

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN ETHEL HARDING, on February 9, 1995,
at 10:00 A.M.

ROLL CALL

Members Present:

Sen. Ethel M. Harding, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Don Hargrove (R)
Sen. Vivian M. Brooke (D)
Sen. Bob Pipinich (D)
Sen. Jeff Weldon (D)

Members Excused: N/A

Members Absent: N/A

Staff Present: David Niss, Legislative Council
Gail Moser, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 295, SB 300, SB 301
Executive Action: N/A

*{Tape: 1; Side: A; Approx. Counter: 31.7; Comments: Tape accidentally set at
speed 4.8 instead of 2.4. - side A only}*

HEARING ON SB 295

Opening Statement by Sponsor:

SENATOR JUDY JACOBSON, Senate District 18, Butte, opened the hearing on SB 295, which would change the procedure utilized in determining minimum disability standards for handicapped parking permits. SENATOR JACOBSON also presented amendments to SB 295 (EXHIBIT 1) which would strike language referring to providers other than licensed physicians who currently determine eligibility for special parking permits. Criterion used for determinations is also clarified in the bill.

Proponents' Testimony:

Brenda Nordlund, Department of Justice, testified on the Department's utilization of the law from the state of Washington that specifies criterion on the use of disabled parking permits.

Robert McCarthy, Butte-Silver Bow County Attorney, spoke in support of SB 295, noting the current eligibility process has resulted in an excessive number of handicapped parking permits being issued, particularly in Butte-Silver Bow County (**EXHIBIT 2**).

Pat Domme, Association for the Blind, testified on two concerns of the Association: ease of obtaining a permit and abuse by individuals who are not handicapped but utilize the permits for their own use.

Grace Sicotte, Butte-Silver Bow County, expressed interest in the passage of this legislation.

Melissa Case, Coalition of Montanans Concerned for Disabilities, recommended modifications in the legislation dealing with mobility and the wording of "licensed physician" and "physician".

Bob Sullivan, Parking Director, Butte-Silver Bow, offered testimony in support of revamping the current permit system to more effectively serve truly disabled and handicapped individuals.

Earline Sheff, Coalition of Montanans Concerned for Disabilities, expressed support for the legislation and stated a current survey of physicians by the organization revealed a lack of direction to physicians concerning the applicability of handicapped parking permits for individuals.

Opponents' Testimony:

Dawn Sliva, citizen, spoke in opposition to SB 295 and suggested changes in the bill (**EXHIBIT 3**).

Questions from Committee Members and Responses:

SENATOR DON HARGROVE questioned Dawn Sliva if the change from "ability to walk" to "mobility" in the bill language would address her concerns. **Ms. Sliva** said that change would address her concerns.

SENATOR HARGROVE questioned Brenda Nordlund on the enforceability of the law. **Ms. Nordlund** deferred the question to a local enforcement entity. **Robert McCarthy** responded that individuals

who manage private parking facilities and police officers have stressed the need for stronger enforcement of the use of handicapped parking areas.

SENATOR KEN MESAROS questioned Senator Jacobson on the type of identification that would be utilized for handicapping designation. **SENATOR JACOBSON** responded that the universal handicapped symbol would be used.

Closing by Sponsor:

SENATOR JACOBSON closed the hearing urging the Committee to support SB 295 and the amendments offered with the bill.

HEARING ON SB 300

Opening Statement by Sponsor:

SENATOR KEN MILLER, Senate District 11, Laurel, opened the hearing on SB 300, The Clean Campaign Act.

{Tape: 1; Side: B; Approx. Counter: 62.2}

SENATOR MILLER read MCA Part 3, Code of Fair Campaign Practices (**EXHIBIT 4**) noting SB 300 strengthens the Code. He also read a summary of SB 300 (**EXHIBIT 5**) delineating filing fees for complaints, a timeline for rendering a decision by the Commissioner's office, and the creation of a two-tier system of violations. **SENATOR MILLER** also presented amendments to the bill (**EXHIBIT 6**).

Proponents' Testimony:

REPRESENTATIVE BRAD MOLNAR, House District 22, Laurel, read from a brochure distributed in his district concerning his voting record and position, and he noted the factual errors and allegations contained in the literature.

REPRESENTATIVE ROSE FORBES, House District 42, Great Falls, presented a compilation of inaccurate information utilized against her during the November campaign (**EXHIBIT 7**).

Prior to "Closing by Sponsor", **SENATOR MILLER** asked that two persons who had just arrived be recorded as proponents: **Deborah Smith, Common Cause,** and **J.V. Bennett, MontPIRG.**

Opponents' Testimony:

Ed Argenbright, Commissioner of Political Practices, noted agreement with the intent of the legislation, but noted that free speech should not be hindered and that the current code was voluntary. He stated that with the limited staff in his office the two day requirement was unworkable.

Questions From Committee Members and Responses:

SENATOR PIPINICH commented on Representative Forbes' situation and regarding allegations made against him during his campaign and that he resisted taking action because he won the election anyway. **REPRESENTATIVE FORBES** agreed with Senator Pipinich but expressed her concern for future campaigns being involved in the same type of malicious activity.

SENATOR HARGROVE asked **Ed Argenbright** if SB 300 would deter unethical campaign practices. **Mr. Argenbright** noted the current political liable statute is a *criminal* statute. The standard of proof in the statute is very high, and no one has been convicted because of the word "knowingly" utilized as a basis for proving liability. **Mr. Argenbright** stated he visited with Senator Foster, who was developing language making it a *civil* penalty, allowing for prosecution of individuals engaging in these types of activities.

SENATOR JEFF WELDON asked Senator Miller about the oath for running for office, to which **SENATOR MILLER** replied it was not an *oath*, but a *statement* noting understanding of the law. **SENATOR WELDON** questioned the constitutionality of signing a statement outlining the policies of running a clean campaign.

SENATOR MIKE FOSTER asked how the legislation made *groups* accountable for the inappropriate and inaccurate information they were disseminating on legislative candidates. **SENATOR MILLER** responded that it depended on who has paid for the distribution of the information, be it an individual or a group.

SENATOR JEFF WELDON clarified his statement that he was offended at the concept of government requiring an individual to sign an oath to *run* for office.

SENATOR MACK COLE questioned the outcome of the 30 official complaints received by the Commissioner's office. **Ed Argenbright** responded no action was taken in any of the cases. **SENATOR COLE** re-questioned the outcome of the complaints. **Mr. Argenbright** responded some complaints were resolved and other political campaign materials were modified.

SENATOR MESAROS asked Ed Argenbright to describe the review process his office performs upon receipt of inflammatory campaign materials as described in previous testimony. **Mr. Argenbright**

responded the materials are reviewed, the issue is discussed with the individual making the complaint, and the option of a formal complaint is offered. Formal complaints are reviewed as quickly as possible by the investigator assigned to the complaints.

SENATOR MESAROS asked Ed Argenbright how long the review process would take in a case such as Representative Molnar described.

Mr. Argenbright said that even researching voting records (committee votes, third reading votes, etc.) is very complicated, and the investigator they use is skilled and goes through a complete and complicated review process.

SENATOR BROOKE asked Senator Miller for clarification regarding the process and timelines involved in signing the statement to run a clean campaign. **SENATOR MILLER** said if the statement was not signed by the deadline, it would be considered "questionable practice" and the civil penalty for that would be imposed.

SENATOR BROOKE asked for clarification of how the civil penalty would be imposed as it relates to the work that would be added to the Commission of Political Practices. **SENATOR MILLER** said he doesn't know the exact steps that would be involved, but he said it is done in other offices, i.e., the Commissioner of Insurance can impose a fine on a fraud case, for example.

SENATOR BROOKE asked what would happen if circumstances prevented a candidate from unintentionally missing the deadline for signing the form. **SENATOR MILLER** said the penalty would remain, but he believes the Commissioner would have some latitude, but he maintains that the candidate must take responsibility to ensure the form is completed and turned in.

{Tape: 2; Side: A; Approx. Counter: 32.5}

SENATOR BROOKE asked Senator Miller if an appeals process could be included in the legislation. **SENATOR MILLER** replied he, too, would like to see an appeals process included in the bill, especially a simple process allowing an individual to do it himself.

Closing by Sponsor:

As noted under "Proponents" **Deborah Smith, Common Cause, and J.V. Bennett, MontPIRG** stated their support for SB300.

SENATOR MILLER closed the hearing noting this legislation could deter individuals from engaging in inappropriate political campaign practices. He was also willing to amend the legislation on the statement of understanding.

HEARING ON SB 301

Opening Statement by Sponsor:

SENATOR MACK COLE, Senate District 4, Hysham, presented SB 301, a Constitutional Amendment, adding a new section to the Montana Constitution, article 11, new section 10. The new section deals with state unfunded mandates.

