

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 23, 1983

The fifty-third meeting of the Senate State Administration Committee was called to order by Senator Pete Story on March 23, 1983 at 1:00 p.m. in room 331 of the State Capitol Building in Helena, Montana.

ROLL CALL: All members were present.

The meeting was called to hear House Bills 714, 625 and HJR 30.

CONSIDERATION OF HOUSE BILL 714:

"AN ACT TO ESTABLISH PROCEDURES TO BE FOLLOWED BY THE HUMAN RIGHTS COMMISSION IN THE ENFORCEMENT OF THE GOVERNMENTAL CODE OF FAIR PRACTICES AND TO PROVIDE FOR CONSISTENCY OF INTERPRETATION AND ENFORCEMENT OF THE GOVERNMENTAL CODE OF FAIR PRACTICES AND THE HUMAN RIGHTS LAWS; AMENDING ..."

REPRESENTATIVE GARY SPAETH, District 71, introduced the bill as it's sponsor and turned it over to the Human Rights staff.

PROPOSERS:

ANN MAC INTYRE, staff attorney for the Human Rights Commission, stated that she was here at the request of the commission and that H.B.714 is very important to the commission. Without legislation such as this the commission is the primary enforcement agency for complaints under governmental code of fair practices, Chapter 3, title 49 of the Montana Codes, without any legislative guidance as to procedure to be followed and the commission is vulnerable to a claim that they have no authority to act upon. Chapter 3, title 49, does not provide that the commission may hold a hearing or what remedies are available and in addition at least one state district court has held that because chapter 3 does not contain a statute of limitations, the statutes of limitations applicable to such complaints is two years as provided in section 27-2-211 of the Montana Codes. By contrast the statutes of limitations under the Montana Human Rights act which is the other primary action, is 180 days. This fact presents a very real possibility that cases may be filed under chapter 3 which would not allege a violation of chapter 2 and for which the commission has no authority to hold a contested case. It seems unreasonable.

In order to provide for a consistency in the process of all cases filed with the Human Rights Commission and process by the general public the commission believes that the same procedure should apply to all cases filed with the commission.

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She said that the rule making is in Section 2 of the bill. The language comes from House Bill 660 and she presented copies of the reference bill as it left the House and the proposed amendments as shown in EXHIBIT 1 and EXHIBIT 2.

FREDERICK SHERWOOD, attorney in Helena, Montana, stated he was here at the invitation of Senator Story some time ago though he probably does not remember but he had made mention of the discrepancy between codes 2 and 3 at which time he was asked to come in about it at a later date.

OPPONENTS: None

QUESTIONS OF THE COMMITTEE:

SENATOR STORY asked if there were a time limit and how does it work in regards to a letter allowing a person to go into district court himself.

MS. MAC INTYRE said that presently there is no time limit.

SENATOR TOWE asked the difference between 6-60 and section 13.

MS. MAC INTYRE said that is the portion of 6-60 that was amended in the Senate so amendment No. 2 in the proposed amendments inserts the same language in Section 13.

SENATOR TOWE asked if 12 months is a reasonable time limit.

MS. MAC INTYRE said yes. She stated that the average processing time to process a complaint is about 1 year. This should not add to their work load.

SENATOR TOWE asked if they expect some of those complaints will be filed now and Ms. MacIntyre said "yes", presently they have three cases pending before it.

SENATOR TOWE asked if there is any reason why they need a verified complaint and Ms. MacIntyre said the Human Acts Rights provide for this.

SENATOR MARBUT asked if we have to go through the time element for the individual for a person to file a complaint. Ms. MacIntyre said "no".

SENATOR MARBUT asked if the commission is not sympathetic can the individual go to court himself. Ms. MacIntyre said they could not.

SENATOR STORY asked why we are doing that.

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MS. MAC INTYRE said that under Chapter 2 the party could only go to the commission and under Chapter 3, pursuant to the amendment placed there in the last session, the party could allege to go through the commission or through the court but not both. It was the decision that it would be better to be entirely consistent with Chapter 2 and Chapter 3 and eliminate the right of the individual to go right to court.

SENATOR TOWE said that the concept is to go through the agencies and not directly to court so they would not clog up the courts.

SENATOR STORY stated that that is the concept but you do have a backlog of about 250 cases and even though the budget has increased the backlog is presistent and by not permitting a person to go directly to court you are stuck with this backlog.

MS MAC INTYRE said that theory was to provide an option for the party to go to court if the matter was not going to be resolved by the commission.

SENATOR STORY said now they will have to all go through you. He said that he agrees that they shouldn't do both but disagree that they shouldn't have a choice of one or the other.

MS. MAC INTYRE said that the commission staff has a very high success rate in resolving these cases.

SENATOR MARBUT questioned the language in Section 5, part 1 and asked what are they talking about. Ann MacIntyre said that is what was struck in the House.

SENATOR MARBUT asked about the definition of "agency" and it was answered that it was made by legal staff in bill drafting.

SENATOR STIMATZ asked why they have a backlog and Ms. MacIntyre said that it was built up in the early years of the Commission.

SENATOR STIMATZ asked why they could not get cases out. It was answered that they have come down considerably.

REPRESENTATIVE SPAETH CLOSED and asked for concurrence of this bill.

The hearing closed on House Bill 714.

CONSIDERATION OF HOUSE BILL 625:

"THE PERCENT-FOR-ART ACT; PROVIDING THAT AN AMOUNT NOT TO EXCEED UP TO 1 PERCENT OF STATE APPROPRIATIONS FOR BUILDING OR RENOVATING APPROPRIATE STATE BUILDINGS MAY BE USED FOR THE ACQUISITION OF VISUAL WORKS OF ART FOR SUCH BUILDINGS; AND PROVIDING AN EFFECTIVE DATE."

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REPRESENTATIVE KATHLEEN MC BRIDE, District 85, Silverbow County, introduced this bill and stated that this is the arts bill and this bill will allow an amount, not to exceed 1% of state appropriations for state buildings or renovation projects to be appropriated for acquisitions of visual arts within these buildings.

She said it is more than just putting art in the buildings, it is integrating the artistic and utilitarian into one humane responsive form of public architecture. The important thing is that we are talking about public art in particularly state buildings. We are trying to provide money up front so in the course of designing the building the artist can work with the architect. This has been tried in other states and have implemented it. We in Montana do not see ourselves as extravagant when it comes to our public buildings.

Representative McBride stated that there are four basic things this bill can accomplish. One; it could accomplish high quality art. Two; to insure that the skills and talents of the artists are recognized in this state. Third; to sensitize the integration of art and architecture by bring the artist and architect together. Fourth; it would stimulate economic development and art does help do this.

PROPOSERS:

REPRESENTATIVE MIKE HALLIGAN related the experience of art preformed in the way of a pianist playing in the House Chambers on St. Patricks Day and the effect. He said that they are always being asked in Missoula what they have in Montana in the way of the arts.

DAVID NILSON, Montana Arts Council, stated that 1% of the work force is represented by the artists. Most of them do not make much money. He presented a booklet, EXHIBIT 3, which was put out by the National Conference of State Legislatures. On page 12 is their highest priority which is art.

PETER HURO, Oregon Arts Director, stated that this would have an economic impact. Their law was passed in 1975. 1% goes to the acquisition of art. In the arts, they rank 50% in the states. He stated that there are several reasons we have such a bill. It is an official way for Oregon to say that we recognize your contribution and we see in Oregon that 1% is a very small amount of money. He mentioned the art in the state capitol of Oregon which is all contemporary and so is the building and it is well remembered by all. They also have in the capitol photography. He also stated that the Veterinary Science Building at Oregon State University has a brick wall art that was done by an artist from California. Their bill and this one does

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not limit itself to artists only from their own state. He presented other handout relating to the Oregon program which is attached to Exhibit 3.

DANA BOVSSARD, professional artist from Montana, said that she has been a professional artist for 15 years and has not been able to make a living for one year in Montana. She said that the percent for art has been extremely important to her and for the past 6 years has been a part of it. She said that last year she received a commission of \$46,000 from the state of Alaska in it's percent for arts program. She said from this piece alone she derived an income for herself, her family and three people that she hired part time. They have all spent that money back into the state. There are many artists in the state that choose to live here but are not as fortunate as she in the ability to earn a living.

SENATOR CHET BLAYLOCK, District 35, stated that there is nothing better you can do than to support this bill. He said that he taught history in the high schools and mentioned the rise and fall of empires and the one that survived was Athens Greece because they put their money and effort to art that still flourishes.

PHIL HAUCK, Department of Architect, testified that he stands in support of this bill. This bill isolates 1% for art and cannot be used for leaky roofs, etc. and that is good. He said that there are a few nuts and bolts items that the committee should be made aware of. This money would only be used on selected projects, it would not be used on maintenance repair or small projects, like fish and game out-houses. The big question that he has been asked is how is this going to effect the building program and how much is it going to cost. To give a ball park figure, he said that he had his office go through the building program from 1979 through 1982 and project which building would have qualified for this program and they came up with 120 projects for those four years and the cost of those projects times 1% averaged out \$129,000 per year. This generation, as far as art in public places, is almost a sterile waste land. He asked support of this bill.

SHIRLEY CLEARY, visual artist, said that since 1972 over 40 artists have received commissions from this program or similar ones in other states. This is not a give-a-way program. The state of Montana will be able to keep one of the most precious resources and that is the art of their own artists.

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CATHY CAMPBELL, Montana Association of Churches, testified in support of H.B.625 and presented written testimony shown as EXHIBIT 4 and a handout, EXHIBIT 5.

RON PAULICK, Artistries Referral, a business industry in Great Falls, presented his written testimony to the committee. See EXHIBIT 6.

J. D. HOLMES, Montana Arts Advocacy, presented testimony and said that as this bill left the House it said up to 1% of a project may be used for the art. The way that the preceive that this is going to work under the bill is that the state architect must make the decision that that particular public building deserves to have art incorporated into it. He makes that decision and at that point the Montana Arts Council comes into the picture and they work with him and make a summary of the type of art that they preceive for that building and that is presented the legislature the next session and they have the final say. This is unlike the Oregon law that mandates it down the line.

REED ROBINSON, Architect, stated he has had opportunities to work with the artists. Working with the artists before the building is built is the best way. He urged passage of this bill.

STEVE VOORHEIS, Primrose Center, furniture designers, said that his research led him to requests from the Bishop's Committee to do design and art work in wood for the Catholic Church. He read from a text titled "beauty and Dignity".

EXHIBIT 7 presents questions and answers on the Montana Arts Council.

QUESTIONS OF THE COMMITTEE:

SENATOR STORY questioned new art.

REPRESENTATIVE McBRIDE stated that the work of art is defined in the bill. We are working with living artists. We are not acquiring old art.

SENATOR STORY asked if they would object or would the bill prevent them from acquiring old art maybe in other states that should be in Montana.

REPRESENTATIVE McBRIDE said that she does not think there is anything in the bill that prevents the use of additional funds for these purchases.

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The makeup of the committee was questioned and it was suggested that the designer should be a member of the arts council.

A question was asked in regards to the possibility of the legislature wanting to line item for a certain building.

REPRESENTATIVE McBRIDE said that that is a consideration. There is one percent of one percent allowed to the Arts Council for maintenance of art.

SENATOR HAMMOND asked if this includes the design of the building and it being worked out with the artist and the architect.

PHIL HAUCK said that they are talking about state buildings only.

SENATOR TOWE confirmed that they are talking about 1% of the construction of the building and Representative McBride said that was correct.

SENATOR TOWE questioned the language on page 2, line 12, "in the opinion of the ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION, appropriate for the inclusion of works of art."

PHIL HAUCK said the 1% has to be in the bid the presented to the legislature.

REPRESENTATIVE McBRIDE there was an amendment put in in the House that determines that the State Art Council comes in and makes suggestions. Page 4, line 24 and page 3, line 12 through 24 is a mechanism setting this up.

SENATOR TOWE challenged that page 3, line 1, says "shall". What is your intent.

REPRESENTATIVE McBRIDE said that they will have to go to the definition of what a new state building is.

SENATOR STORY suggested that this bill actually gives you nothing.

REPRESENTATIVES McBRIDE said that is why she votes against the amendments.

SENATOR TOWE asked about page 6, line 9, "sole ownership" and the answer was that there is a legal aspect.

SENATOR TOWE said that the bill does not say that the money must be used for a certain building.

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REPRESENTATIVE McBRIDE said that the intent is that a piece of art can be transported from one building to another if it is a state building but most art is expected to stay in the designated building.

SENATOR TOWE said that in the other 20 states it allows it allows the money to be applied to existing buildings.

REPRESENTATIVE McBRIDE stated "yes" but if the building undergoes renovation.

SENATOR TOWE asked if the Arts Council could come in when they didn't agree with the architect.

REPRESENTATIVE McBRIDE said the mechanics of the bill is cumbersome but it is the only way the House seemed to agree to this.

It was agreed by Phil Hauck, state architect, and members of the arts council that the arts council will have the opportunity to subject their opinions, even over the opinion of the architect.

The hearing closed on H.B.625.

CONSIDERATION OF HOUSE JOINT RESOLUTION 30:

A JOINT RESOLUTION OF THE SEANTE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THAT STATE EXECUTIVE, JUDICIAL, AND LEGISLATIVE AGENCIES, LOCAL GOVERNMENTS, AND THE MONTANA UNIVERSITY SYSTEM GIVE PREFERENCE TO MONTANA CITIZENS IN FILLING STATE, LOCAL GOVERNMENT, AND UNIVERSITY SYSTEM POSITIONS.

REPRESENTATIVE MENAHAN, District 90, stated that this is a resolution to hire Montana people. Those who wish to work in Montana should become residents. There is an objection to hiring people from out of Montana that do not comprehend the problems of Montana and try to go by the solutions they had in the state they came from and that does not always work in Montana and they come from different backgrounds. We have good professionals in Montana. Good professors in Montana. We need to hire Montana people first.

There were no proponents, opponents nor questions of the committee.

The hearing closed on House Joint Resolution 30.

EXECUTIVE SESSION:

ACTION ON HOUSE JOINT RESOLUTION 30:

SENATOR TOWE MOVED THAT HJR BE CONCURRED IN.

MOTION PASSED (Senator Manning will carry the bill)

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ACTION ON HOUSE BILL 424:

The statement of intent to H.B.424 was MOVED by SENATOR TOWE. Shown as EXHIBIT 8. It will be presented as a Committee of the Whole Amendment.

MOTION PASSED.

ACTION ON HOUSE BILL 846:

SENATOR TOWE MOVED THAT H.B.846 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Marbut will carry this bill.

ACTION ON HOUSE BILL 625:

SENATOR TOWE MOVED AN AMENDMENT that the Montana Arts Council may suggest a recommendation even though the architect does not consider the proposed building as warranting it.

MOTION PASSED.

SENATOR TOWE MOVED THE AMENDMENT to correct grammar on page 1, line 6. (not to exceed ~~up to~~ 1%)

MOTION PASSED.

SENATOR TOWE MOVED THE AMENDMENT page 3, line 4, to insert "new" following "for".

MOTION PASSED

SENATOR TOWE MOVED H.B.625 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Regan will carry this bill.

ACTION ON HOUSE BILL 714:

SENATOR TOWE MOVED THE AMENDMENTS, EXHIBIT 9.

MOTION PASSED.

SENATOR MANNING MOVED H.B.714 AS AMENDED.

SENATOR TOWE moved page 3, lines 7 and 8, strike "but are not limited to".

MOTION PASSED.

SENATOR MANNING MOVED THAT H.B.714 BE CONCURRED IN AS AMENDED.

MOTION PASSED.

ACTION ON HOUSE BILL 107:

It was the decision of the committee to table this bill.

SENATOR TOWE MOVED THAT H.B.107 BE TABLED.

MOTION PASSED.

ACTION ON HOUSE BILL 521:

Dave Cogley, legal council reviewed the proposed amendments.

SENATOR TOWE MOVED THE AMENDMENTS.

MOTION PASSED. Senator Stimatz voted "no".

SENATOR TOWE MOVED H.B.107 BE CONCURRED IN AS AMENDED.

Roll Call Vote, EXHIBIT 10. Five voting "yes"; three "no".

MOTION PASSED. Senator Towe will carry this bill.

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ACTION ON HOUSE BILL 295:

SENATOR TVEIT MOVED THAT H.B.295 DO NOT PASS.

MOTION PASSED. Roll call vote is shown as EXHIBIT 11, 7 voting "yes" and 1 voting "no". ADVERSE REPORT by Senator Story.

ACTION ON HOUSE BILL 386:

The proposed amendment by Senator Towe was discussed.

SENATOR TOWE MOVED THE AMENDMENT to strike "best" and insert "some portion fairly", page 1, line 14.

MOTION PASSED.

SENATOR LEE MOVED THAT H.B.386 BE NOT CONCURRED IN.

Roll call vote, EXHIBIT 12, tie vote.

MOTION FAILED.

ACTION ON HOUSE BILL 283:

The amendments, EXHIBIT 13, were discussed and amendment no.8 was withdrawn.

SENATOR LEE MOVED THE AMENDMENTS.

MOTION PASSED. Roll call vote EXHIBIT 14, 4 yes, 3 no.

SENATOR STORY called attention to page 11, line 10.

SENATOR LEE MOVED TO strike the amounts behind all county people and put in \$15,000.

SENATOR TOWE MADE A SUBSTITUTE MOTION to put in \$15,000 for the county attorney, superintendent of schools, county commissioner and sheriff and all others at \$7,500.

MOTION PASSED.

SENATOR TOWE questioned the language on page 10, line 8 through 11.

SENATOR TOWE MOVED striking subsection "b" in its entirety which would include deleting Senator Lee's amendment 9 and 11, Exhibit 13.

MOTION PASSED. Roll call vote EXHIBIT 15, 4 no, 3 yes.

SENATOR TOWE MOVED THAT HOUSE BILL 283 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Lee or Senator Turnage will carry it.

ACTION ON HOUSE BILL 356:

Senator Lee presented his amendments. There was some discussion.

SENATOR LEE MOVED amendments 3 and 5. EXHIBIT 16.

MOTION PASSED 4 yes, 3 no.

SENATOR LEE MOVED amendments 2, 4, 6, 7 and 8.

MOTION PASSED, 4 yes, 3 no.

SENATOR LEE MOVED amendments 1, 3 and 5, monetary and in-kind.

MOTION PASSED, 4 yes, 3 no.

SENATOR LEE MOVED THAT HOUSE BILL 356 BE TABLED.

SENATOR TOWE MADE A SUBSTITUTE MOTION THAT H.B.356 BE CONCURRED IN AS AMENDED.

Roll call vote, EXHIBIT 17. MOTION FAILED. 3 yes, 4 no.

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It was brought out that Senator Marbut's vote may be yes based on the amendments. Senator Marbut was excused from the meeting prior to the action on this bill and he left his vote to be read. Senator Towe stated that they should get this bill out onto the floor of the Senate.

SENATOR TOWE MOVED H.B. 356 DO NOT PASS AS AMENDED.
MOTION PASSED. Roll call vote, EXHIBIT 18. Call for a majority/minority report carried by Senators Towe and Story.

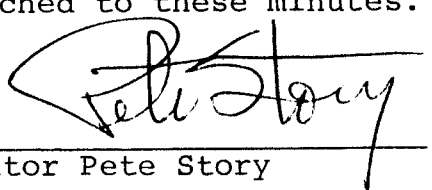
ACTION ON HOUSE BILL 386 WAS RECONSIDERED:
SENATOR TOWE MOVED THAT H.B.386 BE RECONSIDERED.
MOTION PASSED.
SENATOR TOWE MOVED THAT H.B.386 BE CONCURRED IN AS AMENDED.
MOTION FAILED. Roll call vote, EXHIBIT 19. 3 aye, 4 nay.
SENATOR TOWE MOVED TO REVERSE THE MOTION.
MOTION PASSED. A majority/minority report will be made carried by Senator Story and Senator Towe.

ACTION ON HOUSE BILL 283 RECONSIDERED:
SENATOR LEE MOVED THAT H.B. 283 BE RECONSIDERED.
MOTION PASSED. 4 AYES, 3 NAYS.
SENATOR LEE MOVED TO REINSERT ALL THE LANGUAGE STRUCK IN SENATOR TOWE'S AMENDMENT.
MOTION PASSED with Senators Towe, Manning and Stimatz voting no.
SENATOR LEE MOVED THE BILL AS AMENDED.
MOTION PASSED.

ACTION ON HOUSE BILL 387:
Senator Lee presented amendments, EXHIBIT 20.
SENATOR LEE MOVED THE AMENDMENTS.
MOTION PASSED.
SENATOR LEE MOVED THAT H.B.386 BE CONCURRED IN AS AMENDED.
SENATOR TOWE MADE A SUBSTITUTE MOTION THAT H.B.386 DO PASS.
SENATOR HAMMOND MADE A SUBSTITUTE MOTION THAT H.B.386 DO NOT PASS.
Roll call vote, 4 yes and 3 no. EXHIBIT 21.
Majority/Minority Reports made. Senator Story and Senator Towe carrying the reports on the floor.

There being no further business the meeting adjourned at 1:15 p.m.

*Note: H.B.714 was moved out of committee per committee decision.
No committee report will be attached to these minutes.


CHAIRMAN, Senator Pete Story

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date March 23

----- SENATE
SEAT #

NAME	PRESENT	ABSENT	EXCUSED
SENATOR PETE STORY, Chairman	X		
SENATOR H. W. HAMMOND, Vice Ch	X		
SENATOR REED MARBUT	X		
SENATOR LARRY TVEIT	X		
SENATOR R. MANNING	X		
SENATOR LAWRENCE STIMATZ	X		
SENATOR THOMAS TOWE	X		
SENATOR GARY LEE	X		

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Each day attach to minutes.

HOUSE BILL NO. 660

INTROUCED BY HANSEN, CHRISTIAENS

BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A
 2 PROCEDURE BY WHICH AN INDIVIDUAL ALLEGING A VIOLATION OF THE
 3 HUMAN RIGHTS ACT MAY ELECT TO PURSUE A COMPLAINT BEFORE THE
 4 COMMISSION OR IN DISTRICT COURT AND BY WHICH A PERSON
 5 AGAINST WHOM A COMPLAINT WAS FILED MAY ELECT TO HAVE THE
 6 MATTER REMOVED TO DISTRICT COURT; AND PROVIDING AN IMMEDIATE
 7 EFFECTIVE DATE."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Filing a complaint in district court. (1)
 10 The commission staff shall, at the request of the
 11 complainant EITHER EARLY, issue a letter entitling the
 12 complainant to file a discrimination action in district
 13 court if:

14 (a) the commission has not yet held a contested case
 15 hearing pursuant to 49-2-505; and

16 (b) one of the following has occurred:

17 (i) 180 days have elapsed since the date the complaint
 18 was filed under 49-2-501; or

19 (ii) the commission staff determines that its efforts
 20 to informally investigate and settle the complaint pursuant

21 to 49-2-504 are unsuccessful; AND HAS DETERMINED THAT IT
 22 WILL BE UNABLE TO HOLD A CONSIDERED CASE HEARING WITHIN 12
 23 MONTHS OF THE DATE THE COMPLAINT WAS FILED UNDER 49-2-501;
 24 AND
 25 (2) 180 days have elapsed since the complaint was
 26 filed and the efforts of the commission staff to settle the
 27 complaint after informal investigation pursuant to 49-2-504
 28 have been unsuccessful.

29 (2) Within 90 days after receipt of a letter issued by
 30 the commission pursuant to subsection (1), a IDE complainant
 31 may SHALL petition the district court in the district in
 32 which the alleged violation occurred for appropriate relief.
 33 IF THE CLAIMANT FAILS TO PETITION THE DISTRICT COURT WITHIN
 34 90 DAYS AFTER RECEIPT OF A LETTER ISSUED BY THE COMMISSION,
 35 THE CLAIM SHALL BE BARRED.

36 (3) If the district court finds in an action under
 37 this section, that a person, institution, entity, or agency
 38 against whom or which a complaint was filed has engaged in
 39 the unlawful discriminatory practice alleged in the
 40 complaint, the court may provide the same relief as
 41 described in 49-2-506 for a commission order. In addition,
 42 the court may in its discretion allow the prevailing party
 43 reasonable attorney fees.

44 Section 2. Codification instruction. Section 1 is
 45 intended to be codified as an integral part of Title 49,

- 1 chapter 2, part 5, and the provisions of Title 4, chapter
- 2 2, apply to section 1.
- 3 Section 3. Effective date. This act is effective on
- 4 passage and approval.

-End-

Amendments to H.B. 714, Third reading copy

1. Page 9, lines 7-8
Following: "request of" (line 7)
Strike: "the complainant," (lines 7 and 8)
Insert: "either party,"
2. Page 9, line 11
Following: "[section 9]"
Strike: remainder of lines 11-17 in their entirety
Insert: "and has determined that it will be unable to hold a contested case hearing within 12 months of the date the complaint was filed under [section 5]; and
(b) 180 days have elapsed since the complaint was filed and the efforts of the commission staff to settle the complaint after informal investigation pursuant to [section 8] are unsuccessful."
3. Page 9, line 19
Following: "subsection (1),"
Strike: "a"
Insert: "the"
Following: "complainant"
Strike: "may"
Insert: "shall"
4. Page 9, line 21
Following: "appropriate relief."
Insert: "If the claimant fails to petition the district court within 90 days after receipt of a letter issued by the commission, the complaint shall be barred."

EXHIBIT 3
State Admin
March 23, 1983

Book only with the original set of minutes.

ARTS AND THE STATES

Montana Conference of State Legislatures

EXHIBIT 3
State Administration
March 23, 1983

Montana
Association of
Churches



EXHIBIT 4
State Administration
March 23, 1983

MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 1708 • Helena, MT 59601

March 23, 1983

WORKING TOGETHER:

American Baptist Churches
of the Northwest

American Lutheran Church
Rocky Mountain District

Christian Church
(Disciples of Christ)
in Montana

Episcopal Church
Diocese of Montana

Lutheran Church
in America
Pacific Northwest Synod

Roman Catholic Diocese
of Great Falls

Roman Catholic Diocese
of Helena

United Church
of Christ
Montana Conference

United Presbyterian Church
Glacier Presbytery

United Methodist Church
Yellowstone Conference

United Presbyterian Church
Yellowstone Presbytery

MR. CHAIRMAN AND MEMBERS OF THE SENATE STATE ADMINISTRATION
COMMITTEE:

I am writing on behalf of the Montana Association
of Churches in support of HB 625, the Percent-for-Art
Act.

In 1981, the Montana Association of Churches
unanimously adopted a position paper supporting public
funding for the arts.

In concerning ourselves with the arts in our society,
we are recognizing the development of the whole person
as a cultural, social, political and spiritual being.
We want to give our support to programs which recognize
the importance of the arts in our lives and help them to
flourish in our State.

We support full access to the arts by all Montanans
in their schools, communities and public institutions.

Since HB 625 would help accomplish our objectives,
I ask your favorable consideration of the bill.

Sincerely,

Cathy Campbell
Legislative Liaison

MONTANA ASSOCIATION OF CHURCHES

Position Paper on PUBLIC FUNDING FOR THE ARTS

POSITION STATEMENT

The Montana Association of Churches supports:

1. Full access to the arts by all Montanans in their schools, communities and public institutions;
2. Increased State funding for the arts;
3. The development of economic and social policies which will (a) encourage the arts as an essential dimension of life, and (b) enable artists to live and work in Montana;

4. The continued use for cultural and aesthetic purposes of monies from interest on the Coal Tax Fund;

5. The distribution of the above funds for cultural and aesthetic purposes in a manner which gives due consideration to all areas and communities of the State, both rural and urban.

SUPPORTING STATEMENT

Throughout the years, the church has been a powerful presence in the development of the state. It has been a major force in the establishment of public institutions, and it has been a major force in the development of the state's cultural and artistic life. The church has been a major force in the establishment of public institutions, and it has been a major force in the development of the state's cultural and artistic life. The church has been a major force in the establishment of public institutions, and it has been a major force in the development of the state's cultural and artistic life.

Public funding has a direct relationship to accessibility. When we begin to deal with questions of full access to the arts, we must have the broadest possible participation in mind. We believe that everyone has the right to:

- make art;
- have access to artistic experiences;
- enjoy an aesthetically rich life, and even
- to define what art is.

The presence of public education and libraries in our society makes clear the importance of accessibility to education. In the same way, appropriate use of public money can influence full access to the arts.

The ideal system of support for the arts in our free society seems to be a combination of public, private and corporate money. Private philanthropy has sustained much of our cultural treasure, and corporate investment has helped to develop an art market. But it is usually public money which will risk the funding of art on the growing edge, or developing programs in profitably unstable areas. In the last decade, it has been the unique combination of funding which has nurtured the growth of the arts across the nation.

In Montana, the public sector has been the primary source of support for the arts. The state has been a major force in the establishment of public institutions, and it has been a major force in the development of the state's cultural and artistic life. The church has been a major force in the establishment of public institutions, and it has been a major force in the development of the state's cultural and artistic life.

dependent upon a higher priority in state appropriations. This would provide essential money, and also constitute a strong philosophical statement by the State government that the arts are important in the lives of its citizens.

We support and encourage the arts as a way of making a living in Montana. As public funding and public policies support the arts as a priority in our society, the individual artist will find Montana an economically viable place in which to work. The arts are good business — high value, self-employed, labor intensive, clean, good for communities, with a positive economic impact. We encourage policies which will improve marketing, small loan benefits, tax incentives, and programs for public art.

We support the use of coal tax interest money for the arts.* It seems most fitting that the benefits from one natural resource should be used to nurture and develop the creative resources for our citizens. We are concerned that this commitment be maintained, and that through appropriate guidelines, the cultural and aesthetic needs of the people of Montana will be met most beneficially.

There are many areas of concern in the arts, but we feel these few issues would help to improve the health of the arts in our state. We believe that the arts in our state are important to the people in our State.

A. R.

Artistries Referral

A Service Distinctly Superior

March 23, 1983

Honorable Pete Story, Chairman
State Administration Committee Members,

To reemphasize my statement in support of HB625, presented to the House Education Committee on February 14, 1983, I request the following to go on record.

From the book, "Prospect for America--The Rockefeller Panel Reports," Report IV The Challenge to America: Its economic and social aspects, I offer the following quote.

"Viewed in historical perspective, civilizations are judged by their culture rather than by their might. The encouragement of spiritual and cultural growth is every bit as essential to our future as the nurturing of our material welfare. But it is a more subtle and delicate task."

This task, gentlemen, now rests in your hands in the form of HB625. I believe the intent of this bill is, more than anything, a cultural one. One that if implemented will allow favorable judgement to be passed on the cultural might of Montana.

Sincerely,

Ron Paulick

Q: HOW IS THE AGENCY FUNDED?

A: Agency funding is provided through a grant from the National Endowment for the Arts and appropriations from the State Legislature. Over the history of the agency, the Endowment has provided 77% of the agency's total funding, 50% of which was in turn re-granted to non-profit arts organizations in Montana. Endowment funds originate from the State Programs division in Washington, D.C. These funds represent a partnership between the federal government and the state government, as long as the state shows sufficient support of its own arts agency. All 50 states and six U.S. jurisdictions have official state arts agencies. In addition, the states have formed eight regional groups to administer programs and services most efficiently carried out on a multi-state basis. Grants are awarded to assist state agencies and regional groups in carrying out Endowment-approved plans for support of the arts. To help state arts agencies carry out these plans, by law 15% of the Endowment's program fund is reserved, in 56 portions, for the state agencies. Each state's grant also includes a funding share based on state appropriation.

Legislative appropriations to the Council cover approximately half the costs of the agency's administration and in 1981-82 amounted to \$72,018, or 13% of the total budget. In 1981, the Legislature began appropriating support for the AIS/C program. In that year support amounted to \$12,500. Additional revenues find their source in the Montana coal tax -- a 30% tax on the value of exported coal. One-half of 1% of this tax revenue is directed by statute to the purchase of parks, restoration of State Capitol artwork and other cultural purposes. The agency's Folklife Project is funded from coal tax monies.

Q: WHO MAKES UP THE ARTS COUNCIL?

A: The 15 members of the Council are appointed by the Governor for five-year terms. All the individuals on the Council are private citizens known for their experience and/or long-standing interest in the arts, and are chosen with an eye to equal geographic and artistic representation. The members work in conjunction with a full-time staff of four, whose salaries are paid 50% by federal monies and 50% by the state. The agency also contracts for the services of additional staff members. Council members are advised in making grant decisions by advisory panelists chosen from all regions of the state and divided into four committees -- visual arts, drama/dance, music and special projects.

MONTANA ARTS COUNCIL MEMBERS:

Maxine Blackmer, Missoula
Ceridwen Breen, Missoula
Robert Cavanaugh, Kalispell
Lorilee Driscoll, Butte
Howard Hunke, Sidney
Claudette Johnson, Helena
John Johnson, Glendive
Jessica Stickney (Chair), Miles City
Preston Stiffarm, Harlem
Sue Talbot, Missoula
Charles Tooley, Billings
JoAnne Troxel, Bozeman
Carolyn Valacich, Great Falls
Patrick Zentz, Laurel

MONTANA ARTS COUNCIL STAFF:

David E. Nelson, Executive Director
Jo-Anne Mussulman, Grants Officer
Patricia Simmons, AIS/C Program Director
William Pratt, Community Arts Coordinator
Michael Korn, Folklife Project Director
Carleen Lassise, Accountant
Ruth Browder, Administrative Aide
Jenda Cummings, Administrative Aide

Q: WHAT DO THE ARTS CONTRIBUTE TO
THE ECONOMIC HEALTH OF OUR STATE?

A: Every dollar spent by an arts institution, artist or arts audience generates more dollars in economic impact within a community through successive rounds of spending. An evening at the symphony, for example, might entail the purchase of gas for travel, dinner at a local restaurant and a new item of clothing for the occasion. Concert-goers from outlying areas may make a day of it and stay at a local motel, perhaps doing some shopping before returning home the next day.

The arts, or cultural amenities, are also important in convincing attractive new businesses to relocate in our state. Recently, an electronics firm cited lack of cultural opportunities as one of the reasons for not selecting a Montana community for relocation. A recent study has found that Montana has recreational opportunities, relatively low living costs and a clean environment. However, in order to have the cultural amenities that attract high technology industries, we will have to keep pace with the tremendous growth and support that has accrued in other states. The same holds true in attracting tourism.

On a more positive note, statistics indicate that individual spending patterns are changing and expenditures by the public on arts is catching up with spending for sports. The Personal Consumption Expenditures for Recreation, a component of the Gross National Product, indicate that admissions to spectator sports and admissions to non-profit performing arts are converging. In 1976, the percent of all recreation expenditures for sports was twice as high as that for non-profit performing arts. That ratio dropped steadily over the six-year period and in 1981 the difference was down to one and a half times.

WHY DOES MONTANA HAVE AN
ARTS COUNCIL?

Fifteen years ago the Montana legislature began the hard process focusing scattered arts activities the state into the establishment of an arts council. In January of 1967, the Legislature created the Montana Arts Council with the mandate at the agency "promote the arts for the benefit of Montana citizens and provide a cultural climate favorable for the attraction of new businesses."

Between 1967 and 1970 state arts agencies came into existence in every state and territory in the United States. Since that time all states have continued to support their arts agencies through good times and bad without interruption. Arts agencies now exist as elements of federal and state government. They act to encourage the arts at all levels and address issues of a statewide nature that concern our cultural activities.

Q: WHAT DOES THE MONTANA ARTS COUNCIL DO?

A: Responding to the needs and interests in the state, and the purposes and goals set forth by the State Legislature, the agency administers a statewide grants program for non-profit arts organizations and units of government. The Council receives an annual appropriation from the Montana State Legislature and grants from the National Endowment for the Arts for its matching grants programs and for administration of the agency. During the past five years, nearly 500 grants have been awarded to support arts programming in the state. The average grant has been \$2,500 and is generally matched by cash or in-kind contributions from non-federal sources. While government support represents only 10% of the funding to non-profit arts organizations, it is a critical 10%; support by individuals makes-up 55%; corporations, 17%; and foundations, 18%.

Other successful programs include one of the largest Artists in Schools/Communities programs in the inter-mountain West, involving more than 200 schools and 70 artists. Through the agency's Folklife Project a radio series has been produced, as have a phonograph record and a Native American Survey involving all tribes and reservations. The Community Arts program provides arts organizations with support and development in planning and problem solving, in addition to technical assistance, underwriting and networking.

The Council directs the annual First Book Award competition and sponsors, jointly with the Office of the Governor, the annual Governor's Arts Awards. These special projects are planned to draw attention to the quality of arts activities in the state, to the individual achievements of artists and to recognize the important role played by the arts in the lives of Montana citizens.

Q: HOW DOES MONTANA'S SUPPORT FOR THE ARTS COMPARE WITH THAT OF OTHER STATES?

A: Montana state appropriations to the arts have lagged behind most other states, presently ranking 44th among states and territories, up from 54th a few years ago. Per capita arts funding at the state level is 17.6¢. This compares less than favorably with Alaska's being in first place in the nation with a per capita appropriation of \$12.07, or that of Utah's at 87.2¢ per capita.

Q: HOW DO SMALLER COMMUNITIES AS WELL AS CITIES BENEFIT FROM THE COUNCIL'S EFFORTS?

A: Small, isolated communities typify and underscore the unique population distribution in our state -- great distances between all the communities, large and small. The agency responds by providing services through touring, technical assistance, artist residencies and grants to the special needs of rural communities. Montana's seven largest communities garnered approximately 22% of grant money allocated in 1981-82, while smaller communities accounted for the balance of available funds. The agency has developed strong networking capabilities and has developed new and efficient ways of providing information through the use of the ArtistTelegram and the media.

STATEMENT OF INTENT

HOUSE BILL 424

Section 1. The intent of this bill is to allow the department of social and rehabilitation services to use federal medicaid funds in supporting services to senior citizens, the handicapped, and the developmentally disabled in the least restrictive and appropriate environments within appropriation limits established by the legislature and consistent with the provisions of The Omnibus Budget Reconciliation Act of 1981. In granting this authority, the legislature intends that:

(1) the recipient make the decision to be placed in the alternative setting;

(2) consistent with patient choice and resources, emphasis will be placed on the patient's own home as an alternative setting to institutional placement;

(3) the physical well-being and safety of the recipients of the program will be provided for in that all facilities utilized for the delivery of services or as residential setting, not including a recipient's own residence, will have to meet adequate health, fire, and life safety requirements before it can be licensed by the department or other licensing authority. The department shall insure that no requirements are adopted which are more onerous than necessary.

(4) The home and community-based services will be provided at no additional cost to the state.

Section 2. Section 5 of the bill provides the department with explicit rulemaking authority for the purposes of implementing a program of community-based medicaid services and establishing a system of long-term care placement evaluation as part of that program. These rules may address the following areas: the amount, scope, and duration of services provided, standards of quality for services provided, reimbursement methodology for services provided, the appropriate residential settings to be utilized, eligibility of individuals for the program, screening of individuals for appropriateness of services and placement, organization and functions of case management teams, assurances of patient choice, patient rights, and due process for program recipients, and any other purposes as may be required for the implementation of this program.

Amendments to H.B. 714, third reading copy

1. Page 9, lines 7 and 8
Following: "request of"
Strike: "the complainant"
Insert: "either party"
2. Page 9, line 11
Following: "[section 9]
Strike: remainder of lines 11-17 in their entirety
Insert: "and has determined that it will be unable to
hold a contested case hearing within 12 months
of the date the complaint was filed under
[section 5]; and
(b) 180 days have elapsed since the complaint was
filed and the efforts of the commission staff to
settle the complaint after informal investigation
pursuant to [section 8] are unsuccessful."
3. Page 9, line 19
Following: "subsection (1),"
Strike: "a"
Insert: "the"
Following: "complainant"
Strike: "may"
Insert: "shall"
4. Page 9, line 21
Following: "appropriate relief."
Insert: "If the claimant fails to petition the district court
within 90 days after receipt of a letter issued by
the commission, the complaint shall be barred."

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23, 1983 House Bill No. 521 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBUT	X	
SENATOR LARRY TVEIT		X
SENATOR R. MANNING	X	
SENATOR LAWRENCE STIMATZ	,	X
SENATOR THOMAS TOWE	X	
SENATOR PETE STORY	X	
SENATOR GARY LEE		X

Leona Williams
Secretary, Leona Williams

Pete Story
Chairman SENATOR PETE STORY

Motion: SENATOR TOWE MOVED BE CONCURRED IN AS AMENDED..


(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23, 1983 House Bill No. 295 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBIT	X	
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING	X	
SENATOR LAWRENCE STIMATZ	X	
SENATOR THOMAS TOWE	X	
SENATOR PETE STORY	X	
SENATOR GARY LEE		X


Secretary, Leona Williams


Chairman, SENATOR PETE STORY

Motion: SENATOR TVEIT MOTION- DO NOT PASS


(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23 , 1983 House Bill No. 386 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBIT		X
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		X
SENATOR THOMAS TOWE		X
SENATOR PETE STORY	X	
SENATOR GARY LEE	X	


Secretary, Leona Williams


Chairman SENATOR PETE STORY

Motion: MOTION BY SENATOR LEE - DO NOT PASS - TIE VOTE..

(include enough information on motion--put with yellow copy of committee report.)

SEN. AEC-5

Proposed Amendments to HB 283, Third Reading Copy

1. Page 2, line 1.
Following: "goods"
Insert: "or services"
2. Page 3, line 7.
Following: "services,"
Insert: "consulting,"
3. Page 3, line 8.
Following: "charge"
Strike: "(other than volunteer services)"
4. Page 3, line 16.
Following: "services"
Insert: "Donated services must be valued at the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the county or locality in which the work is being performed, as that term is defined in 18-2-401(5) and determined in 18-2-402."
5. Page 3, following line 16.
Insert: "(d) Volunteer services include those services to a candidate or political committee provided by a person who is not receiving financial reimbursement from a candidate or political action committee."
6. Page 10, line 2.
Strike: "MONETARY"
7. Page 10, line 3.
Following: "exceed"
Strike: "20%"
Insert: "35%"
8. Page 10, line 7.
Following: "(4)"
Insert: ", by the time required for filing the post-election report"
9. Page 10, line 8.
Following: "(B)"
Strike: "AT NO TIME MAY"
Insert: "In the 1984 election"
Following: "OF"
Strike: "MONETARY"
10. Page 10, line 10.
Following: "SENATE"
Insert: "may not"
Following: "EXCEED"
Strike: "\$1,000 or \$600"
Insert: "\$2,500 or \$1,500"

11. Page 10, line 11.

Following: "REPRESENTATIVES"

Insert: "The foregoing limitations shall be multiplied by the inflation factor, as defined in 15-30-101(8), for the year in which general elections are held after 1984. The commissioner shall publish the revised limitations as a rule."

12. Page 10, line 12.

Following: "CONTRIBUTIONS"

Strike: "MAY NOT"

Insert: "shall"

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

SEN LEE's AMEND.

Date March 23, 1983 House Bill No. 283 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBIT		
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		X
SENATOR THOMAS TOWE		X
SENATOR PETE STORY	X	
SENATOR GARY LEE	X	

Leona Williams
Secretary, Lee's

SENATOR PETE STORY
Chairman

AMENDMENTS

Motion: DO PASS - SENATOR LEE's MOTION

(include enough information on motion--put with yellow copy of committee report.)


ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

SEN. TOWE's AMEND.

Date March 23, 1983 House Bill No. 283 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND		X
SENATOR REED MARBUT		
SENATOR LARRY TVEIT		X
SENATOR R. MANNING	X	
SENATOR LAWRENCE STIMATZ	X	
SENATOR THOMAS TOWE	X	
SENATOR PETE STORY		X
SENATOR GARY LEE	X	


Secretary, Leona Williams


Chairman SENATOR PETE STORY

Motion: BY SENATOR TOWE Moved to strike subsection b in its
entirety.

(include enough information on motion--put with yellow copy of
committee report.)

March 26³, 1983

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 356 be amended as follows:

1. Title, line 5.
Strike: "MONETARY"
2. Page 1, line 12.
Following: "senate"
Insert: "in 1984"
3. Page 1, line 13.
Strike: "\$1,000"
Insert: "\$2,500"
Strike: "MONETARY"
4. Page 1, line 15.
Following: "representatives"
Insert: "in 1984"
5. Page 1, line 16.
Strike: "\$600"
Insert: "\$1,500"
Strike: "MONETARY"
6. Page 1, line 18.
Following: "campaign."
Insert: "The foregoing limitations shall be multiplied by the inflation factor as defined in 15-30-101 (8) for the year in which general elections are held after 1984. The commissioner of political practices shall publish the revised limitations as a rule."
7. Page 1, line 18.
Strike: "MAY NOT"
Insert: "SHALL"
8. Page 1, line 19.
Following: "TOTALS."
Insert: "Donated services shall be valued at the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the county or locality in which the work is being performed, as that term is defined in 18-2-401 and determined in 18-2-402."

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23, 1983 House Bill No. 356 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND		X
SENATOR REED MARBUT		
SENATOR LARRY TVEIT		X
SENATOR R. MANNING	X	
SENATOR LAWRENCE STIMATZ	X	
SENATOR THOMAS TOWE	X	
SENATOR PETE STORY		X
SENATOR GARY LEE		X


Secretary, Leona Williams


Chairman SENATOR PETE STORY

Motion: SENATOR TOWE SUBSTITUTE MOTION - DO PASS AS AMENDED

(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23, 1983 House Bill No. 356 Time 10:00 a.m.
as amend.

NAME	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBUT		
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		X
SENATOR THOMAS TOWE		X
SENATOR PETE STORY	X	
SENATOR GARY LEE	X	

Leona Williams
Secretary, Leona Williams

Pete Story
Chairman SENATOR PETE STORY

Motion: SENATOR TOWE MOVED "BE NOT CONCURRED IN

SENATOR TOWE VOTED "NO"

(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23, 1983 House Bill No. 386 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND		X
SENATOR REED MARBIT	X	
SENATOR LARRY TVEIT		X
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ	X	
SENATOR THOMAS TOWE	X	
SENATOR PETE STORY		X
SENATOR GARY LEE		X

Leona Williams
Secretary, Leona Williams

Pete Story
Chairman SENATOR PETE STORY

Motion: SENATOR TOWE MOVED H.B.386 BE CONCURRED IN AS AMEND.

(REVERSED THE VOTE)

to be concurred in as
amend.

(include enough information on motion--put with yellow copy of committee report.)

SENATOR LEE's
AMENDMENTS TO HOUSE BILL NO. 387

EXHIBIT 19
State Administration
March 23, 1983

1. Page 2, line 2.

Strike: "\$500"

Insert: "\$1,500"

Strike: "any"

Following: "year"

Insert: "1984, and the same amount multiplied by the
inflation factor as defined in 15-30-101(8) in any
subsequent calander year"

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23, 1983 House Bill No. 387 AMENDMENTS Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBUT		
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		X
SENATOR THOMAS TOWE		X
SENATOR PETE STORY	X	
SENATOR GARY LEE	X	

Leona Williams
Secretary, Leona Williams

Pete Story
Chairman SENATOR PETE STORY

Motion: SENATOR LEE MOVED AMENDMENTS DO PASS


(include enough information on motion--put with yellow copy of committee report.)

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 23, 1983 House Bill No. 387 Time 10:00 a.m.

NAME	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBIT	X	
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		X
SENATOR THOMAS TOWE		X
SENATOR PETE STORY	X	
SENATOR GARY LEE	X	


Secretary, Leona Williams


Chairman SENATOR PETE STORY

Motion: BY SENATOR HAMMOND - DO NOT PASS AS AMENDED

(include enough information on motion--put with yellow copy of committee report.)

MARPENT JOVE

3/
23

yes 424 on 5 of 11
yes 107

no 356
yes 386
no 387
yes 521

yes 283 with ^{key} reaction as a direct
no 295

yes 580 Table
yes 689

HOLD FOR MARPENT

493
283 unless amended.

STANDING COMMITTEE REPORT

MARCH 23

83

19.....

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE JOINT RESOLUTION

30

having had under consideration Bill No.

Menahan (Manning)

HOUSE JOINT RESOLUTION

30

Respectfully report as follows: That..... Bill No.

BE CONCURRED IN

~~BE PASSED~~

STANDING COMMITTEE REPORT

MARCH 23

83

19.....

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

846

having had under consideration Bill No.

Brand (Marbut)

HOUSE

846

Respectfully report as follows: That..... Bill No.

Third Reading Copy, be amended as follows:

1. Title, line 6.

Following: "POLITICAL"

Strike: "remainder of line 6 through "POLITICAL" on line 7

2. Title, line 7.

Following: "EMPLOYEES"

Strike: remainder of line 7 through "JOB" on line 8

Insert: "AND OFFICIALS"

3. Title, line 8.

Following: "MCA"

Insert: "; AND REPEALING SECTION 87-1-204, MCA"

~~XXXXXX~~

CONTINUED..

J. V.

MARCH 23

19 83

4. Page 1.

Following: line 10

Insert: "Section 1. Political activity of public employees.

(1) While retaining the right to vote as he may please, the right to express his opinions on all political questions, and the right to participate in and support the candidacy of any person for a public office, an employee of the state of Montana or any political subdivision of the state may not use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing or influencing the political actions of any person or body, other than as provided in this section and [section 2.]

(2) No such employee may solicit support or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment, and no such employee may use his official title or authority when offering public testimony on behalf of any issue, cause, or political purpose except as provided in this section and [section 2].

(3) Such employee may appear and testify before any committee of the legislature only:

- (a) upon invitation of a legislator;
- (b) for informational purposes; or
- (c) when exercising his rights as a private citizen and not acting in any official capacity.

Section 2. Registration of public officials as spokesmen.

(1) The head of each board, commission, department, or agency of state government and the governing body of any unit of local government shall, at least 15 days prior to each legislative session, file with the secretary of state a list of the officials or employees who are designated as official spokesmen representing such governmental board, commission, department, agency, or unit before the legislature. The secretary of state must be promptly notified of any change of authorized spokesmen.

(2) The secretary of state shall record in a legislative docket the information supplied under this section and shall furnish current, complete lists thereof to the clerk of each house and to each member of the legislature. The records required to be kept by this section must be open to public inspection and copying during the regular business hours of the secretary of state.

Section 3. Penalty. Any person who violates the provisions of [section 1 or 2] or 13-35-226 shall be fined not more than \$1,000."

Renumber: subsequent section.

CONTINUED..

J.C.

MARCH 23

83

..... 19

5. Page 1, line 12.

Strike: "and employees"

6. Page 2, lines 13 through 24.

Strike: subsections (3) and (4) in their entirety

7. Page 2.

Following: line 24

Insert: "Section 5. Codification instruction. Sections 1 through 3 are intended to be codified as an integral part of Title 13.

Section 6. Repealer. Section 87-1-204, MCA, is repealed."

And, as so amended
BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 23

83

19.....

MR. **PRESIDENT**.....

We, your committee on **STATE ADMINISTRATION**.....

having had under consideration **HOUSE** Bill No. **625**.....

McBride (Regan)

Respectfully report as follows: That..... **HOUSE** Bill No. **625**.....

third reading, be amended as follows:

1. Title, line 6.
Strike: "UP TO"
2. Page 3, line 2.
Strike: "UP TO"
3. Page 3, line 4.
Following: "for"
Insert: "new"
4. Page 3, line 23.
Following: "ART."
Insert: "The Montana Arts Council may submit a recommendation even if the architecture and engineering division of the department of administration has determined that a structure is not appropriate for inclusion of works of art."

~~REPASS~~ And, as so amended
BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 23 19 83

MR. ~~PRESIDENT~~

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 521

Vincent (Towe)

Respectfully report as follows: That HOUSE Bill No. 521

Third Reading Copy, be amended as follows:

1. Page 3, line 4.

Following: "be"

Strike: remainder of line 4 through "state" on line 5

Insert: "made"

2. Page 3, line 7.

Following: "people."

Insert: "All persons responsible for appointing members to such committees shall submit to the secretary of state the names and addresses of three prospective appointees for each position, set forth in the order or preference of appointment, no later than 3 weeks before the deadline for making such appointments."

XXXXXX
DO PASS

CCONTINUED...

STATE ADMINISTRATION

House Bill 521

Page 2 of 3

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3. Page 3, line 11.

Strike: "filed with the secretary of state"

Insert: "made"

4. Page 3.

Following: line 12

Strike: lines 13 through 18 in their entirety

Insert: "All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of two prospective appointees for each position, set forth in the order of preference of appointment, no later than 2 weeks after the final date for filing the petition in accordance with 13-27-301."

5. Page 3, line 19.

Strike: "A person appointed"

Insert: "All prospective appointees"

6. Page 3, line 21.

Strike: "appointing authority"

Insert: "secretary of state"

7. Page 3, line 22.

Following: "before"

Strike: remainder of line 22 through "state" on line 23

Insert: "the appointment deadline specified in subsection (1)"

8. Page 3, line 23.

Strike: "An"

Insert: "A prospective"

9. Page 3, line 25.

Strike: "appointing authority by certified mail"

Insert: "secretary of state"

10. Page 4, line 1.

Strike: "appointing authority"

Insert: "secretary of state"

11. Page 4, line 4.

Strike: "A PERSON APPOINTED"

Insert: "All prospective appointees"

12. Page 4, line 5.

Strike: "APPOINTING AUTHORITY"

Insert: "secretary of state"

CONTINUED...

MARCH 23 19 83

13. Page 4, line 7.

Following: "BEFORE"

Strike: remainder of line 7 through "STATE" on line 8

Insert: "the appointment deadline specified in subsection (2)"

14. Page 4, line 8.

Strike: "AN"

Insert: "A prospective"

15. Page 4, line 9.

Strike: "APPOINTING AUTHORITY BY CERTIFIED MAIL"

Insert: "secretary of state"

16. Page 4, line 10.

Strike: "APPOINTING AUTHORITY"

Insert: "secretary of state"

17. Page 4, lines 13 through 17.

Strike: subsection (5) in its entirety

Insert: "(5) The secretary of state shall determine which of the prospective appointees assenting to serve on the committee shall be appointed, according to the order of preference specified by the appointing authority, and shall so notify all prospective appointees by the appointment deadline specified in subsection (1) or (2), respectively."

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 23 83
..... 19.....

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **295**

Hemstad (Story)

Respectfully report as follows: That **HOUSE** Bill No. **295**

BE NOT CONCURRED IN

~~DO PASS~~

4/0

STANDING COMMITTEE REPORT

MARCH 23

19 83

PRESIDENT

MR.

the Minority

We/your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **386**

Vincent (Story)

Respectfully report as follows: That **HOUSE** Bill No. **386**

third reading be amended as follows:

1. Page 1, line 14.
Strike: "best"
Insert: "in some portion fairly"

SENATOR MARBUT

SENATOR STIMATZ

SENATOR TOWE

And, as so amended
BE CONCURRED IN

XXXXXX

STANDING COMMITTEE REPORT

MARCH 11 23

19 83

MR. **PRESIDENT**

We, **the Majority**
our committee on

STATE ADMINISTRATION

having had under consideration **HOUSE** Bill No. **386**

Vincent (Story)

Respectfully report as follows: That **HOUSE** Bill No. **386**

third reading be amended as follows:

1. Page 1, line 14.
Strike: "best"
Insert: "in some portion fairly"

And, as so amended
BE NOT CONCURRED IN

~~XXXXXX~~

SENATOR HAMMOND

SENATOR TVEIT

SENATOR R. MANNING

SENATOR LEE

SENATOR STORY

Chairman

STANDING COMMITTEE REPORT

MARCH 23 19 83

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **283**

Winslow (Turnage)

ROSSE

283

Respectfully report as follows: That..... Bill No.

Third Reading Copy, be amended as follows:

1. Page 2, line 1.

Following: **"goods"**

Insert: **"or services"**

2. Page 3, line 7.

Following: **"services,"**

Insert: **"consulting,"**

3. Page 3, line 8.

Following: **"charge"**

Strike: **"(other than volunteer services)"**

DEPARK

CONTINUED..

STATE ADMINISTRATION

House Bill 283

Page 2 of 3

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4. Page 3, line 16.

Following: "services"

Insert: "Donated services must be valued at the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the county or locality in which the work is being performed, as that term is defined in 18-2-401(5) and determined in 18-2-402."

5. Page 3, following line 16.

Insert: "(d) Volunteer services include those services to a candidate or political committee provided by a person who is not receiving financial reimbursement from a candidate or political action committee."

6. Page 10, line 2.

Strike: "MONETARY"

7. Page 10, line 3.

Following: "exceed"

Strike: "20%"

Insert: "35%"

8. Page 10, line 8.

Following: "(B)"

Strike: "AT NO TIME MAY"

Insert: "In the 1984 election"

Following: "OF"

Strike: "MONETARY"

9. Page 10, line 10.

Following: "SENATE"

Insert: "may not"

Following: "EXCEED"

Strike: "\$1,000 or \$600"

Insert: "\$2,500 or \$1,500"

10. Page 10, line 11.

Following: "REPRESENTATIVES."

Insert: "The foregoing limitations shall be multiplied by the inflation factor, as defined in 15-30-101(8), for the year in which general elections are held after 1984. The commissioner of political practices shall publish the revised limitations as a rule."

11. Page 10, line 12.

Following: "CONTRIBUTIONS"

Strike: "MAY NOT"

Insert: "shall"

CONTINUED..

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83

..... 19

12. Page 11, line 10.
Strike: "\$5,000"
Insert: "\$15,000"

13. Page 11, line 11.
Strike: "\$2,500"
Insert: "\$7,500"

14. Page 11, line 12.
Strike: "\$8,000"
Insert: "\$15,000"

15. Page 11, line 13.
Strike: "\$3,000"
Insert: "\$7,500"

16. Page 11, line 15.
Strike: "\$10,000"
Insert: "\$15,000"

17. Page 11, line 16.
Strike: "\$3,000"
Insert: "\$7,500"

18. Page 11, line 17.
Strike: "\$2,000"
Insert: "\$7,500"

19. Page 11, line 18.
Strike: "\$2,000"
Insert: "\$7,500"

20. Page 11, line 19.
Strike: "\$2,000"
Insert: "\$7,500"

21. Page 11, line 20.
Strike: "\$2,000"
Insert: "\$7,500"

22. Page 11, line 21.
Strike: "\$2,000"
Insert: "\$7,500"

And, as so amended
BE CONCURRED IN

Handwritten initials

STANDING COMMITTEE REPORT

MARCH 23 1983

MR. **PRESIDENT**

the Majority
We/your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **356**

(Story)

Respectfully report as follows: That **HOUSE** Bill No. **356**
third reading, be amended as follows:

1. Title, line 6.
Strike: "MONETARY"
2. Page 1, line 12.
Following: "senate"
Insert: "in 1984"
3. Page 1, line 13.
Strike: "1,000"
Insert: "\$2,300"
Strike: "MONETARY"
4. Page 1, line 15.
Following: "representatives"
Insert: "in 1984"

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CONTINUED...

1/6

5. Page 1, line 16.
Strike: "\$600"
Insert: "\$1,500"
Strike: "MONETARY"
6. Page 1, line 18.
Following: "campaign."
Insert: "The foregoing limitations shall be multiplied by
the inflation factor as defined in 15-30-101 (8) for the
year in which general elections are held after 1984.
The commissioner of political practices shall publish
the revised limitations as a rule."
7. Page 1, line 18.
Strike: "MAY NOT"
Insert: "SHALL"
8. Page 1, line 19.
Following: "TOTALS."
Insert: "Donated services shall be valued at the standard
prevailing rate of wages, including fringe benefits for
health and welfare and pension contributions and travel
allowance provisions applicable to the county or locality
in which the work is being performed, as that term is
defined in 18-2-401 and determined in 18-2-402."

SENATOR HAMMOND

SENATOR TVEIT

SENATOR STORY

SENATOR LEE

And, as so amended
BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 23

19 83

MR. **PRESIDENT**

the Minority
We/your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **356**

~~Senate~~ (Story)

Respectfully report as follows: That **HOUSE** Bill No. **356**

third reading, be amended as follows:

1. Title, line 6.
Strike: "MONETARY"
2. Page 1, line 12.
Following: "senate"
Insert: "in 1984"
3. Page 1, line 13.
Strike: "\$1,000"
Insert: "\$2,500"
Strike: "MONETARY"
4. Page 1, line 15.
Following: "representatives"
Insert: "in 1984"

~~XXXX~~
DO PASS

continued..

MARCH 23

19 83

5. Page 1, line 16.
Strike: "\$600"
Insert: "\$1,500"
Strike: "MONETARY"
6. Page 1, line 18.
Following: "campaign."
Insert: "The foregoing limitations shall be multiplied by the inflation factor as defined in 15-30-101 (8) for the year in which general elections are held after 1984. The commissioner of political practices shall publish the revised limitations as a rule."
7. Page 1, line 18.
Strike: "MAY NOT"
Insert: "SHALL"
8. Page 1, line 19.
Following: "TOTALS."
Insert: "Donated services shall be valued at the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the county or locality in which the work is being performed, as that term is defined in 18-2-401 and determined in 18-2-402."

SENATOR R. MANNING

SENATOR STIMATZ

SENATOR TOWE

And, as so amended
BE CONCURRED IN

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STANDING COMMITTEE REPORT

MARCH

19 83

PRESIDENT

MR.

the majority

We/your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 387

Vincent (Story)

Respectfully report as follows: That HOUSE Bill No. 387

third reading, be amended as follows:

1. Page 2, line 2.

Strike: "\$500"

Insert: "\$1,500"

Strike: "any"

Following: "year"

Insert: "1984, and the same amount multiplied by the
inflation factor as defined in 15-30-101 (8) in any
subsequent calendar year"

SENATOR HAMMOND

SENATOR MARBUT

SENATOR TVEIT

SENATOR LEE

SENATOR STORY

~~XXXXXX~~ And, as so amended
BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 23

1983

MR. **PRESIDENT**

the minority
We ~~your~~ committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **387**

Vincent (Story)

Respectfully report as follows: That **HOUSE** Bill No. **387**

third reading, be amended as follows:

1. Page 2, line 2.
Strike: "\$500"
Insert: "\$1,500"
Strike: "any"
Following: "year"
Insert: "1984, and the same amount multiplied by the
inflation factor as defined in 15-30-101 (8) in any
subsequent calendar year"

SENATOR R. MANNING

SENATOR STIMATZ

SENATOR TOWE

~~XXXXXX~~ And, as so amended
BE CONCURRED IN