

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
March 4, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m. in Room 129, Capitol building, Helena, Montana.

Roll call was taken and all members were present with the exception of Representative Bardanouve.

SENATE BILL 311

SENATOR MATT HIMSL explained the recommendations came from the staff for this bill. He said there has been some question about the Publications and Graphics Division of the Department of Administration, the General Services Division of the same department and the Workers' Compensation program for the Crime Victims program. Some of these programs have very large budgets and there has been some question about how the money is being spent. The Crime victims program for example has generated revenues of about \$390,000 and the operating costs have been \$41,000 but there is a balance in the fund of \$570,000. We have only paid \$287,000 in benefits and I am sure that was not the intent of the legislature. The benefits should go to the victims. The Safety and Health Bureau is another one. There is not necessarily something wrong with these programs but we may want to take a look at them to see if some of the problems and questions can be cleared up.

THERE WERE NO ADDITIONAL PROPONENTS AND NO OPPONENTS TO SENATE BILL 311 SO CHAIRMAN BRAND ASKED SENATOR HIMSL TO CLOSE.

Senator Himsl stated that he did not have anything further to add.

COMMITTEE QUESTIONS

REPRESENTATIVE BILL HAND asked Senator Himsl about the victims of crime program figures. Senator Himsl repeated the figures and explained there is quite a large balance and possibly this means that the program isn't working.

REPRESENTATIVE FRANCIS KOEHNKE asked Senator Himsl if that meant there would be a bill before the legislature like this one every session. Senator Himsl said yes, it would come from the input the legislators get, and the committee gets.

Representative Koehnke wondered if there would be a time when every program or board would need to be sunsetted. Senator Himsl stated this bill provides for the need to prioritize those that are recommended. This would depend on the resources of the staff availability to do it.

REPRESENTATIVE WALTER SALES mentioned there is one area that has very rapid growth in its costs and a very questionable value which you have not included. I am wondering if there

is some way we can include the Legislative Council and the Legislative Auditor for some sort of review process under this system. Senator Hims1 responded, if they are reviewed by an audit of any kind, they can be put on this list. That is your privilege.

CHAIRMAN JOE BRAND asked why the Coal Tax Trust Fund was deleted. What was the reason this was in there at first and then taken out? Senator Hims1 replied this was taken out in the Senate. The reason for it was the State Administration Committee of the Senate removed it because of a presentation that was made by the artists group. They didn't feel that they had had enough time to have a track record to really check on.

REPRESENTATIVE BILL HAND asked Senator Hims1 if he was asking this committee to prioritize the list. Senator Hims1 said, "No, I am asking you to accept it, add to it, or do whatever you want to with it, pass it I hope. If you feel strongly that there are some things in there which shouldn't be there, then take them out. If you feel there are things missing that should be included in this bill, then put them in. We are asking for your help on this."

CHAIRMAN JOE BRAND asked how this bill worked in conjunction with Senate bill 137 that had been presented the previous day. Senator Hims1 explained that Senate Bill 137 restricts from the obligation that now exists. We have about 46 programs of the 81 that were reviewed in the previous cycles. We are asking in Senate Bill 137 that they be taken out and not be subject to review again, at least not immediately. This is a different type of legislation and it is somewhat pioneering. But I think it is a good piece of legislation and if there are any on the list that you think should be reviewed again we could put them into this bill.

REPRESENTATIVE KATHLEEN McBRIDE asked some questions about SB137 since she was absent for the hearing the day before.

REPRESENTATIVE FRANCIS KOEHNKE asked where the committee could get a copy of this list of the 46 boards and programs that have already been reviewed. Senator Hims1 said he would get a list for each of the committee members.

THERE BEING NO ADDITIONAL QUESTIONS FROM THE MEMBERS OF THE COMMITTEE, CHAIRMAN BRAND CLOSED ON SENATE BILL 311.

SENATE BILL 319

SENATOR STAN STEPHENS gave an opening statement. This is a bill dealing with compensation for Juvenile Probation Officers. During the last legislative session we granted these people a cost of living raise. We gave them the same that is offered

to county employees, they are very grateful for that but we did make a little mistake on the bill last time. The probation officers would be entitled to a 1 percent longevity increase if this bill is passed. On page 2, lines 11 through 18 it is explained that these people would get this increase after they have had 5 years of service. The 1 percent would start on the sixth year of service. The officer that would have 10-15 years of service would not be able to go back and get retroactive pay for that period of service over and above the 5 years. If that were possible it would cost the counties a great deal of money. The fiscal note that was prepared in January, 1983 addressed that possibility. This fiscal note is erroneous. With the amendment that was put on in the Senate, the cost would start after the fifth year and this is not retroactive. This bill actually refers to 15 chief probation officers and 19 deputy probation officers across the state. The chief probation officers would receive a longevity increase of \$236. That is a total of \$3,540. The deputies would receive \$188 and that amounts to \$3,573. The total cost of this bill is \$7,112 which would be born by the judicial districts of the state.

There have been some concerns raised in the Senate and since this bill has come over to the House regarding the language on lines 11 through 18 on page 2. There is some legitimate concerns that this language may not state clearly that there is no "retroactivity" in this bill.

PROPOSERS

GLEN HUFSTETLER, Probation Officer from Kalispell, stated he recently kept an average of his hours worked per week and came up with an average of 59.5 hours. This is actual in service time going to homes, seeing families, etc. He has three deputies and two of those have been in service for over 5 years. The impact on his county is less than \$600 per year if this bill passes. This will amount to under \$10 a month increase in his salary. He stated that they are not complaining about their salaries, they like their work, they are not in it for the money but one of the things that they would like to do with this longevity bill is give some kind of encouragement to the deputies who have worked hard to up-grade themselves with hopes of keeping them in the business.

BRICE JOHNSON, Probation Officer from Havre, spoke in support of this bill. He gave some handout material on the bill. See EXHIBIT A attached. He mentioned that there have only been 16 raises given to the probation officers since 1935. He also said that during the 20 years that he has been a chief he has continually attended colleges, seminars, etc. It is very important to keep up with the training because of the changing ways needed to work with the youth of today.

REPRESENTATIVE PAUL PISTORIA, spoke as a proponent for this bill. He mentioned that the economy is not the best right now, but we have police, firemen, and sheriff's deputies all over the state who receive longevity increases and he feels that the probation officers deserve it as well.

THERE WERE NO ADDITIONAL PROPONENTS ON SENATE BILL 319.

OPPONENTS

DARRYL MEYER, representing Cascade County stated that he was not sure if he was a total opponent to this bill because he felt the language on page 2, lines 11 through 18 should be clarified. He feels like this is very important. He mentioned that counties are really strapped right now and aren't really sure where they are going to come up with the money to meet all these increases.

ARTHUR RAMBO, Chairman of the Board of County Commissioners, Hill County, spoke in opposition to this bill. But not nearly as strongly as he did in the Senate. He had not seen the amended bill at that time. He had a fiscal note that Senator Stephens has explained to be erroneous. He mentioned that he felt the probation officers are one of the highest paid employees in their county and they receive fringe benefits. If they have to pay longevity, how are they going to explain it to the other county employees who do not receive this kind of benefit. The counties are being trimmed on their county funds from every direction. There are some bills that will effect this net proceeds. The oil situation right now will effect our evaluation.

THERE BEING NO ADDITIONAL OPPONENTS, SENATOR STEPHENS CLOSED.

Senator Stephens closed by saying that he would be available for questions.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN MCBRIDE asked Senator Stephens about the deputy probation officers salary being based on the chief probation officers salary. Is it the intention of this bill that the deputy probation officers would have their salary based on the chief probation officers, plus the longevity? Senator Stephens replied, "Yes."

Representative McBride stated that in fact, they would probably get an increase as a result of changing the chief probation officers salary. Is that right? Senator Stephens replied, yes they could, but this would be up to the District Judge.

Representative McBride asked Senator Stephens to explain again,

what the total impact would be since the fiscal note was erroneous. Senator Stephens explained the impact of the bill on the state. He said that if you add the longevity and the cost of living increase together your total cost comes to \$13,872 for the chiefs and \$21,195 for the deputies.

REPRESENTATIVE JOHN PHILLIPS asked one of the probation officers what their average case load was. Mr. Brice Johnson replied for the three counties that he covers his case load has been averaging around 400 per year for himself and one deputy.

REPRESENTATIVE BILL HAND asked how this money was going to be coming back to the local governments. Do the County Commissions pay that per judicial district? Mr. Rambo replied that is correct.

REPRESENTATIVE JOE HAMMOND mentioned that he couldn't help but sympathize with the feelings of dealing with the kids, but where does this end. In terms of maybe the county social workers, etc. Senator Stephens replied he thought we must make a decision on this. But we must look at the seriousness of what these people are doing. They are working with young people at a time when they can be salvaged. They are doing a great job.

CHAIRMAN JOE BRAND asked Mr. Brice Johnson about the training they received. Does this come out of your pocket or what percentage does? Mr. Johnson stated he has paid for alot of the courses but most of it is paid for by the County. There is also training that is paid for by the federal government at the Law Enforcement Academy.

THERE BEING NO ADDITIONAL QUESTIONS FROM THE MEMBERS OF THE COMMITTEE, CHAIRMAN BRAND CLOSED ON THIS BILL.

SENATE BILL 309

SENATOR CARROLL GRAHAM, opened on Senate Bill 309. He explained that this bill was drafted to take care of some things that the Supreme Court said were unconstitutional. The bill as it is drawn was severely amended in the State Administration Committee of the Senate. This was done further than he would like to have seen. Senator Towe did a good job of surgery on it but it is still worth salvaging. The bill was drafted to require persons who employ lobbyist to disclose certain lobbying expenses. It also requires the disclosure of public officials business interests. He opposed the disclosure of his business interests as unnecessary and an invasion of privacy. This portion was amended back in the State Administration Committee of the Senate.

The State Administration Committee of the Senate deleted the section which pertains to public disclosure since it was in Senate Bill 339. Senate Bill 339 has passed third reading in the Senate and this committee will be getting it pretty soon.

If you decide to pass Senate Bill 309 you should do so, then take a look at Senate Bill 339. One of the things that Senator Towe and I disagree over is the \$10 or \$25 item. This amount means that if you were to go out with somebody that was lobbying, whether they lobbied you or not, if they spent \$10 for dinner or a few drinks they would have to report it.

The clean-up language that the researcher proposed will be given to you and I am sure whether this should be done or not you will make the right decision. This would clear up alot of confusion in the present law. It is unfair the way that it is now.

Senator Graham mentioned that Helena people don't have to disclose all their living expenses while a person who lives elsewhere would have to disclose his meals, lodging, travel, etc. It should be the same for everyone no matter where they live.

PROPOSERS

SENATOR TOWE, spoke in support of the bill even though he had made many amendments to it in the Senate. He would like to see the reportable amount put back to \$10. Generally speaking he supports the effort. He mentioned that he was involved in the drafting of the initiative for this bill. This bill attempts to clear up the language the Supreme Court said was unconstitutional. This bill as it is before the committee today now does that. There were a number of areas in the original bill which he felt were ambiguous and could certainly be improved on. The bill now does that.

There are a couple of things that he wanted to call special attention to because those items may need separate attention. One is the definition of lobbying be used to include lobbying before local legislative bodies, i.e. the City Council, County Commissioners and other legislative bodies. This bill strikes that from the definition. So now lobbying means, lobbying before the legislature, and a public official. I don't think anybody has ever filed for lobbying before local governments. I don't think that we are substantially hampering with the will of the people by removing this. It is a value judgement you will have to decide since you may disagree with me on it.

The other thing I want to call your attention to is, on page 9, line 11, "travel and personal living expenses", was not excluded at the request of the Supreme Court. This is not one of those areas where we were required to do so, although everything from lines 1 through 8 were in fact excluded by request of the Montana Supreme Court. Those amendments are ones that I would urge you to keep in spite of the fact that you may think we ought to do something different. Let me explain the rationale on this. If you live in Helena you don't travel and personal living expenses are from your residence

so consequently it is unfair to those persons who do incur such expenses as opposed to the Helena people. Should this be excluded or should it be reported separately. The Senate State Administration Committee felt that it was probably fair to exclude it. Then everybody would be on the same footing.

The one that I have difficulty with is on page 9, line 22. "Each separate payment conferring (the initiative said \$10) \$25 or more benefit to any public official when the payment was made for the purpose of lobbying." Each special contribution or gift or payment. I have no objection of going to \$15 but I feel \$25 would mean that if you exclude any payment made under \$25 that changes the intent of the initiative. So I oppose that portion of the bill.

ROBERT N. HELDING, representing the Montana Society of Association Executives read a prepared statement. See EXHIBIT B attached. Mr. Holding gave the committee some amendments that he would propose. See EXHIBIT C attached.

JAMES D. MOCKLER, Helena representing the Montana Coal Council indicated support for this bill. He represents one of the most regulated industries in Montana. They are required almost every day to come before the people acting in their official capacity for various things such as mine permits, air quality permits, etc. They do not feel it was the intent of the initiative to require those people to disclose this information. He supports the premise of those people from out of town who must disclose their expenses as being unfair. Although this is taken out on page 9, he showed where it had been put back in on page 6.

ROBERT VANDERVERE, State Senior Citizens stated that he thought that our lobbyist laws are a little strict. There are too many busy-bodies out there who want to pick on legislators and lobbyist. Lets get this taken care of. The \$25 figure isn't too much for anyone to spend on someone and if I spend it on them, it comes out of my own pocket.

MARGARET DAVIS, President, League of Women Voters of Montana stated when this bill was heard in the Senate they were opponents to it but they have since changed their minds. They feel the amendments drafted in the Senate and accepted on the Senate floor are acceptable and do a great deal to clarify the lobby disclosure law.

There are substantive changes in this bill such as; taking out the travel and living expenses as a reporting requirement, the change from the \$10 to \$25, and a few other changes. They are not contesting those nor are they proposing there be any further amendments. Particularly they would oppose any definition or change in the definition of lobbying from the bill as it presently

is written. The definition of lobbying was considered by the Supreme Court of Montana but they did not make any changes in it. The changes proposed by amendments here today are not made to make the law comply with any sort of decision made by the Montana Supreme Court. The court felt that this particular section did not need specific changes. They feel the present definition of lobbying is adequate and it has served the state for a number of years. The Lobby Disclosure Act was adopted by the people, it was purified by the court so to speak and these changes now before you do make it a more workable piece of legislation. Some won't like lobby disclosure in any form.

GENE PHILLIPS, Kalispell spoke in favor of the bill. He mentioned that he was a registered lobbyist. He is an attorney in Kalispell and his concern is that portion of the bill which deletes the requirement for reporting travel and personal living expenses while in Helena. The point has been made that he coming from out of town, has to report these expenses and an attorney that lives in Helena does not.

He has some questions about lobbying before a non-legislative body. Senator Towe and he have disagreed for some time on this. As to whether this includes appearance before state agencies in the process of rule making. He has always taken the position with his clients that this is not a lobbying activity. He is responding to a public invitation to comment. They are acting as attorneys and are responding to an invitation, they provide written comments and sometimes oral testimony. He doesn't believe by reading the existing law that this is the intent. Senator Towe has a different interpretation. He hopes that does get clarified.

JON MOTL, Common Cause of Montana, spoke in favor of the bill. He provided written testimony, EXHIBIT D attached. He also provided some proposed amendments.

JO BRUNNER, representing Women Involved in Farm Economics gave another view of what the Lobbyist Disclosure Act has done for the other areas in Montana. She explained the WIFE organization is a non-profit organization and it is funded solely by its membership donations and from agricultural business. This has been a harmful thing as far as they are concerned, not so much because of the top level but because of the bottom level on it.

She disagreed that alot of people who voted for this initiative really knew what they were voting for. Sure the idea was to make certain that alot of out-of-state money was accounted for, but she did feels it was not meant to harm the small lobbyist or the organizations who do not have adequate funding.

She then proposed some amendments to bill.

Page 2, lines 23 through 25 (that which has been deleted) be left off and that it not be put back in.

Page 3, line 21 words involving lobbying be left in. That the deletion of lines 23 through 25 be taken out.

Page 5, lines 13 and 14. This is a problem with them down to the portion "engage a lobbyist."

Page 6, line 3 they would like to have the words "are reimbursement" deleted.

Page 8, lines 24 and 25 and down on page 9, through line 6 they would approve of these deletions.

Page 6, line 11 "travel and personal living" be left out.

GERALD MEYER, stated that when he moves to Helena and rents an apartment, he buys groceries, etc. he has to take along a notebook to write down everything that he spends money on, so that he can report it. He feels that this is ridiculous. There are alot of people who live right here in Helena and lobby but they don't have to report these things. Basicly he is in favor of the proposed amendments.

KEITH ANDERSON, Vice President of the Montana Taxpayers Association seconded the amendments made by Attorney Holding. He is expecially concerned with the definition of lobbying. He has been instrumental in bringing legal action in regards to testing the constitutionality of this in District Court and before the Supreme Court. He is not really anxious to go back into court on this issue so he hopes that the committee will clarify it and make it workable.

DON JUDGE, Montana AFL-CIO spoke in support of the clarifying amendments made in this bill. For the public's information it is best to clean up the law and make it something that is readable for the average citizen. However, he would urge four substantive changes, three which are being proposed in the bill the way it currently sets and one that is being proposed by amendment. They take no stand on this either way.

One of these is the deletion of public official lobbying the legislature when they are appearing before the legislature for informational purposes. This would mean any agency director or staff that would be presenting testimony before any legislative body. In order to be considered not lobbying they could simply have a member of the legislature request they be present to provide information. Consider raising the individual expenditure levels from \$10 to \$25.

THERE WERE NO ADDITIONAL PROPONENTS AND NO OPPONENTS TO SENATE BILL 309 SO SENATOR GRAHAM CLOSED.

Senator Graham said he thought this was a pretty good bill if it had the Common Cause people and the League of Women Voters behind it, especially since they started out being against it. He mentioned he thought the amendments that Mr. Holding brought before the committee were good ones. He didn't think that all this reporting business has had any effect on the legislature's ability to go ahead and legislate.

COMMITTEE QUESTIONS

REPRESENTATIVE GLENN MUELLER asked Senator Towe about the language on page 6, lines 2 through 4. Were we putting it right back in later? Senator Towe replied that he felt if you took it out you would still have the same problem. The language is very poorly written. This is the initial initiative and lets not try to figure out who was to blame for that. What we were trying to do was clarify unclear language. What does it mean when it says, salary, fee or compensation for expenses. I think that it probably takes care of the travel allowances that he wanted out so badly. We were trying to clarify and I admit that there could be a cross reference to this. We were trying to clarify this and make it; "salary, fee, compensation or reimbursement for expenses" and my suggestion to you would be to simply put "except for travel and personal living expenses". That would then be consistent and should solve the problem as well as clarify it.

REPRESENTATIVE JERRY DRISCOLL asked Jon Motl about the travel expenses portion being left in the bill. When a lobbyist files, do they file their home address. Jon Motl had one of the people from his association answer the question. He said he didn't know if it was a requirement but that most of them probably did file their home address.

REPRESENTATIVE "MAC" McCORMICK asked if this law was only in effect when a person was here attending the session. Senator Towe answered, "No, it is in effect year round."

REPRESENTATIVE WALTER SALES asked Senator Towe about a hang up that he had with page 6, definition of business on line 15, after the word "profit" he would like to add, "or payment." Senator Towe said that he didn't think this would be any problem.

Representative Sales also thought that on page 2, line 2 before "business" it should say, "occupational, financial and business." He thought that the public should have the right to know what is influencing their votes. Senator Towe said that this is a good point but that Senate Bill 339 will wipe this out anyway.

Representative Sales mentioned that on page 8, line 19 3(a) & (b) there was testimony given that the Campaign Practices Commission

is now ignoring this section of the law. I am wondering if there is somebody from the Campaign Practices Commission that could say whether that was true or not. Senator Towe replied on this since Mr. Lowe was not available to answer. There are two things that you need to be looking at, the first one covers local officials since they are being taken out and the second is that the public officials who go to testify on a rule or something are influencing an agency into taking some kind of action.

REPRESENTATIVE JERRY DRISCOLL asked if department heads are required to buy a lobbying license and register. Senator Towe responded that page 3, lines 5 through 8 addresses this question specifically. He explained the original bill and what was in mind when that legislation was enacted.

REPRESENTATIVE CLYDE SMITH asked Mr. Holding what was the description of lobbying according to the Supreme Court. Mr. Holding read the description.

Representative Smith further added that he felt what was being done now was what really was intended for the bill when it was enacted last session. There has been a great deal of confusion about what should and should not be reported. Maybe this will help clear that up.

CHAIRMAN JOE BRAND asked Senator Towe if he would oppose an amendment saying, that anybody that came up here would have to register whether they were lobbying or not. Senator Towe replied that he felt that there could be problems with that and this was the reason for the threshold.

Chairman Brand asked what about the people that were representing an organization. Senator Towe said he would accept the wisdom of the committee.

REPRESENTATIVE CLYDE SMITH asked Senator Towe what the case would be if he as a legislator wanted to come to Helena and specifically to the capitol area to take care of some business that was personal, would this be considered lobbying? Senator Towe replied, "No, not as long as it was personal business but if it had anything to do with your sawmill then it would be covered by the bill and would be considered to be quasi-judicial business."

THERE BEING NO ADDITIONAL QUESTIONS FROM THE MEMBERS OF THE COMMITTEE, CHAIRMAN BRAND CLOSED THE HEARING.

EXECUTIVE SESSION

CHAIRMAN JOE BRAND asked that Senate Bill 309 be put into a subcommittee. Representatives Driscoll, Hammond and Smith were asked to serve on this committee.

REPRESENTATIVE GLENN MUELLER MOVED for adjournment and it was seconded by Representative Clyde Smith. The question being called, the motion carried by unanimous voice vote.

The meeting adjourned at 11:00 a.m.

Respectfully submitted,



REPRESENTATIVE JOE BRAND, CHAIRMAN

Cleo Anderson, Secretary to Committee

VISITOR'S REGISTER

HOUSE Administration COMMITTEE

BILL SB 311

DATE 3-4-83

SPONSOR Himal

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXPLANATION OF SENATE BILL 311
SPECIFYING AGENCIES AND PROGRAMS SUBJECT TO SUNSET
(SPONSORED BY SENATOR HIMSL)

This bill is a companion bill to Senate Bill 137. Senate Bill 311 amends the sunset law by deleting the six-year audit provision for agencies which have already been subject to sunset and by changing how agencies subject to sunset are selected.

This bill identifies seven programs which the Legislative Audit Committee has determined could benefit from a sunset performance audit. These programs will terminate on July 1, 1985.

By selecting the following programs to be subject to the sunset process:

1. Publications and Graphics Division;
2. General Services Division;
3. Crime Victim's Compensation Fund;
4. Safety and Health Bureau, Department of Labor and Industry;
5. Fire Marshal Bureau;
6. Conservation and Education Division, Department of Fish, Wildlife, and Parks; and
7. Office of the Commissioner of Political Practices.

The Audit Committee has determined that an audit of each program would determine if the program is meeting its intended purpose, and if not, are there alternatives which could provide the same function.

POSSIBLE SUNSET AGENCIES/PROGRAMS FOR 1985
(FISCAL YEAR 1981-82)

DEPARTMENT OF ADMINISTRATION

Publications and Graphics Division

Total Funding	=	\$1,407,232	Personal Services	=	\$474,004
General Fund	=	44,437	Operating Expenses	=	839,494
Revolving Fund	=	1,362,795	Equipment	=	93,734

Staffing - 29.0 FTE

Created 1979; provides phototypesetting; layout and design; graphics and illustrative art; photo reprographics; duplicating and binding; quick copy services and printer coordination.

There has been legislative interest in this program. Several studies have been performed to determine if private firms could perform same services. Questions whether all functions are necessary and efficient.

General Services Division

Total Funding	=	\$2,379,542	Personal Services	=	\$ 762,886
General Fund	=	588,086	Operating Expenses	=	1,590,294
Federal/Private	=	44,147	Equipment	=	26,326
Revolving	=	1,747,309			

Staffing - 57.0 FTE

Provides building and grounds maintenance; security for the Capitol Complex; mail and messenger services; federal and state surplus property program.

Question whether all functions are necessary and should be provided by state employees or through contracted services. Concerns over lack of use of mail and distribution section and surplus property bureau.

WORKERS' COMPENSATION DIVISION

Crime Victims Compensation Program

Funded by 18 percent of the fines assessed and bail forfeitures received by the Highway Patrol.

Revenues	=	\$390,000	Balance of Fund	=	\$570,404
Operating Costs	=	41,640	Benefits	=	287,607

Staffing - FTE not specified

Program is a method of compensating and assisting those persons who are innocent victims of criminal acts.

Is the program effective? There has been previous recommendations that a formal evaluation of the program's funding be undertaken.

Safety and Health Bureau

Total Funding	=	\$742,771	Personal Services	=	\$520,373
Earmarked Fund	=	710,563	Operating Expenses	=	202,896
Federal/Private	=	32,208	Equipment	=	19,502

Staffing - 28.0 FTE

Conducts safety inspections of employers engaged in coal mining, metal and non-metal mining and logging, and safety inspections of public agencies. Responsible for inspecting and approving the operations of boilers in the state.

Has the program been effective? Has it achieved its objectives?
Is the current level of activity providing any benefit?

DEPARTMENT OF JUSTICE

Fire Marshal Bureau

Total Funding	=	\$296,300	Personal Services	=	\$205,094
General Fund	=	285,912	Operating Expenses	=	75,777
Revolving Fund	=	10,388	Equipment	=	15,429

Staffing - 8.0 FTE

Responsible for reducing the loss of life and property from fire, explosion, and arson. Services include arson investigation, training in determining cause of fire, as well as inspection of public buildings.

Is program meeting its established goals and objectives? How effective is the program?

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Conservation and Education Division

Total Funding	=	\$988,388	Personal Services	=	\$537,002
General Fund	=	686,779	Operating Expenses	=	422,031
Federal/Private	=	100,020	Equipment	=	29,355
Revolving Fund	=	201,589			

Staffing - 25.23 FTE

Provides public information and education programs. Encourages communication and cooperation among sportsmen, landowners, and the department. Includes operation of the printing shop and Montana Outdoors magazine.

Printing by state agencies has been an issue in recent years. Have the programs been effective? There has been a recent drop in FTE.

SECRETARY OF STATE

Commissioner of Political Practices

Total Funding	=	\$128,545	Personal Services	=	\$110,493
General Fund	=	128,545	Operating Expenses	=	16,447
			Equipment	=	1,605

Staffing - 5.0 FTE

Created in 1975 for the purpose of overseeing disclosures of financial contributions to and expenditures of Montana political committees and candidates. The responsibilities of the office were expanded by Initiative 85 (approved by voters in 1980) to include the registration of lobbyists, their principals' financial reports, and the disclosure of elected officials' business and ownership interests. The Office of the Commissioner of Political Practices is attached to the Office of the Secretary of State for administrative purposes only.

Is the program meeting its established goals and objectives? Has it been effective?

BOARDS ALREADY REVIEWED UNDER SUNSET

Accountants
Architects
Banking
County Printing
Electricians
Engineers and Land Surveyors
Insurance Commissioner
Investment Commissioner
Landscape Architects

Plumbers
Realty Regulation
Abstracters
Warm Air Heating and Ventilation
Institutions

Athletics
Barbers
Chiropractors
Cosmetologists
Dentistry
Hearing Aid Dispensers
Human Rights Commission
Massage Therapists
Medical Examiners
Morticians
Nursing
Nursing Home Administrators
Optometrists
Osteopathic Physicians
Pharmacists
Podiatry Examiners
Psychologists
Radiologic Technologists
Sanitarians
Speech Pathologists and Audiologists
Veterinarians
Veterans' Affairs

Aeronautics
Hail Insurance
Horse Racing
Livestock
Milk Control
Oil and Gas Conservation
Outfitters Council
Public Service Commission
Water and Waste Water Operators
Water Well Contractors

VISITOR'S REGISTER

HOUSE Administration

COMMITTEE

BILL SB 319

DATE 3-4-83

SPONSOR Stephens

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

February 14, 1982

The position of Chief Probation Officer was authorized by the 1935 legislature, Section 12288 of the Revised Codes of Montana, 1935. Since that time maximum salary authorized by the legislature has been as follows:

<u>Year</u>	<u>Per month</u>	<u>Per year</u>
1935	\$ 150.00	\$ 1,800.00
1943	200.00	2,400.00
1951 (Jan)	250.00	3,000.00
1951 (July)	266.66	3,200.00
1953	300.00	3,600.00
1955	375.00	4,500.00
1957	400.00	4,800.00
1961	450.00	5,400.00
1963	500.00	6,000.00
1965	575.00	6,900.00
1967	750.00	9,000.00
1972	850.00	10,200.00
1973	1,041.67	12,500.00
1975	1,333.33	16,000.00
1979	1,666.66	20,000.00
1981 (Oct.)	1,833.33	22,000.00
1982 (July cost of living)	70% CPI = 7.28%	

The above represents 48 years since authorization with 16 raises including the cost of living increase in 1982.

VISITOR'S REGISTER

HOUSE State Administration COMMITTEE

BILL SB 309

DATE 3-4-83

SPONSOR *Trakam*

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STATEMENT OF
MONTANA SOCIETY OF ASSOCIATION EXECUTIVES
ON SENATE BILL 309

The Montana Society of Association Executives supports what we believe the principal purpose of SB 309, which is to remove from the Lobbyist Disclosure Act those provisions which have been invalidated by the Montana Supreme Court. The Lobbyist Disclosure Act was substantially revised by the opinions of the Montana Supreme Court in the cases of Montana Automobile Assn. vs. Greely and State Bar of Montana vs. Krivec. Those decisions, which total 47 pages in length, substantially rewrote Initiative 85. However, those revisions by the Court do not appear in the Montana statutes so that a citizen who simply reads the statute without referring to the decisions of the Court will be badly misled as to his duties regarding lobbying.

The Society takes no position on deleting the disclosure obligation imposed on public officials nor does it take a position on increasing the threshold amounts for reporting entertainment expenses. We do support the clarification of the definition of lobbying in the bill. We asked the Commissioner of Political Practices to adopt a similar definition and, at one time, she did, defining lobbying as "attempting to influence the course of pending or proposed legislation by direct personal contact and persuasion, or direct communications from a person to a legislator." However, in the final rules, that rule was deleted on the basis that the

statute adequately defined lobbying. We disagree and would note that the Montana Supreme Court, in the Montana Automobile Assn. v. Greely case, adopted the definition of lobbying contained in United States v. Harriss as limited to "direct communication with members of Congress on pending or proposed federal legislation." Our Supreme Court also adopted the definition of lobbying activities in the United States Supreme Court case of United States v. Rumely as being limited to representations made directly to the Congress, its members or its committees.

We believe the proposed definition is that required by the Supreme Court and is much clearer to the average citizen who reads the statute without the benefit of the Supreme Court opinions.

We also support removal of the requirement of reporting travel and personal living expenses of lobbyists. Those expenses have nothing to do with influencing the passage or defeat of legislation and are basically unfair to those principals who choose to employ persons who do not reside in Helena to represent them in the Legislature. A company or association which spends \$3,000 or \$4,000 for the personal meals, hotel room, and travel expenses of a lobbyist exerts no more influence on the Legislature than does a company or association which employs a resident of Helena as a lobbyist who incurs no such expenses. We believe the requirement of reporting these expenses is unreasonable and we strongly support deleting that requirement.

SUGGESTED AMENDMENTS TO SB-309 PROPOSED BY THE MONTANA SOCIETY OF
ASSOCIATION EXECUTIVES.

On page 2, line 23, after the word "legislation", re-insert
the words "by direct written or oral, informative or persuasive
action, communicated directly to".

On page 2, line 25, delete the word "before".

On page 3, line 2 following the word "legislature" delete lines
3 and 4.

Page 3, lines 9 through 13, delete.

Page 8, lines 6 through 16, delete.

Renumber the following sub-sections.

Page 8, line 19, delete "and (3)(A)".

WITNESS STATEMENT

Name James D. Meckler Committee On ST Ad
Address 2301 Colonial Dr Date 3/4
Representing Mt. Coal Council Support ✓
Bill No. SB 309 Oppose ~~✓~~
Amend ✓

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Harriet Davis Committee On H. St Admin
 Address Helena Date 4 Mar 83
 Representing Leona & Homer Kero GM Support X
 Bill No. SB 309 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Do not amend. The work done on this bill in the Senate has brought the Lobby Disclosure
2. act into essential agreement with the MT Supreme Court decision. There are substantive changes in the bill, but we would
3. accept them in the spirit of compromise. However, if there are changes in the definition of
4. lobbying, we would be forced to rethink our position in support of SB 309. The present definition was not changed by the Montana Supreme Court and serves the purposes of the Act well. The amendment offered by Mr. Holding is so restrictive as to render the reporting ^{requirements} ineffective if principals ~~prorate~~ prorate those expenditures attributable solely to direct contact.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

TESTIMONY SUBMITTED BEFORE
HOUSE COMMITTEE ON STATE ADMINISTRATION
Representative Joe Brand, Chairman
March 4, 1983

Mr. Chairman and members of the Committee. My name is Jonathan Motl and I am the lobbyist for Common Cause of Montana. I speak on behalf of Common Cause in support of Senate Bill 309 to the extent that it deletes from the lobbyist disclosure act those portions of the act declared unconstitutional by the Montana Supreme Court. However, Common Cause is concerned that several provisions of SB 309 go beyond removing unconstitutional language and weaken the lobbyist disclosure act by removing certain types of information presently disclosed to citizens under the act.

The first of these weakening provisions is set out on line 11, page 9 of SB 309 wherein the bill strikes the requirement that principals report travel and personal living expenses paid by the principal to its lobbyists. The primary reason given for this proposed change during Senate hearings was that the travel and personal living expense reporting requirement discriminated against a principal employing non-Helena lobbyists in that these lobbyists /were more likely to incur this type of expense than lobbyists who were already living in Helena. Since the time of the Senate hearing principals have filed their first disclosure reports under the lobbyist disclosure act. There are 323

such principals that have filed these reports and Common Cause examined 31 or about 10% of these reports to determine the effect that the travel and personal living expense reporting requirement was having on principals. The following chart indicates the effect of this reporting requirement on principals:

	<u># of principals</u>	<u>total reported expenditures</u>	<u>total reported travel and personal living expenditures</u>	<u>travel and personal living as a % of total reported lobbying expenditures</u>
Helena principal	16	\$11299	\$255	2%
Non-Helena principal	15	\$12301	\$771	6%

As the above data indicates, the travel and personal living expense reporting requirement does not place a large reporting burden on a principal whether it be from Helena or Kalispell. However, in certain instances the information revealed in responding to this disclosure requirement may be significant information. The information is particularly significant, for example, when it reflects an expenditure by an out-of-state organization which has brought people into Montana to lobby the Montana legislature. Again, Common Cause examined the disclosure reports filed by principals and found the following examples of this type of expenditure:

- 1) Gulf Oil from Denver spent \$1467 on travel and personal living expenses for lobbyists.
- 2) The Brotherhood of Railroad and Airline Clerks from Maryland spent \$850 on travel and personal living expenses for its lobbyists.
- 3) The Soap and Detergents Association spent \$940 on travel and personal living expenses for its lobbyists.

Common Cause believes that the reporting of this type of expenditure is important and that to allow the language of

SB 309 to stand such that it eliminated this reporting requirement would seriously weaken the access to information provided Montanans by the present language of the lobbyist disclosure law.

The second of these weakening provisions is set out on line 22 of page nine wherein the minimum disclosure amounts for benefits, such as meals, provided legislators and other public officials is proposed to be raised from \$10 to \$25. Common Cause examined each of the 323 reports filed by principals and found a total of 31 such payments disclosed by all principals. Of these 31 reported payments, 18 or over 50% were between \$10 and \$25. We believe this data shows that the reporting requirements are not overly burdensome on principals and that there would be a significant loss of information if this portion of SB 309 were accepted.

In closing, we urge the Committee to pass SB 309 with the two changes suggested above. The road to passage of the lobbyist disclosure act was a difficult road to travel and hundreds of Montanans worked to pass the act by initiative. Since the act's passage it has been hauled before two legislatures and the Montana Supreme Court with the result that the first disclosure reports under the act were filed just one month ago. Common Cause believes it is important to change the provisions of the Act as little as possible so that the Act can work for at least one full legislative session and thereby provide consistent and meaningful data which should point the way toward reform, if any, needed in the Act.

Proposed Amendments to SB 309

- 1) page 9, line 11
Reinsert stricken language of entire line
Renummer to allow for reinsertion
- 2) page 9, line 22
Following : "conferring"
Reinsert : "\$10"
Strike : "\$25"

WITNESS STATEMENT

Name Don Judge Committee On State Administration
 Address Helena Date 3/4/83
 Representing MT STATE AFL-CIO Support
 Bill No. SB 309 Oppose
 Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. support clarifying amendments to law made by supreme court
2. urge legislature to consider the following as substantive changes:
 - (1) deletion of public official lobbying of legislature as being "informational"
 - (2) raising of individual expenditures from \$10.00 to \$25.00
 - (3) eliminating personal living expenses & travel from reporting requirement
 - (4) Holding's proposal to eliminate other public officials from reportable requirement when lobbying before these folks

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.