

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 20, 1981

The thirty-second meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 a. m.

ROLL CALL: All members of the committee were present except Senator Allen Kolstad.

CONSIDERATION OF SENATE BILL NO. 481:

"AN ACT TO REPEAL SECTION 2-15-1708, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN THE DIVISIONS AND TO GENERALLY REVISE LAWS TO CONFORM TO THE REPEALER."

Dave Hunter, Department of Labor, introduced this committee bill making the Employment Security Division in the Department of Labor consistent with the statute containing executive re-organization. This bill will intend to change the discretionary powers from the division to the department.

PROPOSERS: None.

OPPOSERS: Robert Holding, Montana Wood Products Association, stated he would like it to stay in the same department it is and feels it should be separate and distinct. He feels it would be a mistake to interfere and put it in a subordinate position.

Fred Barrett, representing himself, occupation Department of Labor declared he is neither opponent or proponent and expressed concern for his job, claiming misunderstanding and misinterpretation about the integrity of people involved.

Questions of the committee: There were questions from Senator Towe about changing the name from division to department and the possibility of eliminating certain bureaus. Mr. Holding indicated they expected no problems or changes.

Senator Story gave a brief history of how this bill came about and saying the funds have to be handled in the manner that we are protecting the interest of the employer. This will not demoralize or jeopardize anyone.

Minutes of Meeting on State Administration

Senator Hafferman asked Mr. Holding if he thought the Labor Department should be concerned about this bill and why they were not present. He was answered by Senator Story telling that they have been notified but declined to take a position.

ACTION ON SENATE BILL 481: Senator Towe moved a DO PASS: motion carried orally with three dissenting votes: Ryan, Johnson and Hafferman.

ACTION OF SENATE JOINT RESOLUTION 8: Amendments were submitted by John Hollow, committee attorney, discussing their reasons for being drafted. Senator Story said in order to get any benefits from a study there must be more direction to the interim committee. Senator Hafferman moved to adopt the amendments. There was discussion from the committee regarding the need for these amendments and the fact that the grants are both state and federal. Senator Towe doubted that there would be more gain from another review.

Pamphlets on energy were discussed.

Senator Johnson expressed concern that after the grants are given, there is very little tracking. She felt more should be included in the bill. Senator Towe agreed and felt it would cost the state much more plus problems with the community.

There was discussion about including SRS and Health, which might be too broad; also discussed was misuse and the merit of oversight committees.

The first amendments were passed unanimously.

Senator Towe moved amendments on page two dealing with grants of renewable and nonrenewable natural resource and environmental programs. This passed with one dissention--Senator Johnson. See standing committee report for amendments.

Senator Towe moved the bill DO PASS, AS AMENDED: unanimous vote yes.

ACTION ON SENATE BILL 109: Amendments were submitted by John Hollow, Legislative Council and discussed by the committee. There were other amendments which are explained in the standing committee report which is enclosed. One amendment moved by Senator Towe on page 9, line 25, changing \$25 back to the original amount of \$250 passed by majority, dissention by Senator Story and Senator Ryan.

It was moved that this bill DO PASS, AS AMENDED, with a no vote from Senator Hafferman.

Chairman Story announced the appointments to boards will be heard Monday at 9:00 a. m.

ADJOURNMENT: 11:40



ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2-20

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.		✓	
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

Section 1. Section 2 of Initiative 65, is amended to read:

"Section 2. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Individual" means a human being.

(2) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision thereof, ~~INCLUDING ITS OFFICES AND EMPLOYEES,~~ or other organization or group of persons.

(3) "Public official" means any individual, elected or appointed, acting in his official capacity for the state or local government or any political subdivision thereof, but does not include those acting in a judicial or quasi-judicial capacity.

(4) "Lobbying" includes

(a) the practice of promoting or opposing the introduction, ~~AMENDMENT,~~ or enactment of legislation before the legislature or the members thereof by any person other than a member of the legislature ~~or a public official acting in his official capacity;~~ and

(b) the practice of promoting or opposing ~~action by any public official in the event~~ THE TAKING OF AN OFFICIAL ACTION OR ATTEMPTING TO INFLUENCE THE CONTENT OF A PROPOSED OFFICIAL ACTION THROUGH DIRECT COMMUNICATION WITH A PUBLIC OFFICIAL PARTICIPATING IN TAKING THE ACTION, IF:

(I) OTHER THAN BY A PERSON WHO DOES SO BECAUSE HE IS EMPLOYED IN, ELECTED TO, OR APPOINTED TO A GOVERNMENT POSITION IN WHICH THE RESPONSIBILITY TO PARTICIPATE IN THE DECISION OR ADVISE THE DECISIONMAKER INHERES BY LAW; AND

(II) the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses.

(5) (a) "Lobbyist" means any person who engages in the practice of lobbying for hire.

(b) "Lobbyist" does not include

(i) any individual Montana citizen acting solely on his/her own behalf, or

(ii) any individual working for the same principal as a licensed lobbyist, such individual having no personal contact INVOLVING LOBBYING with any public official on behalf of his/her principal.

(c) "Lobbyist" specifically includes any public official, public employee, independent contractor, attorney, or other agent who engages in lobbying on behalf of any

~~state or local governmental entity or subdivision thereof~~
~~AGENCY. FOR THIS PURPOSE, LOBBYING INCLUDES ONLY THAT~~
~~CONTACT WITH A PERSON THAT IS PRIMARILY AIMED AT INFLUENCING~~
~~LEGISLATION.~~

(c)(d) Nothing in this section deprives any citizen not lobbying for hire of the constitutional right to communicate with public officials.

(6) "Lobbying for hire" includes activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that individual shall not be considered to be lobbying for hire.

(7) "Unprofessional conduct" means:

(a) a violation of any of the provisions of this chapter;

(b) instigating action by any public official for the purpose of obtaining employment in opposition thereto;

(c) attempting to influence the action of any public official on any measure pending or to be proposed by

(i) the promise of support or opposition at any future election,

(ii) promise of financial support,

(iii) making public any unsubstantiated charges of improper conduct on the part of any other lobbyist, any principal, or any legislator,

(iv) any improper economic reprisal or other unlawful retaliation against any public official, or

(v) any means other than argument on the merits thereof;

(d) attempting to influence a decision or vote by a hearing examiner or quasi-judicial officer in any contested case proceeding under Part-~~of-Chapter-11~~ Title 2, CHAPTER 4, PART 6, MCA except as provided therein;

(e) attempting to knowingly deceive any public official with regard to the pertinent facts of an official matter or attempt to knowingly misrepresent pertinent facts of an official matter to any public official; or

(f) engaging in practices which reflect discredit on the practice of lobbying.

(8) "Principal" means any person who makes payments in excess of \$1,000 per calendar year for any of the following:

(a) to engage a lobbyist, or

(b) in the case of a person other than an individual, to solicit, directly, indirectly, or by an advertising campaign, the lobbying efforts of another person.

(9) "Docket" means the register and reports of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(10) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value.

(11) "Payment to influence official action" means any of the following types of payment:

(a) direct or indirect payment to a lobbyist by a principal, as salary, fee, or compensation for expenses or for any other purpose;

(b) payment in support of or assistance to a lobbyist or lobbying activities, including, but not limited to, the direct payment of expenses incurred at the request or suggestion of the lobbyist.

(12) "Business" means any holding or interest whose fair market value is greater than \$1,000, in any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed individual, holding company, joint stock company, receivership, trust or other entity or property held in anticipation of profit, but does not include non-profit organizations.

(13) "Commissioner" means the commissioner of campaign finances and practices, created by 13-37-102, renamed in [Section 19] the commissioner of political practices.

(14) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including, but not limited to legislators, public service commissioners and district court judges. The term "official-elect" shall also apply only to such offices."

DATE 12-20-81

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

STANDING COMMITTEE REPORT

FEBRUARY 20 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 481

SENATE

Respectfully report as follows: That Bill No. 481

DO J ASS

STANDING COMMITTEE REPORT

FEBRUARY 20

81

19.....

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

SENATE JOINT RESOLUTION

8

having had under consideration Bill No.

SENATE JOINT RESOLUTION

8

Respectfully report as follows: That Bill No.

be amended, as follows:

1. Title, line 7.

Following: "GOVERNMENT"

Insert: "IN NATURAL RESOURCE AND ENVIRONMENTAL SCIENCE AREAS"

2. Page 1, line 22.

Following: line 21

Insert: "WHEREAS, the Legislature is, in particular, interested in the use of grants and contracted services of the renewable and nonrenewable natural resource and environmental science programs of the following agencies:

- (1) department of fish, wildlife, and parks;
- (2) department of natural resources and conservation;
- (3) coal board; and
- (4) environmental sciences division of the department of health and environmental sciences."

~~UNANIMOUS~~
~~DO-PASS~~

CONTINUED

SENATE JOINT RESOLUTION 3
page 2

3. Page 1, line 25.

Following line 24

Insert: "(1)"

4. Page 2, line 2

Following: "services"

Strike: "by state government, including compiling"

Insert: "of the following state agencies:

- (a) department of fish, wildlife, and parks;
 - (b) department of natural resources and conservation;
 - (c) coal board; and
 - (d) environmental sciences division of the department of health and environmental sciences.
- (2) That the committee include in its study a consideration of at least the following:
- (a) source of funds for grants and contracted services;
 - (b) statutory or other conditions attached to the use of those funds;
 - (c) manner of distributing the funds, if other than as prescribed;
 - (d) method and degree of monitoring and reporting;
 - (e) utilization by and benefit to the state of the results, and
 - (f) alternative methods of accomplishing the purpose of the granting or contracting agency
- (3) That the committee report include"

5. Page 2, line 6.

Following: line 5

Strike: "BE IT FURTHER RESOLVED, that"

Insert: (4) "That"

6. Page 2, line 7.

Following: "Legislature"

Insert: ", specifically including its findings under (2) above,"

7. Page 2, line 9.

Following line 8

Insert: "(5) That the legislative council shall assign the portions of this study involving renewable resource, renewable energy, and other portions within jurisdiction of revenue oversight committee to that committee."

AND, AS SO AMENDED,
DO PASS

.....PETE STORY.....

Chairman.

STANDING COMMITTEE REPORT

February 20, 19 81

MR. **PRESIDENT:**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **109**

Respectfully report as follows: That **SENATE** Bill No. **109**,
introduced bill, be amended as follows:

1. Title, line 11.

Following: "2"

Strike: ", "

Insert: "AND"

Following: "11"

Strike: ", AND 14"

2. Page 1, line 16 through page 7, line 3.

Following: line 15

Strike: line 16, page 1 through line 3, page 7, in its entirety

Insert: "(See attachment 1)"

~~XXXXXX~~

(Continued)

Section 1. Section 2 of Initiative 85, is amended to read:

"Section 2. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Individual" means a human being.

(2) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision thereof, INCLUDING ITS OFFICER AND EMPLOYEES, or other organization or group of persons.

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(a) the practice of promoting or opposing the introduction, AMENDMENT, or enactment of legislation before the legislature or the members thereof by any person other than a member of the legislature ~~or a public official acting in his official capacity~~; and

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(d) Nothing in this section deprives any citizen not lobbying for hire of the constitutional right to communicate with public officials.

(6) "Lobbying for hire" includes activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that individual shall not be considered to be lobbying for hire.

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(a) a violation of any of the provisions of this chapter;

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(i) the promise of support or opposition at any future election,

(ii) promise of financial support,

(iii) making public any unsubstantiated charges of improper conduct on the part of any other lobbyist, any principal, or any legislator,

(iv) any improper economic reprisal or other unlawful retaliation against any public official, or

(v) any means other than argument on the merits thereof;

(d) attempting to influence a decision or vote by a hearing examiner or quasi-judicial officer in any contested case proceeding under Part 6, Chapter 4, Title 2, CHAPTER 4, PART 6, MCA except as provided therein;

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(14) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including, but not limited to legislators, public service commissioners and district court judges. The term "official-elect" shall also apply only to such offices."

.....February 20..... 1981.....

3. Page 7, line 11.

Following: "made"

Strike: "solely"

4. Page 8, line 23.

Following: "matters"

Insert: "except that the cost of such printed communications distributed to the membership of a principal other than a state agency need not be reported unless over one-half of that printed communication is devoted to lobbying matters"

5. Page 8, line 25.

Following: "urged"

Insert: "by the sponsors"

6. Page 9, lines 1 and 2.

Following: "legislators"

Strike: "or at which lobbying matters are otherwise considered"

Insert: "on a matter discussed at the meeting"

7. Page 9, line 11.

Following: "telegraph;"

Strike: "and"

8. Page 9, lines 12 and 13.

Following: "expenses;"

Insert: "and"

(xii) grants, of a portion is used for lobbying."

(continued)

9. Page 9, line 25.

Following: "~~\$250~~"

Strike: "\$25"

Insert: "\$250"

10. Page 10, line 24.

Following: "budget"

Insert: "i"

Following: "or"

Insert: "(b)"

11. Page 10, line 25.

Following: "budget"

Strike: "i"

12. Page 11, line 1.

Following: page 10

Strike: "(b)"

13. page 11, line 5.

Following: "disclose"

Insert: "by general categories"

14. Page 11, lines 6 through 14.

Following: line 5

Strike: line 6 through line 14 in its entirety.

And, as so amended,
DO PASS