Proponents' Testimony:

Laurie Ekanger, Governor's Office, stated SB 301 was introduced on behalf of the Governor. Currently, 17 states have constitutional provisions, and SB 301 is modeled after legislation from the state of New Hampshire (EXHIBIT 8).

Gordon Morris, Director, Montana Association of Counties, expressed support for the bill.

Michael Keedy, Montana School Boards Association, noted his organization wanted to go on record in support of SB 301.

Bill Verwolf, City of Helena, offered general support for SB 301 and the direction of the legislation.

Jake Cummins, Montana Farm Bureau, stated the members of the Bureau are in strong support for this type of legislation and efficiencies and economy in government.

Mike Volesky, Montana Association of Conservation Districts, rose in support of SB 301.

Opponents' Testimony:

Don Judge, AFL-CIO, spoke in opposition to the legislation, expressing concern about the number of mandates to which this may apply and the consistency of application of laws across the state (EXHIBIT 9).

Questions from Committee Members and Responses: None.

Closing by Sponsor:

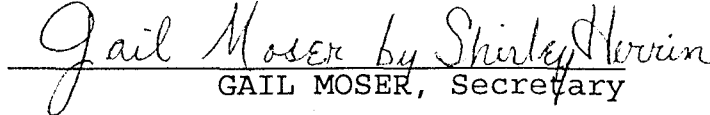
SENATOR COLE closed the hearing, thanking proponents and opponents for their testimony.

ADJOURNMENT

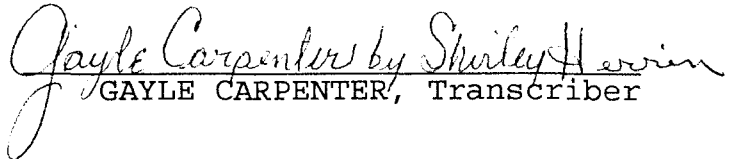
Adjournment: The meeting was adjourned at 12:00 p.m.



ETHEL M. HARDING, Chairman



GAIL MOSER, Secretary



GAYLE CARPENTER, Transcriber

EMH/gem/gc

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 02-09-95

BILL NO. SB295

Amendments to Senate Bill No. 295
First Reading Copy

Requested by Senator Jacobson

Prepared by Bart Campbell

February 8, 1995

1. Title, lines 4 through 7.

Strike: "CLARIFYING" on line 4 through "ACT" on line 7

Insert: "ESTABLISHING CRITERIA FOR THE ISSUANCE OF SPECIAL
PARKING PERMITS; LIMITING THE USE OF SPECIAL PARKING PLACES"

2. Title, lines 8 through 11.

Strike: "ALLOWING" on line 8 through "DISABILITY;" on line 11

3. Title, line 11.

Strike: "49-4-303,"

4. Page 1, lines 26 through 28.

Strike: second "licensed" on line 26 through "determination," on
line 28

5. Page 2, line 12.

Strike: "or licensed physical therapist"

6. Page 4, lines 4 through 19.

Strike: Section 3 in its entirety

Renumber: subsequent section

Thursday, February 9, 1995
Senate State Administration Committee
Room 331

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 02-09-95

BILL NO. SB 295

Senate Bill No. 295
Amending Section 49-4-301 et seq.MCA
Handicapped Parking Permit Eligibility

Senate Bill No. 295 would change the procedure used in Montana to determine when a person meets minimum disability standards to be eligible for a Handicapped Parking Permit. At present, an individual simply needs "a certificate from a licensed physician describing the extent of the applicant's disability", without any any criteria being presented to the physician to use in evaluating the extent of the person's disabling condition. The not-surprising result is that an excessive number of Handicapped Parking Permits have been issued, particularly in Butte-Silver Bow County. Much to the amazement of the Butte-Silver Bow ADA Advisory Committee, it was discovered that over 1,900 Handicapped Parking Permits have been issued (and are in effect) in Butte-Silver Bow. We do not have 1,900 parking spaces available in uptown Butte. While we do not have any figures for any other cities/counties in the state, it is likely that other communities have similar experience.

SB 295 is modeled after Handicapped Parking Permit Eligibility provisions which are in effect in the state of Washington. Section 49-4-301 (Eligibility

Provisions) would be amended to require that the physician make a number of specific physical disability determinations, which deal with the ability to walk a short distance; Section 49-4-302 (Privileges of Permitholder), would be amended to make it clear that the permit is only to be used when the person to whom the permit was issued is actually using the special parking space; and Section 49-4-305 (Expiration of permit) would be amended to reduce the permit period from 4 to 3 years.

While it is recognized that there will be some inconvenience in requiring renewal every 3 years instead of every 4 years for those persons who truly require special parking access, the feeling of the disabled members themselves was that a shorter permit period may help to cull some of the excess permits from the rolls.

We feel that the proposed amendments are a significant improvement over the existing Montana permit system, and will help to reduce the number of permits approved each year. Thank you.

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SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 02-09-95

BILL NO. SB295

WRITTEN TESTIMONY OF DAWN SLIVA OPPOSING SB 295
[Summarized during Oral Testimony]

My name is Dawn Sliva, and I am here today to oppose most of senate bill 295 and to suggest changes to be considered for the bill.

The proposed changes made in senate bill 295, while proposed with good intentions, do a serious harm and injustice to people like myself. I have a rare metabolic, blood disease, called Erythropoetic Protoporphia. I have suffered from this genetic disease since I was one year old. It is a very rare, relatively unknown disease. I was diagnosed when I was 1 and a half. My brother and I were the 5th and 6th people in the nation to be diagnosed. I have attached a copy of a pamphlet published by the American Porphyrria Foundation which outlines the general symptoms of my disease as well as other porphyrias. I have also attached a newsheet published by the Erythropoetic Protoporphyrria Research and Education Fund, which devotes all its research to my disease. I am a former research patient for this organization and a charter member.

By reading these descriptions, you will get an understanding of how serious these diseases and the impact they have on the lives of people with these diseases. My disease has been circled on the pamphlet for easy reference. My disease basically causes a severe allergic reaction to the ultraviolet rays of the sun. Anywhere

there is light, there is ultraviolet. I have a severe case of this kind of porphyria. Depending on the amount of ultraviolet present, I am limited to only being able to be exposed to sunlight ranging from 5 minutes to 10 minutes at the most before I begin to suffer a reaction to the sun. Unlike you, I feel pain from the moment I go outside. I feel the rays touching me, each one like a pinprick and a burning sensation, increasing over the time of the exposure, until the pain slowly becomes unbearable. Exposure to the rays causes me pain, a burning and itching sensation, and swelling and blisters appear after the exposure to the sun has stopped. I do not sunburn. I go right past it to second degree burns.

Blood flow to the exposed areas of my body slows considerably, making it impossible to take anything for the pain as the drug would collect in the exposed areas until normal blood flow resumes, which could cause an overdose.

Worse yet, the exposed areas become extremely sensitive to temperatures. I feel as though I am on fire. Even cold water feels hot. The itching and burning is unbearable and you have to try not to scratch off your skin. The only relief to the burning is to wait until the pain is unbearable, dip the areas in ice water and stand in front of a fan. It is the only way to feel some relief from the burning sensation. Then you wait to dip again until you can't stand the pain again. If you use the ice water too often, it begins to feel warm, and then you have no way left to ease the burning feeling.

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Everything feels hot. The heat from a nearby lightbulb is unbearable. The body heat of another person is unbearable if they are just standing nearby. My own body heat from the unexposed areas hurts the exposed areas. How long does it last? It depends on the length of time of the exposure, and how severely you have the disease. For me, an exposure over 15 minutes in the winter, 5-10 minutes in the summer, the symptoms have lasted anywhere from 24 hours to two days after. For more severe exposures, I have suffered these reactions anywhere from 2 days to in a few instances, over a month to heal enough to be able to stand five minutes in the sun again.

[Show committee clothing necessary to go outside in summer.]

Because of the nature of my illness, I have been certified as permanently disabled by the Montana Department of Social and Rehabilitative Services and have a handicapped license plate for my vehicle. Because of my disease, I basically grew up isolated at home, and was basically homebound. Through the Vocational Rehabilitation program, I was able to be rehabilitated, in other words, they provided me services so that I was able to get an education and a degree so that I would be able to live as independently as possible and not have to rely on public assistance or SSI for the rest of my life.

I have supported my self independently for the last 11 years with the degree I earned with the help of Vocational Rehabilitation. I

have even been able to buy a house, so that my daughter can play outside and I can watch her from inside behind the curtains. Now, all that has been jeopardized by these proposed amendments. Because of my inability to be out in the sun, I rely on my ability to use handicap parking spaces in order to be able to get to work and inside the building as quickly as possible, before I become burned by the sun. If I get burned, I am unable to work for one or two days.

I do not have the luxury of being able to spend the time trying to find a parking space like everyone else. In the summer, time becomes even more crucial. There are days when I can't even work anywhere near windows. The same goes for trips necessary for everyday living, like grocery shopping. I need to be able to park somewhere quickly, close to the building, so I can get inside quickly. My entire life revolves around trying to lead as normal a life as possible with such an extreme limitation on my mobility.

It may not seem much of a life to most of you, but compared with being isolated inside at home all the time, it is a much better alternative.

Quite frankly, a person in a wheelchair is better able to take the time to locate a parking space and roll the 200 feet limit stated in the bill than I am able to walk it. But because I don't fit the very limited list permitted by the bill, I am being excluded from parking in handicap spots.

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I rely on being able to use handicapped parking spaces in order to do anything. I would no longer qualify for handicap parking under the changes proposed by this bill. The "acceptable" disabilities listed in this bill are too strict. It does not allow for those of us with unusual disabilities and our need to be able to use the parking spaces. If I am unable to use the parking spaces, I lose virtually all of my mobility to lead an independent life. I would lose my job. I would be unable to go shopping for necessities in most stores and I would have to wake up my six year old daughter to go to the store after it got dark in the summer so we could buy food to eat. I would have to go on SSI, and public assistance and I would once again be homebound. I would lose my house, my dignity, and all the hard work that was put into making me independent and self-supporting over the last 11 years. I do not want to live on assistance. The money that the Vocational Rehabilitation Program spent on me would have been wasted, and more money would have to be spent to provide me with an independent living assistant to help take care of basics like grocery shopping. I would rather not have to live that way when it really isn't necessary.

I urge the committee to consider changes I have proposed which is attached to this testimony, which would allow for people like myself and others with unusual disabilities which seriously affect mobility to use the parking spaces, but at the same time, would allow the Department of Justice to monitor those who may not need long term access to handicap parking, and still eliminate those

people with disabilities which don't need the parking spaces from utilizing them needlessly.

I have included some suggested language changes to the bill that I believe would allow the Department of Justice to make decisions on who should be entitled to a handicap parking permit which would leave an opening for those of us with unusual disabilities that affect our mobility.

[Briefly discuss amendments outlined on attachment.]

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SUGGESTED AMENDMENTS TO SB 295

"AN ACT CLARIFYING THE DEPARTMENT OF JUSTICE'S DUTY TO REVIEW HANDICAP PARKING PERMIT REQUESTS AND TO ISSUE PERMITS IF WARRANTED; ALLOWING A PERSON DENIED A PERMIT BY THE DEPARTMENT OF JUSTICE TO USE THE CONTESTED CASE PROCEDURES OF THE MONTANA ADMINISTRATIVE PROCEDURE ACT; LIMITING THE TERM OF A HANDICAP PARKING PERMIT TO A MAXIMUM PERIOD OF 3 YEARS; ALLOWING LICENSED PHYSICAL THERAPISTS, REHABILITATION COUNSELORS, SOCIAL SERVICE PROFESSIONALS, AND HEALTH CARE PROFESSIONALS, IN ADDITION TO PHYSICIANS, TO ISSUE A CERTIFICATE DESCRIBING THE EXTENT OF AN APPLICANT'S DISABILITY; AND AMENDING SECTIONS 49-4-301, 49-4-302, 49-4-303, AND 49-4-305, MCA."

SECTION 1

My first suggestion for section 1, amending 49-4-301, MCA, would be to leave the language the way it already exists in the statutes. This way, individuals who have rare diseases or other permanent physical defects that affect their mobility and who are reliant on motor vehicles and handicap parking spaces in order to maintain an independent lifestyle will be able to do so.

Should the committee decide the current language is too broad, I suggest the following changes to section 1, as shown in caps, bold type and underline:

Section 1. Section 49-4-301, MCA, is amended to read:

"49-4-301. ~~Who eligible~~ **Eligibility** for special parking permit. (1)

The department of justice shall issue a special parking permit to a person who:

~~_____ (a) holds a valid Montana driver's license and owns a motor vehicle, other than a commercial vehicle, and has a permanent physical disability that impairs mobility when not in a motor vehicle;~~

~~_____ (b) regardless of whether the person holds a driver's license or owns a motor vehicle, has a permanent physical disability that impairs driving ability and impairs mobility when not in a motor vehicle to such an extent that the person needs to be driven by another person to a destination, or~~

~~_____ (c) has a temporary physical disability that impairs driving ability or mobility when not in a motor vehicle to such an extent that the person needs to be driven by another person to a destination.~~ **has a disability that limits or impairs the ability to walk and who, as determined by a licensed physician, licensed physical therapist, rehabilitation counselor, social service professional, or health care professional who can make the determination, meets one of the following criteria:**

- (a) cannot walk 200 feet without stopping to rest;
(b) is severely limited in ability to walk because of an arthritic, neurological, or orthopedic condition;
(c) is so severely disabled that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
(d) uses portable oxygen;
(e) is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than 1 liter per second or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
(f) has impairment because of cardiovascular disease or a cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association; or
(g) has a disability resulting from an acute sensitivity to automobile emissions that limits or impairs the ability to walk and that is documented by the licensed physician or licensed physical therapist as being comparable in severity to the other conditions listed in this subsection (1).
(h) HAS A DISEASE OR PHYSICAL DEFECT DOCUMENTED BY A LICENSED PHYSICIAN WHICH WOULD IMPAIR THE INDIVIDUAL'S MOBILITY TO SUCH AN EXTENT AS BEING COMPARABLE IN SEVERITY TO THE OTHER CONDITIONS LISTED IN THIS SUBSECTION (1).
- (2) A person who has a condition expected to improve within 6 months may be issued a temporary placard for a period not to exceed 6 months but may not be issued a special license plate under 61-3-332(10)(g). If the condition exists after 6 months, a new temporary placard must be issued for the time period prescribed by the applicant's physician, not to exceed 24 months, upon receipt of a new certification from the disabled person's physician that the conditions specified in subsection (1) continue to exist and are expected to continue for the time specified.
- (3) An applicant may not receive more than one permit."

Section 2

I have no suggested changes to section 2, amending 49-4-302, MCA. It seems reasonable to me.

Section 3

I suggest that section 3 be amended to allow for 3 separate types, or classes of permit. The types and duration of these permits would be as follows:

1. a permanent disability permit, for those individuals with a permanent disability that will never go away or heal, which the individual would have for the rest of his or her life. An example would be a person with amputated legs in a wheelchair.

Duration - Permanent It is unfair and needlessly expensive to make a person with a permanent nonchangeable disability

have to go through the trouble and financial cost of a doctor's bill to prove every 3 years he or she is still disabled. As in my example of the amputee, the legs are never going to grow back and it is an unnecessary expense and emotional embarrassment to make the amputee prove this. Another example would be someone with cerebral palsy. It is not something that is just going to go away. It is a permanent life affliction.

It would be reasonable to require the certificate to be signed by either two licensed physicians or a combination of a licensed physician, physical therapist, and/or the Vocational Rehabilitation Services Division of the Department of Social and Rehabilitation Services. A person may be able to convince one doctor to sign the certificate for a permanent disability when the person does not really qualify, but the odds of getting two to do so are greatly reduced.

2. a semi-permanent permit, for those individuals whose disability will last longer than 6 months, but is a condition that may improve or heal over time to the point the permit is no longer needed. For example, someone who was involved in an automobile accident who has limited mobility which will last longer than 6 months or a year, but who has the potential to heal and improve over time and with physical therapy to the point there is no longer a limitation in mobility which would require the need to use handicap parking places.

Duration - 3 years It seems reasonable to maintain the 3 year renewal for those individuals with a nonpermanent disability which may last in duration longer than 6 months, but has the real potential of healing over time. The language amendments proposed to section 3 of the bill would serve as a good basis for the language for a semi-permanent permit.

3. a temporary permit, which would meet the same requirements as already proposed in this bill.

Duration - 6 months The language would not change as proposed in sections 1 and 4 of this bill, and would not require any changes to any sections of this bill as proposed.

I strongly urge and suggest that the committee amend section 3 of this bill so that 49-4-303, MCA would outline the same instructions for applying for both a permanent and a semi-permanent permit for basic instructions on how to apply and where to obtain applications, and how to contest a decision on a permit. Then, 49-4-303, MCA should be amended to outline the

different specifications, duration and certification requirements necessary to qualify for a permanent permit, and then contain a section outlining the specifications, duration and certification requirements necessary to qualify for the semi-permanent permit. I suggest the following language changes, with my new material inserted in caps, bold type and underlining:

Section 3. Section 49-4-303, MCA, is amended to read:

"49-4-303. Applications for permit. (1) Applications for a special parking permit, **EITHER PERMANENT OR SEMI-PERMANENT**, may be made to the department of justice on forms provided by the department, which The forms must require sufficient information to allow the department to determine eligibility for a **PERMANENT OR SEMI-PERMANENT** permit.

(2) APPLICATIONS MUST BE AVAILABLE AT THE OFFICE OF THE COUNTY TREASURER IN EACH COUNTY AND DIRECTLY FROM THE DEPARTMENT.

(3) THE DEPARTMENT SHALL REVIEW EACH APPLICATION AND MAKE A DETERMINATION WHETHER A PERMIT SHOULD BE ISSUED. AN APPLICANT DENIED A PERMIT MAY REQUEST A HEARING WITH THE DEPARTMENT AND MAY PROCEED UNDER THE CONTESTED CASE PROVISIONS OF THE MONTANA ADMINISTRATIVE PROCEDURE ACT.

(4) The application FOR A SEMI-PERMANENT PERMIT must require the applicant to describe the nature and extent of the applicant's handicap and the reason that the applicant is seeking a permit and must be accompanied by:

(a) a certificate from a licensed physician, licensed physical therapist, rehabilitation counselor, social service professional, or health care professional, describing the extent of the applicant's disability, including an opinion as to the necessity of issuing the applicant a permit; and

(b) a fee of \$1.

~~**(2) Applications shall must be available at the office of the county treasurer in each county and directly from the department.**~~

~~**(3) The department shall review each application and make a determination whether a permit should be issued. An applicant denied a permit may request a hearing with the department and may proceed under the contested case provisions of the Montana Administrative Procedure Act.**~~

(4C) A SEMI-PERMANENT permit may not be issued for a period longer than 3 years.

(5) THE APPLICATION FOR A PERMANENT PERMIT MUST REQUIRE THE APPLICANT TO DESCRIBE THE NATURE AND EXTENT OF THE APPLICANT'S HANDICAP AND THE REASON THAT THE APPLICANT IS SEEKING A PERMIT AND MUST BE ACCOMPANIED BY:

(A) A CERTIFICATE FROM A LICENSED PHYSICIAN AND ALSO SIGNED BY A LICENSED PHYSICAL THERAPIST, REHABILITATION COUNSELOR, SOCIAL SERVICE PROFESSIONAL, OR HEALTH CARE PROFESSIONAL, DESCRIBING THE EXTENT OF THE APPLICANT'S DISABILITY, INCLUDING AN OPINION AS TO THE NECESSITY OF ISSUING THE APPLICANT A PERMANENT PERMIT; AND

(B) A FEE OF \$1.

(C) A PERMANENT PERMIT ISSUED UNDER THIS SECTION IS NOT LIMITED IN DURATION AND IS GOOD FOR THE LIFE OF THE

PERMITTEE."

Section 4

I have only minor suggested changes to section 4 of this bill which amends 49-4-305, MCA. The first change is to specify in subsection(1) that the expiration of permit only applies to the semi-permanent and temporary permits. The permanent permit would be effective for the life of the permittee.

The second change I suggest is to add a clause to state that an individual who has obtained a distinguishing license plate, i.e. the handicap license plate, and obtained it prior to October, 1993, and who would qualify as a permanently disabled person and entitled to a permanent permit, may obtain a hanging permit for their vehicle as well by paying the fee of \$1, and based on their original certification filed prior to October, 1993. As a disabled person, I have found it a distinct disadvantage not to have the hanging permit as well as the license plate for times when my own vehicle was in for repairs for a length of time and I had to use a loaner car.

I propose the following changes to this section, again, in caps, bold type and underlined:

Section 4. Section 49-4-305, MCA, is amended to read:

"49-4-305. Expiration of permit. (1) Except as provided in subsection (2), a SEMI-PERMANENT OR TEMPORARY permit expires on the occurrence of either of the following:

(a) 4 3 years from the date of issuance, unless the permit was issued to a person who has a condition expected to improve within 6 months. A permittee person may renew a permit if a licensed physician certifies that the permittee's disability impairing mobility the person's mobility disability still exists and that one of the criteria specified in 49-4-301 continues to be met.

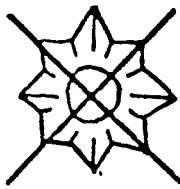
(b) certification by a physician that the permittee's disability impairing mobility person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met.

(2) A permit issued before October 1, 1993, expires on:

(a) the death of the permittee; or

(b) certification by a physician that the permittee's disability impairing mobility person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met."

(3) AN INDIVIDUAL WHO QUALIFIES UNDER SUBSECTION (2) WHO HAS THE DISTINGUISHING HANDICAP LICENSE PLATE MAY APPLY FOR AND OBTAIN A HANGING WINDOW PERMIT BY PAYING THE FEE OF \$1.00 ON THE BASIS OF THE CERTIFICATION SUBMITTED PRIOR TO OCTOBER, 1993.



EPPREF NEWS

ERYTHROPOIETIC PROTOPORPHYRIA RESEARCH AND EDUCATION FUND
CHANNING LABORATORY, 180 LONGWOOD AVENUE, BOSTON, MA 02115
(617) 432-2249
ISSUE #14

Happy 1991, everyone! Exciting new discoveries in the genetics of EPP are being made, but all is too premature to talk about at this time - so be sure to keep in touch with EPPREF and also with the American Porphyria Foundation to stay informed about the latest breakthroughs - be sure to keep us informed of your correct address.

COPING TIPS

A special event in this year's issue is the article by Guy Byars, an EPPREF member on his research on protective films and sunscreens. We have mentioned in the past the Scotchtint films - Guy has found an additional brand which works well also. He does a fine job of giving the scientific background behind light sensitivity protection by films and sunscreens - we think you will find his article valuable.

The melanin microsponge sunscreen we mentioned last year is entering "Phase III" trials - still not FDA approved, but getting there. We'll let you know when and if it gets approved.

A member found that the long-sleeved "super T" shirts from Land's End give good sun protection - and they are fashionable. Also home sewers could work with two layers of lighter fabrics. The current trend in wide- and 'dropped shoulder shirts and wide, long skirts and pants allows for fashionable light-protective clothes designs.

A reader asked if we had a simple description of EPP that people could use to give information about EPP to physicians, employers, etc.. The APF does have such a brochure on EPP - write to them at PO Box 11163, Montgomery, AL 36111 for a copy.

NEWS ABOUT MEMBERS

Prof. Robert James Waller teaches at the University of Northern Iowa, and has written many articles for both professional and lay publications, as well as two novels. He is a serious photographer and has had many of his pictures published. He played varsity basketball in college, as well as in high school - a good sport for light-sensitive people! He also has been a professional/semi-professional musician for 24 years, playing fulte and guitar as well as doing vocals and compositions. EPP has not stopped him from being a world traveler - he wears long sleeves and trousers, big hats and "mitts" when needed.

We like to hear from members, who show us how they manage to lead full lives in spite of having EPP, so keep these stories coming. EPP kids should take heart and realize that there are sports and many interesting activities that they can do in spite of having EPP.

NEWS FROM THE NETHERLANDS

Another lifesign from the Society of EPP Patients in the Netherlands.

An international medical conference was held in March, 1990 in Utrecht, a town in the middle of Holland. Several lectures were given on EPP, and many specialists from several countries attended the congress.

The Society of EPP Patients was the only patients' organization with a folder and information stand at the meeting. Lots of specialists asked for folders to take home. The Society aims to reach EPP patients from other countries through these specialists.

A lot of EPP patients in Holland have been offered the possibility of obtaining sunshades for the windows of their houses, this was financed by their own local county council. The Society, through giving sound information about EPP has achieved that local county councils were quicker in giving grants to EPP patients. Sometimes insurance companies have charged patients who suffer from EPP higher rates than non-sufferers. The scientific advisory committee of our society has in such cases been able to successfully reverse these decisions on several occasions.

Our last general meeting was again a great success: 90 persons attended. Not only EPP patients but also relatives and spouses. Dr. Elizabeth Rufener from Switzerland was present for the occasion. In May, 1990, she became a doctor of psychology, and for her graduation she wrote the book "Schattenspringen" which translated means "to jump from shade to shade". Dr. Rufener is an EPP patient herself.

In Switzerland, plans are made to start an EPP society too. It will be a small organization because there are only 13 EPP-patients registered in that country.

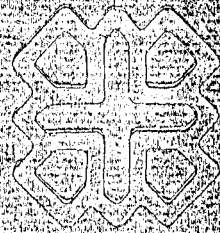
This is the contribution from the Netherlands; we hope to hear from you.

Hanneke Albertz-van der Lugt
Thorbeckestraat 72
2313 HG Leiden
The Netherlands

The Netherlands, January, 1991

Editor's note: The Netherlands group is always happy to have pen-pals from the US. Write to Mrs. van der Lugt and she will get you and someone from their group (who is fluent in English) together.

They are really doing fine work for their members. There are many more EPP patients in Holland than in the US, and they have the advantage of living much closer together. Also, their system of government and medical care allows them to get more financial assistance for items such as protective films, as their letter mentioned. However, those of you who have installed the films in cars or in your home should check with the IRS to see if these could be deducted from your taxes as medical devices, if you itemize deductions on your federal taxes.



**AMERICAN
 PORPHYRIA
 FOUNDATION**

P.O. Box 11163
 Montgomery, Alabama 36111

**ACUTE INTERMITTENT PORPHYRIA,
 VARIATE PORPHYRIA AND
 HEREDITARY COPROPORPHYRIA**

Harmful drugs: The following is a partial list of drugs that must be avoided and are potentially dangerous.

1. Barbiturates (phenobarbital, amital, pentothal)
2. Sulfonamides (Gantrisin, Gantanol, etc.)
3. Other tranquilizers and sedatives (meprobamate, Miltown, Doriden, Quaalude, etc.)
4. Griseofulvin
5. Anti-epilepsy drugs (Dilantin, etc.)
6. Birth control pills
7. Alcohol

Safe drugs: The following is a partial list of drugs that are believed safe.

1. Narcotic analgesics (morphine, meperidine, codeine, etc.)
2. Aspirin
3. Phenothiazines (thorazine, etc.)
4. Penicillin
5. Chloral hydrate in small doses

Recommendations about drugs for these porphyrias are based on experience with the porphyria patients in whom attacks have been caused by drugs and by tests in animals that have experienced porphyria. Since most commonly used drugs have not been tested in man, they should be avoided if at all possible. If a question of drug safety arises, a physician or medical specialist in porphyria should be consulted. A letter requesting these instructions may be procured from this foundation.

YOUR HELP IS NEEDED

Patients interested in advancing awareness and treatment of porphyria may become a member of the American Porphyria Foundation. The suggested membership dues are \$15.00 a year. Any contributions of your financial resources and your time would be greatly appreciated.

Contributions of dues may be sent to:
American Porphyria Foundation
 P.O. Box 11163
 Montgomery, Alabama 36111

Dues \$ _____ Donations \$ _____

Please make checks payable to the American Porphyria Foundation.

PRECAUTIONARY MEASURES: Protection from direct sunlight is extremely important. Since some patients with this disorder develop a liver disease which can be severe, it is best to avoid alcohol.

TREATMENT: The sun sensitivity can be treated with the administration of Beta Carotene. Some patients require this treatment only during exposure to high intensity sunlight.

PORPHYRIA CUTANEA TARD

SYMPTOMS: Exposed skin shows abnormalities similar to those found in variegata porphyria, which range from slight fragility of the skin to persistent scarring and disfiguration. Fragility of the skin with minor trauma, such as bumps, induces blister formation. Areas of increased and decreased pigment content may be noted on the skin. It is also characterized by blistering of light exposed skin, and increased hair growth, especially on the face. Liver disease often caused by chronic alcoholism may be present.

PRECAUTIONARY MEASURES: Some women experience difficulty from the use of birth control pills. It is important to have protection from the sun and to treat minor trauma. Refraining from alcohol is also particularly important.

TREATMENT: Phlebotomies with the removal of a few units of blood can bring about a remission which can be sustained by administration of small doses of chloroquine.

CONGENITAL ERYTHRODONTIC PORPHYRIA

SYMPTOMS: This is a very rare disease with approximately 150 patients reported in the world. It is characterized shortly after birth with dark urine and sunlight sensitivity causing blistering and skin fragility. Later, brownish fluorescent teeth, increased hair growth, and pronounced scarring may occur. In some cases, loss of digits or carpal bone from cars or nose may be noted.

PRECAUTIONARY MEASURES: Protection from the sun is of utmost importance.

TREATMENT: Removal of the spleen, can sometimes decrease the need for blood transfusions given for the hemolytic anemia, a condition which may occur with this type of porphyria. Beta carotene is occasionally helpful in improving sunlight tolerance.

ACUTE INTERMITTENT PORPHYRIA
SYMPTOMS: Abscesses, blisters, and erosions of the skin commonly seen during the second and third decade. These lesions tend to heal slowly often leaving pigmented slightly depressed scars. The patients experience sensitivity to light and fragility of the sun exposed skin. Although many patients' manifestations remain limited to the skin, it is also similar to those of acute porphyria are not uncommon. Therefore, the symptoms, drug list, precautionary measures, and treatment described for acute intermittent are applicable to variegata porphyria.

PRECAUTIONARY MEASURES: Protection from the intense sunlight is recommended to lessen the skin eruptions. Other measures are the same as those for acute intermittent porphyria.

TREATMENT: Avoidance of intense light exposure is important. Additional treatment is the same as that described for acute intermittent porphyria.

HEREDITARY COPROPORPHYRIA

SYMPTOMS: The large amount of coproporphyrin present makes the patient sensitive to sunlight, but skin disease is rarely severe in this type of porphyria. Clinically it resembles variegata porphyria except that a larger percentage of affected individuals exhibit few symptoms. Other symptoms are similar to those listed for acute intermittent porphyria.

PRECAUTIONARY MEASURES: All measures listed for acute intermittent porphyria are applicable to this type. In addition, protection from intense sunlight is recommended.

TREATMENT: The treatment advised is the same as that for acute intermittent porphyria. Intense sunlight should be avoided.

PROTOPORPHYRIA

SYMPTOMS: This disease can have mild to severe light sensitivity and burning on exposure to the sun. Swelling, itching, erythema, and lesions on the skin may appear during or immediately after exposure to the sunlight. Usually, they subside in 12 to 24 hours and heal without significant scarring or discoloration of the skin. Occasionally, the skin lesions may progress to a chronic state persisting for weeks and healing with a superficial scar. These manifestations generally begin during childhood. They are more severe in the summer and recur throughout life. Affected skin, at times, exhibits the fragility or blister formation seen in other photosensitizing types of porphyria. Hepatobiliary disease may appear, which can give rise to significant liver damage.

Fascinating and unique are accurate descriptions of porphyria, a rare, hereditary disease. Strangely enough, the American Revolution and porphyria are interrelated. Historically, King George III, British monarch during the revolution, is portrayed as a victim of one form of this disease. He not only suffered bouts of agonizing abdominal pain and intense paralysis, but also experienced periods of mania. Whereby he received his nickname, "Mad King George". A strange manifestation George exhibited is that his urine was the color of port wine. This unique clue typical in many porphyria patients further convinced 20th Century investigators of this diagnosis. Because of this deteriorated physical and mental state due to porphyria attacks, King George dealt with American emissaries irritably and made repeated unwise decisions concerning the colonies. Thus, his erratic behavior gave our founders a major advantage over an otherwise more powerful nation, and our independence was won.

QUESTIONS COMMONLY ASKED BY PORPHYRIA PATIENTS

WHAT IS PORPHYRIA?

Porphyria is not one but at least six types of rare and complex metabolic disorders. It is almost impossible to generalize any description of porphyria as the different types vary in their clinical presentation. Basically, the clinical problems group themselves into disorders of the nervous system or the skin. Sometimes these symptoms are so ill-defined that proper diagnosis is delayed. It is very important that the type of porphyria which you have is specifically characterized. This allows your doctor or specialist to discuss particular difficulties that may arise concerning your treatment and prognosis. The term porphyria is derived from the Greek word "porphyrus" meaning purple. It is appropriately named, because the urine of some patients is a purple-red color or change to that color when exposed to the light.

HOW DID I GET PORPHYRIA?

The porphyrias are most often inherited disorders. That is, the basic problem exists in the genetic material of the cell. The genetic abnormality leads to a deficient quantity of a specific protein. In the porphyrias, there is a unique protein deficiency called an enzyme deficiency in each type of the disease. These enzymes are involved in the synthesis of heme. It is very likely that the gene or genes responsible for this deficiency were inherited from one of your parents. Virtually all cases of porphyria are inherited as dominant conditions with parent to child transmission as the rule. Only affected individuals can pass the trait to their offspring. In rare instances, we are unable to document that a person received the abnormal gene from either parent, nor can we demonstrate any abnormalities in brothers or sisters. This often leads to a feeling that the gene abnormality began in the first recognized case and is viewed by physicians as a "new mutation".

WHAT CAN I DO TO TREAT THE DISEASE?

Each form of porphyria should be treated separately. In-depth details must be handled by your physician or a porphyria specialist. A most important point, however, is that a major means of treating any of the porphyrias is through education of those who carry the genetic trait, so that specific factors are avoided that may cause an initial manifestation of the disorder or make a recognized clinical problem worse. In essence, education and avoidance are major therapies. The basic defect cannot presently be treated but significant effort is being directed toward treating the underlying mechanisms that cause symptoms.

Unfortunately, because each patient may experience varied symptoms, and because there is still much about porphyria that is not understood, the American Porphyria Foundation can present general information which may not apply in every case. Therefore, it is important that the patient seek the advice of a specialist. If additional consultation is needed, the foundation has a list of physicians and laboratories with experience in porphyria.

IS THE DISEASE LETHAL?

A risk does exist for the porphyrias that involve the nervous system, (acute intermittent porphyria, hereditary coproporphria, variegate porphyria). Unlike some genetic diseases in which all individuals who inherit an abnormal gene become ill, the severity of porphyria varies considerably. Such variability is due to certain "additional factors" other than the gene itself. Consequently, risks of severe medical difficulties or death are often diminished when affected individuals are well informed of their diagnosis and adopt suggested precautionary measures.

WHAT IS LATENT ACUTE PORPHYRIA?

The term "acute" pertains to those porphyrias that involve the nervous system. "Latent" refers to individuals who have the genetic defect but have not exhibited symptoms. It should be stressed that when a patient is diagnosed as having any of these acute porphyrias, family studies should be performed so that latent porphyria can be identified in unsuspecting family members. Hence, these individuals should be cautious to avoid all agents that are known to possibly cause an attack.

CAN I GO OUT IN THE SUN?

Sun sensitivity may occur in all forms of porphyria except in acute intermittent porphyria which exhibits no reaction to the sun. With the photosensitizing types, the degree of sun sensitivity will vary from zero to marked depending on the activity of the porphyria. In some cases the reactions are severe while in others the skin involved may not present an obvious correlation to the sun. The extent to which you are sun sensitive can be predicted from laboratory tests which your physician can obtain.

ARE MY CHILDREN ALWAYS AFFECTED?

We know that inheritance occurs from parent to child and only those people with the abnormal gene may pass it to their children. These dominant conditions typically carry

a 50/50 risk of recurrence with each pregnancy regardless of whether the mother or father is affected.

WILL I BECOME MENTALLY ILL AS A RESULT OF PORPHYRIA?

In persons having acute attacks, mental abnormalities may occur, but these disappear as the attack subsides. There is no evidence for chronic or late-appearing mental disability from porphyria.

WHAT DO I DO IF I BECOME PREGNANT?

You should make sure that your surgeon and anesthesiologist consult with a porphyria expert prior to your hospitalization. After this consultation, you should have no real difficulty with surgery provided certain precautions are taken with your anesthetic and general care. The same holds true for the "acute" types of porphyria during pregnancy including consultation with physicians with experience in this disease by your obstetrician and anesthesiologist. In some cases, the porphyria has become worse with pregnancy. In any event, this unpredictable and dangerous situation during pregnancy is possible.

IS RESEARCH BEING DONE?

Yes. The porphyrias are rare diseases, but their impact on basic biochemistry and genetics is very great. Investigators in a variety of medical specialties are interested in the biochemistry and clinical problems of porphyria. As in all research fields, there is room for more investigators and more research projects that will hopefully produce new information and clinical breakthroughs.

WHERE CAN I GET MORE INFORMATION?

The American Porphyria Foundation, a non-profit agency wishes to serve the porphyria patient and physicians by providing an information source and exchange. The address is American Porphyria Foundation, P.O. Box 11163, Montgomery, Alabama 36111.

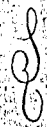
HOW CAN I BECOME A MEMBER?

Other persons interested in advancing awareness and treatment of porphyria may become members of the American Porphyria Foundation. The suggested membership dues are \$15.00 a year.

HOW CAN I HELP?

The activities of the American Porphyria Foundation are supported by volunteers, donations and membership dues. Contributions of your finances and your time would further enable us to:
Provide financial support for researchers in porphyria.
Distribute educational material and organize educational programs for family physicians to improve the diagnosis and treatment of porphyria.
Increase public knowledge, awareness and support of porphyria.
Locate other porphyria patients and establish a support group network.

Distribute a newsletter relating new developments in porphyria and other articles that may be of interest to the porphyria patient.



The following is a list of symptoms, precautionary measures, and treatment for each specific type of porphyria.

ACUTE INTERMITTENT PORPHYRIA

SYMPTOMS: Abdominal pain is the most common complaint. In addition, some of the following symptoms occur with varying frequency: pain in the arms and legs; general weakness, vomiting, constipation, confusion, irritability, psychosis, and hallucinations. The muscle weakness may progress to respiratory paralysis necessitating artificial respiration. The heart rate is often fast, and blood pressure may fluctuate. Seizures are sometimes encountered as is a peculiar disturbance of the water and electrolyte metabolism. Porphobilinogen is elevated during the attack but may be high in some patients at all times. Urine may exhibit a purple-red color. Unlike other forms of porphyria, sun sensitivity is not a factor in this type.

PRECAUTIONARY MEASURES: The avoidance of certain substances and drugs is necessary. It is best to avoid any drug unless it is clearly known to be safe for porphyria with an inducible porphyria. The included drug list should provide a partial reference for you and your physician. Prescription of oral contraceptives is controversial in patients who tolerate the pills and improve in their condition while others suffer an attack. Fasting, infections, stress are also factors which may incite an attack. Persons with the genetic trait should also avoid the ingestion of alcohol. Wearing a Medic-Alert bracelet or something similar is highly recommended. (The Foundation has information on procuring the bracelets)

TREATMENT: Patients with an acute attack should seek medical attention at once. Metabolic care is necessary. The administration of a high carbohydrate diet in amount approaching 400 grams per day brings relief in many instances. Sometimes, however, it is necessary to infuse glucose into the vein. For consistent management, a diet of adequate carbohydrate intake is advised. Unless an attack relents within a few days, treatment with hemodialysis may be considered. This form of treatment is still classified as investigational and is reserved for patients with acute attacks.

Part 3
Code of Fair Campaign Practices

13-35-301. Adoption of code of fair campaign practices. The following code of fair campaign practices is adopted by Montana:

"There are basic principles of decency, honesty, and fair play that every candidate for public office in the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on my opposition or his personal or family life.

I will not use campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I have pledged not to use or condone."

History: En. Sec. 1, Ch. 475, L. 1979.

13-35-301. Candidate

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 02-09-95

BILL NO. SB 300

Summary of SB 300

SB 300 is a clean campaign practice reform measure. This piece of legislation revises the method of filing a complaint, the process by which complaints are reviewed, and imposes some fairly severe civil penalties upon determination of a violation of the campaign ethics code.

First, the bill imposes a \$100 filing fee for complaints. This fee is designed to reduce the number of frivolous or trivial complaints that normally might be filed with the Commissioner of Political Practices Office. This fee is refundable to the filing party upon the determination of the Commissioner that the complaint is indeed valid. Second, the bill provides for a 2 calendar day deadline for rendering a decision by the Commissioner's office. The bill also requires candidates to sign and abide by the code of campaign ethics that is currently a voluntary document.

The bill creates a two-tiered system of violations. A "questionable practice" is punishable by a \$500 fine, a public retraction, and discontinuance of the literature in question for the first offense, and a \$1000 dollar fine for each succeeding offense. The second level is a knowingly false or misleading category. This category is a \$5000 fine for the first offense, and \$5000 and removed from the election ballot. None of these fines can be paid from campaign contributions.

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 02-09-95

BILL NO. SB300

Proposed Amendments to SB 300
Senator Ken Miller

Page 1, Line 20

Following "shall" - Insert "upon initial review of the complaint,"

Page 1, Line 20

Following "is" - strike "stated" and insert "found"

Page 2, Line 20

Following "statements" - strike through "literature"

COPY

SENATE STATE ADMIN.

EXHIBIT NO. 7

DATE 02-09-95

BILL NO. SB3 ~~80~~

Rose Forbes
707 45th Street North
Great Falls, MT 59401
(O) 761-4141
(H) 761-8022

November 1, 1994

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Mr. Ed Argenbright
Commissioner of Political Practices
1205 8th Avenue
P.O. Box 202401
Helena, MT 59620-2401

RE: Complaint against Jeff Lynch, Candidate for House District 42
and Friends of Jeff Lynch

Dear Mr. Argenbright:

I wish to make the following complaint against Jeff Lynch,
Candidate for House District 42, and his campaign organization,
Friends of Jeff Lynch.

The complaint centers on a flyer distributed on or about November
1, 1994, in Great Falls, Montana. A true and correct copy of the
flyer is attached as Exhibit 1.

The following material errors and misrepresentations are included
in the flyer:

(1) The outside of the flyer states: "In 1994, Rose Forbes
didn't pay her taxes until she was served with a warrant by the
[Cascade] County Sheriff's Department." The flyer cites a
Cascade County Treasurer's Office warrant, No. 942114.

The statement is false and misleading for the following reasons:

i) The warrant in question was served upon Kranz Flowers &
Gifts, a corporation organized under the laws of Montana, and not
Rose Forbes. Rose Forbes is not named in the warrant. At no
time was Rose Forbes delinquent on payment of property taxes
which she owed Cascade County.

ii) Rose Forbes is secretary of the corporation, Kranz
Flowers and Gifts, but neither the county's claim nor the warrant
seek imposition of any penalties on Rose Forbes in her individual
capacity.

Mr. Ed Argenbright
November 1, 1994
Page 2

iii) Contrary to the implication contained in the flyer, Kranz had paid its taxes for 1994, or which it had understood were the taxes owed. Jeff Forbes, brother of Doug Forbes, president of Kranz, went to the Cascade County Treasurer's Office in May 1994 to determine the amount of taxes owed by the corporation to Cascade County. At that time, Jeff Forbes was advised that the business owed approximately \$11,900, which amount was paid directly to the treasurer prior to the due date.

At a later time, the County determined the company was liable for an additional \$491 in taxes. However, it was not until the warrant was served that the company had any knowledge that additional sums were owed. Upon receipt of the warrant, the amount was paid.

These facts are critical to this complaint for two reasons. First, to the extent the flyer implies that Rose Forbes or any person or business with which she was affiliated was deliberately refusing to pay taxes, the flyer is promoting a false and misleading version of what actually happened. Second, and more importantly, these facts have been the subject of one news article in the Great Falls Tribune, Saturday, October 22, 1994 (Exhibit 2) and an editorial page endorsement of Rose Forbes on Wednesday, October 26 (Exhibit 3). The flyer was apparently distributed after those dates, without critical information explaining the circumstances behind issuance of the warrant.

In summary, both Mr. Lynch and his campaign organization have made false and misleading statements to the general public, despite being in a position to know or having reason to know the statements were either false or materially misleading, or both.

(2) The inside of the flyer states that "Rose Forbes failed to pay an employee her legal wages until ordered to do so by the MT [Montana] Department of Labor." The source is a document from a Cascade County District Court file.

The statement is false and misleading for the following reasons:


(i) The judgment in question is against Kranz Flowers and Gifts, Inc., a corporation. Ms. Forbes is not named in the original complaint or the judgment, and was and is in no way personally liable for the amount claimed in the judgment.

(ii) The statement fails to report that the judgment was the ultimate outcome of a contested proceeding, involving hearings before the Montana Department of Labor and Industry, and the Board of Labor Appeals. By the time the district court action

Mr. Ed Argenbright
November 1, 1994
Page 3 -

was filed, the company did not contest the case further. The flyer is misleading insofar as it fails to emphasize that the company exercised its rights under the laws of Montana to contest a wage claim it felt was unjustified.

In summary, both Mr. Lynch and his campaign organization have made statements which are false and misleading, in what I believe are violations of Montana law. I respectfully request that your office investigate these charges as soon as possible and issue an appropriate decision or recommendation.

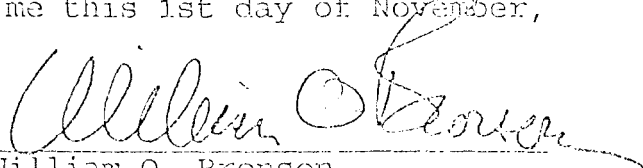
Respectfully,

Rose Forbes
707 45th Street North
Great Falls, MT 59401

VERIFICATION

I, Rose Forbes, hereby verify pursuant to ARM 44.10.307(2), that the statements contained in this complaint are true and correct to the best of my knowledge and belief; further, I verify that the enclosed exhibits are true and correct copies of the originals received or obtained by me.


Rose Forbes

Subscribed and sworn to before me this 1st day of November, 1994.


William O. Bronson
Notary Public for the State of Montana, residing at Great Falls, Montana.
My commission expires: July 26, 1996

(SEAL)

GENERAL BILLS NO. 594003-3643
MAY 1993
SENATE

1993

RECEIVED
MAY 1993
STATE OF MONTANA

P.O. Box 2094
Great Falls, MT 59403

"I get bitten by the same tax bite as you"

-Rose Forbes' campaign literature, 1994

CASCADE COUNTY, A BODY POLITICAL
 WARRANT OF SEIZURE AND SALE TO SHERIFF

WHEREAS, the undersigned, Sheriff of Cascade County, Montana, do hereby certify that the following property is owned by the above named person and is subject to a tax lien in favor of the State of Montana:

NOW YOU, SAID SHERIFF, ARE HEREBY DIRECTED, in pursuance to the provisions of Chapter 10, Title 10, MCA, to levy upon the said property and to sell the same to satisfy the said tax lien and to apply the proceeds of the sale to the payment of the said tax lien and to the payment of the costs of the sale and to the payment of the costs of the execution of this warrant.

WITNESSED MY HAND AND SEAL OF OFFICE, this 1st day of May, 1993.

Rose Forbes
 SHERIFF OF CASCADE COUNTY, MONTANA

STATE OF MONTANA
 DEPARTMENT OF REVENUE
 GREAT FALLS, MONTANA 59403
 ADDITIONAL INTEREST WILL BE ACCRUING ON DELINQUENTS.

Really?

In 1994, Rose Forbes didn't pay her taxes until she was served with a warrant by the County Sheriff's Department.

(Source: Warrant 1993114, Cascade County Treasurer's Office)

"Owning a small business takes sound money management."

-Rose Forbes' campaign literature, 1994

Really?

Rose Forbes failed to pay an employee her legal wages until ordered to do so by the MT Department of Labor.
(See Cascade County District Court File #BDV 93-1029)

Employee Name	Employer Name	Wage Rate	Hours Worked	Total Wages	Amount Due
[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]
[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]
[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]
[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]	[Handwritten]

Rose Forbes says one thing when she's running for office, but her record says another.

Use your vote to tell Rose Forbes that politicians should "practice what they preach".

Vote NO to Rose Forbes.

Lobbying group questioning

By PETER JOHNSON
Tribune Staff Writer

A political lobbying group has questioned legislative candidate Rose Forbes' business know-how, saying she did not pay personal business property taxes of \$491 until a month ago when Cascade County threatened to seize her property.

But Forbes, the Republican candidate in House District 42, said the delinquent taxes were caused by a misunderstanding with the county treasurer's office.

She also said Republicans consider the group that raised the issue, MontCEL, "a special-interest group

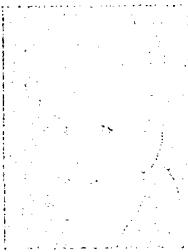
for Democrats."

Forbes said she and her husband

and business partner, Doug Forbes, went to the county treasurer's office May 13 with tax bills for various land parcels that make up their business, Kranz Flowers. They asked to pay all

of this year's taxes, then paid the figure the clerk produced. They have a canceled check for \$11,806.

The deadline to pay was May 30.



Forbes

Forbes said she and her husband were stunned when a sheriff's officer served a warrant in mid-September demanding payment of \$491 in back taxes, or their property would be seized. They immediately went back to the county, asked that the records be combined and again paid the charge, she said.

Forbes questioned whether the Democratic-controlled courthouse selectively enforced her mistakenly delinquent taxes because she is a Republican candidate.

Cascade County Treasurer Dick Micheloni denied picking on Forbes. He said the county must start seizure proceedings within 30 days

Saturday, October 22, 1994

Forbes' business acumen

after taxes are overdue on personal business property, such as equipment and furnishings.

The big check the Forbes paid in May covered their business's real property, including land and buildings, he said. But they also were sent bills on their personal property in May, and those became overdue in July. They were among 150 to 200 business owners mailed delinquent notices in early August.

Doug Forbes said he assumed that letter was in error, since they thought they'd taken care of all the taxes in May.

"There was confusion on both sides of the coin," he said. "It's not

Kranz' fault only. We asked in good faith to pay all our taxes on May 13."

Doug Forbes also said if anyone is at fault, it's him, because he handles the business' finances while Rose Forbes handles purchasing, advertising and employee supervision.

Jeff Fox, executive director of MontCEL, said he looked into Forbes' public business records after receiving a tip about her being served with the property-seizure warrant.

He said the public should know her failure to pay taxes because Forbes claimed in a recent Tribune story to better understand the "gut-wrenching responsibilities of own-

ing a small business" than her Democratic opponent, Jeff Lynch, a partner in a small law firm.

Fox said Lynch was not the source of the tips.

He said MontCEL, which stands for Montana Committee for an Effective Legislature, is checking into the business, ethical and moral standards of other candidates and expects to issue other reports critical of both Republican and Democratic candidates.

Fox denied the group is a tool of Democrats, and said it has endorsed candidates of both parties, although this year its five legislative endorsements are all Democrats.

Whiteaway, George 78, 1994
Crawford, James 1994

Forbes for HD 42

Rose Forbes deserves your support in House District 42.

Forbes, a Republican, opposes the income tax hike, the property tax cap, CI-66 and CI-67. She has been very active in community affairs and operates a small business in Great Falls with her husband.

A lobbying group has accused Forbes of not paying all of her business property taxes, an accusation that smells suspiciously like a smear job. She went to the courthouse on time, asked what she owed, and paid nearly \$11,000. Later, it turned out that her business



Forbes

intelligent and articulate. He favors the property tax cap, however, and he differs with the governor's task force recommendation to get the state out of the liquor business.

owed another \$491. If she had been told that when she asked, however, we're convinced she would have paid it on time.

Forbes' opponent, Jeff Lynch, is a young attorney,

STATE OF NEW HAMPSHIRE

OFFICE OF THE GOVERNOR

STEPHEN MERRILL
GOVERNOR



January 4, 1995

SENATE STATE ADMIN.

EXHIBIT NO. 8

DATE 02-09-95

BILL NO. SB301

The Honorable Marc Racicot
State Capitol
Helena, MT 59620

RE: Unfunded Mandates

Dear Governor *Marc Racicot*:

In an effort to further our goal of persuading Congress to affirmatively act on the issue of prohibiting unfunded federal mandates, I want to share the history that New Hampshire has experienced with this principle under our State Constitution. New Hampshire is not the only State that prohibits unfunded mandates but it has reinstated this important principle fairly recently. I hope that the enclosed will assist you or your staff when discussing this critical issue with your Congressional delegation or State Legislature.

In 1984 the New Hampshire Constitutional Convention enacted a proposal prohibiting the State from requiring localities to fund State mandated programs. The voters in this State overwhelmingly adopted the amendment at the polls. This action by the voters was immediately challenged on procedural grounds by the Governor and legislative leadership. As Attorney General, I defended the action of the voters, and the amendment was upheld by our Supreme Court.

In the ten years that our prohibition against unfunded mandates has been in effect, there have been two appellate court challenges invoking the amendment against enacted or proposed legislation. In one case, the Legislature had passed a new law creating a legal presumption that a firefighter's disease was occupationally related for purposes of worker's compensation benefits. The court found that such a presumption would place additional fiscal obligations on municipalities without their consent and the legal presumption was therefore found impermissible.

The Honorable Marc Racicot
Governor of Montana
January 4, 1995
Page Two

In the second case, legislation had been proposed which would have prohibited the disposal of recyclable materials at solid waste facilities. Against a challenge that this act would require municipalities to provide recycling facilities, the court held that, although a locality may decide that the most prudent course would be to provide for recycling, such a result was not truly mandated by the legislation. The legislation was therefore not determined to be an unfunded mandate.

I mention these New Hampshire cases to illustrate the point that prohibiting unfunded mandates will have a positive effect because it forces a legislative body to consider the fiscal impact of its actions on other political subdivisions of government and ultimately on taxpayers. The cases also prove that well-considered legislative programs will not be stopped from being implemented by such a law.

Beyond specific legal challenges, the result of the 1984 amendment has been that no law or administrative rule may be enacted unless there has been an on-the-record consideration of the fiscal impact of the proposed legislation or rule on local communities. In addition, the New Hampshire Legislature and our administrative agencies are required to periodically review enacted laws and rules to determine their actual fiscal impact on localities.

After a decade of experience with the unfunded mandate amendment, New Hampshire has been found by independent evaluators on Wall Street to be among the nation's leaders in economic climate, environmental concern, educational opportunity, delivery of mental health and corrections services, as well as having one of the lowest crime rates. Our State has again been named the Most Livable State in the Nation. Obviously the unfunded mandate law did not weaken our ability to perform necessary and appropriate State services.

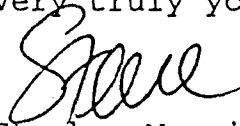
I believe that the unfunded mandate experience of New Hampshire, and I am sure in other states, can be successfully replicated on the federal level. I believe that Congress should deliberately adopt the fiscally responsible course of prohibiting unfunded federal mandates-- an action which will perhaps go further than any other in convincing voters that Congress can in fact discipline itself to consider the fiscal impact of its actions on states and their political subdivisions.

The Honorable Marc Racicot
Governor of Montana
January 4, 1995
Page Three

EXHIBIT 8
DATE 2-9-95
SB 301

I enclose this material to assist our collective experience in our effort to prohibit unfunded mandates at the State level and to persuade Congress that it should follow suit. I hope it is helpful to that end.

Very truly yours,



Stephen Merrill
Governor

SM/klc

Senate State Admin
Exhibit # 9
Date 2-9-95
Bill # SB301

NAME Don Judge

ADDRESS P.O. Box 1176, Helena, MT 59624

HOME PHONE _____ WORK PHONE 442-1708

REPRESENTING MT STATE AFL-CIO

APPEARING ON WHICH PROPOSAL? SB 301

DO YOU: SUPPORT _____ OPPOSE AMEND _____

COMMENTS:

Our concern goes to the question of consistency of application of MT Law between various political subdivisions - examples: prohibition against use of low cost pesticides in mosquito districts - pass tax, fee, etc. authority on state funding; enforcement against spouse ^{abuse} ~~abuse~~ or child pornography - allow for additional taxes on fund law enforcement/incarceration or judicial proceedings; overtime, minimum wage, hours of work, health & safety standards - provide methods of funding or fund yourselves; limits on classroom sizes & curriculum - provide funding or fund yourselves; conducting elections & fire suppression, drug testing, retirement, subdivisions regulation, campaign reform (monitoring & enforcement) (handicap parking regulation & enforcement) water quality, air quality, school busing regulations, safety, licensing, etc. (finger-pointing day care workers, health care workers, school district employees) "Takings" legislation; workers compensation

— disparity of ability of various public subdivisions to actually carry out public policy
WITNESS STATEMENT w/o Tax increases or fees

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME ROBERT MCCARTHY

ADDRESS COUNTY ATTORNEY - BUTTE-SILVER BOW

HOME PHONE 787-6640 WORK PHONE 723-8262 EXT. 208

REPRESENTING BUTTE-SILVER BOW CITY-COUNTY

APPEARING ON WHICH PROPOSAL? SB 295

DO YOU: SUPPORT OPPOSE AMEND

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Earline F. Shuff

ADDRESS 731 Maryland Ave Bethel, Mt.

HOME PHONE 723-3035 WORK PHONE 723-5730

REPRESENTING CMCD

APPEARING ON WHICH PROPOSAL? SB 295

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

wish to comment

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Dawn Sliva

ADDRESS 2030 Missouri Ave

HOME PHONE 443-4018 WORK PHONE 444-4018

REPRESENTING Self

APPEARING ON WHICH PROPOSAL? SB 295

DO YOU: SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

wish to Testify

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE Thu 02-09-95

SENATE COMMITTEE ON STATE ADMINISTRATION

BILLS BEING HEARD TODAY: SB295 / SB300 / SB301

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Gordon Morris	MIA Co	301	✓	
Bud Schoen	Motor Vehicle Division	SB 295	✓	
Brenda Nordlund	DOT	SB 295	✓	
Bob McPartly	Ballo & Dubay Bros	SB 295	✓	
Ed Quillman	Bulley Silver Bond	SB 295	✓	
Pat Romme	Bueth	SB 295	✓	
Rose Forbes	HD 42	SB 300	✓	
Bill Verwolf	City of Helena	SB 301	✓	
Deborah Smith	Common Cause	SB 300	✓	
JV Bennett	Mont PIRG	SB 300	✓	
Dawn Silva	Self	SB 295		✓
Tracey Seattle	B & B Laundry	SB 295	✓	
Don Judge	MT STATE AFF-CFO	SB 301		X
Pat Clinch	MT State Council Fire Fighters	SB 301		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 02-09-95

PAGE 2 of 2

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Earlene G. Huff	CMCO	295	X	
Laurie Kranger	Governor Office	301	X	
Michael Keedy	MSBA	301	X	
Jake Cummings	MT FARM BUREAU	301	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY