

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 3, 1983

The twenty third meeting of the State Administration Committee was called to order by Chairman Pete Story on February 3, 1983 at 10:33 a.m. in Room 331 of the State Capitol, Helena, Montana.

Senator Story welcomed people to the hearing, asked them to sign the board and list the issue they wished to speak on, and when speaking to state their name clearly as well as the organization they represented.

ROLL CALL: Roll call was taken with all members present except for SENATOR STIMATZ.

CONSIDERATION OF SENATE BILL 317:

"AN ACT REESTABLISHING THE BOARD OF HAIL INSURANCE UNDER EXISTING STATUTORY AUTHORITY AND RULES; REVISING PROVISIONS RELATING TO THE BOARD AND TO THE HAIL INSURANCE PROGRAM; EXCLUDING CROP HAIL INSURANCE ADJUSTMENT FROM CERTAIN EMPLOYMENT LAWS; REMOVING RATE LIMITS; INCREASING COVERAGE LIMITS; AMENDING SECTIONS 2-8-103, 2-15-303, 39-3-406, 39-51-204, 80-2-201, 80-2-204, 80-2-208, 80-2-221, 80-2-222, 80-2-224, 80-2-228, 80-2-241, 80-2-242, AND 80-2-244, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATOR BLAYLOCK, Senate District 35 said this is a bill of the Legislative Audit Committee. He said the Board of Hail Insurance was reviewed by the Audit Committee and the Audit Committee recommended the board be reinstated in the State of Montana. They made recommendations to stream line it and to make it operate more efficiently. Section 3 repeals the statutory language that said the names be submitted by farmer organizations having a general membership throughout the state and confirmed by the Senate. In section 4 where adjusters were to be paid minimum wage is changed so that they can be treated as contractors. Senator Blaylock mentioned changes in Sections 6 and 7 which would have information given to farmers so they know the insurance is available, section 9 would change the amount of maximum insurance from \$24 to \$30 on nonirrigated grain per acre and from \$48 to \$60 on the irrigated land. He said there would be those present who would say this left it unfair competition to private insurance but with inflation it was still necessary to insure with private insurance for anything above the cost of production. He said Section 9 and 10 would put notices in the mail at the same time as property taxes and changes some of the existing law in regard to rates. Section 13 sets a 14 day time limit on reporting loss and Section 14 repeals the language that had names selected from farmer societies etc. Section 15 would allow payments to be made in one payment rather than two.

PROPOSERS:

SENATOR HIMSL, Senate district 9 and chief sponsor of the bill

and Chairman of the Audit Committee said his committee had reviewed this through Sunset and had very little opposition. It is a base insurance by the families in their own group who support it. A lot take the state hail insurance and then take individual hail coverages as well. We felt the best interest of state families are being served by this organization. We could feel no problem by changing to the provisions in this bill.

KEITH KELLY, Department of Agriculture identified himself and gave his testimony to the committee. It is attached as EXHIBIT 1.

JACK GUNDERSON, State Board of Hail Insurance, Dept. of Agriculture passed out EXHIBIT 2,3 and 4 which are attached to the minutes. He said that under the law they are charged to run the law as well and effectively as possible. He explained the \$8 million figure by saying \$5 million is in refunds, \$3.5 million in reserve, and \$344,000 that is shown as profit actually in the \$3.5 million figure and is actually that much less than is held in reserve. He said that exhibit 3 and 4 were informative and that exhibit 4 is the most important one. He said they would like to have fire insurance added onto the hail insurance. He also said that at the present time they pay all expenses to the state but the county treasurers and assessors do all the work. He said this bill would give them a better deal.

MARK Rasmussen representing Montana Grain Growers Association and a wheat farmer from Hogeland presented written testimony which is attached to the bill.

JIM STEVENS, Chairman of the Hail Board, member of the Grain Growers and the Montana Farmers Union said all were in favor of a do pass for this bill and felt it was important that this bill pass if they are to run efficiently. He handed in a short testimony from Terry Murphy, Montana Farmers Union President who could not stay, and it is attached as EXHIBIT 6.

JO BRUNNER representing Women involved in Farm Economics (WIFE) testified for the bill and gave written testimony which is attached to the minutes as EXHIBIT 7.

There were no further proponents for Senate Bill 317 and the Chairman asked if there were opponents.

OPPONENTS:

PHIL STROPE representing Crop Hail Management said that Montana is the only state that is in the hail insurance business; it is the last state since North Dakota went out in 1965; and the supposition that the only way to get a fair rate is to have the state in business is simply not true. He said there are 22 companies in the state that write hail insurance, and the rates are comparative. He said he would like to make reference to a statement made that the board did not cost the state

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anything--the state does not pay a premium tax which amounts to 2 3/4% premium tax plus 3/4% fire marshal. In effect to continue this you are subsidizing a group of farmers who can get the same insurance otherwise. He said there is about \$90 million each year the state is losing because it is in business against the private carriers who have to pay that tax. The \$3.5 million that Mr. Gundersen said was saved for families is the result of premiums paid when someone bought a risk and after the risk was over the state kept the money. There was a time when the Federal Government had the Federal Insurance Program. From 1980 to the present time it has changed. It was an all perils coverage but since 1980 the federal government has been out of insurance and Montana is left as the only government agency in insurance, the time has left when it was needed.

JAY CONLON representing Rain & Hail Insurance Service, Great Falls said he concurred with the testimony of Mr. Strobe and felt there should be some comparison figures between the state insurance premiums and the private insurance premiums.

FRED ERICKSON, Western Crop Insurance said he has been in the business for 25 years in Great Falls said he opposes this type of legislation. I would like to say, in answer to one gentleman's statement that they are fair competition. There is no way I can compete with those who do not pay the premium tax.

BOB LOWRY representing Continental Insurance Company said his company is one of the 22 writing hail insurance, and he would concur in the statements given by Mr. Strobe. He said the federal government has taken itself out of the underwriting business and turned it over to the private industry. The state is now the only government entity offering insurance.

FRANCIS GIFT, Great Falls, with a hail company said he had 10 years before coming to Great Falls working with hail insurance in another state. He said he would concur with Mr. Strobe and did not feel the State of Montana should be in competition whether fair or unfair to private industry.

KEN BLADO, Billings, and in the hail insurance business for 25 years said it is not fair competition now when we have to pay the taxes and everything else and could not possibly support the bill.

CHERYL GILLESPIE, representing herself, said she was involved last spring in the Governors' management program, and it was their recommendation that the hail insurance be sunsetted. The situation of "too expensive" is no longer true, she said, and rates are now comparable to other states and their policies are broader and offer more. The State Auditor is an ex-officio

officer of insurance and he also sits on the Hail Board, which competes for business with insurance companies. She said this gives at least the appearance of conflict of interest.

SENATOR BLAYLOCK closed the hearing by saying the opposition has talked about private versus state hail insurance but there had been nothing said about families who could not get insurance in the highrisk areas. He said he would submit that with the hail we have in this state and without the state in the business, we might very well be subject to higher rates. In 39 counties they are higher, in 17 they are lower and I rather suspect that if the families that as a result of buying state hail insurance it makes them more conscious of the need and they might all be buying more from private industry as a result. I don't know how Mr. Strobe arrived at the \$90 million figure but I rather think it should be explained. I think we should reinstitute the State Hail Insurance Board, he said, and as for the reason the other states went out, they did not have the reserve and Montana does have it.

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT asked Jo Brunner if the Farm Bureau had taken a stand on this bill. Jo Brunner answered that she did not know.

SENATOR MARBUT asked Mr. Strobe if he would make an explanation in regard to the \$90 million figure. Mr. Strobe answered that he meant to say \$90,000 not \$90 million, but that somehow he had added three zero's. The figure should be \$90,000.

SENATOR TOWE asked how Mr. Strobe had arrived at his figures and Mr. Strobe answered that $3\frac{1}{2}\%$ the premiums of \$2.5 million makes \$88,000.

SENATOR STORY said we are not only reinstating the Board but we are also changing a lot, and this might not come under the one subject since a lot of the things might normally come under another bill and be handled by other committees. He said he does not feel comfortable with this.

SENATOR HIMSL said the bill passed out of committee a few days ago made it possible to make references in the proposal.

SENATOR STORY said he realized this was true, but this bill takes such a wide scope. It does not go along with the rule that every bill should have a single subject matter except for finance.

SENATOR HIMSL said it is the prerogative of the committee to make amendments to this bill. He said they had made a presentation of the best recommendations they had.

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SENATOR MARBUT said he had two questions: 1. If the cap on the reserve fund is eliminated and the maximum tax under section 9 is stricken--I wonder if it is possible to react to those changes.

Mr. Gunderson answered that the caps were out before and they had just tried to eliminate a lot of dead wood in the bill. We feel we would like to change it so that every year we do not have to come back to the same thing.

SENATOR TOWE asked in raising to \$30 an acre and \$60 an acre on irrigated land--this is a substantial change, how important is it to you?

Mr Gunderson said the reason for this was the inflation. It was last raised in about 1967 when it was raised to the figure it is now. The concept of the Hail Insurance Board is to insure the families to get the basic cost. It is an attempt to keep some basic insurance.

SENATOR TOWE said if credents is given at all to the arguments Phil and the others have made, is there any reason to increase? Why can't the private insurance cover the extra inflation?

Mr. Gunderson answered that the private insurance does not have to write hail insurance. They cannot stand to expand to much in one area. A family may have to go to three companies to get enough hail insurance.

SENATOR TOWE said he would like to ask the same question of Phil who referred to Mr. Erickson to answer it.

Mr. Fred Erickson said at the time they had the Hail Board in North Dakota the area bordering Montana had 24% rates and today after the board has folded the rates run from \$15 to \$9 for \$100,000 of insurance where before it cost \$24. He said their rate then was 18% down to Sheridan and today it runs \$9 to \$13.50. He said that in all cases the private insurances have not raised the rates, and the competition between the companies is fierce.

SENATOR TOWE asked if there were many places in Montana where a person cannot get State Hail Insurance--all he wants.

Mr. Erickson answered yes, there are many places in Montana where a person cannot get State Hail but can get private hail insurance.

Mr. Gunderson said when you get into the risk areas it is a lot higher, and when you get down into Carter county it is 16%. He said that is excessive.

SENATOR TVEIT asked why the money went to the state and not back to the families.

Mr. Strobe answered that the \$3½ million is not money paid by families to a co-op program where profits are returned to the individual, it was just coverage to the state and the state was obligated to pay it. He said he did not agree with the theory that when you bought coverage (such as unemployment comp or workmans' comp) that you also bought a vested interest.

The hearing on Senate Bill 317 was closed.

CONSIDERATION OF SENATE BILL 311:

"AN ACT SPECIFYING AGENCIES AND PROGRAMS TO BE SUBJECT TO A SUNSET REVIEW AND TO TERMINATE JULY 1, 1985; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATOR HIMSL, district 9, Kalispell, and chief sponsor of Senate Bill 311 said this is a bill recommended by the State Audit Committee, and that the bill is very simple in intent. Senator Himsl said the bill specifies those agencies and programs that are subject to a performance audit as provided in this chapter and terminate on July 1, 1985. He said this bill follows the one your committee sent out before that changes the role or scope of the sunset audit powers. It is the recommendations of the staff based upon what they believe should be investigated. Sunset does not necessarily mean termination, it put under review against the standards they set up for themselves. The Audit Committee measures those against the standards and recommends what they feel is necessary. Some do not fall under the jurisdiction of the Sunset but can be put under an audit review. No accusations nor malice is intended, Senator Himsl said. I have a recommendation for an amended change No. 8, Commission of Political Practices as a subject to review by the Audit Committee.

