

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on February 20, 1991, at 10 A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Members Absent: Senator William Farrell

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON SENATE BILL 282

Presentation and Opening Statement by Sponsor:

Senator Bob Brown, Senate District 2, sponsors Senate Bill 282, which requires the Commissioner of Political Practices to compile and publish certain information and authorizing an individual to bring an action for violations of the campaign contribution disclosure law. Section 1 of the bill requires the Commissioner to prepare and publish a report listing the source of contributions to each candidate for statewide office. The idea behind the bill is to organize the campaign contributions to determine if out of state interests are spreading contributions around to promote their interests without the public knowing that is happening. At the top of page 2 there is added language that includes the "date of contribution", as well as the contributor's address. Page 4, section 2, subparagraph 2 has a citizen's enforcement provision. There is a fiscal note included.

Proponents' Testimony:

Charles Walk, Executive Director of Montana Newspaper Association, which represents 11 daily and 64 weekly newspapers across the state, supports legislation that provides greater and more easy access about governmental processes, particularly and including the electoral procedures. He believes paragraph 3 of section 1, of Senate Bill 282 fits comfortably in that category and hopes you will pass this bill.

C. B. Pearson, Executive Director of Common Cause/Montana, read his testimony into the record in support of Senate Bill 282. (Exhibit 1)

Opponents' Testimony:

Roger Tippy, represents the Montana Beer and Wine Wholesalers Association, objects to page 5, lines 2 through 5. That is a growth out of the last bottle bill initiative in the last election. That is copied from the lobbyist's disclosure initiative and it set's up a high probability of bringing lawsuits into the courts. He gave written testimony and offered an amendment. (Exhibits 2 and 3)

Questions From Committee Members:

Senator Blaylock asked if you make candidates more vulnerable, and burden them with more reporting, how are you going to find anyone to run for office? Senator Brown responded that interest groups should be more willing to identify who they are and what they are so that a candidate knows. They commonly say businessman but that doesn't say anything.

Senator Blaylock said he doesn't see anything wrong with bar owners helping candidates any more than MEA or NEA. Senator Brown said you have individuals acting outside of PACs, but in a coordinated way, and this bill targets that kind of money.

Senator Rea asked how this bill would be enforced? Can this be challenged.

Dolores Colburg said that at the threshold levels candidates don't have to give individual names of those who give less than \$35. She explained that candidates seldom submit completely accurate reporting forms. They make best efforts to get the complete information as closely as possible, but there comes a point where she must decide whether to continue or go on to other things.

Senator Hockett asked what do you do with flagrant violators of this law? Dolores Colburg hasn't had anyone who won't give you the information you request. They provide it willingly, when told it's a requirement of the law.

Senator Anderson asked about PACs and the groups Senator Brown's law is targeting? Dolores Colburg said that a PAC must file with her office a statement of certification, treasurer, officers, the bank they will use, etc. They must file campaign finance reports with her office.

Senator Anderson how do you deal with discrepancies between the candidate's and the PAC's finance reports? Dolores Colburg said this particular bill does not take care of that problem. This bill separates out the citizen's action thing and requires candidates to file the date of the contribution.

Senator Vaughn asked Senator Brown if he likes the amendments that were proposed by Roger Tippy. He is in complete agreement with the amendments. It says publish, do you mean in a newspaper? Senator Brown said just have it available for the public and press.

Closing by Sponsor:

Senator Brown said the first part of the bill deals with listing the contributions and if the press were interested in looking at the particular interest group or industry that makes heavy contributions, that could be found. He closed the hearing and agrees with the amendments.

HEARING ON SENATE BILL 423

Presentation and Opening Statement by Sponsor:

Senator J. D. Lynch, Senate District 34, said Senate Bill 423 authorizes the Secretary of State to sell copies of the corporate information list, and can adopt rules specifying the fee to be charged for the list. This bill is introduced on behalf of the Secretary of State and gives them a framework to charge for information they have available in the computer. They do provide that information now but it must be copied through a copy machine.

Proponents' Testimony:

Doug Mitchell, Chief Deputy of the Secretary of State, explained that corporations do not enjoy the same right to privacy that private individuals have. So corporate information has been distributed regularly by state government, including his office, where they retain copies of every corporations file. A Supreme Court decision came down regarding insurance companies wanting information on other insurance companies, stating that was proprietary information and they had a right to privacy in that regard. They asked the Attorney General Racicot whether they could give out a list of all corporations that are filed in that office. If there is proprietary information, you can't. If

there isn't proprietary, you can and the only mechanism you have for charging is 50 cents per page. The corporate files are 7.7 million pages of information. He gave out a sample of what information would be given out. (Exhibit 4). They give this information to public agencies such as county offices, where they use the list to get defunct corporations out of their files. Also, this enables them to find corporations functioning in their counties. The law enforcement agencies would like this information, also. Business enterprises, such as Dunn and Bradstreet, that provide economic related services want to survey the companies. It's public information so giving it to them on a computer disk is easier than copying pages all day. This charge will help pay for the computer system they have in place. (Exhibit 5)

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock asked if it would be allowed to access their computer? Doug Mitchell will make a tape and give the tape to them with the requested information on it. ISD charges \$3,000 for 1 pass through the system and by this legislation we could charge that amount to the requester.

Senator Blaylock asked if these reports would contain proprietary information? Doug Mitchell responded they are only a mirror image of what's available in the office, by law, to anyone who walks in.

Attorney David Niss remembered talking with Doug Mitchell regarding this and he notes some discrepancy between what is contained in the bill and what is shown on the example in exhibit 4. Have we got all the items listed that you can give out? Date of incorporation, and status should be put in as well as shares issued. Attorney Niss asked if this should be specified in law or do you want to put in rule making authority? Doug Mitchell said they would prefer to have it in the law.

Closing by Sponsor:

Senator Lynch said this bill makes common sense and urges the committee to support Senate Bill 423.

HEARING ON SENATE BILL 422

Presentation and Opening Statement by Sponsor:

Senator Eleanor Vaughn, Senate District 1, Lincoln County, presents Senate Bill 422, which is an act to allow state lands to

be sold to local government units, such as towns, cities, counties or consolidated local governments in this state.

Proponents' Testimony:

Dennis Casey, Director of the Department of State Lands, said the bill does 2 things. It clarifies that local governments can purchase state lands. It adds counties and consolidated local governments to be purchasers if they so desire.

Gordon Morris, Executive Director of the Association of Counties, thanked the committee for supporting this legislation.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Rea asked Dennis Casey when you appraise the land how do you do that? Like agricultural land going to be used for a landfill.

Dennis Casey said the law requires them to appraise it for the potential use value. If you sell or exchange land, we ask what the use will be and appraise it for that use. Such as, grazing land being used to develop a subdivision of homes.

Senator Rea asked what happens to the improvements someone puts on state lands? He referred to the State School Dairy at Boulder that is being leased by the County for a Fair Grounds. The County has made many good improvements, and would they be charged for those improvements if they were to buy the land?

Dennis Casey responded that improvements are the property of the lessee. This bill does not address that issue. On the vast majority of the holding of state lands, the state does not own the improvements. The lessee owns the improvements in most cases.

Senator Anderson asked if he has to get a permit to make an improvement on state leased land? Who pays for these improvements when a sale takes place or a lease changes hands? Dennis Casey responded you can remove your improvements. They ask the 2 parties to negotiate for the improvements that can't be moved. There is a preference right for the current lessee of state lands that says if the Department of State Lands gets a higher bid, the current lessee can match that and have the bid. Senator Rea is talking about the garden situation we have in Montana. A big outfit can come from another state and buy state lands and there is no way a city or town can start to compete on a bid basis. Is there any way a city or town can be shown

preference if they can show need? Who sets the policy on high bid buys? Dennis Casey said the bidding process is included in the enabling act and other laws.

Senator Blaylock asked what if the county wanted to buy the land for a dump? Dennis Casey said they inquire what they want to do with the land, appraisals would be made, hearings would be heard and eventually the sale made. A simple request to purchase does not mean there will be a sale.

Closing by Sponsor:

Senator Vaughn closed the hearing on Senate Bill 422.

HEARING ON SENATE BILL 421

Presentation and Opening Statement by Sponsor:

Senator Don Bianchi, Senate District 39, said Senate Bill 421 is a stay well on Sunday program. This provides public employees terminating employment with the option of lump sum payment for accumulated sick leave or credit against the payment of health insurance premiums to the extent of the accumulated sick leave. He offered some amendments as shown in exhibit 6. The present program is a stay sick incentive program and get paid for all your sick leave. This would encourage people to stay well and accrue the sick leave for retirement. Presently, dedicated state employees just get 1/4th of their sick leave upon retirement.

Proponents' Testimony:

Tom Schneider, Executive Director of Montana Public Employees Association, supports allowing an employee to purchase his health insurance upon his retirement with his sick leave benefits. In 1985 they had a study and this was a recommendation of that study. Before 1977 most of the health insurance programs did not retain retirees. In 1977 the legislature passed a bill that requires retention of retirees until they were eligible for Medicare. That was changed in 1983 to provide you not only have to allow them to stay in your health insurance plan, but you have to allow them to stay on even after they are eligible for Medicare. He's a member of the State's Benefits Advisory Committee, which has developed the State Health Insurance Program and ultimately they've gotten to the point of self-insurance. Currently they actually subsidize retiree health coverage, because the cost can't stand alone. If you convert this unused sick leave at 100% instead of 25%, you could really help the health insurance plan. This is something employees have earned. They hope to set up a trust fund and pay retiree health insurance premiums.

Ray Harbin, County Commissioner from Lake County, served on an interim study committee where they produced the report, "Retiree Health Insurance". It is a report to the 50th Legislature select committee on health insurance for retired public employees, published by the Montana Legislative Council. He is one of the people who designed Senate Bill 421, which is rather innovative. The concept of rewarding people who don't abuse their sick leave and beyond that providing a mechanism for retirees to find affordable health care coverage. On the county level, the health care premium is \$150 for himself and \$150 for a spouse. That's a big amount out of a retirement income. You may be forced to use something less than 100% of the sick leave accrual.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pipinich asked about the fiscal note. Those who quit before they retire would only get the 1/4 payout. Senator Bianchi will get a fiscal note as quickly as possible.

Mark Cress of the State Personnel Division doesn't know what the numbers would be for just retirees receiving 100% of their sick leave in health insurance premiums. In fiscal year 1990 the state paid out \$1.6 million cashed out sick leave to all terminating employees. Retirees are a small part of that.

Senator Hockett asked if this would be funded with vacancy savings? Senator Bianchi responded that it is a cost to the state and it's not an increase in what you owe the employee now, if he chooses to use the sick leave. When an employee leaves, his severance is covered by vacancy savings.

Senator Hockett asked if this applies to all public employees? Has anyone talked to the cities and counties? Mr. Harbin replied that in his county they budget for those benefits they give to employees using trust funds and cash flow. Senator Hockett views this as an increase. Will this increase property taxes? No, I 105 prohibits that.

Gordon Morris, Executive Director of the Association of Counties, said counties would be impacted by the bill. Accruals are a liability and in the case of local governments, in contrast to state government, sick leave accruals and vacation accruals, do in fact have to be funded. The 25% sick leave and the 100% of earned vacation leave are accumulated and go into termination reserves. The concept is excellent. A working trust account could be used to earn investment income working for the benefit of both the employer and employee.

Senator Rea asked how much it costs when he starts paying his own insurance under the present system? Tom Schneider responded they

will have to pay for whatever coverage they determine to continue. Employee/spouse is \$197. One way or another we must deal with retirees on our health insurance plan. When you go to the employer to pay on a monthly basis, it may well slow down the period of time that jobs are left open because the people who get the largest cash out when they terminate are the retirees. Under this bill they could put the money in a health trust fund every month so those large lump sum pay outs should be eased somewhat.

Closing by Sponsor:

Senator Bianchi explained that employees should be given the sick leave they have earned and this is one way that could be done. This only applies to retirees. The last time they had this bill they used 50% of their sick leave for health premiums but eliminated the lump sum payout. This bill provides both. They get penalized for being dedicated. This is a stay well incentive program. He asked Attorney David Niss to make certain it only applies to retirees.

EXECUTIVE ACTION ON SENATE RESOLUTION 4

Motion:

Senator Pipinich moved that we DO PASS SENATE RESOLUTION 4.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of Senate Resolution 4.
Motion carried.

EXECUTIVE ACTION ON SENATE BILL 422

Motion:

Senator Pipinich moved to DO PASS SENATE BILL 422.

Discussion:

None

SENATE STATE ADMINISTRATION COMMITTEE

February 20, 1991

Page 9 of 9

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

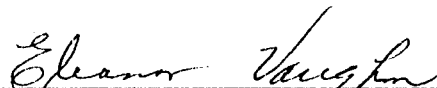
The VOTE was UNANIMOUS in favor of Senate Bill 422. Motion carried.

DISCUSSION

Senator Fritz distributed amendments to Senate Bill 325 and asked the committee to study them so that it can be debated tomorrow. (Exhibit 7)

ADJOURNMENT

Adjournment At: 12:00 Noon



ELEANOR VAUGHN, Chairman



DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE Feb. 20, 1991

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		excused part of the time
SENATOR "BILL" FARRELL		X	
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			excused

Each day attach to minutes.

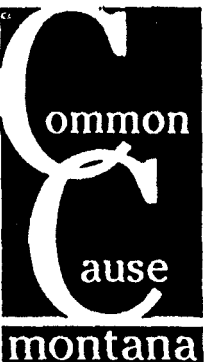
DATE Feb 20, 1991

COMMITTEE ON State Communications

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)



SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 2-20-91

BILL NO. SB 282

Testimony of Common Cause\Montana In Support of

Senate Bill 282

20 February 1991

P.O. Box 623
Helena, MT
59624
406/442-9251

Madame Chairwoman and members of the Senate State Administration Committee, for the record my name is C. B. Pearson, Executive Director of Common Cause\Montana. I am here today to speak in support of Senate Bill 282.

More and more the public, and Montanans specifically, raise concerns with the role of special interest money in elections. Many efforts have been made to curb the influx of special interest monies both from political committees and from individuals. Montana has over the years implemented several reforms to assist in public knowledge of special interest money in elections and limit special economic interest money in politics.

Senate Bill 282 is an extension of this concern. Montana law specifies that individual contributors need to disclose their occupation and principal place of business, if any. One reason to have such disclosure is to identify when an industry, through individuals, is making contributions to Montana elections.

Common Cause/Montana reviewed the files of several candidates for the 1991 legislature. As part of that review we noticed that many individuals who gave to

candidates did not properly identify their occupation and principal place of business as required by 13-37-229 (2) MCA. That statute reads:

Disclosure of contributions received. Each report required by this chapter shall disclose the following information: (1) the amount of cash on hand at the beginning of the reporting period; (2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made aggregate contributions (including the purchase of tickets and other items for events such as dinners, luncheons, rallies, and similar fundraising events), other than loans, to the candidate or political committee, of (b) \$35 or more for any candidate or political committee..." (emphasis added)

In one instance contributions to candidates for the 1991 legislature made by C. Anderson of Lakeside, G. Belisle of Billings, P. Ehli of Billings, G. La Rue of Billings, A. Lambrecht of Billings, J. Lambrecht of Billings, J. (Randy) Reger of Billings, R. Striklin of Billings, T. Surratt of Billings, K. Frampton of Whitefish, R. Frampton of Kalispell, and T. Gilbreath of Helena gave little information. These individuals were each listed on campaign finance reports of candidates in a variety of non-descriptive ways, such as "businessman". In addition in most instances the principal place of employment of the individuals was simply not listed. We have attached a copy of a summary of various ways in which these individuals were identified as to occupation and place of business. (Enclosure 1)

These contributors all have ownership and/or occupation interests in the gaming industry.

The need to report the specific occupation and place of business of contributors has been identified and encouraged by the Commissioner of Political Practices. The letter of December 18,

1990 to the campaign treasurer of Mary Ellen Connelly (Enclosure 2) explains this.

"On the (Mary Ellen Connelly for Legislature) report ending October 21, information for many of the contributors is incomplete. For example, "restaurant owner" is not sufficient; "owner XYZ Cafe and Lounge" would be a proper designation. Also, "businessman" does not identify occupation or employer; rather, "manager, Anderson Clothing" would be appropriate."

We believe the failure to reveal (through a proper listing of occupation and place of business) the interests of individual contributors causes real harm to the interest of the public in Montana.

The 1990 elections saw a marked increase in special interest political committee (PACs) funds given to candidates. Similarly, proper disclosure would show significant contributions by individuals associated with the gaming industry for the 1990 election.

Disclosure laws are necessary for the public to understand the interests that come to bear on elections and the legislative process. These laws are frustrated and the public denied when proper disclosure is withheld.

Unfortunately, the disclosure of occupation and the principal place of business has not always been reported in a consistent fashion. Clearly, Montana needs to do work in this area.

SB 282 provides the public, in a timely and coherent fashion, disclosure and fulfills the public right to know. The current system does not meet those demands.

SB 282 would assist the public in understanding the role of special interest money by requiring the production of periodic reports by the Commissioner of Political Practices. These reports would list, for each candidate, the contributors by name and contain the contributor's occupation, amount contributed, date of contribution, and the contributor's address.

In the 1973 study that is the basis of Montana's campaign laws, legislators recognized a need for proper disclosure of campaign and ballot issue financing. Specifically cited was that campaign regulation laws should encourage citizen participation in the election process by promoting an atmosphere in which there is ready availability of complete, fair, and truthful information about candidates and issues. Further, it was also stated that a central goal of any regulatory attempt would be to make details on the sources and disposition of campaign funds available to the public prior to an election.

In closing we would like to reiterate that the public good should be at the forefront of policy reform. This bill is aimed at insuring the continuing atmosphere of a good political environment as experienced by the citizens of Montana in years past.

We urge a do pass for Senate Bill 282.

Enclosure One

C. Anderson

- restaurant owner
- cafe owner
- realtor
- businessman
- General Manager, Automatic Vending
- lounge owner
- tavern owner
- restaurant owner, Gold Nugget
- retired

G. Belisle

- restaurant owner
- self-employed
- President, Gold Nugget Casino
- cafe owner
- realtor
- businessman
- lounge owner
- retired
- tavern owner
- gaming

P. Ehli

- restaurant
- owner, Big B Bingo
- owner, Little Nevada Casino
- retired stockbroker
- self-employed
- business owner
- bar owner
- businessman

G. La Rue

- vending company
- cafe owner
- businessman
- President, Vending Co.
- vending machines
- lounge owner

A. Lambrecht

- lounge owner
- owner, Squire Lounge
- bar owner
- tavern owner

J. Lambrecht

- lounge owner
- owner, Squire Lounge
- bar owner
- tavern owner

J. Reger

- real estate
- restaurant owner
- oil and gas
- Reger properties
- developer
- realtor
- retired
- lounge owner
- bartender

R. Stricklin

- restaurant owner
- businessman
- President, Auto Vending Service
- cafe owner
- realtor
- retired
- lounge owner

T. Surratt

- restaurant owner
- owner, Gold Nugget & owner, Claim Jumper
- tavern owner
- Gen. Manager Gold Nugget
- casino operator
- gaming contractor
- cafe owner
- realtor
- lounger owner
- gaming

K. Frampton

- restaurant owner
- casino owner
- manager, Cavanaugh's Motor Inn
- businessman
- western resort
- bar owner
- owner, Best Bet Casino
- gaming machines

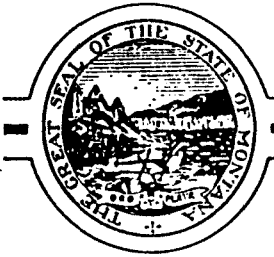
R. Frampton

- restaurant owner
- casino operator
- Cavanaugh's Motor Inn
- businessman
- western resort
- bar owner

T. Gilbreath

- restaurant owner
- self-employed
- bar owner
- owner, Gilly's Restaurant
- manager, restaurant
- gaming machines

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

DOLORES COLBURG
COMMISSIONER
TELEPHONE (406) 444-2942

CAPITOL STATION
1205 EAST EIGHTH AVENUE
HELENA, MONTANA 59620-2401

December 18, 1990

Jean Cumming, Treasurer
Mary Ellen Connelly for Representative
P. O. Box 347
Columbia Falls, Montana 59912

Dear Ms. Cumming:

We have reviewed the campaign finance reports for Representative Connelly and find them to be in order. Some information, however, is missing.

On the report ending October 21, information for many of the contributors is incomplete. For example, "restaurant owner" is not sufficient; "owner, XYZ Cafe and Lounge" would be a proper designation. Also, "businessman" does not identify occupation or employer; rather, "manager, Anderson Clothing" would be appropriate. Please send us the missing information as soon as possible so that Rep. Connelly's reports will be complete.

Also, please let us know the intended use of the balance in the campaign account.

We look forward to hearing from you as soon as possible.

Sincerely,

Dolores Colburg
DOLORES COLBURG

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 20th day of February, 1991.

Name: Roger Tippy

Address: Tippy & McCue, 1215 11th Ave.
Helena, MT 59601

Telephone Number: 442-4448

Representing whom?

Mt. Beer & Wine Wholesalers Assn

Appearing on which proposal?

SB282

Do you: Support? Amend? X Oppose? X

Comments:

The citizen action suit in Sec. 2 proposes a highly unlevel playing field. The determination of "prevailing party" in other attorneys fee statutes such as 42 U.S. Code sec. 1982, is fraught with difficulties. The finding that a person filed a lawsuit without reasonable cause would be very difficult to make. For a level playing field, the last sentence should read:

"If the defendant in a citizen's action prevails, the court shall order the individual bringing the action to pay all costs and reasonable attorneys fees incurred by the defendant."

Amendments to Senate Bill No. 421
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
February 21, 1991

1. Title, line 4.
Following: "PROVIDING"
Insert: "RETIRING"

2. Title, line 5.
Strike: "TERMINATING EMPLOYMENT"
Insert: "OR EMPLOYEES SURVIVING DEPENDANTS"

3. Title, lines 6 AND 7.
Strike: "CREDIT AGAINST THE"

4. Page 2, line 7.
Following: "agency"
Insert: "other than by retirement"
Strike: "either"

5. Page 2, line 7 and 8.
Strike: "under subsection (5)(b)"

6. Page 2, lines 9 through 12.
Strike: "or" on line 9 through "(5)(c)" on line 12

7. Page 2, line 12.
Following: "In"
Strike: "either case"
Insert: "the case of either the lump-sum payment under subsection
(b) or payment of health insurance premiums under subsection
(c),"

8. Page 3, line 7.

Strike: "The"

Insert: "An employee who retires from an agency may choose the lump-sum payment under subsection (b) or is entitled to use the accumulated pay attributed to the accumulated sickleave for the payment of health insurance premiums under this subsection. If the employee chooses the option under this subsection, the "

9. Page 3, line 8.

Strike: "may be converted to credits"

Insert: "shall be paid monthly by the employer into the insurance trust fund"

10. Page 2, line 10.

Following: "employee"

Insert: "and any dependants"

11. Page 2, line 12.

Strike: ", or both"

12. Page 2, line 13.

Following: "from the"

Strike: "credits"

Insert: "insurance trust fund"

Following: "until the"

Strike: "credits"

Insert: "amount credited to the employee and any earnings thereon
"

PAGE 1

FD: E-982152

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The concentration of the *Agrobacterium* suspension was 10⁶ cells/ml (A), 10⁷ cells/ml (B), 10⁸ cells/ml (C), and 10⁹ cells/ml (D). The concentration of the *Agrobacterium* suspension was 10⁶ cells/ml (A), 10⁷ cells/ml (B), 10⁸ cells/ml (C), and 10⁹ cells/ml (D). The concentration of the *Agrobacterium* suspension was 10⁶ cells/ml (A), 10⁷ cells/ml (B), 10⁸ cells/ml (C), and 10⁹ cells/ml (D). The concentration of the *Agrobacterium* suspension was 10⁶ cells/ml (A), 10⁷ cells/ml (B), 10⁸ cells/ml (C), and 10⁹ cells/ml (D).

KEY NEXT PAGE SLIDES AND HIT ENTER TO PROCEED

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 03-22-2011 BY 60322 UCBAW

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

1002

AUTHORIZED	ISSUED	CLASS	SERIALS	PAR VALUE
5,000,000.00	1,419,519.00	PREFER		.00 N
120,000,000.00	24,625,054.00	COMMON		.00 N

NEXT PAGE

KEY NEXT PAGE NUMBER AND HIT ENTER TO PROCEED

6a. B0--BESSON1 R 23 C 41

7:52 2/20/91

Testimony on Senate Bill 423
Doug Mitchell, Chief Deputy
Office of the Secretary of State
February 20, 1991

Madam Chairman and members of the committee, good morning. For the record my name is Doug Mitchell, and I appear before you today on behalf of the Office of the Secretary of State in support of Senate Bill 423.

This bill was introduced at the request of the Secretary of State to address a problem that we have been experiencing in providing corporate information to both public and private entities. I know that your time is very precious this week and so I will be as brief as possible. However, this issue is a bit confusing and I want to provide some limited background and a couple of examples to try and clarify our intent in seeking authorization to distribute lists containing corporate information.

Some time ago, Attorney General Greely ruled that corporations do not enjoy the right to privacy granted to individuals in Montana. This decision stood for a number of years before a supreme court case involving the Insurance Commissioner provided a ruling that on its face seems to contradict Greely's earlier ruling. In their decision, the Court found that corporations did enjoy a limited right to privacy, and that access to certain corporate documents filed with the Insurance Commissioner could be legally kept from public inspection. The information at issue here was financial information of insurance companies regarding their holdings, their rate of loss, their investment portfolio and other internal business issues.

The corporate files we maintain in our office contain none of this proprietary information, and each and every part of the document is public information. However, because of the Court ruling, we asked Attorney General Racicot in 1990 to review the issue of our ability to distribute this public information in bulk via computer media. In his decision, General Racicot does not prohibit the distribution of lists, but rather explains that the law is silent on this issue as it involves the public information on file with the Secretary of State. Senate Bill 423 seeks to end this silence and clear the way for us to provide this information to the public.

Now what do I mean by "this information", and "to the public." I have brought with me today hard copy of one of our corporate files. The information on all files on our system is in an identical format to this one, and all of the information is pulled directly from the filings made with the office and updated each year. These filings are also kept in a folder for public inspection should an interested party wish to review the file at greater length, or look at historical documentation. So when I talk about the information to be distributed, it is exactly the information before you...name

of corporation, date of incorporation, registered agent, officers, etcetera.

You might be asking yourself who would want this stuff...particularly, who would want a computer tape with 40,000 plus corporations listed on it. There are a couple of interested parties to whom Senate Bill 423 would be of assistance. First, many local governments and law enforcement authorities have requested and continue to request tapes for a number of purposes. County Treasurers would like a tape for checking with their files to allow them to cease billing dissolved corporations, and County Sherrifs would like listings that are owned by a certain individual who may have judgements against him. Currently, our office has neither the authority nor the mechanism to charge a fee to develop and distribute this information to these public agencies. Second, business analysis companies such as Dun and Bradstreet and Prentice Hall have requested tapes on a monthly basis to allow them to do analysis and polling of companies doing business in Montana. They are willing to pay all costs associated with the development of these lists, but again, without SB 423 we lack the authority or the mechanism to determine a fee for this service.

Before I wear out my welcome here, I will close by thanking you for your time and attention to this issue. I hope that I have given you sufficient background for discussion, and I will be more than happy to answer any questions you may have in this regard.

Amendments to Senate Bill No. 421 NO. SB 421
First Reading CopyRequested by Sen. Bianchi
For the Committee on State AdministrationPrepared by David S. Niss
February 20, 1991

1. Title, line 5.

Following: "EMPLOYEES"

Insert: "RETIRING OR"

Following: "EMPLOYMENT"

Insert: "AND EMPLOYEES SURVIVING INSURED DEPENDANTS"

2. Title, lines 6 and 7.

Strike: "CREDIT AGAINST THE PAYMENT OF"

Insert: "ESTABLISHMENT OF A TRUST FUND FOR THOSE WHO RETIRE FROM
WHICH PAYMENT SHALL BE MADE FOR "

3. Page 2, line 9.

Strike: "use"

Insert: "have"

4. Page 2, line 10.

Following: "leave"

Insert: "deposited to the insurance trust fund"

5. Page 3, line 7.

Strike: "The"Insert: "If the employee so chooses, the"

6. Page 3, line 8.

Strike: "may be converted to credits"Insert: "shall be paid ~~monthly~~ into the insurance trust fund"*move in*

7. Page 3, line 13.

Strike: "credits"

Insert: "trust fund"

Strike: "credits are"Insert: "amount credited to the individual employee and any
earnings thereon are"

Amendments to Senate Bill No. 325
First Reading Copy

Requested by Sen. Fritz
For the Committee on State Administration

Prepared by David S. Niss
February 19, 1991

SENATE STATE ADMIN.
EXHIBIT NO. 7
DATE 2-20-91
BILL NO. SB 325

1. Title, lines 4 and 5.
Strike: "ELECTION DAY"

2. Title, line 5.
Following: "REGISTRATION"
Insert: "IMMEDIATELY BEFORE AN ELECTION AND ON ELECTION DAY"

3. Page 1, lines 14 through 20.
Following: line 13
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 5, line 14.
Following: "signed"
Insert: "and must be returned to the administrator no later than
30 days after the date it is signed by the witness or
officer before whom signed"

5. Page 5, line 16 through line 8 on page 6.
Following: "13-2-301."
Strike: the remainder of Section 4
Insert: "Close of registration -- exceptions. (1) The election
administrator shall:
(a) except as provided in 13-2-302, close registrations for
30 days before any election; and
(b) publish a notice specifying the day registrations will
close on radio or television as provided in 2-3-105 through 2-3-
107 or in a newspaper of general circulation in the county at
least once a week for 3 weeks before the close of registration.
(2) Information to be included in the notice shall be
prescribed by the secretary of state.
(3) An individual who submits a completed registration form
to the election administrator before the deadline provided in
subsection (1)(a) is allowed to correct a mistake on the
completed registration form until 5 p.m. on the 10th day

following the close of registration, and thereafter the qualified elector is eligible to vote in the next election."

6. Page 6, lines 11 through 21.

Following: line 10

Strike: the remainder of Section 5

Insert: "and on election day. (1) An individual who is not registered but who is otherwise qualified to vote in an election may register during the time when registration is otherwise closed preceding that election by providing the election administrator the forms of proof of identification and residence required by subsection (3). Upon proof of identification and residence in accordance with subsection (3), the election administrator shall issue to the applicant a certificate entitling the applicant to be placed on the voting list for that election in the appropriately assigned polling place. If the applicant is not registering in person, the election administrator shall mail the certificate to the reside address appearing on the application.

(2) An individual who is not registered but who is otherwise qualified to vote in an election may register on election day by appearing in person at the county election office on election day. Upon proof of identification and residence in accordance with subsection (3), the election administrator shall issue to the applicant a certificate entitling the applicant to be placed on the voting list for that election in the appropriately assigned polling place, or entitling the applicant to vote in that election at the county election office if the election administrator, in his or her discretion, has made facilities for such vote available.

(3) An individual applying for registration pursuant to subsection (1) or (2) shall exhibit to the election administrator both an identification card bearing a photograph of the applicant and at least one letter or other piece of mail sent through the United States postal system to the applicant at the residential address claimed by the applicant, and bearing a United States postal cancellation stamp showing a postmark within the 30 days immediately prior to registration. The election administrator may refuse to register any applicant who in the judgment of the administrator, has not furnished the roof of identification and residence required by this subsection.

(4) An individual who will not be qualified to vote in an election by election day may register under either subsection (1) or (2) but must not be issued a certificate. The election administrator shall keep the registration form of any such person in a separate file until the person becomes qualified to vote and the form can then be properly entered after the election"

7. Page 7, lines 3 and 4.

Strike: "that day under [section 1]"

Insert: "pursuant to 13-2-302 and presents the certificate issued to him by the election administrator pursuant to that section"

8. Page 7, line 20.

Strike: "on election day under [section 1]"

Insert: "pursuant to 13-2-302"

9. Page 8, lines 6 and 7.

Strike: "on election day under [section 1]"

Insert: "pursuant to 13-2-302"

10. Page 8, line 10.

Strike: "under [section 1]"

Insert: "pursuant to 13-2-302"

Strike: "take"

Insert: "place"

11. Page 8, line 11.

Strike: "to the election administrator with"

Insert: "in"

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 399 (first reading copy -- white), respectfully report that Senate Bill No. 399 be amended and as so amended do pass:

1. Page 1, line 22.
Strike: "shall"
Insert: "may"

Signed, Eleanor Vaughn
Eleanor Vaughn, Chairman

7-20-91
Ad. Coord.

2-20 1.10
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 4 (first reading copy -- white), respectfully report that Senate Resolution No. 4 be adopted.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

191 2-20-91
And. Coord.

SP 2-20 12:30
Sec. of Senate

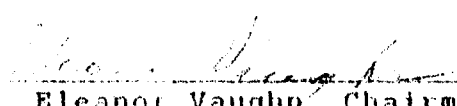
SENATE STANDING COMMITTEE REPORT

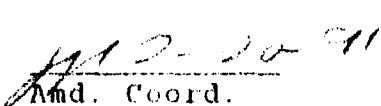
Page 1 of 1
February 20, 1991


MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 422 (first reading copy -- white), respectfully report that Senate Bill No. 422 do pass.

Signed:


Eleanor Vaughn, Chairman


Amd. Coord.


Sec. of Senate

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