

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 5, 1987

The eighteenth meeting of the State Administration Committee was called to order by Chairman Jack Haffey at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All members of the committee were present except for Senator Hirsch who was excused.

The hearing was opened on Senate Bill 240.

CONSIDERATION OF SENATE BILL 240: Senator Mike Walker, Senate District 20, Great Falls, is the sponsor of this bill entitled, "AN ACT REQUIRING A PUBLIC EMPLOYER TO PICK UP A MEMBER'S CONTRIBUTION UNDER THE FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; REQUIRING THE EMPLOYER TO DEDUCT FROM THE MEMBER'S COMPENSATION AN AMOUNT EQUAL TO THE AMOUNT OF THE MEMBER'S CONTRIBUTION PICKED UP BY THE EMPLOYER; REQUIRING A MEMBER TO PAY STATE AND LOCAL TAXES ON A REFUND OF CERTAIN CONTRIBUTIONS; AMENDING SECTIONS 19-13-304, 19-13-601, and 19-13-1003; MCA; AND PROVIDING AN EFFECTIVE DATE," It would allow the pensions contribution to be deducted first from a paycheck and then tax is figured on the remainder of paycheck. Last session the firemen had asked to be excluded from this as it was not to their advantage then but since new tax laws have been passed it would now be to their advantage to have this in place as it is for all other retirements programs except for the judges.

PROPOSONENTS: Vern Ericksen, with the Montana State Firemen's Association, noted this is a tax deferment. With the new federal regulations that have been passed, it would just allow the firemen, as they retire, to pay taxes on their money versus having their contributions tax free. He then distributed a handout to the committee explaining in more detail what the proposal would do. (EXHIBIT 1) Ellen Feaver, Director of the Department of Administration, spoke in favor of the legislation as she felt they should be entitled to the same benefits others now receive. It would amount to a modest increase in take home pay also.

OPPOSONENTS: There were none.

QUESTIONS ON SENATE BILL 240: Senator Farrell wondered when the judges would be in asking for this same benefit and was told by Sen. Walker that he had discussed this with them and they had declined at this time.

Senator Walker then CLOSED on Senate Bill 240.

The hearing was then opened on House Bill 172.

CONSIDERATION OF HOUSE BILL 172: Representative Carolyn Squires, House District 58, Missoula, is the sponsor of this bill which is entitled, "AN ACT TO REPEAL SECTION 53-7-107, MCA; CONCERNING THE POLITICAL ACTIVITIES OF PERSONS ENGAGED IN THE ADMINISTRATION OF THE VOCATIONAL REHABILITATION PROGRAM." The bill had been requested by the SRS. She then distributed a copy of the law as it currently reads in statute. (EXHIBIT 2) Currently employees of SRS cannot participate in political activities and they feel very restricted. This would just bring their activities under the same regulations as the other public employees now have.

PROPOSERS: Maggie Bullock, Administrator of the Vocational Rehabilitation Program for SRS, felt it would bring our state law into conformity with other employees and urged its support. Jim Smith, on behalf of the Montana Association for Rehabilitation, MAR, supported this measure because it would bring about equal treatment for all state employees.

OPPOSERS: There were none.

QUESTIONS ON HOUSE BILL 172: Senator Rasmussen wondered what effect this bill would have if passed and was told by Rep. Squires that she felt there would be little change but it would just take off restrictions which are now in place and make the law more equitable. Maggie Bullock noted some employees do feel very restricted presently regarding political activity.

The hearing was CLOSED on HB 172 by Rep. Squires.

EXECUTIVE ACTION ON HOUSE BILL 172: Senator Lynch MOVED that HOUSE BILL 172 BE CONCURRED IN. Senator Farrell seconded the motion. The motion carried unanimously. Senator Rasmussen will carry the bill on the Senate floor.

The hearing was opened on House Bill 224.

CONSIDERATION OF HOUSE BILL 224: Representative Gary Spaeth, House District 84, Silesia, is the sponsor of this bill entitled, "AN ACT REVISING THE CAMPAIGN REPORTING REQUIREMENTS CONCERNING IDENTIFICATION OF PERSONS MAKING CONTRIBUTIONS EXCEEDING A CERTAIN DOLLAR LIMIT TO CANDIDATES OR POLITICAL COMMITTEES; AND AMENDING SECTION 13-37-229, MCA." He stated he had researched old statutes and felt by raising the limit it would bring it up to more current levels of inflation. It would raise the limit from \$25 to \$35 on local elections and \$75 for statewide elections.

PROPOSERS: There were none.

OPPONENTS: Margaret Davis, representing the League of Women Voters, opposed the bill because it would create a two-tier system of reporting contributions. She felt it would seriously complicate the reporting procedures and require different forms for disclosure purposes. She felt it would be confusing to the public, create more paperwork and not reduce paperwork and be a burden on political parties state-wide and locally. (EXHIBIT 3) Kim Wilson, from Common Cause, opposed the measure because he felt it would reduce disclosure and encourage an increase in pacs.

QUESTIONS ON HOUSE BILL 224: Senator Harding asked if there had been opponents in the House hearing and was told about the same as were here in the Senate. Senator Hofman asked Dolores Colburg if this would cut down on the workload in their office. She stated it would increase their workload but just how much she was unable to say. She noted a different form would most likely have to be developed. Senator Hofman asked if Dolores Colburg was in favor of this resolution and she stated she wished to remain impartial. Senator Haffey asked about additional costs and Rep. Spaeth was unsure just how much cost would be incurred and noted the form would have to be changed most likely. Senator Harding asked Ms. Davis why she felt the public would be confused and she stated she felt there was potential for the public misunderstanding the two different levels of limits.

Rep. Spaeth then CLOSED on HB 224 by stating it was just raising the limits to a more current inflation level. The two tiers would just take into account the fact that it costs more to run a statewide election than a local race.

The hearing was opened on House Bill 225.

CONSIDERATION OF HOUSE BILL 225: Representative Gary Spaeth, House District 84, Silesia, is the sponsor of this bill entitled, "AN ACT REVISING PROVISIONS CONCERNING THE COMPOSITION OF THE BOARD OF SOCIAL AND REHABILITATION APPEALS; PROHIBITING THE GOVERNOR FROM APPOINTING AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO THE BOARD; AND AMENDING SECTION 2-15-2203, MCA." It had been requested by the Department of Social and Rehabilitation Services, SRS. It would take the Director of the Department of SRS off of the Board of Appeals. Currently he serves on this board when people appear for determination of eligibility. He explained the process involved and how he felt it might be seen as a conflict of interest and unfairness to have the director on the board.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 225: There were none.

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Rep. Spaeth CLOSED on HB 225.

EXECUTIVE ACTION ON HOUSE BILL 225: Senator Hofman MOVED that HOUSE BILL 225 BE CONCURRED IN. Senator Vaughn seconded the motion. The motion carried unanimously. The bill will be carried on the Senate floor by Senator Hofman.

The hearing was opened on House Bill 251.

CONSIDERATION OF HOUSE BILL 251: Representative John Cobb, House District 42, Augusta, is the sponsor of this bill entitled, "AN ACT REQUIRING THE DEPARTMENT OF ADMINISTRATION TO PAY FOR AND ALLOCATE TO STATE AGENCIES THE COST OF ANY PERFORMANCE AUDIT OF THE STATE COMMUNICATIONS SYSTEM; REQUIRING ADOPTION OF RULES FOR USE OF COMMUNICATIONS EQUIPMENT BY EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCH AGENCIES; AND AMENDING SECTION 2-17-302, MCA." This was by request of the Legislative Audit Committee. The first part of the bill deals with the Department of Administration paying for and allocating costs to state agencies for performance audits and the second part requires developing rules for use of communications equipment by the executive, judicial and legislative branch agencies. There had been some concern over alleged misuse of telephones in the past year and it was discovered there were no rules in place regarding this area. If passed, Montana would be one of the first states to have such a statute.

PROPOSERS: There were none.

OPPOSERS: There were none.

QUESTIONS ON HOUSE BILL 251: Senator Farrell asked Scott Seacat, Legislative Auditor, to explain the costs to do an audit of telephones. He explained they would do a random sampling which would include contacting Mountain Bell and eventually even talk with the individual who made the calls and do an analysis of agency controls.

Rep. Cobb CLOSED on HB 251 by stating he felt there should be set rules for telephone use in order to prevent misuse.

EXECUTIVE ACTION ON HOUSE BILL 251: Senator Anderson MOVED that HOUSE BILL 251 BE CONCURRED IN. Senator Harding seconded the motion. Senator Hofman felt the audit would cost a little over \$20 a call to investigate according to the fiscal note. Scott Seacat noted this included total overhead costs, including outside services and felt it was not relevant to break it down to a per call basis. On a vote to concur the motion carried unanimously. Senator Jacobson will carry the bill on the Senate floor.

The hearing was opened on House Bill 265.

CONSIDERATION OF HOUSE BILL 265: This bill was sponsored by Representative John Phillips, House District 33, Cascade, which is an act entitled, "AN ACT TO ADOPT THE FEDERAL WRITE-IN ABSENTEE BALLOT QUALIFICATIONS AND PROCEDURES FOR STATE ELECTIONS." He noted this bill would put into our codes authorization to use a federal write-in absentee ballot. It would only be for federal elections. It would be helpful to servicemen on long tours of duty overseas and bring our election laws up to date.

PROPOSERS: Greg Jackson, representing the Montana Clerk and Recorder's Association submitted written testimony favoring this legislation. (EXHIBIT 4)

PROPOSERS: There were none.

OPPOSERS: There were none.

QUESTIONS ON HOUSE BILL 265: There were none.

Rep. Phillips CLOSED on HB 265.

EXECUTIVE ACTION ON HOUSE BILL 265: Senator Farrell MOVED that HOUSE BILL 265 BE CONCURRED IN. Senator Harding seconded the motion. The motion carried unanimously. Senator Harding will carry the bill on the Senate floor.

The hearing was opened on House Bill 244.

CONSIDERATION OF HOUSE BILL 244: This bill was sponsored by Representative Mary Lou Peterson, House District 1, Lincoln, and she was unable to attend due to illness. Representative Ralph Eudaily then presented the bill entitled, "AN ACT TO ALLOW A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM TO PURCHASE CREDITABLE SERVICE FOR TIME LOST DUE TO AN EMPLOYMENT-RELATED INJURY THAT ENTITLED HIM TO WORKERS' COMPENSATION PAYMENTS; AMENDING SECTION 19-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." He stated it would allow the teachers to purchase up to two years of service in time lost due to an employment related injury. He noted the provisions under Section 1 make it absolutely certain the retirement system would receive exactly the same amount of money that they would have received had the teacher been able to work during the time lost.

PROPOSERS: David Senn, Administrator of the Teachers' Retirement Division, stated it would just give the teachers the ability to buy full time credit and pay in a contribution during the time they are unable to work. He urged support.

OPPOSERS: There were none.

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QUESTIONS ON HOUSE BILL 244: There were none.

Rep. Eudaily then CLOSED on HB 244.

EXECUTIVE ACTION ON HOUSE BILL 244: Senator Harding then MOVED that HOUSE BILL 244 BE CONCURRED IN. Senator Farrell seconded the motion. The motion carried unanimously. Senator Lynch will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 224: Senator Farrell MOVED that HOUSE BILL 224 BE CONCURRED IN. Senator Farrell felt the proposal was a good idea. Senator Hofman felt the policy should remain as it is presently and opposed the bill. Senator Abrams wondered if it might be better to just have the same amount for both the statewide and local levels. Senator Vaughn stated with the cost of elections these days it should be raised. On a vote to concur, the motion carried with Senator Hofman voted "no." Senator Farrell will carry the bill on the Senate floor.


EXECUTIVE ACTION ON SENATE BILL 240: Senator Harding MOVED that SENATE BILL 240 DO PASS. Senator Vaughn seconded the motion. The motion carried unanimously.

FURTHER CONSIDERATION OF SENATE BILL 95: There was a brief discussion of an amendment Senator Rasmussen was proposing giving the clerk and recorders the flexibility of being able to use a typewriter and photocopier at the polling place in place of a paper ballot. Eddy McClure noted it would still have to have a stub and perforated edges as required by our election laws. Senator Vaughn wondered if it might affect the contract that is signed with the printers. Senator Harding wanted to check with the clerk and recorders before final action was taken.

CONSIDERATION OF A COMMITTEE BILL: A letter had been received by Senator Norman from Dolores Colburg, from the Office of Political Practices, requesting a provision on the length of time a person has to comply with the disclaimer requirement if it is not present on campaign materials. Senator Harding MOVED that the committee request a bill be drafted containing language pertaining to disclaimers. (EXHIBIT 5) The motion carried unanimously.

The meeting was adjourned at 11:30 a.m.

cd



SENATOR JACK HAFEN, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

2/5/87

Date _____

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH			E
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

SENATE BILL 240**"Pick Up and Pay"**

This is a technical bill which creates a tax deferment for members of the FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM.

1. What is the "pick up and pay" concept?

"Pick up and pay" is basically a deferred income tax plan which permits the employer, for tax purposes, to pay the 6% employee contribution to the retirement system with before tax dollars. Currently, Firefighters' Unified Retirement System members pay federal and state tax on their FURS contributions at the time the contributions are made.

2. Is this in effect a pay raise?

No. Employees will simply be deferring payment of federal and state taxes on a portion of their income. However, most public employees on retirement have a lesser taxable income than they did while they were employed, and therefore, should pay less taxes on these contributions.

3. Are other states doing this?

Yes, currently about 34 other states have adopted the "pick up and pay" concept.

4. What effect will this have on current retirees?

None. This proposal will only apply to contributions on salaries earned after July 1, 1987.

5. What is the effect on local government and school revenues?

None.

6. Will this effect collective bargaining agreements?

No. Retirement benefits are not a negotiated item.

7. How will the retirement system keep straight which contributions have been taxed and which haven't?

By simply freezing the present contributions at July 1, 1987 through their computer system and accounting for future contributions separately.

8. How will a person know the amount of payment that is taxable upon withdrawal or retirement?

In the case where an employee takes a lump sum payment, the retirement system sends out a 1099 form showing the breakout of the taxable portion.

At the time an employee retires, the retirement system provides the necessary information to complete the tax forms. Thereafter, at the end of each year, the system provides a W-2P form which shows the amount of benefits received within the calendar year.

The employer pick up of employee contributions is simply a deferment of taxes initiated and permitted by the Internal Revenue Service. It permits an employer to reduce the gross salary of an employee by the amount of their retirement contributions for federal income tax purposes only. For calculation of retirement benefits, the gross salary remains the same as it was prior to the pick up.

... action is intended to restrict the right of public employees to express his personal political views.
(2) Any person who violates the provisions of this section shall be fined not to exceed \$1,000, be imprisoned in the county jail for a term not to exceed 6 months, or both, for each separate offense.
History: En. 23-47-134 by Sec. 31, Ch. 334, L. 1977; R.C.M. 1947, 23-47-134; amd. Sec. 222, Ch. 571, L. 1979; amd. Sec. 1, Ch. 6-5, L. 1985.

Compiler's Comments
1983 Amendment: In Ch. near beginning, after "employee to" delete "of present law" change for "for the purpose of" other thing of value to add or promote an political committee or to aid or promote the nomination or election of any person to public office"; and in (3) near

13-35-227. Prohibited contributions from corporations. (1) A corporation may not make a contribution or an expenditure in connection with a candidate or a political committee which supports or opposes a candidate or a political party.
(2) A person, candidate, or political committee may not accept or receive a corporate contribution described in subsection (1).

(3) This section does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from an individual who is a shareholder, employee, or a member of the corporation.

(4) A person who violates this section is subject to the civil penalty provisions of 13-37-128.
History: En. Sec. 25, Init. Act, Nov. 1912; re-en. Sec. 10790, R.C.M. 1921; re-en. Sec. 10790, R.C.M. 1935; Sec. 94-1444, R.C.M. 1947; re-des. 23-4744 by Sec. 29, Ch. 513, L. 1973; amd. Sec. 1, Ch. 296, L. 1975; R.C.M. 1947, 23-4744; amd. Sec. 1, Ch. 404, L. 1979.

13-35-228. Prohibition of salary increase contribution. A corporation may not increase the salary of any officer or employee or give an emolument to any officer, employee, or other person with the intention that the increase in salary, the emolument, or any part thereof be contributed to support or oppose a candidate or ballot issue.
History: En. 23-47-135 by Sec. 35, Ch. 334, L. 1977; R.C.M. 1947, 23-47-135.

Cross-References
Violation as misdemeanor, 13-35-103.
Civil liability for violation, 13-37-128.

13-35-229. Repealed. Sec. 407, Ch. 571, L. 1979.
History: En. 23-47-136 by Sec. 36, Ch. 334, L. 1977; R.C.M. 1947, 23-47-136.

13-35-230. Repealed. Sec. 407, Ch. 571, L. 1979.
History: En. 23-47-137 by Sec. 37, Ch. 334, L. 1977; R.C.M. 1947, 23-47-137.

13-35-231. Unlawful for political party to endorse judicial candidate. A political party may not endorse, contribute to, or make an expenditure to support or oppose a judicial candidate.
History: En. 23-47-138 by Sec. 38, Ch. 334, L. 1977; R.C.M. 1947, 23-47-138; amd. Sec. 223, Ch. 571, L. 1979.

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... 1947, 23-47-130.
... STATE ADMIN.
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... 2-5-89
... AB 112
... 1947, 23-47-132.

13-35-225. Election materials not to be anonymous. (1) Whenever a person makes an expenditure for the purpose of financing communication tending to affect the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, or other form of general political advertising, such communication shall clearly and conspicuously state the name and address of the printer, if printed commercially, and the name and address of the person who made or financed the expenditure for the communication; including, in the case of a political committee, the name and address of the treasurer.

(2) If any document or other article of advertising is too small for the requirements of subsection (1) to be conveniently included or if necessary information is inadvertently omitted, the person financing the communication shall file a copy of the article with the commissioner, together with the required information.
History: En. 23-47-133 by Sec. 33, Ch. 334, L. 1977; R.C.M. 1947, 23-47-133; amd. Sec. 211, Ch. 571, L. 1979.

Cross-References
Liability in civil action for violation
Violation as misdemeanor, 13-35-103.
13-37-128.

13-35-226. Unlawful acts of employers and employees. (1) It is unlawful for any employer, in paying his employees the salary or wages due them, to include with their pay the name of any candidate or any political motives, devices, or arguments containing threats or promises (express or implied) calculated or intended to influence the political opinions or actions of the employees. It is unlawful for an employer to exhibit in a place where his workers or employees may be working any handbill or placard containing any threat, promise, notice, or information that in case any particular ticket or political party, organization, or candidate is elected, work in his place of establishment will cease, in whole or in part, or will be continued or increased; his place or establishment will be closed; the salaries or wages of his workers or employees will be reduced or increased; or other threats or promises (express or implied) intended or calculated to influence the political opinions or actions of his workers or employees. This section shall apply to corporations, individuals, and public officers and employees.

(2) No person may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.
(3) No public employee may solicit support for 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.

Sheltered Workshops

53-7-101. Legislative findings and purpose. (1) The purpose of this part is to encourage the development, improvement, and expansion of sheltered employment and supervised work programs for mentally retarded, severely handicapped, and disadvantaged individuals to enable them to become contributing and self-supporting members of society as an alternative to dependency.

(2) The condition of the mentally retarded, severely handicapped, and disadvantaged is such that after laborious training in the schools and otherwise, they reach the point in their lives where they can and should under proper and continued guidance engage in sheltered employment or supervised work to help them become contributing members of society instead of being dependent. For such persons, retention in sheltered employment or supervised work may constitute satisfactory placement. Such training and placement is a suitable alternative to institutionalization or idleness and its consequences. By keeping these individuals within their communities and in touch with their families, a worthwhile dimension is added to their lives, and they are thus spared the anxieties naturally attached to separation. All of these factors have also been shown to reflect tangible benefits upon the mentally retarded, severely handicapped, or disadvantaged person by improving his overall well-being.

History: En. Sec. 1, Ch. 322, L. 1973; R.C.M. 1947, 41-816.

53-7-202. Definitions. (1) "Department" means the department of social and rehabilitation services.

(2) "Physical-or mental disability" means a physical or mental condition which materially limits, contributes to limiting, or if not corrected will probably result in limiting an individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental, or other factors.

(3) "Self-care" means a reasonable degree of restoration from dependency upon others for personal needs and care and includes but is not limited to ability to live in own home rather than requiring nursing home care and care for self rather than requiring attendant care.

(4) "Severely handicapped person" means any individual: (a) who has a physical or mental impairment which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, renal failure, and any other disability specified by the department in regulations it shall prescribe; or (b) who, because of lack of social competence, mobility, experience, skills, training, or other successful characteristics is in need of sheltered employment or work activity services in a protective setting.

... shall be eligible for services under the terms of an agreement with another agency or with the federal government.

(2) Except as otherwise provided by law or as specified in any agreement with the federal government with respect to classes of individuals certified to the department, the following rehabilitation services shall be provided at public cost to disabled individuals found to require financial assistance or respect thereto:

- (a) physical restoration;
 - (b) transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary;
 - (c) occupational licenses;
 - (d) customary occupational tools and equipment;
 - (e) maintenance;
 - (f) training, including books and materials.
- History: En. Sec. 8, Ch. 74, L. 1947; amd. Sec. 3, Ch. 192, L. 1971; Sec. 41-808, R.C.M. 1947; amd. and redes. 71-1806 by Sec. 14, Ch. 121, L. 1974; R.C.M. 1947, 71-2105; amd. Sec. 1, Ch. 55, L. 1981.

Compiler's Comments
1981 Amendment inserted including in

53-7-106. Hearings. An individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the department of social and rehabilitation services is entitled in accordance with regulation to a fair hearing by the board of social and rehabilitation appeals.

History: En. Sec. 10, Ch. 74, L. 1947; amd. Sec. 4, Ch. 192, L. 1971; Sec. 41-810, R.C.M. 1947; amd. and redes. 71-1806 by Sec. 15, Ch. 121, L. 1974; R.C.M. 1947, 71-2106.

Cross-References
Contested case defined - applicability of Montana Administrative Procedure Act, 2-4-102.

Handwritten: Part to repeal

53-7-107. Limitation of political activity. An officer or employee engaged in the administration of the vocational rehabilitation program may not use his official authority or influence or permit the use of the vocational rehabilitation program for the purpose of interfering with an election or affecting the result thereof or for any partisan political purpose. Any such officer or employee may not take any active part in the management of political campaigns or participate in any political activity; however, he may vote as he pleases and express his opinions as a citizen on all subjects. Any such officer or employee may not solicit or receive or be obliged to contribute to any political purpose. An officer or employee violating this provision is subject to discharge or suspension.

History: En. Sec. 12, Ch. 74, L. 1947; Sec. 41-812, R.C.M. 1947; amd. and redes. 71-1807; Sec. 16, Ch. 121, L. 1974; R.C.M. 1947, 71-2107.

Cross-References
Leave of absence, 2-18-620.

NAME: Margaret Davis DATE: 5 Feb 87

ADDRESS: 516 Flowerree, Helena 59607

PHONE: 443-3487

REPRESENTING WHOM? League of Women Voters

APPEARING ON WHICH PROPOSAL: HB 224

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: The League believes that the primary emphasis of campaign disclosure statutes should be on a full and timely disclosure of political contributions & expenditures. We oppose HB 224 because it raises the threshold for reporting and because it creates a bigger administrative burden without a corresponding benefit for the public.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE STATE HOUSE

OFFICE NO. 3

DATE 2-5-87

BILL NO. SB 224

NAME: Greg Jackson DATE: 2-5-87

ADDRESS: 1412 Waukesha Helena

PHONE: 449-7948

REPRESENTING WHOM? MT. Clerk & Recorders Assn

APPEARING ON WHICH PROPOSAL: HB 265

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: The MT Clerk & Recorders' Assn.
is in favor of HB 265
with amendments as amended
by the House State adm.
committee. Thank you
Signed Greg Jackson

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE STATE ADMIN. 1155
EXHIBIT NO. 4
DATE 2-5-87
BILL NO. HB 265

COMMISSIONER OF
POLITICAL PRACTICES

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 2-5-87

BILL NO. Committee Bill
DOLORES COLBURG
1205 EAST EIGHTH AVENUE



TED SCHWINDEN, GOVERNOR

STATE OF MONTANA

(406) 444-2942

CAPITOL STATION
HELENA, MONTANA 59620-2401

February 4, 1987

Honorable Bill Norman
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Norman:

About a week ago, I spoke informally with Senator Jack Haffey concerning a need to amend a section of state law dealing with campaign practices. While not mentioning the nature of a bill to be introduced, I sought his advice on procedures to gain introduction of a committee bill recognizing that the deadline for individuals' introduction of bills had passed. He suggested I write to you with a request for a committee bill, as I now am doing.

In the time since I talked with Senator Haffey, a group of us has worked on new language for section 13-35-225, MCA, that concerns disclaimers on election materials and the remedy for omitting such disclaimers. The group included Steve Yeakel, Executive Director of the Republican State Central Committee; Blake Wordal, Executive Director of the Democratic State Central Committee; Kim Wilson of Common Cause and I. We all contributed to new language for the section in question and unanimously agreed to the changes as indicated in the draft that accompanies this letter.

As you may know, one of the real problems with section 13-35-225, MCA, is that there is no provision whatsoever on length of time a person has to comply alternatively with the disclaimer requirement when it is not present on campaign materials. It was largely for this reason that this office moved last week to dismiss a suit that had been filed in November, 1986 against a person who distributed materials without the disclaimer. That person finally did acknowledge authorship of the materials, but it came two months after the fact. Such disclosure was late but apparently in keeping with the law as it stands now. Our group believes that the draft language will remedy this situation for the future as well as providing a distinction between inadvertent omission and articles too small to carry the disclaimer in the first place.

Senator Bill Norman
February 4, 1987
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I look forward to hearing from you as to the disposition of this request for a committee bill. Meanwhile, if you have any questions or if I can be of any assistance in the process, please let me know.

Sincerely,

Dolores Colburg
DOLORES COLBURG
Commissioner

DC/kc

Enclosure

cc: Senator Jack Haffey, Chairman, Senate State Administration Committee
Senator William Farrell, Vice-Chairman, Senate State Administration Comm.

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 3-5-87

BILL NO. Committee Bill

13-35-225. Election materials not to be anonymous. (1) Whenever any person makes an expenditure for the purpose of financing communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, or other form of general political advertising, such communication shall clearly and conspicuously state the name and address of the printer, if printed commercially, and the name and address of the person who made or financed the expenditure for the communication; including, in the case of a political committee, the name and address of the treasurer.

(2) ~~If any document or other article of advertising is too small for the requirements of subsection (1) to be conveniently included or if necessary information is inadvertently omitted~~ TO ALLOW THE PRINTING OF THE INFORMATION REQUIRED IN SUBSECTION (1), the person financing the communication shall file a copy of the article with the commissioner, ~~together with the required information.~~ PRIOR TO ITS PUBLIC DISTRIBUTION.

(3) IF INFORMATION REQUIRED TO BE PRINTED IN SUBSECTION (1) IS INADVERTENTLY OMITTED OR NOT PRINTED, THE PERSON FINANCING THE COMMUNICATION SHALL HAVE FIVE (5) DAYS FROM THE DATE OF ITS INITIAL PUBLIC DISTRIBUTION TO FILE NOTIFICATION OF THE OMISSION WITH THE COMMISSIONER AND TO MAKE EVERY REASONABLE EFFORT TO BRING THE MATERIAL INTO COMPLIANCE WITH SUBSECTION(1).

STANDING COMMITTEE REPORT

FEBRUARY 5 1987

MR. PRESIDENT

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

having had under consideration **SENATE BILL** No. **240**

first reading copy (**white**)
color

REQUIRE EMPLOYER TO PICK UP MEMBERS' CONTRIBUTION UNDER FIREFIGHTERS' SYSTEM
Walker

Respectfully report as follows: That **SENATE BILL** No. **240**

DO PASS

~~XXXXXXXX~~
DO NOT PASS

SENATOR JACK HAFPEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 3

19 87

MR. PRESIDENT

We, your committee on SENATE STATE ADMINISTRATION

having had under consideration..... HOUSE BILL No. 172

third reading copy (blue)
color

**REPEAL LAW LIMITING POLITICAL ACTIVITIES OF VOCATIONAL REHAB. ADMIN.
PERSONS Squires (Rasmussen)**

HOUSE BILL No. 172

Respectfully report as follows: That.....

BE CONCURRED IN

~~XXXXXX~~
DO NOT PASS

~~XXXXXXXXXX~~
DO NOT PASS

SENATOR JACK HAFPEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 5

19 87

MR. PRESIDENT

We, your committee on SENATE STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 224

third reading copy (blue)
color

REVISE CAMPAIGN REPORTING REQUIREMENTS CONCERNING CONTRIBUTIONS
Spaeth (Farrell)

Respectfully report as follows: That HOUSE BILL No. 224

BE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

SENATOR JACK HAFNEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 5 19 87

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **225**

third reading copy (blue)
color

PROHIBITING APPOINTMENT OF SRS EMPLOYEE TO APPEALS BOARD
Spaeth (Hofman)

Respectfully report as follows: That **HOUSE BILL** No. **225**

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXX~~

SENATOR JACK HAFNEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 3

19 87

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **251**

third reading copy (blue)
color

AUTHORIZE DEPT OF ADMIN. TO ADOPT RULES ON USE OF COMMUNICATIONS EQUIPMENT
Cobb (Jacobson)

Respectfully report as follows: That **HOUSE BILL** No. **251**

BE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

SENATOR JACK HAPPEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 5

87

19.....

MR. PRESIDENT

We, your committee on SENATE STATE ADMINISTRATION

having had under consideration..... HOUSE BILL No. 265

third reading copy (blue)
color

ENACT THE FEDERAL WRITE-IN ABSENTEE BALLOT QUALIFICATIONS AND PROCEDURES
Phillips (Harding)

Respectfully report as follows: That..... HOUSE BILL No. 265

BE CONCURRED IN

~~XXXXXX~~

~~DO NOT PASS~~

.....
SENATOR JACK HAFPEY

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 5 1937

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on

having had under consideration..... HOUSE BILL No. 244

~~third~~ reading copy (blue)
color

PURCHASE SERVICE FOR TIME LOST DUE TO INJURY IN TEACHERS' RETIREMENT
SYSTEM Peterson (Lynch)

HOUSE BILL 244

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

BE CONCURRED IN

~~DOES~~

~~DO NOT PASS~~

.....
SENATOR JACK BAFFEY

Chairman.