There were no further proponents.

OPPONENTS:

J. D. HOLMES, representing the Montana Arts Advocacy said he understood from Senator Himsl's statements that it is not necessarily true that you were out if sunsetted. The Arts and Cultures is funded by 1/3 of the interest of a 5% trust fund. 5% of 1/2 of the coal tax. It has only had one real go-around in the Legislature. 28 applications came in, the committee reviewed it and sent it to the Legislature. They boiled it down to 18 which were funded. This session 88 projects have been proposed with over \$3 million and a committee set up according to the wishes of the Coal Tax Oversight Committee it was screened to 28. The 28 projects will still have to go before a Legislative review. With only two go-arounds it is a little early to be sunsetted, he said. The bill to keep our part of the trust fund was killed in committee. I went to the House where an effort was made to overturn the committee report, there was a floor argument and the effort to keep it was defeated by 62 to 32.

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SENATOR HIMSL closed by saying that some of you may not be familiar with the Publications and Graphics Division. There is some trouble and controversy about it. General Services that take care of the Capitol, Crime Victims is another one; the Fire Marshall Bureau and Conservation and the Fish and Wildlife are all in this bill, or possibilities. We do work where the Audit Committee does not feel sure of what the whole program is. When questions arise and an audit is made it is not always bad, sometimes we find they are doing good and also doing the best possible job. Amendments offered are attached.

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE: I really like the concept of checking on the programs. How did you make the decision on the 7?

SENATOR HIMSL answered that it was the recommendations of the staff, that he had no personal knowledge of the reasons and there was no malice involved in the decisions.

SENATOR TOWE said he really liked the idea of sunseting not only agencies and bureaus but also programs. The first program is the Art and Cultures, etc. How will it operate in practice? If not picked the terms stay? Does it also abolish the income or just the income? Since Parks get the 2/3--what does it do to them?

SENATOR HIMSL said he sees this as an evaluation of the program. When the Arts Council came in last year we had a lot of testimony on dance groups etc. Now we feel there should be some follow-up to see how it is working. If everything is copacetic, okay; if not, then it is up to you to do something to change it.

SENATOR TOWE said this is a good concept but in a practical nature if there is no bill to re-instate it you still have it funded; you still have 2/3 to the parks. I don't understand how it operates.

SENATOR HIMSL said that would be determined by this committee.

SENATOR STORY said it would take a positive bill by the Governor to reinstate them or they would be out of business. If someone were feeling a little cross or something they would be out of existence. He asked if the language would be expunged or what.

SENATOR TOWE said that what we are talking about should be looked at. For the first time we have a bill that could help us see if a program was successful and if not we could get rid of it. Could the man from the Audit office give us his view?

Mr. Scott Seacat said that under the 137 recommendations of whether the Parks Program or whatever is terminated that after a review, then the next session the Audit Committee has to come in with a bill from the Audit Committee to amend it.

This has happened before, Mr. Seacat said. The Board of Abstractors were in that position one year. If there is no Board there is no one to administer the law.

SENATOR TOWE advanced the supposition that it was the Hail Insurance and we failed to pass the bill and it would go. If we did the same to a program, then what would happen?

SENATOR MARBUT said 28011 lists those agencies that would be terminated if positive action were not taken.

SENATOR TOWE made the statement that perhaps it could be repealed in another bill.

SENATOR STORY said these are companion bills and if that bill fails in the House then this bill must fail or else we are in the twilight zone.

SENATOR TOWE asked Senator Himsl if this bill can pass if the other fails.

SENATOR HIMSL said that he was sure it could.

SENATOR STORY said he would set up a subcommittee to check this out. He said this particular program is administered by the Historical Society and it is not the intent to terminate the Historical Society, but only one of its programs.

The hearing on Senate Bill 311 was closed.

CONSIDERATION OF SENATE BILL 312:

"AN ACT INCREASING THE PER DIEM COMPENSATION FOR QUASI-JUDICIAL AND LICENSING AND REGULATORY BOARDS FROM \$25 A DAY TO \$50 A DAY; AMENDING SECTIONS 2-15-124 AND 37-1-133, MCA; AND PROVIDING AN EFFECTIVE DATE."

SENATOR HIMSL, district 9, Kalispell and chief sponsor of Senate Bill 312 said this bill is the request of the Audit Committee and is their recommendations. In the review of the different boards and as a result of the hearings of the regulatory and licensing boards the recommendations of the per diem should be increased from \$25 to \$50 was recommended. Many of these people are professional people who sacrifice time and money to serve on a board. It was felt that the least we could do was to offer them \$50 per diem to help offset part of their expenses. The over all impact is about \$56,000 annually, ranging from \$125 to \$127. These boards have the money from their own assessments, and have enough to handle it. It is just a matter of philosophy or feeling as to whether it is justified or not.

Senator Himsl said these areas deal with the quasi judicial boards.

PROPONENTS:

MARY LOU GARRET, representing the Chamber of Commerce said they felt it was time the members of these boards were paid for the time they were away from their home and business.

LARRY NACHTHEIM, Department of Administration said he would support the bill but would like to make an amendment that would be a mechanical change. He mentioned in the law one section referred to the compensation of \$25 a day and in section 2-15-1009 it says compensation would be the same for quasi judicial boards. He said he felt if it were changed it would be in conflict and he would prepare an amendment and leave it with the secretary later on in the day.

SENATOR STORY said that some boards are manned by some of the state officials who do it on state time and receive state compensation.

SENATOR HIMSL answered that this is not on state employees.

RAE HAAS, representing himself said he is serving on a board and has done so for over a year. He said he is very much in support of the bill, and as a CPA his hourly rate is more than the \$25 per day.

SENATOR HIMSL said he did not need to make closing remarks.

The hearing was closed on Senate Bill 312.

CONSIDERATION OF SENATE BILL 309:

"AN ACT TO GENERALLY REVISE THE PROVISIONS OF THE LOBBYIST DISCLOSURE LAWS; DELETING PROVISIONS DECLARED TO BE UNCONSTITUTIONAL BY THE MONTANA SUPREME COURT; CLARIFYING THE DEFINITIONS OF "LOBBYIST" AND "LOBBYING"; DELETING THE REQUIREMENT FOR THE REPORTING OF EXPENSES UNRELATED TO INFLUENCING LEGISLATION; INCREASING THE THRESHOLD AMOUNTS FOR REPORTING ENTERTIANMENT EXPENSES FROM \$10 TO \$25 AND FROM \$100 TO \$250; AND DELETING THE DISCLOSURE OBLIGATION IMPOSED ON PUBLIC OFFICIALS; AMENDING SECTIONS 5-7-101, 5-7-102, 5-7-208, AND 5-7-302, MCA; REPEALING SECTION 5-7-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATOR GRAHAM, district 29 said he was appearing in behalf of Senate Bill 309 as the chief sponsor and said he would go through the changes in the bill, said he was surprised to see so many people interested in it, but knew there had been some newspaper publicity on it. He said that the Bozeman Chronicle says it is our duty to oppose it in any form (Jack Lowe). He said the bill does change some of the things in the present law. It attempts to change all the things the Supreme Court

says is unconstitutional and this will change it to be a workable law. He presented written testimony which is attached as EXHIBIT 7, Senate Bill 309. He also submitted a copy of the bill with red rings on the line numbers of each page which were the changes for unconstitutional provisions and blue circles on the numbers for the other changes, this is attached as EXHIBIT 8, Senate Bill 309.

Senator Graham added that this is basically what the bill does do. He felt possibly the commissioner might be in the room and say he was trying to gut the bill, but there was no such intention on his part. He said, we are simply trying to clean up the unconstitutional parts.

ROBERT VAN DER VERE, Helena, speaking as a concerned citizen lobbyist said he agrees with Senator Graham that it is nobody's business how much he earns or what he owns. Even though I don't spend \$1,000 up here, I still have to file a report. He said there are too many busy-bodies around trying to squeak through and force people to do things that is nobody's business.

ROBERT HELDING, Montana Society of Associated Executives, and a paid lobbyist, said they support what they believe is the principle purpose of this bill. He handed in testimony which is attached as EXHIBIT 9, Senate Bill 309

WILL BROOKE, representing the Montana Wool Growers and the Montana Stockgrowers said he supports what was said by Mr. Holding. He said he does not feel the travel and living expenses have anything to do with influencing Legislators.

GENE PHILLIPS, Kalispell, said he was representing himself, his testimony is attached as EXHIBIT 10, Senate Bill 309.

JAMES MOCKLER, representing himself, said he is a lobbyist and the inequities of those in Helena and those out should be ironed out. He said he lives in Helena, eats his own food, etc and does not have to report that. Those others from out of Helena do have to report it. He said it would place inequities in the reports and may even imply that the poor fellow that lives out of town may have more influence than I have.

MIKE FITZGERALD said he supports the bill as Senator Graham has outlined it. He said he was speaking for the organization he represented, the Montana Trades Commission, and they also support the bill. He said we have been in business and are a state wide economic development corporation and said he sees here an assumption that the lobbyist can control what happens in Montana, and while he had not spent much time before as a lobbyist he finds the Legislature has more control over the economic picture than does the market, and they feel they do have to be here now.

There were no further proponents.

OPPONENTS:

Mr. Art Kussman, speaking for Common Cause left a copy of his testimony which is attached as EXHIBIT 11, Senate Bill 309.

MARGARET DAVIS, President of the League of Women voters gave written testimony, attached as EXHIBIT 12, Senate Bill 309.

ROSE MAGNUSON, Montana Common Cause, Missoula, left written testimony, attached as EXHIBIT 13, Senate Bill 309. She also left a copy of the vote for Initiative No. 84, the Lobbyist Disclosure Law, attached as EXHIBIT 14, Senate Bill 309.

SENATOR GRAHAM closed by saying he has been in the Legislature for 24 years and has had contact with many lobbyists. He said he feels they are a necessary part of the Legislature and in his 24 years in the Senate had never been invited to a posh party so he had never had that experience. He said he had gone to dinner with lobbyists, sometimes he buys, sometimes they do and sometimes they did not even discuss legislative matters. He also said he would go talk to some of them on both sides on some matters so that he could weigh the information before he made up his mind. He said 99% of the contact he has had with lobbyists has been right in the halls outside the Senate. He also questioned the testimony of Common Cause who pleaded waiting to weigh the information received from the forms, asking how long one had to live with something bad before you changed it.

QUESTIONS OF THE COMMITTEE:

SENATOR TVEIT asked Margaret Davis, League of Women Voters if it is true they are not a registered lobbyist. She answered that they do not reach the requirement for her to register.

KAREN STRICKLER said we are not subject to the reporting because we do not meet the requirements.

SENATOR MARBUT asked Margaret Davis if she had no quarrel with the existing law within the limits of the Supreme Court and she answered, no. She said they have no quarrel with the area of definitions that are addressed by the Supreme Court.

JON MOTL, Common Cause said the actual statute contains the sections referred to by the Supreme Court. They crossed out the sections they felt were unconstitutional.

SENATOR MARBUT asked Mr. Holding about his definition. Mr. Holding answered that they do what the supreme court says. He said he felt that was fine, and they are only asking that the definition supplied by the Supreme Court be the definition of lobbying.

SENATOR TOWE directed a question to Senator Graham asking him about page 9, line 24 and 25 and if that were a constitutional requirement where it says "list each bill, resolution, or joint resolution in which the principal or his agents exerted a major effort to support, oppose, or modify, together with a statement of the principal's position for or against such action"--isn't it true that you just amended it? He said others had much concern about some simple resolutions, hasn't this been included?

Some discussion was held back and forth on the simple resolution and Senator Graham said he did not object to anything the committee would do to make the bill a little bit better.

SENATOR TOWE said he had another question. He said there were several references to the travel and living expenses and on page 8, line 14 of the bill he did not feel it was a very clear that it was actually removed. He said he felt there could be some confusion with page 6 lines 17 through 21.

SENATOR GRAHAM said that what he is trying to say in this part of the bill is that what a lobbyist spends for rent and meals and dry cleaning, etc. has nothing to do with his lobbying.

SENATOR TOWE asked if he did not feel he would also have to change section 1.

Mr. Holding answered yes, he did feel it would have to be changed.

SENATOR TOWE said this is a non legal but a philosophical question. If you agree that a person who pays \$25 or more for the purpose of lobbying, defined as influencing legislative action, why not the same for the administrative rules? If someone comes to Helena to influence rules that is also lobbying, isn't it?

SENATOR GRAHAM said he did not understand the question.

SENATOR TOWE said, you pay \$25 to entertain a Legislator, but not to influence a board that is making an administrative rule after the Legislature goes home.

SENATOR STORY said one of the things he had objected to when this act was put forth was that the proponents said 3 things and they included lobbying 1. Government Agencies, 2. Those elected officials, and 3. and lobbying on a present law. It did not say it drastically changed the definition of lobbying but even saying cemetery boards. Instead of meaning these shady characters who influence me.

SENATOR STORY addressed a question to Mr. Motl from Common Cause. He said, it was brought out it was unfair for traveling out of town to report room and board. Do you see it as unfair?

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Motl said

What it would do is the same as campaign finances. We intend to look at the act and find out where the problems were. We said then we would come back in for changes.

SENATOR STORY asked if Mr. Motl saw an injustice.

Mr. Motl answered that he would have to read the reports since the testimony here was not wide enough. He would have to read the report and see what was reported.

SENATOR TOWE said it is not clear that there is that discrimination. The individual who comes in on his own we do have sympathy for. On the other hand one corporation concerned about one item comes in and spends a lot of money for 4 or 6 people and hotels and meals and certainly should be exposed.

SENATOR STORY asked about the corporations who hired attorneys who are in Helena and others who have attorneys from out of Helena?

SENATOR TOWE said in that case the ones who live in Helena have a desired advantage.

SENATOR MARBUT said it looks like that law should be interpreted to say they should pro rate their living costs here in Helena. It is a special interest law for people who live in Helena and do not have to report it.

Mr. Holding said he also felt living expenses and travel should be taken into consideration. It was the rules of the game, but it was unfair.

SENATOR HAMMOND said he felt it was giving everyone in Helena an unfair advantage and asked if the entire organization of Common Cause was based in Helena. Mr. Motl said no, they were from all over the state.

There was some discussion on clarifying the term lobbying, what applied to quasi judicial boards, PSC, etc., and where rule making boards might be different. Legislators said they could not be bought for a meal, and what could or should be done.

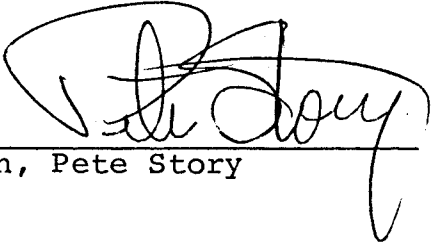
SENATOR MARBUT asked Mr. Motl if this committee found things that were wrong, especially things the Supreme Court says are wrong, he felt the committee was compelled to change the wrongs he asked if Common Cause would not agree to the changes.

Mr. Motl said to the laws of the Supreme Court, yes, to the others, no. He felt they should take a look at the reports before other changes were made.

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The hearing was closed on Senate Bill 309.

The meeting adjourned at 12:51 p.m.

A handwritten signature in black ink, appearing to read "Pete Story", is written over a horizontal line. The signature is stylized with a large, looped initial "P" and a long, sweeping tail that extends below the line.

Chairman, Pete Story

ROLL CALL

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COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/3/83

----- SENATE				SEAT #
NAME	PRESENT	ABSENT	EXCUSED	
SENATOR PETE STORY, Chairman	✓			45
SENATOR H. W. HAMMOND, Vice Ch	✓			34
SENATOR REED MARBUT	✓			44
SENATOR LARRY TVEIT	✓			33
SENATOR R. MANNING	✓			48
SENATOR LAWRENCE STIMATZ			✓	7
SENATOR THOMAS TOWE	✓			26

Each day attach to minutes.

DATE February 3, 1983

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mary Jay Garrett	Dept of Commerce	312	✓	
Phil Stope	Crop-Hail Management	317		✓
Sam Mott Hime	Audit Com.	317	✓	
KEITH KELLY	DEPT OF AGR	317	✓	
J. Brunner	W.I.F.E	317	✓	
J. Brunner	W.I.F.E	309	✓	
J.D. Holmes	MT. ARTS ADVOCACY	311		✓
Bob Durkin	Crop Hail Mgmt	317		✓
Leo Mungy	MT Farmers Union	317	✓	
George Gillespie	SCH	317		✓
Virginia Hobbs	League Women Voters	309	✓	
Anthony D. Gue	League of Women Voters	SB 309	✓	
Katherine Shovic	Lit. Falls L. of W.V.	309		✓
MARGARET STAINS	LHWMT	309		✓
Theresa England	intern	309		
Roland H. Hest	Hest	309 311	✓	
Bruce Haas	Self	312	✓	
Larry Nachtsheim	PLAD	312	✓	

(Please leave prepared statement with Secretary)

DATE February 3, 1983

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Ken Bladow		SB 317		✓
Ken Bladow → <i>John</i>		"		✓
Mary Geis		SB 309		✓
Anne Bonks		SB 309		✓
Esther Everingham	League Women Voters			
Phyllis Storer	" " " "			
Michael Hunt	Mt St Germain Assoc	SB 311		
Mike Walker	State Council Firefighters	SB 311		
Mary Ann <i>Spina</i>	LWU - Bozeman			
Beth Miller	LWU - Bozeman			
<i>Barbara Hill</i>	LWU - Bozeman			
Barbara Hill	Bozeman LWU			
GENE PHILLIPS	SELF	SB 309	X	
Everett Shuey	Montana Power	SB 309	X	
Jim Stephens	Hail Board	SB 317	L	
Robert Stephens	Montana Grain Growers Ass'n	SB 317	✓	
BOB HELDING	Mt. Society Assoc. EXECUTIVES	SB 309	✓	
Mark Rasmussen	Mt. Grain Growers Ass'n	SB 317	✓	
Robert Van Cester	Idaho		✓	
Francis W. Joffe	Great Falls	SB 317		✓
Art Kussman	Common Cause	SB 309		✓
Rose Magnuson	Common Cause / Missoula	SB 309		✓
Bob Lowry	CONTINENTAL INS CO	SB 317		✓
Jay Conlon	Rain & Wind INS. Service	SB 317		✓
Fred R. Erickson	Western Map Mfrs.	SB-317		✓
Jim Mockler	Self	SB 309	L	

(Please leave prepared statement with Secretary)

h. #1
SB 317
2/3/83
Testimony of Keith Kelly,

before the Senate Committee on State Administration

February 3, 1983

Mr. Chairman, Members of the Committee:

For the record, my name is Keith Kelly. I am Director of the Montana Department of Agriculture.

Mr Chairman, I want to express my full support for Senate Bill 317 to re-establish the State Board of Hail Insurance. This program is completely self-supporting, even to the extent of paying rent to the State for office space.

The Board has stood the tests of time and review under the Sunset Law. The Legislative Audit Committee has recommended numerous changes, which will clear up the administrative areas that have been called to our attention. The small increase in coverage is certainly in line with the increased costs of production and follows through on the original philosophy of providing basic insurance at cost.

A Mr. Dan Shae of Carbon County sponsored this legislation in 1917. At that time wheat yields were 10.5 bu. per acre and a total production of 29.3 million bushels. In 1982 yield average is 34.3 bu. per acre with total production at 183.6 million bushels. While there have been dramatic changes in our agricultural economy in the last 60 years, one thing has remained the same as when Mr. Shea proposed the State Hail Board . . . that Agriculture must still work with Mother Nature, and in the final analysis she determines what our harvest will be.

That is why the need for a State Hail Insurance program at reasonable costs is just as important today as it was in 1917.

SB 317 Testimony - Page 2

The administrative cost of the State Hail Program is very reasonable in that it comprises only 6% of the total budget.

Jack Gunderson, Administrator of the State Hail Board is present and can respond to any of your questions.

I ask you to pass SB 317, which will serve the best interests of Agriculture, and in turn will help all Montana citizens.

SB 317
eff 2
Bunderson
2/2/83
5

STATE BOARD OF HAIL INSURANCE

Exhibit 2a
State Administration
Feb. 3, 1983

1982 Hail Season Summary

Policies	2,138
Premium Charge	\$ 2,179,349.93
Risk	\$25,299,343.56
Dollar Losses Paid	\$ 1,230,694.46
Premium over Losses	\$ 948,655.47
Interest from Investments	\$ 393,122.58
Gross Income	\$ 1,341,788.05
3% to State & Counties	\$ 65,380.50
83 FY Operating Expense	\$ 153,260.00
40% Refund to Producers	\$ 871,739.97
To Investments for Reserve	\$ 251,397.58

#

1917 - 1982 65 YEAR SUMMARY INFORMATION TOTAL RISK \$388,018,214.37

Total Levy 65 years	\$33,679,282.89
Total Losses paid 65 years	<u>\$25,315,237.98</u>
Levy over losses in 65 years	\$ 8,364,044.91

Total Refunds 65 years	\$ 5,111,197.04
Total in Reserves 1/14/83	<u>\$ 3,597,808.36</u>
Total	\$ 8,709,005.40

Refunds & Reserves	\$ 8,709,005.40
Levy over Loss	<u>\$ 8,364,044.91</u>
Profit to producers (which is now part of the reserve	\$ 344,960.49

SUMMARY OF LEGISLATIVE AUDIT COMMITTEE RECOMMENDATIONS

THIRD CYCLE SUNSET

The Legislative Audit Committee reviewed ten agencies during the third cycle of sunset. Following presentations of audit reports by the staff of the Legislative Auditor and public hearings on each agency, the committee recommended modifications to existing statutes. The following is a summarization of the action taken by the audit committee:

BOARD OF HAIL INSURANCE

1. Page 1, line 25, Sections 1 & 2; Page 6, line 16, Section 3
-- Reestablish the board and retain present board make-up.
2. Page 6, line 21
-- Repeal the statutory requirement that board members must be selected from names submitted by farm organizations.
3. Page 6, lines 22 & 23
-- Require senate confirmation of board member appointments.
4. Page 16, line 16, Section 6; Page 17, line 6, Section 6
-- Repeal the statutory requirement that the board inform all farmers of the state hail insurance program through a brochure to be distributed with property tax assesement notices.
5. Page 18, Section 8, line 22 to line 24
-- Increase coverage limits to \$30 per acre for dryland crops and \$60 per acre for irrigated crops.
6. Page 19, line 21 through Page 20. line 24
-- Repeal the present statutory rate limits of 5-10 percent and require the rates be based on historical loss ratios.
7. Page 23, Section 13, line 1 on page 24
-- Increase the present statutory loss reporting deadline to 14 days.
8. Page 24, Section 14, line 12
-- Clarify statutes so that the Department of Agriculture has sole responsibility for hiring hail unit adjusters.
9. Page 24, Section 14, line 14
-- Clarify by statute the independent contractor status of hail unit adjusters.
10. Page 24, Section 14, line 20
-- Repeal the statutory requirement that adjusters be selected from names submitted by farm organizations.
11. Page 25, Section 15, line 22
-- Repeal the statutory requirement that hail loss payments be paid in two parts.

SUMMARY OF LEGISLATIVE AUDIT COMMITTEE RECOMMENDATIONSTHIRD CYCLE SUNSET

The Legislative Audit Committee reviewed ten agencies during the third cycle of sunset. Following presentations of audit reports by the staff of the Legislative Auditor and public hearings on each agency, the committee recommended modifications to existing statutes. The following is a summarization of the action taken by the audit committee:

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- Reestablish the board and retain present board make-up.
- Repeal the present statutory rate limits of 5-10 percent and require that rates be based on historical loss ratios.
- Increase coverage limits to \$30 per acre for dryland crops and \$60 per acre for irrigated crops.
- Increase the present statutory loss reporting deadline to 14 days.
- Repeal the statutory requirement that hail loss payments be paid in two parts.
- Repeal the statutory requirement that the board informs all farmers of the state hail insurance program through a brochure to be distributed with property tax assessment notices.
- Clarify statutes so that the Department of Agriculture has sole responsibility for hiring hail unit adjusters.
- Clarify by statute the independent contractor status of hail unit adjusters.
- Repeal the statutory requirement that adjusters be selected from names submitted by farm organizations.
- Repeal the statutory requirement that board members must be selected from names submitted by farm organizations.
- Require senate confirmation of board member appointments.

*eff 4
amendment
SB 317 2/2*

PROPOSED HAIL BOARD AMENDMENTS TO SB-317

Amend the title line 12 by adding "80-2-210" and "80-2-232"
on line 13 add "80-2-243"

80-2-210

Page 19 --- add a new section 80-2-210

"Hail insurance coverage may include loss by fire on unharvested grain and any loss of grain while being moved from the field to the first place of storage. An additional charge may be assessed if the producer desires this coverage."

Renumber all following sections

This will enable state policy holders to participate with Federal Crop Insurance if they chose to do so.

80-2-232

Page 23 --- We would like to amend 80-2-232 by reversing the 1% to the counties and 2% to the State.

This will give the counties \$22,683 more to equitably reimburse the costs in relation to the service provided.

80-2-243

Page 25 --- 80-2-243 increase bond amount from \$10 to \$25 in two places and \$25 to \$50 in two places.

This is an inflationary increase and helps hold down disputed appraisals.

80-2-244

Page 26 --- Line 10, We would like to increase irrigated hay coverage to the same coverage as other irrigated crops. This can be done by striking on line 10 and 11 the following "and \$24 \$30 per acre on hay crops"

This will end discrimination against irrigated hay producers.

with 5'
SB 317

My name is Mark Rasmussen. I am a wheat farmer from Hogeland Montana. I am also the Secretary of the Montana Grain Growers Association, a voluntary, non-profit agricultural commodity organization representing Montana wheat and barley producers. I am here today in behalf of MGGGA to testify in favor of SB 317 to retain the State Hail Insurance Board.

The Montana Grain Growers Association strongly supports retaining the State Board of Hail Insurance. The State Hail program has a history of providing low cost hail protection to Montana grain producers at virtually no cost to the State of Montana. A sufficient reserve fund is carried, which has enabled the hail board to completely pay claims in years when losses exceeded the premiums paid. By investing the reserve monies in the State short-term investment pool, there has

been enough interest income to return some monies to the reserve even in years when losses exceeded premiums. Additionally, in years when the loss ratio is low, the Hail Board has been able to refund a percentage of the premium, resulting in low net premiums paid by producers for a year's hail insurance.

Critics of the State Hail Insurance Program say that the State of Montana should not be selling insurance in competition with private insurance carriers. Although this bill proposes raising the maximum coverage to \$30 per acre for dryland crops and \$60 per acre for irrigated crops, these figures are still a relatively low percentage of the cost of production of most Montana crops. Producers who wish to insure for a higher portion of their production costs must do so using private insurance. The

volume of ^{hail} insurance sold by private carriers in Montana seems to indicate that the State is not competing unfairly in this area. In high-risk areas, State hail insurance is the only means a producer has of providing at least some hail coverage at a reasonable premium.

In conclusion, I would like to reiterate that the Montana Grain Growers Association strongly supports the retention of the State Board of Hail Insurance. This program provides a valuable service to Montana's agricultural community at no expense to the Montana Taxpayer.

6

WITNESS STATEMENT

EXHIBIT 0
State Administration
Feb. 3, 1983

NAME Terly Murphy BILL No. SB 317
ADDRESS D. T. Falls DATE 2-3-83
WHOM DO YOU REPRESENT MT Farmers Union
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

M. F. U. policy totally supports reinstatement of the State Hoik
Insurance Program.

WIFE Women Involved in Farm Economics

NAME JO BRUNNER BILL NO. SB 317

ADDRESS 563 3rd St. Helena DATE FEB: 3/83

REPRESENT WOMEN INVOLVED IN FARM ECONOMICS

SUPPORT X OPPOSE AMEND

COMMENTS:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I AM TESTIFYING TODAY FOR THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION IN SUPPORT OF SB317.

AS A WHOLE WE ARE IN AGREEMENT WITH THE CHANGES PROPOSED IN THIS BILL, BUT WE DO HAVE RESERVATIONS ABOUT SECTION 3, PAGE 6, LINES 21-22-23. OUR CONCERN IS THAT WE WILL HAVE PEOPLE APPOINTED ON THE BOARD THAT WILL NOT BE ACQUAINTED WITH THE NECESSITY OF THE CONTINUAL OPERATION OF THE BOARD AND WILL THUS NOT BE SYMPATHETIC TO THE NEEDS OF AGRICULTURE IN THIS AREA.

I WILL NOT GO THROUGH THE REST OF THE CHANGES WITH YOU. WE ARE IN AGREEMENT WITH THE INTENT OF THEM.

I WILL STRESS THE IMPORTANCE THAT W.I.F.E. PUTS ON THE CONTINUANCE OF THE HAIL BOARD. WE FEEL IT IS A VERY NECESSARY INGREDIENT TO THE SURVIVAL OF A GREAT MANY FARMERS WHO UTILIZE IT. WE BELIEVE THAT IT CERTAINLY DOES PAY ITS WAY IN THE OVERALL GOVERNMENTAL PROCESS AND THAT IT IS NOT COSTLY TO THE TAXPAYERS OF MONTANA.

WE ARE OF THE FIRM CONVICTION THAT THE STATE HAIL BOARD IS A GREAT INFLUENCE ON PRIVATE HAIL INSURANCE COMPANIES IN SETTING THEIR RATES AND PAYMENTS AND IF IT EXISTED FOR NO OTHER REASON, IT WOULD BE BENEFICIAL TO THE AGRICULTURE COMMUNITY FOR THAT REASON ALONE. WE DO REALIZE HOWEVER THAT IT IS A BENEFICIAL PROGRAM IN ITS OWN RIGHT, COMING INTO EXISTENCE FOR OUR BENEFIT AND WE ASK THAT IT BE CONTINUED FOR THAT SAME REASON.

WE ASK A DO PASS FOR SB 317.

THANK YOU.

Sen Graham

1. Eliminate Disclosure Requirement for Legislators

EXHIBIT 7a
State Ad.
2/3/83

The Lobbyist Disclosure Act requires legislators to file a business disclosure statement. Because I believe this information is private information which the public does not need to know, I have deleted this disclosure requirement by repealing Section 5-7-213. (Page 10, Line 16).

2. Refines the Definition of Lobbying

The bill refines the definition of lobbying to include only direct communication with members of the legislature. The proposed language is almost identical to language of the U.S. Supreme Court which decided that the Federal Regulation of Lobbying Act applied only to "direct communications with members of Congress." With this new definition there is no "non-legislative" lobbying. (Page 2, Lines 19-25 and Page 3, Lines 1-4).

3. Reporting of Expenses

Senate Bill 309 adds words to the Lobbyist Disclosure Act making it clear that a report of expenses is necessary only when the expense was made for the purpose of lobbying.

~~Reports~~ Reports of other expenses should not be required ~~simply~~ because a person is a "lobbyist" as defined by the Act.

(Page 6, Line 20).

4. Reporting of Living Expenses

The Lobbyist Disclosure Act requires lobbyists to report travel and personal living expenses. For lobbyists who do not live in Helena this creates an unfair situation. Because they must travel to Helena and live in motels their expense reports will be larger than reports of persons who live in Helena. I have corrected this unfair situation by deleting Line 14 on Page 8.

5. Entertainment Expenses - \$10 or \$25

This bill makes it clear that entertainment expense must be related to lobbying. It also increases from \$10 to \$25 the amount which triggers the requirement to identify the legislator who was entertained. I believe this change will eliminate unnecessary reporting. (Page 8, Lines 23-25).

6. Unconstitutional Provisions

Certain provisions of the Lobbyist Disclosure Act were declared unconstitutional to the Montana Supreme Court. I have deleted them in Senate Bill 209. These provisions are found in the following Sections of the Bill:

EXHIBIT 7c

- (a) Page 2, Line 2
- (b) Page 3, Line 8
- (c) Page 4, Lines 9-10
- (d) Page 4, Lines 15-22
- (e) Page 5, Lines 2-3
- (f) Page 5, Lines 7-9
- (g) Page 8, Lines 2-9
- (h) Page 8, Line 11
- (i) Page 8, Line 15
- (j) Page 9, Lines 15-23
- (k) Page 10, Lines 11-15

Red = Unconstitutional Provisions
Blue = Other Changes

48th Legislature

LC 2181/01

LC 2181/01

1
2 INTRODUCED BY *Senator Boylan*
3 *Senator Secor LA NE*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 PROVISIONS OF THE LOBBYIST DISCLOSURE LAWS; DELETING
6 PROVISIONS DECLARED TO BE UNCONSTITUTIONAL BY THE MONTANA
7 SUPREME COURT; CLARIFYING THE DEFINITIONS OF "LOBBYIST" AND
8 "LOBBYING"; DELETING THE REQUIREMENT FOR THE REPORTING OF
9 EXPENSES UNRELATED TO INFLUENCING LEGISLATION; INCREASING
10 THE THRESHOLD AMOUNTS FOR REPORTING ENTERTAINMENT EXPENSES
11 FROM \$10 TO \$25 AND FROM \$100 TO \$250; AND DELETING THE
12 DISCLOSURE, OBLIGATION IMPOSED ON PUBLIC OFFICIALS; AMENDING
13 SECTIONS 5-7-101, 5-7-102, 5-7-208, AND 5-7-302, MCA;
14 REPEALING SECTION 5-7-213, MCA; AND PROVIDING AN IMMEDIATE
15 EFFECTIVE DATE."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 5-7-101, MCA, is amended to read:
19 "5-7-101. Purposes of chapter -- applicability. (1)
20 The purposes of this chapter are to promote a high standard
21 of ethics in the practice of lobbying, to prevent unfair and
22 unethical lobbying practices, to provide for the licensing
23 of lobbyists and the suspension or revocation of the
24 licenses, to require elected officials to make public their
25 business interests and to require disclosure of the amounts

1 of money spent for lobbying.
2 (2) Nothing in this chapter subjects any Montana
3 citizen lobbying on his own behalf to any reporting
4 requirements nor deprives any such citizen of the
5 constitutional right to communicate with public officials."
6 Section 2. Section 5-7-102, MCA, is amended to read:
7 "5-7-102. Definitions. The following definitions apply
8 in this chapter:
9 (1) "Individual" means a human being.
10 (2) "Person" means an individual, corporation,
11 association, firm, partnership, state or local government
12 subdivision thereof, or other organization or group
13 persons.
14 (3) "Public official" means any individual, elected or
15 appointed, acting in his official capacity for the state or
16 local government or any political subdivision thereof, but
17 does not include those acting in a judicial or
18 quasi-judicial capacity or performing ministerial acts.

19 (4) "Lobbying" includes

20 the practice of promoting or opposing the
21 introduction or enactment of legislation before by direct
22 written or oral, informative or persuasive action
23 communicated directly to the legislature or the members
24 thereof by any person other than a member of the legislature
25 or a public official acting in his official capacity and

2/3/83

EXHIBIT 8a

-2- INTRODUCED BILL

SB 309

(1) ~~the practice of promoting or opposing official~~
 (2) ~~action by any public official in the event the person~~
 (3) ~~engaged in such practice exceeds \$1000 per calendar year or~~
 (4) ~~more extensive 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 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 principal; or

(iii) any person who limits his lobbying solely to appearances before legislative committees and registers his appearance in the written records of the committees.

(c) 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) ~~the promise of financial support; or~~

(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~~

(vi) ~~attempting to influence a decision or vote by a hearing examiner or quasi-judicial officer in any contested case proceeding under title 2, chapter 4, part 6, except as provided therein~~

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

(1) of an official matter to any public official or

(2) ~~that engaging in practices which reflect discredit on~~

(3) ~~the practice of lobbying.~~

(4) (3) "Principal" means any person who makes payments in

(5) excess of \$1,000 per calendar year for any of the following:

(6) ~~(a) to engage a lobbyist or~~

(7) ~~(b) in the case of a person other than an individual~~

(8) ~~to society directly or indirectly by an advertising~~

(9) ~~campaign the lobbying efforts of another person.~~

(10) (9) "Docket" means the register and reports of

(11) lobbyists and principals maintained by the commissioner

(12) pursuant to 5-7-201.

(13) (10) "Payment" means distribution, transfer, loan,

(14) advance, deposit, gift, or other rendering made or to be

(15) made of money, property, or anything of value.

(16) (11) "Payment to influence official action" means any

(17) of the following types of payment:

(18) (a) direct or indirect payment to a lobbyist by a

(19) principal, as salary, fee, or compensation for expenses or

(20) for any other purpose;

(21) (b) payment in support of or assistance to a lobbyist

(22) or lobbying activities, including, but not limited to, the

(23) direct payment of expenses incurred at the request or

(24) suggestion of the lobbyist.

(25) (12) "Business" means any holding or interest whose

1 fair market value is greater than \$1,000, in any

2 corporation, partnership, sole proprietorship, firm,

3 enterprise, franchise, association, self-employed

4 individual, holding company, joint stock company,

5 receivership, trust, or other entity or property held in

6 anticipation of profit, but does not include nonprofit

7 organizations.

8 (13) "Commissioner" means the commissioner of political

9 practices.

10 (14) "Elected official" means a public official holding

11 a state office filled by a statewide vote of all the

12 electors of Montana or a state district office, including,

13 but not limited to legislators, public service

14 commissioners, and district court judges. The term

15 "official-elect" shall also apply only to such offices."

16 Section 3. Section 5-7-208, MCA, is amended to read:

17 "5-7-208. Principals to file accountings. (1) A

18 principal subject to this chapter shall file with the

19 commissioner an accounting of payments made to influence the

20 official action of a public official for the purpose of

21 lobbying.

22 (2) if such payments are made solely to influence

23 legislative action such accounting shall be made:

24 (a) before February 16th of any year the legislature

25 is in session and shall include all payments made in that

1 calendar year prior to February 1;
 2 (b) before the 16th day of the calendar month
 3 following any calendar month in which the principal spent
 4 \$5,000 or more and shall include all payments made during
 5 the prior calendar month; and
 6 (c) within 60 days following adjournment of such
 7 session and shall include all payments made during such
 8 session, except as has previously been reported.
 9 (3) ~~if such payments are made to influence any other~~
 10 ~~official action by a public official or made to influence~~
 11 ~~such other action and legislative action such accounting~~
 12 ~~shall be made~~
 13 (4) ~~before February 16th of the calendar year~~
 14 ~~following such payments and shall include all payments made~~
 15 ~~during the prior calendar year and~~
 16 (5) ~~before the 16th day of the calendar month~~
 17 ~~following any calendar month in which the principal spent~~
 18 ~~\$5,000 or more and shall include all payments made during~~
 19 ~~the prior calendar month~~
 20 (6) ~~if no such payments are made during the~~
 21 ~~reporting periods provided in subsections (2)(a) and~~
 22 ~~(2)(c) and (3) above, the principal shall file a report~~
 23 ~~stating such.~~
 24 (5) Each accounting filed under this section shall:
 25 (a) list all payments for lobbying in each of the

1 following categories:
 2 (i) ~~originator and derivative research for which the~~
 3 ~~cost may be estimated if necessary done to support a~~
 4 ~~lobbying argument or presentation~~
 5 (ii) ~~publication and distribution of each publication~~
 6 ~~except that the cost of a newsletter or leaflet distributed~~
 7 ~~to the membership of a principal need not be reported unless~~
 8 ~~over one-half of that newsletter or leaflet is devoted to~~
 9 ~~lobbying matters~~
 10 (iii) ~~all other printing~~
 11 (iv) ~~news media~~
 12 (v) ~~advertising, including production costs~~
 13 (vi) ~~postage~~
 14 (vii) ~~travel and personal living expenses~~
 15 (viii) ~~salaries and fees including allowances~~
 16 ~~rewards and contingency fees~~
 17 (ix) ~~entertainment, including all foods and~~
 18 ~~refreshments~~
 19 (x) ~~telephone and telegraph; and~~
 20 (xi) ~~other office expenses~~
 21 (b) itemize, identifying the payee and the
 22 beneficiary:
 23 (i) each separate payment conferring \$10 ~~125~~ or more
 24 benefit to any public official when the payment was made for
 25 the purpose of lobbying; and

(ii) each separate payment conferring \$100 \$250 or more benefit to more than one public official, regardless of individual benefit when the payment was made for the purpose of lobbying, except that in regard to a dinner or other function to which all senators or all representatives have been invited, the beneficiary may be listed as all members of that group without listing separately each person who attended;

(c) list each contribution and membership fee which amounts to \$250 or more when aggregated over the period of 1 calendar year paid to the principal, regardless of whether it was paid solely for the purpose of lobbying, with the full address of each payer and the issue area, if any, for which such payment was earmarked;

(d) list each political contribution including anything of value paid to any candidate for elective public office to any committee established to support or oppose a candidate for elective public office or to any committee to support or oppose any initiative or referendum or other matter, whether such payment is made directly or indirectly by the principal or any lobbyist who received compensation or reimbursement for such payment from the principal;

(e) list each official action bill, resolution, or joint resolution in which the principal or his agents

1 exerted a major effort to support, oppose, or modify,
 2 together with a statement of the principal's position for or
 3 against such action; and
 4 (f) be kept by the commissioner for a period of 10
 5 years."

6 Section 4. Section 5-7-302, MCA, is amended to read:
 7 "5-7-302. Unprofessional conduct -- prohibited
 8 compensation. (1) No lobbyist or principal shall engage in
 9 or directly or indirectly authorize any unprofessional
 10 conduct.
 11 (2) No person may be employed as a lobbyist for a
 12 compensation dependent in any manner upon the passage or
 13 defeat of any proposed or pending official action by a
 14 public official or upon any other contingency connected with
 15 such action."

16 NEW SECTION. Section 5. Repealer. Section 5-7-213,
 17 MCA, is repealed.

18 NEW SECTION. Section 6. Effective date. This act is
 19 effective on passage and approval.

-End-

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.

Exhibit 4
2/2
1309

NAME Will Brooke

BILL No. SB 309

ADDRESS Nolana

DATE

WHOM DO YOU REPRESENT

MT Stockgrowers / MT Woolgrowers

SUPPORT

X

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Support the deletion of requirement to require elected officials to make public their full business interests because it discourages good potential legislators from entering the political process. Many farmers and ranchers are reluctant to disclose ~~this information~~ the financial information which this section requires.

[Handwritten signatures and initials]

NAME Jim Mockler BILL No. SB 309
ADDRESS 2301 Colonial Dr DATE 3/3
WHOM DO YOU REPRESENT Self
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

State Administration Committee
Montana Senate
February 3, 1983

Testimony submitted by Common Cause Montana in opposi-
tion to S.B. 309

Mr. Chairman and members of the Committee. I speak on
behalf of Common Cause of Montana in opposition to
S.B. 309, a bill to revise the provisions of the lob-
byist disclosure law.

Common Cause of Montana, as did many citizen groups and
citizens, worked hard to promote the passage by initiative
of the present lobbyist disclosure law. We are disappointed
that S.B. 309 seeks to weaken lobbyist disclosure law by:

1) Greatly narrowing the definition of what activities
constitute lobbying; 2) Limiting reportable lobbying expenses
by eliminating lobbyist fees, salaries, and living
expenses as items that need to be reported; and 3) Repealing
the provision requiring disclosure by elected officials.

The severity of these proposed changes is reflected by
the comments of Jack Lowe, the lawyer for the Montana Office
of the Commissioner of Political Practices, who called
S.B. 309 an "out and out repeal" of the lobbyist disclosure
law in a Great Falls Tribune article which ran on February
2, 1983.

As you may know, the history of the present lobbyist disclosure
law has been one of great struggle. Rejected by several con-

-2-

secutive legislatures, citizens took the issue directly to voters and lobbyist disclosure passed by initiative with an overwhelming margin in the 1980 elections.

However, the debate was still not over in that the new law faced several serious challenges during the 1981 Legislature and a subsequent court challenge that delayed implementation of the lobbyist disclosure act for over a year after passage.

Generally after great struggles are resolved, society will give the prevailing side a chance to show the merits of the idea. It would seem only fair to follow that scenario in this situation. Common Cause believes that every Senator, including those who sponsored this bill, had an opportunity to vote as a citizen on the lobbyist disclosure act .

Further, Common Cause believes that Constitutional considerations were resolved ^{by} the Montana Supreme Court decision concerning the lobbyist disclosure act. Still further, Common Cause believes that the resolve and sincerity of those who support the lobbyist disclosure idea was sufficiently tested by the challenges of the 1981 Legislature. Given the past examination and struggle Common Cause believes the lobbyist disclosure should be given a chance to work.

With the above in mind, Common Cause opposes S.B. 309 as a bad government bill. The bill closes off government by taking away the public's access to needed information.

In addition the bill casts the legislative branch in the unflattering role of removing by fiat a law that has not yet had a chance to work. Common Cause opposes each portion of the bill with exception of those portions of the bill which reflect changes necessary to comply with the directives of the Montana Supreme Court decision.

League ~~66~~ Women Voters of Montana
917 Harrison, Helena, Montana 59601

3 February 83

SB 309 - An act to generally revise
the provisions of the Lobby Disclosure
laws;....

Senate State Administration Committee



OPPOSE

The League of Women Voters of Montana opposes SB 309. The title of this bill certainly is understated and does not fully describe the impact it would have on our virtually untested lobby disclosure act. This is a ~~XXXXXXXXXX~~ "leap before looking" approach to an issue strongly endorsed by the people in 1980. The League's enthusiasm for both the original and remodeled (by the Montana Supreme Court) versions of the Lobby Disclosure Act has always been tempered with some reservations. However, we believe it is premature to start hacking away at it without at least a one year trial.

SB 309 dispenses with financial disclosure by elected officials. It restricts by definition "lobbying" to be an activity only performed in relation to the Legislature. All other levels of government would no longer be covered by the Act. Furthermore, the definition of "lobbying" would be narrowed to that information "communicated directly" (page 2, line 22) to the Legislature or the members thereof. If an advocate or opponent, be they citizen or well-paid attorney, limited themselves solely to committee appearances (page 3, line 14), they too would be exempt from the reporting requirements.

The accounting sections beginning on page 7, line 24 have also been stripped. Some changes have been made to comply with the Supreme Court Ruling, but major items such as travel and personal living expenses (page 8, line 14), salaries and fees (page 8, line 15), and the entertainment benefit limits (page 8, line 23 and page 9, line 1) have been taken out or altered with no judicial justification. Combining all these features, it would not be all that difficult for a principal to avoid reporting all together, especially with reportable expenses by a lobbyist whittled down to direct communication and entertainment expenses.

There are over 600 hundred registered lobbyists this session, and there are others like me who are unregistered. When the people passed this initiative they recognized that lobbying played a major role in the passage or defeat of legislation in Montana. They were right, it is important. The days of blatant hanky-panky are over, but it is not unreasonable for the people to know something more about the lobbying "industry".

Definitions of "lobbying" that attempt to describe and rely on how lobbying is done are irrelevant to the issue. The principal can only vouch for how its money was expended and it has no way of knowing exactly what techniques the lobbyist used to accomplish the goals. A great deal of lobbying does not involve legislators at all. Instead it involves constituents, other groups, coalitions, etc. A simple test might suffice: 1. Would I (we, he, they) you be doing this activity if I (we, he, they, you) had not been hired as a lobbyist for ABC, a principal? and 2. Is ABC, a principal, making this expenditure to further its legislative goals?

We would support a committee bill to make the law comply with the Supreme Court decision of 30 July 1981, but we oppose passage of SB 309.

Margaret S. Davis, president *M S DAVIS*
(The LWVMT has no staff, office, or telephone. All "lobbyists" are volunteers.)

Form CS-34
79Exhibit 7
B 309
2/3/83

NAME

Rose Magnuson

BILL No.

309

ADDRESS

424 Woodworth

DATE

2-3-83

WHOM DO YOU REPRESENT

Mortson / Connam Lane

SUPPORT

OPPOSE

AMEND

✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

A legislative initiative passed by the
citizens 259,698 to 76,358
deserves an opportunity to be
implemented. We would appreciate
your vote in opposition to their
sections of bill that take away
your constituents right to know.

Report of the Office
Held

Exch

Compiled and published fr

EL 35G - 5M - 80

COUNTIES	Precincts	Registration	Total Vote Cast	PRESIDENT & VICE-PRESIDENT				REPRESENTATIVE IN CONGRESS				GOVERNOR & LT. GOVERNOR		SECRETARY OF STATE		Attorney General	State Auditor
				Independent	Democrat	Libertarian	Republican	1ST DIST.	2ND DIST.		Republican	Democrat	Democrat	Republican	Democrat	Democrat	Republican
				John B. Anderson Patrick J. Lucey	*Jimmy Carter *Walter F. Mondale	Ed Clark David Koch	Ronald Reagan George Bush	John K. (Jack) McDonald	*Pat Williams	*Ron Marlenee							
*First Congressional District																	
*Beverhead	16	5237	4147	205	842	101	2955	2892	1289		2288	1764	1353	2611	2842	3533	
Big Horn	19	5527	3789	308	1644	53	1730			1746	1462	2145	1749	1643	2794	2650	
Blaine	16	4072	3066	163	1107	39	1886			1596	1323	1267	1702	1338	1548	2441	
*Broadwater	7	2093	1834	69	401	42	1052	682	840			802	785	1086	1032	1283	
Carbon	20	5733	4447	331	1468	83	2471				1909	2462	1623	2537	3355	3637	
Carter	13	1301	1076	37	237	18	766			707	304	613	413	275	673	864	
Cascade	51	43051	32784	2655	11105	810	17664			12660	11628	13532	18099	13171	15468	23039	24023
Chouteau	17	4444	3659	216	853	66	2448			2342	1211	1650	1939	1245	2238	2846	3139
Custer	23	7798	6032	369	1822	92	3533			3270	2127	2433	3422	2172	3434	4160	4810
Daniels	16	2051	1713	77	483	20	1086			1344	324	492	1188	560	975	1141	1334
Dawson	10	7052	5295	424	1543	106	3045			3136	1777	2261	2879	1940	2866	3478	4224
*Deer Lodge	12	7847	5711	474	3077	182	1905	1073	3946		1592	3802	3062	2024	4232	4090	
Fallon	7	2422	1932	94	512	28	1286			1094	770	868	1008	632	1153	1380	1598
Fergus	16	8721	6965	388	1840	169	4455			4278	2473	3291	3563	2274	4323	5243	5971
*Flathead	34	31574	24465	1621	6349	695	15102	10061	13258		11335	12329	7539	15262	17839	19498	
*Gallatin	32	30617	22267	2432	5747	809	12738	7817	11733		10358	11292	6254	13825	15691	17467	
Garfield	8	1271	1000	29	169	16	760			784	173	484	489	226	689	853	823
*Glacier	14	5869	4190	297	1394	119	2283	1492	2424		1782	2270	1682	2040	3248	3181	
Golden Valley	2	741	577	28	155	11	362			348	211	263	309	190	345	391	475
*Granite	4	1846	1454	76	439	45	811	615	746		765	609	508	830	943	1150	
Hill	24	11108	8381	604	2875	162	4448			4070	3663	3221	4878	3640	4068	6321	6603
*Jefferson	10	4453	3298	216	1055	111	1841	1156	2016		1398	1848	1225	1929	2549	2755	
Judith Basin	11	2065	1690	93	480	24	1030			981	648	798	844	642	953	1243	1374
*Lake	28	11636	8687	573	2615	261	5083	3582	4833		4333	4205	2805	5525	6235	7131	
*Lewis and Clark	40	28204	21404	1793	6615	476	12128	6204	11864		7476	13334	7788	12067	15341	16861	
*Liberty	4	1624	1310	71	283	36	872			480		628	832	770	943	1021	
*Lincoln	22	10124	7475	485	2422	238	4202	3031	4143		3209	4027	3152	3862	5796	6152	
*Madison	7	3847	3198	174	676	75	2220	1594	1485		1900	1242	850	2234	2253	2761	
McCone	8	1808	1511	86	349	36	1000			1062	407	565	932	542	862	1028	1276
*Meagher	5	1266	1038	41	247	13	689	506	426		544	446	286	673	733	861	
*Mineral	6	2380	1695	138	660	59	800	527	1117		708	952	748	852	1300	1369	
*Missoula	61	52267	39023	3847	13115	1471	16161	11809	22440		14166	20100	17326	10602	27816	27870	
Musselshell	10	2877	2276	106	784	35	1279			1371	802	1074	1133	844	1295	1707	1825
*Park	7	8445	6464	459	1663	144	3829	2416	3433		2835	3446	2315	3751	4517	5292	
Petroleum	1	414	342	15	90	11	225			240	94	146	191	102	227	253	301
Phillips	21	3319	2695	146	745	39	1723			1840	780	1298	1350	872	1624	2035	2259
*Pondera	14	4218	3493	207	897	58	2270	1482	1870		1614	1820	1267	2084	2667	2978	
Powder River	11	1825	1466	94	336	28	955			927	450	767	858	542	863	923	1105
*Powell	12	4067	3045	198	863	42	1770	1271	1654		1469	1917	1142	1753	2194	2542	
Prairie	5	1306	1059	57	283	17	580			656	345	486	528	309	658	724	889
*Ravalli	20	14937	11568	743	3063	230	7268	5448	5751		6545	4814	4324	6715	8502	9439	
Richland	17	6497	5012	343	1252	29	3348			3225	1771	2297	2718	1845	2767	3812	4377
Roosevelt	20	5970	4204	304	1504	54	2298			2587	1484	1036	3115	1866	2004	3149	3277
Rosebud	16	5374	3507	265	1167	138	1875			2098	1284	1686	1743	1366	1911	2723	2939
*Sanders	14	5561	3916	291	1395	119	2194	1665	2231		2114	1658	1545	2251	2636	3139	
Sheridan	16	3497	2970	247	955	52	1658			1883	1006	970	1917	1353	2213	2402	
*Silver Bow	34	25953	19879	1752	9721	903	17301	9958	13422		6464	12365	11462	6694	13513	13297	
Stillwater	9	3770	3052	181	919	56	1828			1773	1144	1331	1644	1041	1809	2242	2515
Sweet Grass	4	2240	1795	98	440	32	1169			1255	472	988	757	431	1197	1157	1490
Teton	12	4347	3647	186	902	61	2415			2150	1310	1723	1819	1363	2078	2781	3189
Toole	19	3747	2927	154	634	62	2000	1300	1485		1388	1451	1038	1730	2196	2425	
Treasure	5	863	563	34	181	18	321			372	175	208	347	212	315	410	464
Valley	23	6968	5269	264	1587	117	3242			2938	1592	2023	2968	1844	2771	3392	
Wheatland	3	1647	1248	85	381	16	742			730	472	533	671	508	677	970	1085
Wibaux	3	1022	765	45	219	17	450			448	282	331	390	270	396	506	568
Yellowstone	88	67668	48903	4590	15272	1119	27332			25066	19235	22981	24479	16530	27817	33730	36723
TOTALS	949	496402	371976	29281	118032	9625	206814	70874	112866	91431	63370	160892	199574	141890	200768	267898	290749
PLURALITIES							86782		41992	28061			36662		56878	267898	290749

Held in the State of Montana, November 4, 1980

Exclusive of Votes Cast for Legislative and Write-in Candidates

Compiled and published from the official files of Frank Murray, Secretary of State, Helena, Montana 59620

At-Large General		State Auditor	PUBLIC SERVICE COMMISSIONER						SUPERINTENDENT OF PUB. INSTR.		NON-PARTISAN JUDICIAL									
			2ND DIST.		4TH DIST.	5TH DIST.						SUPREME COURT								
Democrat	Republican	Republican	Democrat	Democrat	Republican	Democrat	Republican	Democrat	Chief Justice		Justice No. 2		Justice No. 5		Justice No. 6		4th Jud. Dist. Dept. No. 1		4th	
*Mike C.	*E.V. "Sonny" Onholt	John B. Fine	*Thomas J. Schneider	John B. Driscoll	Howard L. Ellis	Lonny L. Hanson	Ed Argenbright	*Georgia Ruth Rice	*Frank I. Haaswell	Marc F. Racicot	Wallace Nichols Clark	*John C. Sheehy	Byron (Pete) Dunbar	Frank Morrison	Geoffry L. "Jeff" Brazier	Fred Weber	Don Matthews	*James B. Wheelis		
2842	3533	1123	2176	2784			2251	1713	2368	1147	1271	2074	1989	1528	1428	1915				
2794	2650						1360	2176	1756	1257	1191	1841	1672	1450	1291	1671				
2441	2558						1368	1557	1775	892	768	1810	1032	1633	776	1881				
1032	1283						944	586	794	655	511	876	799	647	627	758				
3355	3637	1796	2219				2134	2084	2297	1371	1389	2435	2055	1722	1535	1970				
640	864	562	313				566	407	478	260	368	376	398	343	291	370				
23039	24023						15049	14466	18177	8218	8530	17070	10461	15991	10724	14588				
2846	3139						2042	1477	2183	892	899	2147	1397	1747	930	2112				
4160	4810	2576	3003				3156	2580	3662	1434	1788	3271	2523	2620	2199	2611				
1141	1334						848	718	798	393	485	703	592	733	355	727				
3478	4224						2066	2891	3316	1031	1386	2844	1965	2275	1850	2153				
4232	4090			4124			1712	3370	2884	1586	1105	3281	1863	2747	2303	1897				
1380	1598	886	814				879	929	912	635	594	939	879	694	659	750				
5243	5971						4042	2839	3956	2215	2475	3348	3058	2937	2546	3175				
17839	19498				11152	10737	13035	9681	15198	6362	6885	13035	8059	12644	7963	11539				
5691	17467			14689			11569	8480	13038	4920	5669	11210	12248	6712	7633	8923				
853	823						547	382	414	347	360	389	438	342	288	418				
3248	3181						2146	1755	2355	1169	1396	2052	1329	2200	1289	2083				
391	475						306	235	285	189	191	285	297	180	176	258				
943	1150			932			740	573	773	392	466	646	501	670	517	572				
6321	6603						3390	4530	5350	1922	1880	5181	2400	4722	1905	5795				
2549	2755						1802	1334	1794	1131	941	1846	1383	1480	1676	1126				
1243	1374						976	634	828	526	520	901	623	858	812	836				
6235	7131				4386	3364	4357	3800	5064	2492	3046	4220	3146	4343	2640	4415	3163	3779		
5341	16661						12059	7766	10682	8336	5409	12464	8071	9958	11336	7169				
843	1021						725	487	707	324	385	610	445	601	263	760				
5796	6152				2959	3693	2734	4098	3353	3254	2350	3706	2489	3896	2591	3275				
2253	2781			2181			1748	1251	1918	795	962	1602	1513	1227	1081	1461				
1028	1276						745	693	794	366	428	753	694	519	461	602				
733	861						550	429	635	222	282	479	402	458	336	469				
1300	1389				572	913	663	920	907	524	583	818	539	862	632	712			898	
7616	27970			17112		14270	15737	17112	20533	10041	15147	15714	11098	19158	13600	14785	10946	18397		
1707	1825						1040	1078	1182	689	765	1167	1063	866	672	1069				
4517	5292			4360			3272	2773	3926	1636	1885	3543	2905	2645	2808	2478				
253	301						223	113	210	88	110	185	192	119	133	146				
2035	2259						1348	1199	1509	670	685	1467	1111	1115	1550	1526				
2667	2978						1751	1569	2006	1000	1100	1867	1449	1607	1106	1762				
923	1195	698	526				805	528	647	428	515	570	653	457	360	614				
2194	2542			2097			1525	1328	1684	831	970	1436	1181	1336	958	1536				
724	889						532	444	601	228	300	531	452	361	348	413				
8502	9439			8389			5589	5149	6521	3125	4379	5081	5013	4952	3982	5190	3621	5830		
3812	4377						2274	2501	2698	1409	1642	2440	2002	2071	1588	2280				
3149	3277						1644	2241	2007	1252	1327	1961	1817	1596	1168	1896				
2723	2939	1350	1819				1474	1823	2016	958	1219	1815	1730	1331	1205	1619				
2936	3139						1742	1947	1716	1612	1493	1637	1314	1922	1318	1748	1336	1844		
2213	2402						1385	1376	1458	661	854	1313	1222	1015	677	1290				
13513	13297			13735			6503	10932	9852	5247	4200	11227	6324	8736	8733	5730				
2242	2515	1320	1398				1620	1287	1310	1365	1000	1619	1641	1029	1140	1284				
1157	1490	867	711				1424	329	504	1040	811	849	867	622	513	821				
2781	3189						2014	1433	2112	991	1054	1910	1369	1713	1085	1686				
2425	2644						1542	1202	1446	1014	1067	1362	1165	1286	765	1539				
464	220						243	290	294	185	200	278	290	198	203	234				
3916	2081	220	278				2111	2690	2855	1243	1403	2493	2618	1666	1338	2444				
1065	22827						636	564	679	395	383	695	609	474	484	499				
568	20961						319	372	361	178	219	337	282	288	197	283				
3730	36723	20961	22827				23423	21207	23473	16472	15298	26094	22599	18395	18703	19068				
17898	290749	32359	36084	53291	37977	34623	176735	166130	200951	106035	122339	190923	146046	163699	132493	159089	19610	30748		
17898	290749	32359	36084	53291	37977	34623	10605		92916			78594		17653		26596		11138		

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State Attor	PUBLIC SERVICE COMMISSIONER					SUPERINTENDENT OF PUB. INSTR.		NON-PARTISAN JUDICIAL											
	2ND DIST.		4TH DIST.	5TH DIST.				SUPREME COURT											
Republican	Democrat	Democrat	Republican	Democrat	Republican	Democrat	Chief Justice	Justice No. 2		Justice No. 5		Justice No. 6		4th Jud. Dist. Dept. No. 1		4th Jud. Dist. Dept. No.			
John B. Fine	Thomas J. Schneider	John B. Driscoll	Howard L. Ellis	Lonny L. Hanson	Ed Argenbright	Georgia Ruth Rice	Frank I. Haswell	Marc F. Racicot	Wallace Nichols Clark	John C. Sheehy	Byron (Pete) Dunbar	Frank Morrison	Geoffry L. "Jeff" Brazier	Fred Weber	Don Matthews	James B. Wheelis	Douglas G. Harkin	H.J. (Jack) Pinsoneault	
3533	1123	2178	2784		2251	1713	2368	1147	1271	2074	1989	1528	1428	1915					
2850					1380	2178	1758	1257	1191	1841	1872	1450	1281	1871					
2558					1368	1557	1775	892	768	1810	1032	1633	776	1881					
1283					944	586	794	655	511	876	799	647	627	758					
3637	1796	2219			2134	2084	2297	1371	1389	2435	2055	1722	1535	1970					
864	582	313			566	407	478	280	368	376	398	343	291	370					
4023					15049	14466	18177	8218	8530	17070	10481	15991	10724	14598					
3139					2042	1477	2183	892	899	2147	1397	1747	930	2112					
4810	2578	3003			3156	2560	3662	1434	1788	3271	2523	2620	2199	2811					
1334					848	718	798	393	485	703	592	733	355	727					
4224					2086	2891	3318	1031	1368	2844	1985	2275	1850	2153					
4090			4124		1712	3370	2884	1586	1105	3281	1663	2747	2303	1897					
1598	886	814			879	929	912	635	594	939	879	694	659	750					
5971					4042	2639	3956	2215	2475	3348	3058	2937	2548	3175					
9496					13035	9681	15198	8392	6885	13035	8059	12844	7983	11539					
7467			14689		11589	8480	13038	4920	5669	11210	12248	6712	7833	8923					
823					547	382	414	347	380	389	438	342	288	418					
3181					2146	1755	2355	1169	1396	2052	1329	2200	1289	2063					
475			932		306	235	285	189	191	285	297	160	176	258					
1150					740	573	773	392	466	846	501	670	517	572					
6803					3390	4530	5350	1922	1880	5181	2400	4722	1905	5795					
2755					1802	1334	1794	1131	941	1646	1383	1480	1676	1128					
1278					978	634	928	526	520	901	623	858	538	812					
7131					4357	3800	5064	2492	3046	4220	3148	4343	2640	4415	3163	3778	3780	334	
6661					12059	7768	10682	8336	5409	12484	6071	9958	11338	7189					
1021					725	487	707	324	385	610	445	601	283	760					
6152					2734	4098	3353	3254	2350	3706	2489	3896	2591	3275					
2761			2181		1748	1251	1918	785	982	1602	1513	1227	1081	1461					
1374					745	693	794	366	428	753	694	519	461	602					
861					550	429	635	222	282	579	402	458	336	469					
1389					663	920	907	524	583	818	539	862	632	712					
7970					15737	17112	20533	10041	15147	15714	11096	19158	13600	14785	544	898	744	671	
1825					1040	1078	1182	689	765	1187	1063	866	672	1069					
5292			4360		3272	2773	3926	1636	1865	3543	2905	2645	2808	2478					
301					223	113	210	88	110	185	192	119	133	146					
2259					1346	1199	1509	670	665	1467	1111	1115	550	1528					
2979					1751	1589	2006	1000	1100	1887	1449	1607	1106	1762					
1195	698	528			805	528	647	428	515	570	853	457	360	614					
2542			2097		1525	1328	1684	831	970	1436	1181	1336	958	1538					
889					532	444	601	228	300	531	452	361	348	415					
9439			8389		5589	5149	8521	3125	4379	5081	5012	4952	3982	5190					
4377					2274	2501	2698	1409	1842	2440	2002	2071	1586	2280					
3277					1814	2241	2007	1252	1327	1961	1817	1596	1168	1896					
2939	1350	1819			1474	1823	2016	958	1219	1815	1730	1331	1205	1819					
3139					1794	1947	1716	1612	1493	1837	1314	1922	1318	1748					
2402					1365	1376	1458	661	854	1313	1222	1015	877	1290					
3297			13735		8503	10932	9852	5247	4200	11227	6324	8736	8733	5730					
2515	1320	1398			1620	1287	1310	1365	1000	1619	1641	1029	1140	1284					
490	867	711			1424	329	504	1040	611	849	887	622	513	821					
3189					2014	1433	2112	861	1054	1910	1369	1713	1085	1866					
2425					1542	1202	1446	1014	1067	1382	1165	1288	765	1539					
464	220	278			243	290	294	185	200	278	290	198	203	234					
3918					2111	2690	2655	1243	1403	2493	2618	1666	1338	2444					
1065					636	564	679	395	383	695	609	474	464	499					
568					319	372	361	178	219	337	282	288	197	283					
8723	20961	22827			23423	21207	23473	10472	15298	26094	22589	18395	18703	19068					
	32359	36084	53291	37977	34623	176735	166130	200951	108035	112339	190923	146046	163989	132493	150989	19810	30748	25923	25744
		3725	53291	3354		10605		92916	108035		78584		17653		26596		11138	179	

NON-PARTISAN JUDICIAL

JUDGE OF THE DISTRICT COURT

NON-PARTISAN JUDICIAL												
JUDGE OF THE DISTRICT COURT												
Justice No. 5		Justice No. 6		4th Jud. Dist. Dept. No. 1		4th Jud. Dist. Dept. No. 4		6th Jud. Dist. Dept. No. 2		19th Jud. Dist.		
Byron (Pete) Dunbar	Frank Morrison	Geoffrey L. "Jeff" Brazier	Fred Weber	Don Matthews	*James B. Wheelis	Douglas G. Harkin	H.J. (Jack) Pinsoneault	*John M. McCarvel	Sandra K. Watts	*Robert M. Holter	COUNTY SEATS	
										*First Congressional District		
RETAIN												
Yes										No		
15	1528	1428	1915								*Dillon	
16	1450	1291	1671								*Hardin	
10	1633	776	1881								*Chinook	
20	647	827	758								*Townsend	
398	1722	1535	1970								*Red Lodge	
10461	343	291	370								*Ekalaka	
1397	15991	10724	14588					16221	12134		*Great Falls	
2	1747	930	2112					1710	1478		*Fort Benton	
1	2620	2199	2611								*Miles City	
1	733	355	727								*Scobey	
1	2275	1850	2153								*Glendive	
1	2747	2303	1897								*Anaconda	
1	694	659	750								*Baker	
3058	2937	2546	3175								*Lewistown	
8059	12644	7983	11539								*Kalispell	
12248	6712	7633	8923								*Bozeman	
1	342	288	418								*Jordan	
1	2200	1289	2083								*Cut Bank	
1	180	176	258								*Rwot Bank	
1	670	517	572								*Phillipsburg	
1	4722	1905	5795								*Havre	
1383	1480	1676	1126								*Boulder	
623	858	538	812								*Stanford	
3146	4343	2640	4415	3163	3779	3780	3347				*Polson	
1	9958	11336	7189								*Helena	
5	601	263	760								*Chester	
9	3896	2591	3275								*Libby	
3	1227	1081	1461							5226	1526	
1	519	461	602								*Virginia City	
402	458	338	469								*Circle	
539	862	632	712	544	898	744	870				*White Sulphur Springs	
11098	19158	13800	14785	10946	18397	13716	15962				*Superior	
13	866	672	1069								*Missoula	
35	2645	2808	2478								*Roundup	
12	119	133	146								*Livingston	
11	1115	550	1526								*Winnett	
1	1807	1106	1762								*Malta	
653	457	360	614								*Conrad	
1181	1336	958	1535								*Broadus	
452	361	348	415								*Deer Lodge	
13	4952	3982	5190	3621	5830	5899	4436				*Terry	
02	2071	1588	2280								*Hamilton	
17	1596	1168	1896								*Sidney	
30	1331	1205	1619								*Wolf Point	
14	1922	1318	1748								*Forsyth	
1222	1015	677	1290	1336	1844	1784	1299				*Thompson Falls	
6324	8736	8733	5730								*Plentywood	
1641	1029	1140	1284								*Butte	
387	622	513	821								*Columbus	
369	1713	1085	1866								*Big Timber	
165	1288	765	1539								*Choteau	
290	198	203	234								*Shelby	
1	1666	1338	2444								*Hysham	
1	474	484	499								*Glasgow	
1	288	197	283								*Harlowton	
1	18395	18703	19068								*Wibaux	
046	163699	132493	159089	19610	30748	25923	25744	17931	13612	5226	1526	TOTALS
1	17653	26590	11138	179	4319	3700						PLURALITIES

*Row 309
Excluded #8
2/3/83*

COUNTIES	Constitutional Amendment No. 9		Initiative No. 84		Initiative No. 85		Initiative No. 86		Initiative No. 87		COUNTY SEATS
	ALLOWING EXCEPTIONS TO CONFIDENTIALITY OF DOCUMENTS OF JUDICIAL STANDARDS COMMISSION		FORBIDDING DISPOSAL OF RADIOACTIVE WASTE IN MONTANA		LOBBYIST DISCLOSURE		TAX INDEXING		MONTANA LITTER CONTROL & RECYCLING ACT		
	For	Against	For	Against	For	Against	For	Against	For	Against	
*First Congressional District											*First Congressional District
*Beaverhead	1924	1740	1683	2283	2747	1020	2480	1274	1007	3023	*Dillon
Big Horn	1706	1318	1706	1687	2288	973	2157	1123	1121	2302	Hardin
Blaine	1481	1119	1457	1405	2030	805	1861	981	863	2043	Chinook
*Broadwater	778	601	693	864	1196	339	1067	444	368	1197	*Townsend
Carbon	1936	1673	2124	2113	3168	934	2746	1368	1154	3154	Red Lodge
Carter	403	436	376	607	614	314	611	325	249	734	Ekaleksa
Cascade	15985	10954	13795	15846	21404	7311	19288	9391	8442	21627	Great Falls
Chouteau	1693	1368	1643	1873	2500	941	2325	1113	925	2626	Fort Benton
Custer	2818	2317	2590	3021	4184	1321	3894	1622	1637	4130	Miles City
Daniels	647	642	803	735	1038	434	1020	463	435	1137	Scobey
Dawson	2208	2199	2347	2583	3587	1185	3181	1617	1094	3970	Glendive
*Deer Lodge	2437	2177	2926	3044	2076	1304	2887	2076	979	3979	*Anaconda
Fallon	821	786	854	971	1288	467	1217	556	414	1472	Baker
Fergus	3423	2686	3100	3509	4642	1764	4553	1945	1948	4813	Lewistown
*Flathead	12764	8642	12908	10736	19668	3570	18065	5032	6652	17087	*Kalispell
*Gallatin	12549	6997	12152	9158	17564	3405	16306	4508	8415	13187	*Bozeman
Garfield	388	425	386	555	577	306	603	290	156	799	Jordan
*Glacier	1860	1712	1881	2032	2725	1100	2436	1353	1262	2692	*Cut Bank
Golden Valley	210	264	207	340	350	170	294	223	124	427	Ryegate
*Granite	607	538	520	789	978	305	829	446	253	1084	*Phillipsburg
Hill	4102	3091	3995	3865	5755	1943	5293	2411	2188	5859	Havre
*Jefferson	1737	1190	1357	1824	2337	771	2050	1049	787	2401	*Boulder
Judith Basin	755	628	720	878	1087	469	1008	546	437	1167	Stanford
*Lake	4388	3161	4467	3711	6603	1497	5702	2373	2361	5976	*Pulson
*Lewis and Clark	12593	8513	9563	10689	15099	4609	14022	5661	6355	14349	*Helen
*Liberty	587	521	602	629	879	300	849	344	320	915	*Chester
*Lincoln	3744	2661	4081	3122	5902	1197	5081	1953	2314	4939	*Libby
*Madison	1474	1137	1355	1711	2275	712	2159	811	668	2420	*Virginia City
McCone	636	625	670	760	992	382	886	503	365	1109	Circle
*Meagher	495	360	437	529	658	269	658	287	249	735	*White Sulphur Springs
*Mineral	869	598	633	781	1248	321	1031	524	404	1236	*Superior
*Missoula	20466	11066	20767	13708	27817	5744	23952	9731	13053	21951	*Missoula
Musselshell	882	923	1049	1078	1511	547	1353	669	495	1655	Roundup
*Park	3096	2388	3204	2858	4790	1094	4311	1632	2280	3910	*Livingston
Petroleum	148	143	136	195	218	104	224	105	74	264	Winnett
Phillips	1087	957	1176	1326	1723	705	1678	749	639	1895	Malta
*Pondera	1587	1375	1597	1742	2358	867	2068	1158	775	2595	*Conrad
Powder River	663	573	707	685	1011	316	1051	467	931	2139	*Broadus
*Powell	1248	1223	1294	1557	1978	803	1777	996	656	2261	*Deer Lodge
Prairie	417	467	387	591	625	321	812	338	165	854	Terry
*Ravalli	5786	3882	5815	5259	9171	1876	7724	3073	3522	7706	*Hamilton
Richland	2408	1771	2590	2062	3497	1035	3203	1316	1226	3504	Sidney
Roosevelt	1753	1591	2142	1758	2766	1020	2503	1304	1272	2681	Wolf Point
Rosebud	1824	1346	1897	1487	2675	635	2206	1022	999	2314	Forsyth
*Sanders	1960	1437	1878	1806	2765	920	2646	1000	1219	2618	*Thompson Falls
Sherridan	1264	971	1574	1132	2036	573	1911	703	653	2139	Plentywood
*Silver Bow	7644	6652	6828	9675	11429	4326	9706	6230	3413	13139	*Butte
Stillwater	1263	1303	1367	1527	2031	753	1823	960	873	2042	Columbus
Sweet Grass	700	793	696	990	1132	492	1046	590	489	1200	Big Timber
Teton	1765	1299	1635	1720	2524	736	2274	984	913	2521	Choteau
*Toole	1284	1133	1275	1467	1930	724	1858	790	687	2094	*Shelby
Treasure	276	208	273	258	395	122	342	176	141	401	Hysham
Valley	2220	2041	2132	2610	3096	1504	3104	1530	1060	3793	Glasgow
Wheatland	536	551	504	684	786	369	683	465	258	944	Hawilton
Wibaux	258	321	305	393	455	210	420	262	153	574	Wibaux
Yellowstone	22584	16007	20036	23181	31520	10302	28463	13724	11368	32353	Billings
TOTALS	181140	129394	172909	172493	259698	76358	233497	102635	100761	248928	TOTALS
PLURALITIES	51746		416		183340		130662		148167		PLURALITIES

TESTIMONY SB 311

ROBERT ARCHIBALD, MONTANA HISTORICAL SOCIETY

SB 311 would subject the coal tax trust fund cultural and aesthetic projects program to a performance audit and would terminate the program on July 1, 1985.

The cultural and aesthetic project grant program began to fund projects on a statewide basis two years ago in the 1981 legislative session. In 1981, 28 projects were submitted for legislative consideration. In this session 84 projects are before the legislature for funding consideration. The entire program is at this time in only its initial stages. Reviewing this program now will not provide an accurate assessment of its potential statewide impact. If a program review is conducted now, I question whether the evidence which will be developed will allow for a reasonable decision on its value to the citizens of this state. I support a program review, but I feel strongly that it should be postponed for two biennia beyond that contemplated in this legislation.

The legislature appropriates projected revenue to cultural and aesthetic projects. The appropriated funds are interest income anticipated to be earned over a biennium. Therefore, none of the projects which received funding in the 1981 session will receive their total amount appropriated until June, 1983. Many of the projects will not be completed until well into the 1985 biennium. Any program review conducted in the next biennium will be based, at best, on incomplete results.

The cultural and aesthetic grant program was in intent and is in fact a legislative program. The Montana Historical Society collects and presents proposals to the legislature and disburses funds to projects funded by the legislature. The Society does not receive any administrative overhead and it does not have the authority to adopt rules which establish criteria. The program is a matter between legislators and their constituents and I believe that Montana citizens need at least until the 1985 biennium to become aware of the program and to make their legislators aware of local cultural needs. Only

then can the program be properly evaluated.

I also wonder why this legislative program, funded from the interest income on a coal tax trust fund has been singled out for a premature review. I wonder if there is a plan to terminate the program, in any event, because the funds are needed elsewhere. If this is true, I would prefer a direct legislative approach to cap or eliminate the fund. The thousands of Montanans who are vitally interested in the program would then understand the issue involved.

(sworn in your name)

NAME

Mary Lou Garrett

BILL No.

312

ADDRESS

Dept of Commerce

DATE

2-3-83

WHOM DO YOU REPRESENT

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

DEPARTMENT OF COMMERCE



TED SCHWINDEN, GOVERNOR

1424 9TH AVENUE
CAPITOL STATION

STATE OF MONTANA

HELENA, MONTANA 59620

February 3, 1983

TO: Senate Committee on State Administration
FROM: Mary Lou Garrett, Administrative Officer
Professional Licensing Bureau

The Department of Commerce feels it is about time board members are recognized and compensated at a more equitable rate of compensation for their dedication and time spent on board matters and while attending to board business and the loss of time to their own professions and business.

Therefore, the Department of Commerce strongly supports S.B. 312 to raise per diem compensation for quasi-judicial, licensing and regulatory boards from \$25 per day to \$50 per day.

NAME: Mark Rasmussen DATE: 2/3/83

ADDRESS: Box 136 Hogeland, Mt. 59529

PHONE: 379-2527

REPRESENTING WHOM? Montana Grain Growers Ass'n.

APPEARING ON WHICH PROPOSAL: SB 317

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME Jack Henderson BILL No. SB 317
ADDRESS Helena MT DATE Feb 3
WHOM DO YOU REPRESENT State Board of Hail Insurance
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: