been there for 40 years and all at once moves up to sheriff. If he has this one percent, that is going to raise the salary awfully high. He said he is not opposed to the bill for the term that he has served as sheriff, but Rep. Debruycker said he didn't think the Committee should go back and pick up the deputy's time.

REP. ROTH said that the deputy is already given a one percent longevity payment, so it isn't going to cost the county any more. They are not going to double up on the payment.

REP. WESTLAKE asked for clarification. He said if this bill was strictly for the sheriffs and was not dealing with

deputies or undersheriffs regardless of whether they become sheriff or not. Lois Menzies said that we are talking about the salary for the sheriff. The way the bill is written, longevity payment can be made without having an impact on what undersheriffs or deputy sheriffs are paid.

It was decided to get clarification on the proposed amendment and to let the Committee call their constituents at home before taking final action.

#### HEARING ON HB 487

#### Presentation and Opening Statement by Sponsor: Rep. Mary

McDonough, House District 89, introduced the bill. This is an agency bill requested by the Secretary of State. The bill provides that records filed with the Secretary of State may be stored and reproduced according to rules adopted by the Secretary of State. The bill's statement of intent states that because the technology for archiving documents is developing quickly, the Secretary of State must have the flexibility for establishing the method for archiving. New technologies for archiving documents include storage on electronic disc.

Rep. McDonough said that bill is a simple one with rule making authority. The statement of intent sets forth the integrity of the documents; it does not do away with the originals.

#### Testifying Proponents and Who They Represent:

Garth Jacobson, Secretary of State's Office

#### Proponent Testimony:

GARTH JACOBSON presented written testimony (Exhibit 2) and an amendment (Exhibit 9).

#### Testifying Opponents and Who They Represent: None

#### Questions From Committee Members:

REP. ROTH asked Garth Jacobson if the Secretary of State's Office could implement this bill now without having to purchase additional equipment. Mr. Jacobson said that the Secretary of State's Office would not have the equipment that would do this. Specifically what is envisioned is the use of an optical disk. He said the office needs to establish the storage and reproduction standards first before we can think about what item we would purchase. We do have the use of microfilming equipment, which is quickly becoming an obsolete method of archiving. The office will be asking for the authority to purchase equipment at a later

date. REP. ROTH said "That means you would not be requesting money or spending money or coming in with a supplemental in this biennium for that purpose?" Mr. Garth said, "No, we would absolutely not."

REP. DEBRUYCKER asked Mr. Jacobson that if they did get this equipment later on, would there be any savings? Mr. Jacobson said he believes there would be. There is a whole room full of archives that could be archived in a better fashion. Eventually the technology will be there to find better places to store the records and have the instantaneous access to this information. If someone called up the office, they could be given the information immediately without having to wait.

REP. NELSON asked if the originals were disposed of or if they are stored some place. Mr. Jacobson said that at present in the UCC area, when documents are microfilmed, the originals are no longer needed and are disposed. Some originals are not disposed of such as the Montana Constitution or the bills that are passed by each Legislature. But there are many documents that could be stored on an optical disk and the originals could be returned to the sender. This would reduce the volume of documents in the office. Before any records could be destroyed, they would have to be approved by the State Records Committee.

Closing by Sponsor: None

DISPOSITION OF HB 487

Motion: Rep. Roth moved HB 487 DO PASS.

Amendments, Discussion, and Votes: Rep. Roth moved the amendment proposed by the Secretary of State's Office. The motion to amend CARRIED unanimously.

Recommendation and Vote: Rep. Roth moved HB 487 DO PASS AS AMENDED. The motion CARRIED unanimously.

HEARING ON HJR 7

Presentation and Opening Statement by Sponsor: Rep. Bob Gilbert, House District 22, Sidney, introduced the resolution. This resolution encourages state agencies to use positive, rather than negative, checkoffs for deductions for charitable contributions. A positive checkoff system is one in which the donor affirmatively designates distribution of a certain sum of money to a certain charity or nonprofit organization; a negative checkoff system is one in which a person other than the donor designates the amount to be contributed or the recipient of the contributions, while providing the donor only the opportunity to negate the donation by

affirmatively refusing to authorize it. Rep. Gilbert said that all he is asking for is that when people contribute they can say, "Yes, I want to give, instead of I didn't know I did or I did but I did not want to." Someone giving a donation should be able to say I want to support your cause.

Testifying Proponents and Who They Represent:

Steve Browning, himself

Cindy Schmidt, herself

Jan Stewart, herself

Proponent Testimony:

STEVE BROWNING said he does not support the funding mechanism of The Montana Public Interest Research Group (MontPIRG). He distributed copies of an article entitled: "Nader's Campus Proteges Mix Coercion and Consumerism (Exhibit 3) and read from the underlined paragraphs. Mr. Browning then referred to the attached enrollment form for the University of Montana and said that he believes all student organizations should be voluntarily funded. He does not believe the state of Montana should condone the use of negative write-offs.

CINDY SCHMIDT, a resident of Missoula, said the students are not interested in the groups and do not know that they are contributing. She said that there are over 70 student-run groups at the university, none of which require an additional checkoff system. Association Students of the University of Montana (ASUM) do not recognize MontPIRG as an educational group.

JAN STEWART said that her group had a table at the university during registration. Ms. Stewart said she found out that the students are there for an education and the social life. A number of them do not even vote. She asked each student if they knew that they had donated \$2 to a special interest group. Not one knew what the group was and they were confused about the donation. Ms. Stewart read the following student statements (Exhibit 4 and 5).

Testifying Opponents and Who They Represent:

Mike Craig, Associated Students of University of Montana

Fred Sargenson, MontPIRG

Paul Tuss, self

Cindy Schmidt, self

Rep. Bob Ream, self

Scott Snelson, self

Jonathan Motl, self

Opponent Testimony:

MIKE CRAIG said that the Committee had received a letter from the president of ASUM. We believe the legislation is obviously aimed at MontPIRG. MontPIRG is run by students. ASUM questions if the Legislature is the proper place to take up the negative write-off matter. Mr. Craig said he believes that the bill was introduced as a backlash for their work on the bottle bill referendum. ASUM does not consider MontPIRG to be a political organization. He said that if there is a change to be made in the negative write-off, it should come from ASUM, which is governed by a 20-member body. Mr. Craig mentioned that Blue Cross insurance coverage is included on the registration form, and it is a negative check-off also.

FRED SARGESON distributed to the Committee a packet explaining MontPIRG's internship program and MontPIRG printed information (Exhibit 6). Mr. Sargeson said that the fee can be waived and it can be refunded in a 30-day period. At times MontPIRG has refunded money up to a year later. MontPIRG was established in 1981 and it must be reformed by a campus referendum every two years. Mr. Sargeson presented a survey to the Committee (Exhibit 7) entitled: "A Survey: Student Awareness of MontPIRG and Its Funding Mechanism."

PAUL TUSS and CINDY SCHMIDT, who are now working for the 51st Legislature and who are former board members of MontPIRG, spoke in opposition to the bill.

REP. REAM, House District 94, said the MontPIRG has served many students on and off the campus. He said that the funding mechanism was put in place by the Board of Regents. What is not on the registration form is the \$20 fee that pays for the memberships for ASUM. These fees are reallocated to many groups that are political and this fee is mandatory. Rep. Ream says that the resolution is misleading and it is difficult to know what it is about. He pointed out that there are many fees that are paid that the students could obtain a refund on. Most students don't find that it is worth their trouble to do so.

SCOTT SNELSON presented written testimony (Exhibit 8).

JONATHAN MOTL, an attorney from Helena, said he believes that the students at the university can become better students by practicing citizenship skills offered by MontPIRG. He said ~~it is a private non-profit organization. It is funded by a self-imposed fee.~~ The fee was waived by 47 percent of the students fall quarter of 1988. The university is paid 3.5 percent of the fees collected for MontPIRG to pay for their

collection costs.

Opponents That Appeared but Were Unable to Testify Due to a Lack of Time

Kevin Shores, of Ennis, Montana, presented written testimony (Exhibit 10).

C. B. Pearson, representing himself, a graduate student at the university, said he knows that the fee is fair; there is wide-spread support on campus for MontPIRG.

Pam Hillary, a 1988 graduate of the University of Montana who served on the board of MontPIRG, presented written testimony (Exhibit 11).

Questions From Committee Members:

REP. PHILLIPS asked Mike Craig, representing ASUM, if it was mandatory that students belong to ASUM. Mr. Craig said that it is mandatory that they pay the \$20 if they take seven or more credits. Below that number of credits, it is optional. REP. PHILLIPS asked Mr. Craig that if 47 percent of the students chose not to donate to MontPIRG was it fair to say that Mr. Craig is representing them. Mr. Craig, said he still feels that he is representing the majority of students. REP. PHILLIPS asked about nonstudent membership in MontPIRG. Mr. Craig said there are no nonstudent members. The executive director is not a student and there are people that volunteer their time to help out with the issues that are nonstudents. Also some nonstudents do make contributions to the organizations.

REP. GERVAIS asked Rep. Gilbert how he became familiar with the negative checkoff and if he was opposed to the negative checkoff for Blue Cross. Rep. Gilbert said he became aware of the negative checkoff because MontPIRG is negative. He said he did not know that Blue Shield was a negative checkoff and he is opposed to it.

REP. ROTH asked Fred Sargeson if MontPIRG has hired any out-of-state people to participate in the petition campaign that MontPIRG had been involved in. Mr. Sargeson said that they have hired people from out of state for jobs such as canvassing and some have come from out of state but are attending the university. They also hire publication specialists, an accountant and an executive director. REP. ROTH said that Mr. Sargeson had indicated that this was a self-imposed tax. Did he believe that there are some students that inadvertently end up paying this without knowledge of it. Mr. Sargeson cited the study that states that 99 percent of the students are aware of MontPIRG and 96 percent are aware of how the fee works. REP. ROTH said that Beverly VanDam asked individuals their feelings involving the negative checkoff during fall, 1988 registration, and 90 percent said they did not know they were charged, were not

aware of the organization charging the fee, or didn't know what it was they were paying. How do you explain her experience of 90 percent when you indicate 99 percent of all the students were knowledgeable of this. Mr. Sargeson said that because he is not familiar with the VanDam study, he is not sure how it was conducted.

REP. SPRING asked Scott Snelson if MontPIRG singles out a political party to support. Mr. Snelson said that MontPIRG is strictly nonpartisan.

REP. O'CONNELL asked Rep. Gilbert who requested this House Joint Resolution? Rep. Gilbert said that it was his idea and no one else's. He said he had conversations with people in his community, who have students that attend the university in Missoula, and they were complaining. He said that at first he thought he would introduce a bill. He talked to some other people and they suggested a resolution.

REP. MOORE asked Scott Snelson to comment on the letters stating that students have to stand in line to receive refunds and that they cannot go to the MontPIRG office to receive their \$2 back. Mr. Snelson said that he is a student at the university and that if he wanted to get his fee refunded it is a very simple process.

REP. SQUIRES asked Scott Snelson to list some of the projects that had been conducted by MontPIRG prior to the bottle bill. Mr. Snelson said they do skiing surveys, banking surveys, tenant landlord guides, eye glass survey and many others. REP. SQUIRES asked if it was a consumer-type organization until the bottle bill came up. Mr. Snelson said "you bet;" it is all decided by the student board what issues are going to be covered. REP. SQUIRES asked how many times since MontPIRG was established has this been up before the Board of Regents. Mr. Snelson said that it is almost getting to the point of being ridiculous the amount of times it has come up. REP. SQUIRES asked what would happen to MontPIRG if HJR 7 is passed. Mr. Snelson said that Board of Regents listens very closely to the Legislature. The Board is looking for a bargaining tool to work with the Legislature. They will say, "we'll give up MontPIRG if you give us such and such. It is an easy give-away for them."

REP. WESTLAKE said he has no quarrel with the organization and the work that they do. He asked Mr. Snelson why wouldn't a positive checkoff be just as effective as a negative checkoff. Mr. Snelson said that this is one way of asking a positive question as opposed to a negative question. Instead of asking "Can we reach into your pocketbook?" this is asking "Would you care to donate?" It is a matter of semantics. REP. WESTLAKE said if that is the case, why haven't the other organizations been subjected to the same type of scrutiny or objection. Mr. Snelson said

that these organizations are funded by a mandatory fee that is distributed by ASUM.

Closing by Sponsor: Rep. Gilbert questioned why the opponents to this resolution were afraid of positive checkoffs. He said that the checkoff is not a voluntary tax, as one of the opponents referred to it, because the university cannot tax; it is not a taxing jurisdiction. It is a contribution or a donation. Rep. Gilbert said he did not come before the Committee to attack MontPIRG. The resolution simply promotes positive, rather than negative checkoffs. It promotes freedom of choice. He said that this resolution won't impact MontPIRG, and that as far as he knows, they're a fine organization. He questioned how a resolution supporting positive checkoffs could harm MontPIRG.

You heard a gentleman say that this is a voluntary tax. It is not a tax, they are not a taxing jurisdiction. It is a contribution, a donation a fee. They are all the same. They say they are not political, but Fred was talking about we learn how the political process works. I would submit to you that can learn that in political science classes at the university; you don't need to join MontPIRG. I didn't come in here to attack MontPIRG. In fact I never mentioned their name once until in this closing because they are the only ones opposing. I don't know why that is. The bill simply says positive checkoff as opposed to negative checkoff. Nothing else at all.

You heard a person say, I am adamantly opposed to this resolution. Does that mean I am adamantly opposed to freedom of choice, the freedom to say yes or no. That is what it is about. So if you're adamantly opposed, you're saying I don't think people should have the right to say yes or no. What you're saying is that I hope more slide through the cracks. Scott was asked what impact HJR 7 would have on MontPIRG. I didn't hear an answer because it won't have an impact. It doesn't do anything to MontPIRG. As far as I know, they're a very fine organization.

How can a resolution that says positive check off upset their operation. Their attorney said "we're proud of MontPIRG." So, consequently, I would submit that people that donate money should say, I'm proud of MontPIRG. I'm proud that I said yes; not that it was automatically taken off and I didn't know about it. The question is, how will this harm MontPIRG? It won't.

ADJOURNMENT

Adjournment At: 11:12 a.m.

  
\_\_\_\_\_  
REP. JAN BROWN, Chairman

JB/jb

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DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date February 8, 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.	✓		

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 325 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_

*Jan Brown*  
Jan Brown, Chairman

And, that such amendments read:

1. Page 2, line 24.

Strike: "and"

Insert: ", "

Following: "agencies"

Insert: ", and offices of the law enforcement services division  
and motor vehicle division of the department of justice"

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 487 (first reading copy -- white), with statement of intent attached, do pass as amended.

Signed: \_\_\_\_\_

*Jan Brown*  
Jan Brown, Chairman

And, that such amendments read:

1. Page 3, line 3.

Following: "state"

Insert: "in consultation with the state records committee provided for in 2-15-1013"

State of Montana  
Office of the Legislative Auditor

EXHIBIT 1  
DATE 2-08-89  
HB 325

LIMITED SCOPE PERFORMANCE AUDIT

SPACE UTILIZATION  
AND RECORDS MANAGEMENT

Helena-located State Agencies

This report presents information on current and historical space utilization. The report recommends the Legislature revise property management statutes to establish an active space allocation/utilization function.



Direct comments/inquiries to:  
Office of the Legislative Auditor  
Room 135, State Capitol  
Helena, Montana 59620

88P-43

SECRETARY OF STATE  
STATE OF MONTANA

EXHIBIT 2  
DATE 2-08-89  
HB 487

1062

Mike Cooney  
Secretary of State



Montana State Capitol  
Helena, Montana 59620

Testimony in Support of HB 487  
Presented by Garth Jacobson  
February 8, 1989  
Before the House State Administration Committee

Chairman Brown and members of the House State Administration Committee, for the record I am Garth Jacobson representing the Secretary of State's office. I am here today to testify in support of House Bill 487.

Picture this - A banker in Billings needs to see a copy of a certain UCC lien filing before a loan approval can be made. An attorney in Sidney wants to check the language of the articles of incorporation of XYZ Corporation. A creditor in Missoula needs to see who is the responsible party behind a business using an assumed business name. Each one of these people contacts the Secretary of State's office via a computer modem hookup and obtains a copy of the original document they are looking for to answer their concerns. Does this sound like a scenario out of a science fiction movie. Well perhaps, but it is actually something that may be done within the foreseeable future. HB 487 lays the groundwork for the means to reach instant retrieval of archived documents for all of Montana's businesses.

What HB 487 does is permit the Secretary of State's office to establish by rule the method of archiving documents in its office. This bill would provide the flexibility to keep up with the technological changes that are occurring all the time in the office automation area. The microfilming technology specified in the statutes will soon be obsolete. It is therefore necessary to remove the references to antiquated methods of archiving in the statutes. It is now necessary to have flexibility in the statutes to serve the future needs of the Secretary of State's office. That in a nutshell is what HB 487 does.

I am not standing here today asking for the authority to buy new equipment that will do amazing things. But the first step in meeting the future needs of the office is to identify the standards and methods for change. This bill will do that.

EXHIBIT α  
DATE 2-08-89  
HB 487

2062

Yesterday I met with most of the members of the state records committee about HB 487. They agreed with this legislation. They suggested and we agreed to propose an amendment that would address their concerns about having consistency with the policies of the state archiving methods. I have a copy of that amendment which requires the Secretary of State's office to consult with the records committee prior to adopting rules for methods of archiving. This amendment would require the input of the state records committee prior to the adoption of rules. This would help ensure a consistent records archiving policy. I urge you to include this amendment in the legislation.

I believe you will see new and exciting things happening in the next five to ten years in the Secretary of State's office. This bill will lay the groundwork for the continued quality service Montana's expect from that office. I urge you to give HB 487 a do pass recommendation.

... However, insured deposits exceed \$1 million from the Treasury. At least treasury secretary Donald Regan properly, but unsuccessfully Board at the height of the thrift-industry

... Mr. Dousain is a professor of economics at Stanford University.

... W.S.J. 8-23-87

... EXHIBIT 3  
DATE 2-08-89

# Nader's Campus Protesges Mix Coercion and Consumerism

By JOHN R. SILBER

When the Supreme Court recently affirmed the constitutionality of a law linking draft registration with eligibility for federal student aid, it went unnoticed that one of the plaintiffs in the litigation was an organization called the Minnesota Public Interest Research Group.

There are a number of similar groups across the country. The PIRGs, as they have become known, are among Ralph Nader's legion of godchildren. When the first PIRG was set up in 1971, the idea seemed promising: College students would pool their financial resources to fund research on issues of interest and importance to the general public. The PIRG would be a form of participatory democracy by which students would be able to play a constructive role in public affairs.

But as I discovered as president of Boston University, the concept of the PIRG was seriously flawed by the nature of the funding mechanism dictated by its organizers. A PIRG is not, in fact, a purely voluntary association of students banded together in a common interest. PIRGs are organized by states, with local chapters on individual campuses. The fund-raising mechanism preferred by PIRGs is the simple enrollment of all undergraduates as members whether they wish to join or not and forced collection of dues from them. If a college rejects this coercive scheme, the PIRG tries for a funding procedure known as the negative checkoff: the enrollment of all undergraduates with a proviso that unwilling members may only recover their money with a written request.

PIRG chapters mushroomed across America's college campuses during the 1970s and could at one time claim 120 chapters in more than 25 states. The national PIRG office still claims at least that many, but a survey by the conservative United

Students of America Foundation found only 81 functioning chapters. The PIRG movement, under increasing attack by students opposed to the funding mechanism, seems to be losing steam. This past February, an attempt was made to organize a PIRG chapter at the University of Denver. In a high-turnout referendum, 71% of the students rejected a PIRG based on a negative checkoff. The organizers decided not to set up their chapter in the absence of the negative checkoff. Within the past year, student referendums abolished the negative-checkoff schemes financing existing PIRGs at both Duke University and the University of Maryland.

What then happened duplicated my experience at Boston University: The PIRGs themselves do not feel they can survive on the voluntary donations of students. Both PIRG chapters spurned the opportunity to establish a positive checkoff system where students could indicate on their registration materials their desire to join the PIRG and have their dues forwarded by the university. Instead both PIRGs have since depended on direct subsidies from the student government. However, these funds total less than 30% of the money previously received through the negative checkoff — thus severely curtailing their activities.

PIRG chapters still have an estimated income of \$10 million a year, and they continue to advance a wide variety of causes. Some of these are traditionally consumerist, others are clearly political such as the nuclear freeze movement, and still others are blatantly partisan such as the support given Gary Hart's campaign in Massachusetts by the PIRG chapter at Amherst.

When the Massachusetts Public Interest Research Group (Masspirg) proposed in 1976 to establish a chapter at Boston University, we tried to accommodate any of

our students who wished to join it by proposing a positive checkoff. In this way, we thought, every student who wished to join would be able to do so with a minimum of trouble. But no student who did not wish to join would be forced to do so, even briefly.

To our surprise, officials at Masspirg were adamant in refusing to countenance our positive approach. They insisted that the negative checkoff was more "convenient," and that it was the only method they would accept. They also argued that a negative checkoff was the equivalent of giving students the power to tax themselves, an argument that confused the roles of governments and voluntary organizations. Rather than accept our offer to collect dues from every student who wanted to join, Masspirg actually preferred to have no chapter at Boston University with its 12,000 undergraduates.

Masspirg's adamancy over the funding mechanism was not a case of idealism but of materialism. The real difference between the positive checkoff and the negative checkoff is that a negative checkoff will produce through coercion more members and, hence, more money than a positive checkoff that preserves the students' right to choose. Masspirg was understandably disinclined to allow a single precedent for a positive checkoff, or purely voluntary collection of dues: In one case, Mr. Nader himself calculated that the advantage of the negative checkoff was between 10 to 1 and 30 to 1.

The negative checkoff, although efficient, is patently undemocratic: It substitutes inadvetence and inertia for choice and commitment. The negative checkoff can be put in perspective through a hypothetical case: Suppose that a university were to ask its students if they wanted to join a book club, and then enrolled them

all as members — regardless of their answer — collecting half a year's fees as part of the tuition bill, and leaving the unwilling students to collect their refunds from the club at an arbitrarily designated time and place. No group would protest this more loudly, or more properly, than the local PIRG. How then can PIRGs justify their use of this patently coercive practice?

The involvement of the Minnesota PIRG (Mpirg) in the Solomon Act litigation suggests that another early ideal of the PIRG movement is going by the boards. The name of the organization suggests research to be carried on in the public interest. Mpirg's role in this case was not that of a research organization but that of an advocate. The questions involved in the case were legal and, to a large extent, political.

The position supported by Mpirg was in the minority among the general public, and surely among the thousands of Minnesota students whose money was used in this cause, there were many who did not approve of the cause. Students are not universally opposed to the Solomon Amendment: The student Daily Free Press at Boston University editorialized that the principle behind the amendment — that those who refused to register for the draft should not expect to be subsidized by the government — was entirely correct. It is at least a matter of controversy as to what public interest was being served, let alone researched, by the Minnesota PIRG.

For the political activity carried on by PIRGs, our society has devised organizations such as political-action committees. Many of these are highly effective and operate honestly and openly on the basis of genuine voluntary support. Considered in the context of ethics, a PIRG is a very unsatisfactory substitute for a PAC.

Mr. Silber is president of Boston University.

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... date. more both ator. irrec- did To- likely see pres- the if edi- e of ort: re- line an- who hou- hough place or wer: will the that tting em- as- ssi- 100 be 'ru- in ing ht- als 3X

Students not enrolled winter 1989 must be granted admission or readmission before this form will be processed, EXHIBIT 3

**SPRING 1989 COURSE REQUEST FORM**

DATE 2-08-89

No.    -    -

Name: \_\_\_\_\_  
Last First Middle

Current Telephone No.: HB HUR7

**MontPIRG WAIVABLE FEE**  
The Montana Public Interest Research Group (MontPIRG) is described in the Schedule of Classes. The MontPIRG fee is \$2.00 and may be waived. You must sign your initials here \_\_\_\_\_ if you wish to waive the MontPIRG fee. Refunds are available if you pay the fee.

WORK AN "X" IN THE BOXES OF THE SERVICES YOU WISH TO BUY.  
Meal Plan  A 160 meals \$475  B 140 meals \$447  C 110 meals \$405  D 55 meals \$179 (off campus only)

Campus parking permits (Do not select if you purchased a permit Autumn or Winter 88-89.)  
(Family Housing residents: Do not select 1st auto. Courtesy decal available.)

A = 1st auto  A \$10 B = 2nd auto  B \$6  
C = Motorcycle  C \$5

Installment payment plan.  YES

Please indicate religious preference for use by the Campus Religious Advisors:

Advisor Approval Stamp (Stamp required for all undergraduates)

REFERRED COURSES					ALTERNATE COURSES (For Advance Registration Only)																			
Dept. Abbreviation	Dept. Number	Course Number	Section Number	Credits	ADD	PA	AD	RE	CO	IN	Initials of Instructor If Consent Required	Dept. Abbreviation	Dept. Number	Course Number	Section Number	Credits	ADD	PA	AD	RE	CO	IN	Initials of Instructor If Consent Required	
												1A												
												2A												
												3A												
												4A												
												5A												
												6A												
												7A												
												8A												

D-Reg9-88-1989ReFovIn-UM Printing Services

UNIVERSITY HEALTH/DENTAL SERVICE AND SUPPLEMENTAL INSURANCE COVERAGE IS AUTOMATICALLY INCLUDED IN FEES UNLESS WAIVED.

CHECK TO KEEP MEDICAL COVERAGE  I WANT TO KEEP MY UNIVERSITY HEALTH/DENTAL COVERAGE AND INSURANCE.

\*\*\*\*\* WAIVER FOR MEDICAL COVERAGE \*\*\*\*\*

- CHECK YOUR WAIVER SELECTION
- Option A— I DO NOT HAVE MORE THAN 6 CREDITS AND I DO NOT WANT HEALTH/DENTAL COVERAGE OR SUPPLEMENTAL INSURANCE.
  - Option B— I DO NOT WANT SUPPLEMENTAL INSURANCE.
  - Option C— I DO NOT WANT SUPPLEMENTAL INSURANCE DURING THE SUMMER (Summer coverage automatically waived if spring supplemental insurance is waived)

Changes in original request can only be performed during the first five days of classes each quarter.

Non U.S. Citizens May Not Use This Form. To waive, non-citizens must contact the Health Service.

I, the undersigned, certify that I am eligible for the medical coverage waiver that I am requesting. I understand that I will be fully responsible for all medical expenses incurred outside the coverage under my selected option. If I am selecting Option A, I also certify that I will not use any services offered through the University of Montana Student Health Service.

Current Date

Signature

EXHIBIT 4  
DATE 2-08-89  
# HR-7

I work registration at the University of Montana signing up students for food service privileges. During winter Quarter registration, I asked approximately 100 students, over the course of 2 days, what their feelings were regarding the negative check-off system. Over 90% of those asked either didn't know they had been charged, weren't aware of the organization charging the fee, or didn't know what it was they were paying. Many of the students asked how they could get their money refunded, & when told they would have to stand in another line, most of them opted not to pursue it at the time as they had just spent a considerable amount of time in lines to register for classes. Many commented that the University was just trying to get more money from them in any way they could (rip them off).

I told them that I didn't think the organization using the check off system was actually affiliated with the University and to that they responded with questions of why the University was collecting their money for them.

Debbie Van Dam  
251-5358  
Missoula, MT

FORM 5  
DATE 2-08-89  
HSR 7

101 9

I firmly beleive that the Mont-PIRG negative check off on the U of M registration forms is a confusing, and unnecessary. If a non profit organization wants donations it should find some other way to do it, rather than riding the coat tails of the University. The majority of students would rather not donate to Mont-PIRG. Maybe they should do a little more leg work to get the money they need rather than darkening our registration forms with an appeal for our scarce dollars.

*Sarah Dunbar*

EXHIBIT 5  
DATE 2-08-87  
HB HJR7

To whom it may concern,

As a student at the University of Montana, I feel I have been used by the University to contribute funds to the Montana Public Interest, Interest Related Group. 2089

The only reason I contributed to the fund was the University requesting it of me on my registration. If I had full knowledge of the group, and what it did for my interests, they would never have received my contribution.

With High Hopes of Change,  
~~Matthew J. Heynen~~  
Matthew J. Heynen

EXHIBIT 5  
DATE 2-08-89  
HR HUR7

3069

I would like to express my opinion of the negative check-off system used to fund the Mont-PIRG organization at the University of Montana. The confusion at registration and the lack of knowledge of what Mont-PIRG is, causes many students to contribute money to an organization that holds opinions they do not agree with. While two dollars at a time may not seem like a lot of money, when you consider that Mont-PIRG are swindling nearly twenty-five dollars from many unsuspecting students during their stay at the University you realize just how much unintentional funding Mont-PIRG receives.

*Don D. Robinson*

EXHIBIT 5  
DATE 2-08-89  
HB HJR7

4069

I would like to briefly discuss MontPIRG's negative check-off on the University of Montana's registration forms. This check-off system is totally confusing to most students at the University. The two dollar check-off fee so to speak must go to services that we do not know about because there is never any feedback about where the money goes. The check-off is not explained to the students adequately if at all and I have a feeling that there is a very good reason for that. If the students do not know what it is, they more or less figure that it is something that is required for registration. Little do they know that they are donating their hard earned dollars to some unknown cause, and if they realize what they did was an accident, they <sup>can</sup> have a very hard time changing it and it is not worth the hassle.

Gene Dugoin

EXHIBIT 5  
DATE 2-08-89  
BY HJR7

5069

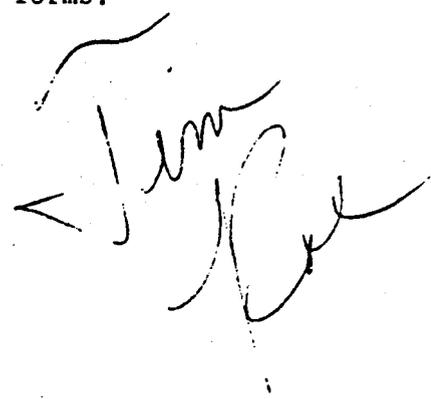
I wish to express my opinion regarding the MontPIRG funding system. The current process of the negative check-off on the registration forms can be confusing to someone unfamiliar with the system. A student may inadvertently donate to MontPIRG when they actually disagree with everything the group stands for. Besides the group isn't specifically a student group so they shouldn't be allowed to use the University to fund their activities.

*Handwritten scribble*

EXHIBIT 5  
DATE 2-08-89  
HB HR 7

6069

I would like to express my opinion in regards to the MontPIRG check-off payment system. The system is somewhat confusing to understand. It is also a matter of principle that someone should not have to sign something in order to prevent paying a fee. The donation of money to MontPIRG should be a voluntary one and it should not involve any students at the University of Montana through their registration forms.

A handwritten signature in cursive script, appearing to read "Jim Cole". The signature is written in dark ink and is positioned below the typed text.

2/7/89

So whom it may concern:

As a student at the university of Montana I feel that the way that MONT Purg obtains their funds from university students is very unethical. Many students such as myself ~~and others~~ don't even know what MONT Purg is all about or even ~~if~~ whether they wish to belong to the organization. Also many students who accidentally over look the box to waive the fee inadvertently pay \$2 and belong to an organization they know nothing about. I feel that it is an unfair way for MONT Purg to receive their funds. It would be much better if students were supposed to

~~initial~~ initial the box if they wanted to belong to MontPurg.

251-2585 <sup>549-8063</sup> TIM SCHNEE and CHRISTY PERRY

2/7/89

To Those Concerned,

I am apposed to the negative check off because I feel it is misleading.

The Company I work for has sponsored a Chinese student at the University. Because I review and approve his registration and other expenses I chose not to pay the \$2.00 MONTPIRG. When I spoke to the Contrallers Office I was informed that I had to pay this fee but our student could request a refund at the MONTPIRG office. He went to the office and explained that we did not want to pay the 2.00 and would like to have that amount refunded, as we felt MONTPIRG was a political entity and China frinds on all political contributions or activities and this may be mentioned

EXHIBIT 5  
DATE 2-08-89 9069  
HBH HJR7

if questioned when he returned to China.

He also explained that his sponsors had requested the refund.

MONTPIRG's response was a denial that they were political and NO refund.

I felt this was typical and put Han in a very difficult position. As I did not have the time to pursue this Han was never reimbursed.

I believe many students are being charged 200 + and are paying blindly. It seems somewhat unscrupulous to me.

Sandra E. Perkins  
13 Russell Park W.  
Missoula, Mt. 59801

MontPIRG

EXHIBIT 6

DATE 2-08-89

Montana

HB HJR 7

1 of 6

# Nordic Ski

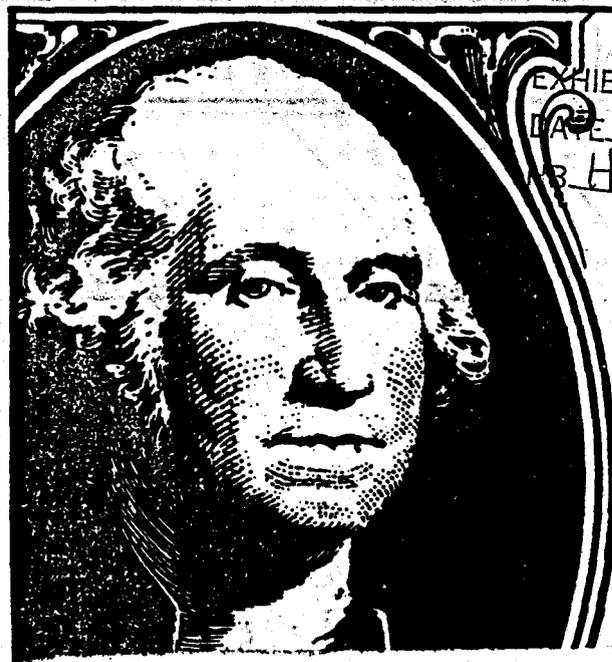


EXHIBIT 6

DATE 2-08-89

HB HJR 7

exhibit 6

HJR 7

2/8/89

4 pcs.

# CONSUMER HOTLINE!

MARTHA ...  
I THINK I HAVE  
A ★!×!  
CONSUMER  
PROBLEM

CHILL OUT JOE!  
CALL MONTPIRG'S  
CONSUMER HOTLINE  
FOR HELP



**356 CORBIN HALL**

**STAFF OPERATING THE HOTLINE  
HELP CONSUMERS SOLVE PROBLEMS  
SUCH AS LANDLORD/TENANT DISPUTES,  
AUTO REPAIR, UNFAIR BUSINESS PRACTICES  
AND MAIL FRAUD.**

**☎: 243-2907**

**9 AM-5 PM  
MONDAY-FRIDAY**

**MontPIRG**  
Montana Public Interest Research Group



# Moving Out? Protect Your Security Deposit

Many tenants have trouble getting back their entire security deposit after they move. This leaflet outlines how to protect yourself and minimize the amount of money withheld by your landlord.

## Tenant's Duty

You are required to leave the premises in the same condition as it was when you moved in. You also must pay the rent when due. Failure to fulfill either of these duties provides the landlord with a reason for keeping part or all of your security deposit. If you do not pay your rent, your landlord can evict you.

**30-DAY NOTICE:** Once you decide to move, your first step is to notify your landlord. If you have a month-to-month written or verbal agreement, you are required to give your landlord 30 days written notice before you move. For example, if you know you will be vacating the rental on June 15, you must give your landlord written notice by no later than May 16.

This notice must be in writing. Keep a copy, and send the notice by certified mail, or enclose it with your rent to guarantee that your landlord receives it.

If you don't give your landlord 30 days notice, s/he has the right to withhold money from your deposit as rent payment.

**CLEANING, INSPECTION:** Before you move, get the rental into shape by cleaning and repairing any damage you may have done. Then call the landlord to inspect it separately or jointly with you. If the landlord approves its condition, s/he may refund your deposit on the spot. This is not mandatory, however. Under state law, the landlord can take as long as 30 days to evaluate any damage and return the deposit.

If your landlord finds that the rental unit needs additional cleaning, s/he is required to give you 48 additional hours to finish cleaning before s/he does it at your expense. Unfortunately, many tenants deprive themselves of this option by failing to request that the landlord inspect the unit before the tenant moves away.

**FORWARDING ADDRESS:** You must give your landlord a forwarding address, in writing, before you leave the premises to guarantee the return of your security deposit. If you don't do this, you lose the opportunity to sue for money that may have been withheld without a justified reason.

**INVENTORY SHEET:** In future rental agreements, safeguard yourself against being charged for damages or defects in the rental unit that existed prior to your occupancy by using a check-in sheet. (A good example is available in MontPIRG's landlord/tenant guide.)

The check-in sheet is an inventory of the condition of the premises at the onset of your tenancy. Both you and your landlord should fill it out, sign it and keep a copy of it.

Use the inventory when moving out as well. Except for providing convincing evidence against you, a landlord relinquishes her/his claim to your security deposit if s/he fails to provide such a report, along with a copy of the cleaning and damage charges assessed the previous tenant.

# MontPIRG hires new hotline specialist

By Amy Cals

People needing answers to consumer questions such as how to get a rental deposit back or which downhill ski area is for them, can call a campus hot line for free advice.

MontPIRG (Montana Public Interest Research Group) established the hot line in 1983 to help people resolve conflicts and find answers to their questions. The number is 243-2907.

MontPIRG recently hired a consumer hotline specialist to answer phone calls. MontPIRG Director Brad Martin said that he and past directors have assumed the role during breaks and summer months but needed help covering the position while attending to MontPIRG's other responsibilities.

MontPIRG, a nonprofit research and advocacy organization directed by university students, does work related to the environment and governmental responsibility as well as consumer protection.

MontPIRG's eight board of directors hired Greg Haegele, a non-student, to fill the position that has occasionally been filled by student interns.

Haegele worked in Billings last year advocating the bottle bill for another advocacy group. He worked under Martin's direction, and Martin later encouraged him to apply for the position.

Haegele who began taking calls this month said he's been getting three to six calls per day primarily from students needing advice about renting. He also goes to the calls from renters, who don't know their rights and responsibilities.

Haegele answers office roommate questions as well.  
He answered one call from an old

renter who wanted to know how to deal with an automobile repair shop that overcharged her. Another caller asked Haegele how to recycle magazines.

Though Haegele cannot offer legal advice, he said he is able to advise most callers of the best way to resolve a conflict. He often acts as an arbitrator or a go-between in landlord-tenant disputes.

The calls take varying amounts of time to handle — some 30 seconds, others two-and-a-half hours depending on how much research is involved, he noted.

Haegele has a notebook packed with information on topics ranging from the small-claims court system to an area parking survey to local eyewear facilities. But sometimes he must look a little harder, he said.

He said he was hired to work 20 hours per week on a stipend but has found enough work around MontPIRG's office in Corbin Hall room 358 to stick around all day long.

In addition to manning the hot line, Haegele said he will work to compile guides and surveys containing consumer advice as well as help others learn to run the hotline.

Haegele said he's hoping to release a smoke detector tip sheet next week that will explain how to choose a good smoke detector and where to install it.

Haegele finds responsibility and what he said is the most rewarding part to help students learn the skills necessary to do his job. Students wanting to gain experience doing research or answering hot line calls are encouraged to apply to director Brad Martin. Haegele said adding the internship for credit are available.



GREG HAEGELE

Photo by Christian Burdick

EXHIBIT 12  
DATE 7-08-89  
HB #1127

# Ski Montana

## MontPirg Consumer Survey

Many Montanans and visitors enjoy the great skiing that Montana offers. With so many ski areas to choose from, there's a place for suit everyone's needs.

MontPirg designed this survey to help skiers decide which downhill ski area will best meet their interests.

### SKIERS' RESPONSIBILITY CODE

1. Ski under control and in such a manner that you can stop or avoid other skiers or objects.
  2. When skiing downhill or overtaking another skier, you must avoid the skier below you.
  3. You must not stop where you obstruct a trail, or are not visible from above.
  4. When entering a trail or starting downhill, yield to other skiers.
  5. All skiers shall wear retention strap or other stop devices to prevent runaway skis.
  6. You shall keep off closed trails and posted areas and observe all posted signs.
- The Skiers' Responsibility Code is officially endorsed by the National Ski Areas Association.

### HELPEUL ADVISE

1. On the slopes, remember to always dress warm and avoid loose clothing, such as scarves, that may fall off. Wear brightly colored clothing.
2. Follow the Skiers' Responsibility Code.
3. Check weather information before setting out. If it looks bad, reconsider the trip. Call the Montana road conditions report for a current, taped description of the highway conditions. This service is provided by the Montana Department of Highways. Road conditions numbers: Missoula area: 728-8553; Statewide Conditions: 1-800-332-6171.
4. When you're driving to the ski area, take along a shovel and a bag of sand or salt in case you get stuck. If you have a rear-wheel drive car, put weight in the trunk for extra traction.
5. Learn and understand the nature of hypothermia, or dangerously low body temperatures, and how to prevent it. Carry a flask of water to prevent dehydration. You can always eat snow when thirsty.

# MontPirg

Montanans Public Interest Research Group  
 336 Condon Hall, Missoula, MT 59812 (406) 243-2907

Ski Area	Length of Season	Logging	Bars	Restaurants	Ticket Costs	Equipment Costs	Group Rates	Phone
<b>Beet Trail</b> Butte, MT (409) 494-7000	Thanksgiving- Early March	Within 5 miles	Within 5 miles	Lunch counter on mountain	Adult Full Day \$6.00	No rental packages on mountain, within 5 miles	Private 2 hours for \$25.00 Group 2 hours for \$12.00	100
<b>Big Mountain</b> Whitefish, MT (409) 862-3511	Thanksgiving- Mid-April	On the mountain	On the mountain	On the mountain	Adult Full Day \$21.00 Adult Half Day \$17.00 Night Skiing \$8.00	\$12.50 a day	Private 1 hour for \$25.00 Group 2 hours for \$12.00	2200
<b>Big Sky Resort</b> Big Sky, MT (409) 995-4211	Thanksgiving- Mid-April	On the mountain	On the mountain	On the mountain	Adult Full Day \$26.00 Adult Half Day \$20.00	\$15.00 - \$17.00 a day	Private 1 hour for \$28.00 Group Half-Day \$16.00	2800
<b>Blizzard Bowl</b> Bozeman, MT (409) 586-2787	Dec. 1, 1989- April 3, 1990	On the mountain (limited)	On the mountain	On the mountain	Adult Full Day \$18.00 Adult Half Day \$14.00	\$12.00 a day	Private 1 hour for \$23.00 Group 2 hours for \$13.00	2000
<b>Discovery Basin</b> Anaconda, MT (409) 563-2194	Thanksgiving- Ester	Within 6 miles	On the mountain	Lunch counter on mountain	Adult Full Day \$14.50 Adult Half Day \$11.00	\$11.00 a day	Private 1 1/2 hours \$26.00 Group: full day \$18.00 Group: half day \$10.00	1300
<b>Great Divide Ski Area</b> Helena, MT (409) 448-3748	Mid-December- Early April	Within 22 miles	On the mountain	On the mountain	Adult Full Day \$13.00 Adult Half Day \$10.00	Adult \$10.00 a day	Private 1 hour for \$15.00 Group: beginning-season 4 free sessions day yet set	1300
<b>Loet Trail Ski Area</b> Missoula, MT (409) 821-5777	Dec. 1, 1989- Late April	Within 5 miles	On the mountain	Lunch counter on mountain	Adult Full Day \$13.00 Adult Half Day \$10.00	\$10.00 a day	Private 1 hour for \$20.00 Group prices not yet set	1200
<b>Marshall Ski Area</b> Missoula, MT (409) 258-6818	Dec. 5, 1989- Late March	Within 7 miles	On the mountain	On the mountain	Adult Full Day \$13.00 Adult Half Day \$9.00 Student Half Day \$9.00	\$10.00 full day \$7.00 half day	Private 1 hour for \$16.00 Group 2 hours for \$12.00	1500
<b>Haverick Mountain</b> Dillon, MT (409) 683-4521	Mid-December- Ester	Within 3 miles	Within 3 miles	Within 3 miles	Adult Full Day \$14.00 Adult Half Day \$12.00	\$10.00 a day	Private 1 hour for \$15.00 Group 1 1/2 hours for \$5.00 Group 3 hours for \$9.00	2120
<b>Red Lodge</b> Red Lodge, MT (409) 446-2810	December- Mid-April	Within 6 miles	On the mountain	On the mountain	Adult Full Day \$17.00 Adult Half Day \$12.00 Beginning Jan. Mon. Tues. \$9.00 (exc. Nov.)	Adult \$11.50	Private 1 hour for \$22.00 Group 1 hour for \$11.00 Learner package for \$15.00	2016
<b>Rocky Mountain High</b> Choteau, MT (809) 247-5747	Dec. 16, 1989- March	Within 25 miles	Bar and wine on mountain	On the mountain	Adult Full Day \$13.00	\$11.00 a day	Prices not yet set	912
<b>Show Down</b> Nehalem, MT (409) 236-5522	Thanksgiving- April 9, 1990	Within 30 miles	On the mountain	Lunch counter on mountain	Adult Full Day \$16.00 Adult Half Day \$13.00	\$12.00 a day	Private 1 hour for \$20.00 Group 2 hours for \$11.00	710
<b>Snow Bowl</b> Missoula, MT (409) 548-9777	Late November- Mid-April	Within 10 miles	On the mountain	On the mountain	Adult Full Day \$16.50 Adult Half Day \$13.50	\$11.00 a day \$15.00 snowboards	Private 1 hour for \$20.00 Group 1 hour for \$12.00	10
<b>Turner Mountain</b> Libby, MT	December- April	Within 17 miles	Within 17 miles	Lunch counter on mountain	Adult Full Day \$12.00 Adult Half Day \$9.00 Student \$8.00	On the equipment panels	Private 1 hour for \$12.00	201

The information in this survey was provided by the ski areas listed during the period Dec. 15 to Dec. 15, 1989. The information is subject to change. For more information and ski conditions call the area you plan to visit.

EXHIBIT

DATE 2-08-89

RE 10/2

MISSOULA

276

EYEWEAR



SURVEY

1988

MontPIRG

EXHIBIT 7  
DATE 2-08-89  
HB HSR 7  
1065

A Survey:

Student Awareness of MontPIRG  
and Its Funding Mechanism

by

Craig Swank

under the guidance and supervision of  
Dr. Rod Brod, Professor of Sociology,  
University of Montana

Spring 1985

This publication is an abstract of the complete survey done by Craig Swank.  
For a copy of the complete survey, come to the MontPIRG office, 729 Keith Ave.

## Introduction

This survey was conducted to inform the University of Montana students, faculty, administration and Board of Regents of five specific aspects concerning the Montana Public Interest Research Group (MontPIRG). These are:

1. To determine the general awareness of MontPIRG and its funding mechanism.
2. To analyze the effects of the new pre-registration system concerning students ability to waive or pay the MontPIRG fee.
3. To measure the actual number of students who contribute monetarily to MontPIRG.
4. To determine if the funding system is a fair measure of MontPIRG's support.
5. To obtain statistical estimates of student support of MontPIRG.

Results

The results of the randomly conducted survey of 266 University of Montana students who pre-registered for Spring Quarter 1985 indicated a definite awareness of MontPIRG. A summary of the student interviews (see Appendix) indicates:

1. Over 99% of the students have heard of MontPIRG.
2. 96% of the students know MontPIRG was mentioned on their Spring Quarter pre-registration forms.
3. 96% of the students realized they could waive the MontPIRG fee on their Spring Quarter pre-registration form.
4. 60% of the students interviewed did not waive the MontPIRG fee.
5. Of those that said they did not waive the fee, 4% said they put an X in the MontPIRG box wishing to contribute \$2 to MontPIRG (indicating they misunderstood the directions).
6. Also of the 60% who did not waive the MontPIRG fee, 65% knew they could receive a \$2 refund during the current quarter.
7. Of the 40% who did waive the MontPIRG fee, 78% initialed the MontPIRG box. Also, 17% of those wishing to waive the fee Xed or ✓ed the MontPIRG box.
8. Of those who did waive the MontPIRG fee, 43% said they still support MontPIRG.
9. If assuming all MontPIRG fee paying students support MontPIRG, 78% (+ or - 6%, based on 95% confidence interval) of all students interviewed support MontPIRG.

EXHIBIT 7  
DATE 2-08-89  
HB HJR7

445

### Conclusion

It is evident that virtually all pre-registered (Spring Quarter) students at the University of Montana have heard of MontPIRG. It's also apparent that an overwhelming number of students realize that the MontPIRG fee is on their pre-registration form and that they can waive it on that form. This survey proves a high degree of awareness among students of MontPIRG and it's fee collecting mechanism.

It also appears evident from the results of this survey that the present funding mechanism is not a good measure of student support for MontPIRG. The fact that 43% of the students who waived the MontPIRG fee still support the organization and its basic principles indicates that monetary contributions under the present funding system cannot be used as a true measure of MontPIRG's support. If all students who monetarily contribute to MontPIRG are grouped with those who choose not to pay yet still support MontPIRG, it could be said that from 72 to 84 percent (based on 95 percent confidence interval) of all pre-registered University of Montana students support MontPIRG.



# University of Montana

Missoula, Montana 59812

UMENT 7  
DATE 2-08-89  
HB HJR7

505

July 23, 1985

To Whom It May Concern:

I supervised Craig Swank in the design, result calculation and conclusions drawn from his survey of University of Montana students' awareness of MontPIRG and its funding mechanism.

I have every confidence in Craig's survey and believe the results are true and accurate.

Sincerely,

Rodney L. Brog, Professor  
Department of Sociology

RLB/s11

EXHIBIT 8  
DATE 2-08-89  
~~#~~ HJR 7

Dear Legislator:

1 of 4

We write concerning House Joint Resolution 7 which is now scheduled for hearing before the House State Administration Committee.

HJR7 appears to offer innocuous advice to state agencies concerning the methods used to allow individuals to make donations through state controlled payroll or billing procedures. We believe, however, that HJR7's unstated aim is directed at the method by which University of Montana students fund their student-citizen group, the Montana Public Interest Research Group, MontPIRG.

As the immediately past U of M student body presidents we write to state our strong opposition to HJR7. We do so for several reasons.

First and foremost we oppose HJR7 because it is, in our judgment, a direct attack on the rights of students to use legitimate democratic means to organize and fund their own student-citizen group. U of M students have had to fight long and hard to gain their MontPIRG. That struggle was marked by an unprecedented showing of student and university community support. Since 1981 support for MontPIRG and its fee have included:

- petitions which on two separate occasions have been signed by a majority of U of M students
- a supportive (2 to 1 margin) referendum vote
- ASUM endorsement (at least 3 times)
- Faculty Senate, staff senate, and faculty union support ( at least 3 times)

We can unquestionably tell you that while MontPIRG is not supported by

each U of M student (nor would we expect it to be), it does have the support of a majority of students and a majority of the members of the university community.

Second, we oppose HJR7 if it is in any way intended as a statement that the MontPIRG fee is not fair. The majority support of students is reflected in the way students fund MontPIRG. Through petition drives and referendum votes a majority of U of M students decided to form MontPIRG and provide it with adequate funding so it could carry out significant citizenship work. Students therefore chose (through the referendum vote, and petition drives) to fund MontPIRG with a student fee as are all other student programs at the U of M. Students went one step further, however, and made the MontPIRG fee optional. The MontPIRG fee is plainly marked on the fee statement and any student can refuse the fee by initialing a box on the registration form. During fall quarter 1988, approximately 53% of U of M students paid the fee with 47% refusing. Attached is a copy of the fee statement showing the MontPIRG fee. We believe that the MontPIRG fee is the fairest fee at the U of M. It is the only fee self-imposed by students. It is the only optional student fee.

Further, HJR7's choice of language reveals a further lack of understanding of MontPIRG's manner of operation and method of funding. U of M students run MontPIRG as a private non-profit corporation funded with "membership fees" as opposed to the "charitable contributions" which HJR7 seeks to discourage. MontPIRG's board of directors is composed entirely of students elected by popular

ballot in campus-wide elections. As a corporation MontPIRG is current on all its corporate registrations. Its membership fee is collected through a contract with the ASUM, under authority of a Board of Regents policy. Under this contract MontPIRG pays the University for the costs of collecting its membership fee. Simply put, students do not make "charitable contributions" to MontPIRG as state employees do with United Way. Instead, students fund MontPIRG with a democratically established "membership fee" and, consistent with that fee, as members they own and run MontPIRG as their organization in the complete legal and practical manner that is accepted in the non-student world.

For the above reasons, we urge legislators to vote against HJR7. We believe HJR7 was, at least in part, motivated by the leadership of MontPIRG on I-113 (the "bottle bill"). As you know, I-113 was defeated in the November 1988 elections. Yet, we don't believe it was improper for students to choose to work on I-113. The idea had wide support on campus (a spring 1988 student referendum endorsed the bottle bill by a 2 to 1 margin) and students worked with great enthusiasm on I-113. Dozens of students gathered signatures to help place I-113 on the ballot and literally hundreds of students carried out leaflet drops, a Missoula-to-Helena support run, and constructed and placed yard signs. I-113 did carry 7 precincts in Missoula, those being the precincts where U of M students generally live.

In an age when students are being told they don't care enough, we ask that you leave students free to continue to choose to run and fund

our own citizenship group. We want to make it clear that MontPIRG is open to advice and direction as to what issues it should work on. We simply ask that students be allowed to continue to experiment and gain in citizenship skills through MontPIRG.

Sincerely,



Scott Snelson, ASUM President 1987-88



Paul Tuss, ASUM President 1986-87

EXHIBIT 9  
DATE 2-08-89  
HB 487

Proposed amendments to HB 487  
First Reading Copy  
For the House Committee on State Administration  
February 7, 1989

1. Page 3 line 3  
Following: "state"  
Insert: "with advise from the state records committee".

WITNESS STATEMENT

NAME Kevin Shores BILL NO. HJR 7

ADDRESS 1018 11<sup>th</sup> St. Helena, MT 59601

WHOM DO YOU REPRESENT? Private citizen/student.

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

COMMENTS: ~~Madam~~ Chair, members of the Comm, For the record - name - Kevin Shores.

I am from Ennis MT and I am a recent graduate of the University of MT. I completed an internship with the MT. Public Interest Research Group last spring and I found it to be a valuable and educational experience as have others I have known that have become involved with Mont Pirg. I in fact found my experience at Mont Pirg to be more valuable than much of my coursework.

Public Policy ← This was the first time I had taken an interest in becoming involved in a ~~political~~ <sup>governmental</sup> or environmental issue. Mont Pirg provided me with that opportunity. I think there are too few students taking an interest in what is going on around them and too few opportunities to be able to choose to become involved in an issue. I oppose HJR 7 and any action by the legislature that would put the "opportunity" that Mont Pirg provides in jeopardy. A loss of this "opportunity" would be a loss to the State and a loss to the UofM. <sup>Mont Pirg is a student group</sup>

Finally, I would like to remind the committee that the funding sys. is the best available because it is approved by the students every 2 yrs and should the students decide to change the funding system, it is within their power to do so. It should in fact be their decision.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Thank you —

TESTIMONY IN OPPOSITION TO HJR7

Madame Chairman, members of the committee, and members of the public:

For the record, my name is Pamela Hillery, and I reside in Helena, Montana. I braved the cold today to speak in opposition to HJR7, introduced by Representative Gilbert. I recently graduated from the University of Montana, and feel strongly about any bill which has the potential of affecting student affairs.

I believe this resolution to be directed against the funding mechanism for MontPIRG, the Montana Public Interest Research Group. Students voted for this funding mechanism in 1981, and have supported it through two separate petition drives, a 2-1 referendum vote, and Associated Students of the University of Montana endorsement. This Spring, the students will once again be asked to decide whether they support MontPIRG, as mandated by the Board of Regents. I have no doubts that students will overwhelmingly vote in favor of both MontPIRG and its funding mechanism.

The real issue before this committee is the right of students to make a decision for themselves, concerning only themselves, independent of the State or Legislature. If we as a citizenry are truly concerned about political apathy among our youth, it would be ill-advised to urge that they change the funding of a group (MontPIRG) that strives to involve students in issues and advocacy. Whether or not we approve of the issues that students pursue and advocate, all Montanans must at least respect the right of students to choose their issue.

I was on the board of directors of MontPIRG and voted to support a bottle bill campaign; the fact that we lost does not deter me from supporting other causes. MontPIRG teaches students hands-on democracy--how to campaign for an idea, a value, a cause--not based on partisan politics, but on ideals and hard work.

I remind the committee that HJR7 will affect other groups that fund through negative check-offs. For instance, Blue Cross and Blue Shield utilize this mechanism to determine which students wish to be covered by insurance on the same form that the MontPIRG check-off is on.

I strongly recommend that this committee value the opinions and votes of students at the University of Montana, and reject this ill-conceived resolution. Thank you.

Pamela Hillery  
802 Broadway  
Helena, Montana 59601









**VISITORS' REGISTER**  
**STATE ADMINISTRATION COMMITTEE**

BILL NO. HJR 7

DATE February 8, 1989

SPONSOR REP. GILBERT

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Fred Sargason	Mont PIRG		✓
Representative Bob Ream	Representative		✓
Joni Coulter	Mont PIRG		✓
Kevin Shores	Mont prig		✓
PAUL TUES	SELF		✓
Mike Craig	Associated Students of UM		—
Annella Hillery	SELF, MEIC		✓
C.B. PEARSON	SELF		✓
Jan Stewart	Self	✓	
Cindy Schmidt	Self	✓	
Steve Browning	Self	✓	
In with Jonathan mill	SPIT, <del>montone</del>		✓
Scott Erikson	Self		✓
Nadine Jensen	AFSCME		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.