

MINUTES

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

Call to Order: By Chairperson Eleanor Vaughn, on March 7, 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)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion: None

HEARING ON HOUSE BILL 695

Presentation and Opening Statement by Sponsor:

Representative Ervin Davis, House District 53, Lake County in northwest Montana, said House Bill 695 corrects an omission in the law. This authorizes the Secretary of State to create advisory councils.

Proponents' Testimony:

Doug Mitchell, representing the Secretary of State, said they discovered this problem when they tried to appoint an advisory council. It makes good sense to have the Secretary of State among those who is able to do so.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Fritz asked what kind of an advisory council are you planning to appoint? Doug Mitchell responded they do not have any intent to appoint any, other than the one they have, which is an election advisory council made up of clerks and recorders.

Closing by Sponsor:

Representative Davis said this measure will have no fiscal impact. The Secretary of State will continue to fund the Election Advisory Council now existing. He said Senator Kennedy has agreed to carry it, but it may be eligible for the Consent Calendar.

EXECUTIVE ACTION ON HOUSE BILL 695

Motion:

Senator Pipinich moved we DO CONCUR IN HOUSE BILL 695.

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of HOUSE BILL 695. Motion carried. Senator Pipinich moved that House Bill 695 be put on the Consent Calendar. The VOTE was UNANIMOUS in favor of the consent calendar.

HEARING ON HOUSE JOINT RESOLUTION 22

Presentation and Opening Statement by Sponsor:

Representative Dave Brown, House District 72, Butte Silverbow, asked for support for House Joint Resolution 22. It urges the legislature of the State of Montana, the Legislative Council and the Montana State Library to work together to produce guidelines for the use of acid-free paper for publication of state documents. He explained that important historical documents are being lost because they were printed on acidic paper. He said acid free paper is no more expensive than acidic paper.

Proponents' Testimony:

Richard Miller, State Librarian, handed out some brochures (exhibit 2) and some purple pens that turned a different color with the acid content of the paper on which you wrote. He read his testimony as given in exhibit 1.

Bob Clark, Librarian at the State Historical Society, is fully pledged to cooperate in this study. The State Historical Society

is a repository for duplicate copies of all state records. He also brought several books that are examples of paper deteriorating because of age and paper quality. The books were published in 1893 and 1918. Both were badly discolored and the older one had paper breaks in it.

Judith Meadows, State Law Librarian, said the judicial branch of government fully supports this resolution. Libraries, museums and archives cannot provide access to the collections they are holding if they are allowed to deteriorate.

Gloria Hermanson, representing Montana Cultural Advocacy, said much of what they stand for includes the preservation of historical culture and public access to the documents.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Hockett how will this affect recycled paper? Richard Miller said there is no dispute between acid free paper and recycled paper because they are able to be sorted at the same time. That was a concern of the National Library Association.

Senator Rea asked if you plan to redo some of the records that are deteriorating? Richard Miller responded that isn't planned. This bill is just a study of the situation. To deacidify is a very expensive process. It will make more sense to put the older records into a different form, such as microfiche, microfilm or digitizing.

Senator Fritz said he owns a complete set of James Bond paperbacks and will they fall apart? Richard Miller said they would.

Closing by Sponsor:

Representative Brown sets attention before the Legislature and state government and hopefully they will come back with suggested standards that save us future historical printed records. Senator J. D. Lynch will carry HJR 22 to the Senate floor.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 22

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE JOINT RESOLUTION 22.

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of HOUSE JOINT RESOLUTION 22. Motion carried. Senator Lynch will carry it to the Senate floor.

HEARING ON HOUSE BILL 472

Presentation and Opening Statement by Sponsor:

Representative Jane DeBruycker, House District 11, introduced House Bill 472 at the request of the Commissioner of Political Practices. This bill clears up confusion between the definition of lobbying, lobbyist, and principal. It provides for a more meaningful reporting time for post-legislative reporting from 60 days to 30 days. The word "citizen" is removed and changed to "individual".

Proponents' Testimony:

Dolores Colburg, Commissioner of Political Practices, appeared before the committee in support of House Bill 472 and read written testimony into the record. (Exhibit 3)

John Alke, an attorney appearing on behalf Montana Society of Association Executives, supports House Bill 472 and the amendments that the Commissioner has offered. It's a necessity that we strike lines 5 through 6, page 3 of the second reading version of the bill. That part addresses non-legislative lobbying. He said non-legislative lobbying is already illegal. The practice of law is governed by the Supreme Court, not the Legislature. That language means nothing because the Montana Supreme Court has already made that determination.

Barbara Ranf, represented U.S. West Communications, supports House Bill 472 with the amendments proposed by the Commissioner.

Mike Pichette, represented the Montana Power Company, agrees with all the points outlined. The changes in the bill are logical and he supports the 30 days as fair to them.

George Ochenski, a lobbyist, said none of his clients have complained about this bill and it's generally a good idea.

Don Judge sent written testimony. (Exhibit 8)

Opponents' Testimony:

C. B. Pearson, Executive Director of Common Cause/Montana, spoke in opposition to House Bill 472. He opposes the consumer price index on increasing the amount that lobbying principals have to disclose. The language on page 9, lines 21 to the bottom of page and page 10, lines 1 through 5 needs to be struck from

the bill. That is an insignificant amount of money and is inconsistent with the idea of disclosure. The amendment that the Commissioner presented today removes the area of public official. He disagrees with taking that out. The intent of the lobbyist disclosure law was difficult to get and has gone through litigation. It has disclosure for lobbying before the Legislature and has disclosure for non-legislative lobbying. He said 18 states have laws that cover attempts to influence decision making of administrative agencies and 22 states have definitions that include lobbying of the executive branch. This isn't inconsistent. He suggests finding out what other states have done to define, strengthen and legislate this area.

Questions From Committee Members:

Senator Blaylock asked C. B. Pearson what exactly he is wanting the law to say? C. B. Pearson replied that if a lobbyist appears before a decision making board, that's fine. Then, if outside the hearing, he contacts individual members for lobbying purposes that are not designed to be put into the record of the hearing, he is lobbying improperly.

Senator Burnett asked if he tries to talk to others about his views on certain bills, is that lobbying? C. B. Pearson said public officials are exempt from that regulation.

Senator Blaylock asked John Alke to respond. John Alke said it is currently illegal to contact individual hearing members outside the hearing setting. The Administrative Practices Act controls all the types of lobbying he's talking about.

Senator Rea asked if he is contacted at lunch is it illegal?

John Alke responded it would depend if it was on rule making, or judicial. The Supreme Court said anything that involves discretion is out, unless a person is licensed as a lobbyist. The Supreme Court said if a lawyer does these things he is just the same as anyone else. The Curlick decision says, "we hold therefore that when an attorney seeks to influence a public official exercising his quasi-judicial function, he must act in a manner or feel which the public official has discretion, which is virtually everything, such an attorney is not engaged in lobbying under the terms of the initiative." There is no such thing as non-legislative lobbying.

Senator Farrell asked why shouldn't we use the term "citizen of the United States" and how would you enforce lobbying regulations if people were from a foreign country? Dolores Colburg said that non-citizens have appeared before this committee. Generally, everyone recognizes a stranger who attempts to testify and informs her posthaste. Senator Farrell said individuals don't have to register anyway. Dolores Colburg said that an individual who speaks from his own point of view and is not being paid, can do so without a license to lobby.

Dolores Colburg said as the law now stands, a foreigner doesn't have to register because he isn't a U.S. citizen.

Senator Farrell said presently, if you are going to be legal you have to have someone in the state register as a lobbyist.

Closing by Sponsor:

Representative DeBruycker said that foreigners already own pieces of Montana and we have to acknowledge and work with that fact. She asked for a do pass and hadn't asked any senator to carry House Bill 472.

EXECUTIVE ACTION ON HOUSE BILL 472

Motion:

Senator Blaylock moved to amend House Bill 472 as shown in Exhibit 5 and signed by Dolores Colburg.

Discussion:

David Niss explained that the purpose of those amendments is to delete a sequence.

Amendments, Discussion, and Votes:

The VOTE was UNANIMOUS for the amendments in exhibit 5.

Senator Vaughn asked Attorney Niss to explain the amendments offered in exhibit 6. He said they change the title and they would be inserted into the bill on page 9 and 10, beginning after "succeeding" on line 22. He walked through the bill with the amendments. David Niss said that this bill is ambiguous in two different areas where it states this will be done bi-annually in one place and yearly in another. He wonders if that is what the Commissioner wants.

Senator Fritz moved that we junk the whole indexing, which had been added on pages 9 and 10, the complete subsection 6. Senator Hockett agrees with Senator Fritz. This indexing needlessly complicates this bill. The VOTE in favor of deleting subsection 6 was UNANIMOUS. Motion carried. Attorney Niss will write this amendment to House Bill 472. (Exhibit 10)

Recommendation and Vote:

Senator Fritz moved we DO CONCUR IN HOUSE BILL 472 AS AMENDED. The VOTE was UNANIMOUS in favor of House Bill 472 as amended. Motion carried. Senator Blaylock will carry it to the Senate floor.

HEARING ON HOUSE BILL 585Presentation and Opening Statement by Sponsor:

Representative Jerry Nisbet, House District 35, Great Falls, Black Eagle, introduced House Bill 585 at the request of the Teachers' Retirement Board. It increases the minimum amount of a lost or destroyed warrant not requiring an indemnity bond and allows duplicate warrants to be issued to public retirees for lost or destroyed warrants without requiring an indemnity bond.

Proponents' Testimony:

David Senn, Executive Secretary of the Teachers' Retirement System, said House Bill 585 was the result of an experience where a retiree moved to another state, lost his check and asked for a new one. He had to get an indemnity bond before they could issue a new one. If, somehow the first warrant was cashed, they would simply withhold that amount from a future payment. Please support House Bill 585.

Larry Nachtsheim, Administrator of the Public Employees' Retirement Division, supported House Bill 585 because it will make it easier for retirees to secure a duplicate warrant if necessary. (Exhibit 6)

Gene Huntington, representing the retired teachers, agrees to support this bill for the convenience of those who might lose a warrant.

Arlene Hannawalt of the Montana Guaranteed Student Loan Program supports House Bill 585 because occasionally a student loses a warrant and this will enable them to get a replacement more easily. Their needs are so immediate that such a loss is quite a hardship for them. Please pass House Bill 585. (Exhibit 7)

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Representative Nisbet closed the hearing on House Bill 585. Senator Blaylock volunteered to carry it to the Senate.

EXECUTIVE ACTION ON HOUSE BILL 585Motion:

SENATE STATE ADMINISTRATION COMMITTEE

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Senator Blaylock moved that we DO CONCUR IN HOUSE BILL 585.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of House Bill 585. Motion carried. Senator Blaylock will carry House Bill 585 to the Senate floor.

HEARING ON HOUSE BILL 562

Presentation and Opening Statement by Sponsor:

Representative Ben Cohen, House District 3, Whitefish, said House Bill 562 will authorize the copying of electronic information in the custody of public agencies. It provides that the public agency may charge for the cost of electronic media used to copy the information and may charge an hourly rate for time spent by agency employees after one-half hour of copy service has been provided.

Proponents' Testimony:

Doug Mitchell, representing the Secretary of State, supports this bill because their office serves the public and if they can provide information in a way that is useful, they want to be able to do that. It allows them to recover the cost of do it. Please support this bill.

George Ochenski belongs to the Helena Microcomputer Users Group and they have talked of this kind of service being available and are glad it is before the legislature.

Wes Krawczyk, represents the Helena Microcomputer Users Group, endorses House Bill 562. With the advance of computers in the technological age, information can be transmitted efficiently and effectively. House Bill 562 will do this. It's intent is, regarding access to information by the citizenry, a step forward to give information in an economical, efficient, and ecologically sound means.

Bob Worthy, a computer consultant, endorses House Bill 562 by saying this bill is good for a small business's ability to use the information available from the state government.

Dolores Colburg told how an individual had asked for all their data to do with campaign financing. Her office did download all

SA030791.SM1

their information as requested. Later, her office was broken into and the computer system that contained all that data was stolen. She didn't have a backup elsewhere. So she contacted the individual and asked if they could recopy the disks. That was a very fortunate happening.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pipinich thinks there should be a provision for keeping their codes secret. After discussion the committee proposed that the departments need to administratively take care of their private files, codes, and pertinent information. There also was discussion of backup tapes and a standardization among the state departments for backups in different places other than they primary source.

Senator Fritz asked if this restricts the circulation of information to an elite group, who are members of the Helena Micro Users Group?

George Ochenski responded that this doesn't restrict any copying or printing that is presently done. Those with computers can obtain the same materials on a disk or on paper either one. He agreed this presently serves just a small population but for those who can do that, it is sensible.

Senator Blaylock asked Dolores Colburg why didn't she have backup? She does, but they failed to do it. They do it now.

Wes Krawczyk did some research into what kind of policies certain departments had regarding computer backups. There are backups on premises, some backups are taken home by employees, and some do not have backups. Consistency among the agencies should be addressed in the future.

Closing by Sponsor:

Representative Cohen thanked the committee for a good hearing and mentioned the administrative procedures that need to be addressed for protecting their codes and backing up computer information. The Department of Administration needs to be working on this. He called attention to page 1, lines 14 through 22 address the concerns spoke of today. He said the committee could add security codes into that bill and he would agree to that amendment. He asked Senator Pipinich to carry House Bill 562 to the Senate.

EXECUTIVE ACTION ON HOUSE BILL 562

Motion:

Senator Pipinich moved to AMEND HOUSE BILL 562 with a new subsection 5, in between line 13 and 14 on page 2. It would read, "This section does not authorize the release of electronic security codes giving access to private information." David Niss prepared this amendment. (Exhibit 9)

Discussion:

Attorney Niss explained the verbiage that is needed to put the different parts of the code into agreement.

Amendments, Discussion, and Votes:

The VOTE in favor of Amending House Bill 562 was UNANIMOUS. The amendments carried.

Recommendation and Vote:

Senator Pipinich moved that we DO CONCUR IN HOUSE BILL 562 AS AMENDED. The VOTE was UNANIMOUS in favor of House Bill 562, so the motion carried. Senator Pipinich will carry HB 562 to the Senate floor.

ADJOURNMENT

Adjournment At: 12: noon


ELEANOR VAUGHN, Chairman


DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE March 7, 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		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			<i>excused</i>

Each day attach to minutes.

DATE

March 7, 1991

COMMITTEE ON

State Administration

HB 562, HB 585, HJR 22, HB 472, HB 695

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Julie VanVleet	State Auditor's Office	HB 585	✓	
Dave Brown	Sponsor HB #122	HJR 22	✓	
GEORGE OCHENSKI	SELF	HB 562	✓	
WES KAWCZYK	SELF / Montana House	HB 585	✓	
Barbara Rant	USUOTA Communications	HB 472	✓	
Bob Clark	MT Historical Society	HJR 22	✓	
Kathryn Otto	State Archive	HJR 22	✓	
Joe S. Kuykendall	State Law Library	HJR 22	✓	
DOLORES COLEBURG	COMMISSIONER OF POLITICAL PRACTICES	HB 472	X	
John Allen	Mont. Society of	HB 472	X	
DOUG MITCHELL	Gov. Parnell			
DOUG MITCHELL	SECRETARY OF STATE	HB 695	X	
DOUG MITCHELL	SECRETARY OF STATE	HB 562	X	
Gloria Hermann	MT Cultural Ctr.	HJR 22	X	
Gene Huntington	Retired Teachers	HB 585	X	
David L. Senn	TBS	HB 585	X	
GEORGE OCHENSKI		HB 472	✓	
Mike Pichette	Montana Power	HB 472	✓	
Robert H. Worthing	Self	HB 562	✓	
Larry Mackintosh	ITR/D	HB 585	✓	
Albee Hermann	ME SLR / CHC	HB 585	✓	
CB. PEARSON	Common Cause / Montana	HB 472		✓

(Please leave prepared statement with Secretary)

EXHIBIT NO. 1DATE 3-7-91BILL NO. HJR 22TESTIMONY BEFORE THE SENATE STATE ADMINISTRATION COMMITTEE
MARCH 7, 1991

Madam Chair, members of the committee. For the record, my name is Richard Miller. I am the Montana State Librarian and am here today representing the Montana State Library Commission.

House Joint Resolution 22, sponsored by Rep. Dave Brown, provides state government the opportunity to study a problem and to reach a solution which will have long-lasting fiscal and historical implications for Montana. HJR 22, dealing with the use of acid-free paper for state documents, allows the State Library and the Legislative Council to study this problem and to report back to you when you meet again in the 53rd Legislature with what we hope will be a comprehensive approach to the deterioration of the written record of Montana.

The use of alum rosin for the "sizing" of paper since the mid 19th century, and the more recent use of lignin in paper making processes have sown the seeds of the destruction of that paper. Of course, no one knew this when these elements were introduced into that process. We now know, however, that this is the case. Because of our recent knowledge, and because paper manufacturers have discovered that the acid-free processes are less expensive and less environmentally harmful, more and more paper makers are turning to these improved methods. In our investigation in preparation for this hearing today, we contacted 7 paper companies in Great Falls, Billings, and Helena and asked them to tell us if they sold both acid-free offset printing paper and non-acid-free paper, and the difference in price. Four of the seven companies sell only acid-free paper, one company sells both types, and two companies indicated that acid-free paper is cheaper, and one company didn't know what we were talking about. None of the companies told us that the acidic paper is cheaper. Finally, one of the respondents told us that all paper has some degree of sulphuric acid in it.

It is this last comment, along with other recent developments that lead me to believe that HJR 22 is an even better idea than when first it was proposed. These include the fact that:

- the national standard for acid-free paper which is cited in this joint resolution, that is ANSI Standard Z39.48-1984 has just been rewritten and is now under review. It deals with lignin which apparently can cause even finer papers to deteriorate more rapidly than we realized before
- the person who buys paper for the state of Montana has described the situation to me by the following quote: "There's acid-free and then there's acid-free paper."

HJR 22 will allow us time to sort through the ambiguities that currently exist, will allow the new national standard to be looked

at, and we will probably report back to you that all paper manufacturers have switched to acid-free processes. It will also allow us to look at the question of which state publications are such that they need to be preserved for posterity, as well as to look at alternative methods such as microfilm, etc. for preservation purposes.

One final note: the State Historical Society and the State Law Library will be involved in this investigation although they are not mentioned by name in this resolution. Bob Clark is here from the Historical Society Library and Judy Meadows is here from the State Law Library to testify.

Before I end, I'd like to acquaint you with one method to test for acid in paper. On the table today we have distributed copies of a brochure entitled, "Going, going, gone" which deals with the need to use alkaline versus acid-free paper. The brochure itself is printed on coated paper with a pH rating of 7.0. Also on the table are pH testing pens. If you would like, you can open those up and make a mark on any white paper you have with you. After the mark dries, look to see the color:

- if it is purple, that means the paper is neutral or alkaline with a pH of 6.8 or higher
- if is clear or yellow, that means the paper is within the traditional paper making pH range of 5.2 or lower
- if is deep yellow, tan or dull purple, the paper is within the transition interval of pH 5.2 to 6.8

As some of these old reports which Bob Clark will show you are being passed around, you might want try the pens on them to see what they indicate.

I'll now turn this over to Bob Clark from the State Historical Society.

Historical Publications and Records Commission.
Let Congress know that money spent on book preservation is well spent.

Write to publishers urging the use of alkaline (acid-free) paper.

Support the preservation activities of your library. Gently draw the staff's attention to books or documents in need of treatment or repair. Offer to organize an advisory committee to promote community awareness of the problem and to do fund raising.

If you are a published writer, insist that your work be printed on alkaline paper. Voice your concern that books be bound in a way that will ensure their existence for future generations.

If you are a librarian, archivist or other custodian of research materials, you can read and attend workshops to learn more about the problem of deteriorating books and documents and what must be done to extend their lives. There are a number of simple but effective measures that an institution can take, such as using alkaline file folders for storing papers and installing air conditioning.

If you are a book buyer, check to see if the books you buy are printed on alkaline paper. Let bookstore owners know that you are aware of the problem and that your book-buying habits reflect this concern.

Above all, begin to think about books and documents not as "disposables" but as perishables which may not survive without your active support.

Developed by the Association for Library Collections & Technical Services in cooperation with the Public Information Office, American Library Association.

Funded in part by the Commission on Preservation and Access, 1785 Massachusetts Ave. NW, #313, Washington, DC 20036.

The paper used in this publication meets the minimum pH and alkaline reserve requirements for uncoated paper established by the American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1984. The coating has a neutral (7.0) pH.

Going, Going, Gone.

Item no. 558

100 pamphlets, \$20

ALA Graphics

American Library Association

50 E. Huron St.

Chicago, IL 60611

For single copies send 50 cents and a stamped, self-addressed #10 envelope to the Association for Library Collections & Technical Services, ALA. For a complete catalog of bookmarks and posters on preservation and other library issues, write ALA Graphics.

Books worth reading are books worth saving.

SENATE STATE ADMIN.

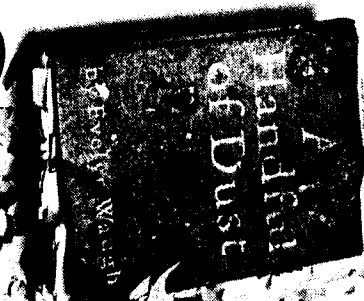
EXHIBIT NO. 2

DATE 3-07-91

BILL NO. HJR 22



Going,



Going,



Gone.

Dust to dust.

There's a growing problem on bookshelves around the world. Literally millions of books are turning to dust.

Sooner or later, paper — like all organic matter — disintegrates. When paper disintegrates, books disintegrate. And when books disintegrate, we lose important, often irreplaceable, sources of knowledge and enjoyment.

Why has this problem become acute?

Until about 150 years ago, most paper was made from cotton and linen rags. This paper was—and still is — remarkably durable, remaining white and flexible for hundreds of years.

Demand for the printed word and all types of paper products accelerated rapidly during the Industrial Revolution, a time of enormous cultural and economic growth. It was then that manufacturers began making paper from wood pulp, a more abundant source of cellulose than rags.

Unfortunately, this new technology had inherent problems, not fully understood until a century later.

Long-lasting paper can be made from wood, but the pulp must be chemically processed to remove impurities, and the additives must be non-acidic. Research in the 1950s revealed the full range of factors that contribute to the longevity of paper.

While the wood pulp used for most writing and printing papers (not newsprint) had been cooked and bleached to remove impurities, it was found that the chemicals used as "sizing"—to give the paper body, to make it smooth and to help it hold ink—were a source of contamination.

The most damaging chemical used in modern paper-making, alum rosin sizing, causes paper to become increasingly acidic over time. This acidity causes paper to become discolored and brittle.

Nearly everything written and printed since alum rosin came into common use is disintegrating far more rapidly than papers

manufactured earlier. Adding insult to injury, most of these publications were given weak bindings for reasons of price or aesthetic appeal rather than durability. In many cases, poor storage conditions have also contributed to the deterioration process.

Gone but not forgotten.

You may already be aware of the problem.

Books in your personal library may have started to discolor. Your own much-loved copy of *Winnie the Pooh* may be too fragile to share with your children. Or, your 20-year-old copy of a favorite James Bond paperback may fall apart in your hands as you try to reread it.

Now you know why. Such personal dis-appointments are the symptoms of a far greater problem.

The fact is that *more than a quarter* of the books in the world's research and national libraries are so brittle they may not survive the century.

The great majority of these materials will never be reprinted because they do not appeal to a large enough market. Even those that were extremely popular in their own day, such as the dime novels of the late 19th century, are so out of fashion that no commercial publisher would consider reissuing them.

But it is those types of books—as well as back runs of scholarly journals, illustrations and photographs, manuscripts and archives, early films and phonograph recordings—that make our research libraries such rich storehouses of knowledge.

These materials document not only the events of the last century, they document the daily lives, dreams and disappointments of people. They record everything from inventions to clothing and hairstyles. And they provide researchers with the basis for future discoveries.

Books document our history, in many cases from the beginnings of civilization. They are our collective cultural memory. A memory we cannot afford to lose.

How to keep from closing the books forever.

There are no easy solutions to a problem of this magnitude.

Research is being done at the Library of Congress and other institutions around the world on chemical treatments to extend the life of books that have not already become brittle. The hope, of course, is to develop processes that can be applied to significant numbers of items at one time, so the treatment is cost-effective.

Alternative methods of preserving information are also being tried. The Library of Congress and the National Library of Medicine are experimenting with transfer of published information to optical disks for preservation. The National Archives and Records Administration is using digital technology to store information from archives and manuscripts. The permanence of both methods is unproven.

The one tried-and-true technology currently available, microfilming, is being used by several major research libraries to preserve information from their most severely deteriorated books.

The cure, of course, is prevention. Books should be printed on alkaline (acid-free) paper to ensure their presence for future generations.

If you can read this, you can help.

If you are a lover of books and libraries, a student, scholar, historian, researcher or writer, your help is needed.

You can start by writing to your local, state and national legislators and letting them know of your concern and the need for legislation that would require the use of alkaline paper.

You can also urge additional federal funding for preservation activities of agencies such as the Library of Congress, U.S. Office of Education, the National Library of Medicine, the National Endowment for the Humanities and the National

COMMISSIONER OF
POLITICAL PRACTICES

SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 3-7-91

BILL NO. HB 472



STATE OF MONTANA

DOLORES COLBURG
COMMISSIONER
TELEPHONE (406) 444-2942

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

March 7, 1991

Senate State Administration Committee

TESTIMONY IN SUPPORT OF HOUSE BILL 472

For the record, I am Dolores Colburg, Commissioner of Political Practices. I appear before the committee this morning in support of HB 472.

This bill addresses three areas: definitions concerning lobbying, more timely reporting of lobbying activity, and unrestricted participation in government. Let me start with the easiest first.

Currently, the lobbyist law limits lobbying to "citizens." Thus, as the law now reads, foreign exchange students, for example, would be barred from addressing the legislature on issues affecting them. It is doubtful, in the first place, that such a prohibition is constitutional. Secondly, as a practical matter, non-citizens have appeared many times before the Montana legislature and have been welcomed. This bill, therefore, deletes the meaningless requirement that only citizens may speak to issues before the legislature--either on their own behalf or for others--by substituting the word "individual" for "citizen."

A second substantive area addressed in the bill concerns the time allowed for principals to file their post-session lobbying

reports. Principals now have 60 days in which to file reports after the legislature adjourns. That much time gives people too much opportunity to forget about the reports altogether. In fact, nearly one out of four principals failed to file their reports on time following adjournment of the 51st Legislative Assembly in 1989. This bill cuts the time in half from 60 days to 30 days, still an ample amount of time to file reports.

Other changes in the bill that relate to reporting dates simply state that reports are due by a certain date rather than due before a certain date. The reporting dates themselves remain unchanged.

The last area of substantive change concerns definitions of "lobbying" and "lobbyist" and "principal." The ambiguous and even contradictory language in the definitions of these terms in section 5-7-102, MCA, centers largely on the figure of \$1,000 which is used in three different ways in three different places.

In subsection (5)(a), page three of the bill, we read that a lobbyist is ". . . any person who engages in the practice of lobbying for hire." Subsection (6) then defines "lobbying for hire" to include

activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed, or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that individual shall not be considered to be lobbying for hire.
[Emphasis added.]

Clearly, this subsection ties the \$1,000 threshold figure to reimbursed personal living and travel expenses only. One may then infer that any other kind of payment, such as salary or fee, of whatever amount paid by a principal to a retained individual makes the employed person a lobbyist.

But the whole picture is clouded by the language in subsection (8) that defines a principal as ". . . any person who makes payments in excess of \$1,000 per calendar year to engage a lobbyist." [Emphasis added.] Curiously, the \$1,000 now is not restricted to just living and travel expenses.

Then to really complicate matters, subsection (4) defines lobbying as both the practice of trying to influence legislative action and the practice of trying to influence ". . . official action by any public official in the event the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses." [Emphasis added.]

This bill would make clear that the \$1,000 is tied purely and simply to the meaning in subsection (6) of section 5-7-102, MCA, by deleting references to that figure elsewhere in the law. Thus, a principal is someone who employs a lobbyist, period.

This bill was amended on the House floor during second reading to provide for inflationary adjustment of certain reportable lobbying amounts. If an inflation adjustment is allowed, then I believe it should be done biennially, when nearly all lobbying expenditures occur, and in the same manner as the

inflationary adjustment is calculated for increasing aggregate PAC limitation amounts in the campaign laws. I offer an amendment to accomplish both of these aims.

Another amendment was made to this bill on House second reading to restore, in part, deleted language in subsection (b) of section 5-7-102 (top of page 3 in the bill) and, therefore, to keep the provision in current law that defines lobbying also to include the "practice of promoting or opposing official action by any public official." However, as I testified before the House State Administration Committee, since public official, as defined in subsection (3), ". . . does not include those acting in a judicial or quasi-judicial capacity . . ." and since legal counsel tells me that virtually all public officials, other than the judiciary and legislative, act in quasi-judicial capacities, the law now is essentially without effect. I suggest, therefore, that the House amendment be deleted by striking lines 5 and 6 on page 3.

Finally, this bill changes the name of the disclosure that principals file from "accountings" to "reports." It also includes some stylistic changes made by the code commissioner.

I hope the committee will act favorably on this bill and the amendments offered today.

Thank you for your consideration. I will be pleased to take any questions you may have.

Madame Chairwoman: I offer to the Senate State Administration Committee amendments to House Bill 472 (third reading copy--blue) and ask they be adopted.

Signed:

Dolores Colburg
Dolores Colburg, Commissioner of
Political Practices

1. Title, line 11

Following: "ADJUSTING"

Insert: "FOR INFLATION THE"

2. Title, line 12.

Strike: "BY" through "INDEX" on line 13

3. Page 9, line 22.

Following: "SUCCEEDING"

Insert: "even-numbered"

Following: "SHALL"

Strike: "INCREASE"

Insert: "multiply"

4. Page 9, line 24.

Following: "BY"

Strike: "AN" through "INDEX." on page 10, line 4.

Insert: "the inflation factor as defined in 15-30-101(8) for each even-numbered year after 1990; the resulting figure shall be rounded to the nearest \$10 increment."

SENATE STATE ADMIN.

EXHIBIT NO. 5

March 7, 1991

DATE 3-7-91

Page 1 of 1

BILL NO. HB 472

Madame Chairwoman: I offer to the Senate State Administration Committee amendments to House Bill 472 (third reading copy--blue) and ask they be adopted.

Signed: Dolores Colburg
Dolores Colburg, Commissioner of
Political Practices

1. Page 2, line 20.
Strike : ":"

2. Page 2, line 21.
Strike: "A"

3. Page 2, line 25.
Strike: "; AND"
Insert: "."

4. Page 3
Strike: Lines 5 and 6 in their entirety

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 3-7-

BILL NO. HB 585

TESTIMONY

HB 585

Larry Nachtsheim, Administrator
Public Employees' Retirement Div.

The Public Employees' Retirement Board supports this bill. It will make it easier for retirees to secure a duplicate warrant when their monthly retirement allowance is lost or destroyed.

Since the issuance of a duplicate warrant is limited to individuals receiving monthly allowances, any prospect of loss to the retirement funds through this proposal is almost nil.

The Board solicits your approval of HB 585.

Chairman Vaughn, Committee Members:

The Montana Guaranteed Student Loan Program supports House Bill 585. Some financial aid dollars are disbursed to students through the state warrant system. The students are mostly needy, low income students with few assets and they desperately need their financial aid to pay for their tuition and books or living costs. Currently if the state warrant gets lost the student must provide an indemnity bond before a duplicate warrant can be issued. This creates a hardship on those students whose parents do not own property in Montana.

Financial aid funds are issued in multiple disbursements so there is protection against future disbursements should the lost warrant be cashed at a later date. In the past three (3) years an average of twelve (12) warrants a year have been lost. This has delayed the students receiving their financial aid for as much as a month. There has never been a case where someone has tried to cash a lost warrant. I urge your support of this bill.

Thank you.

Arlene Hannawalt

Montana Guaranteed Student Loan Program



SENATE STATE ADMIN.

EXHIBIT NO. 8

DATE 3-7-91

BILL NO. HB 472

Exhibit # 8

Date: 3-7-91

Bill # HB 472

DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 472 BEFORE THE SENATE STATE ADMINISTRATION COMMITTEE, MARCH 7, 1991.

Madam Chair, members of the Committee, for the record, my name is Don Judge and I'm here today representing the Montana State AFL-CIO in support of House Bill 472.

This is a good bill which would clarify the language in Montana's Lobby Disclosure Laws and tighten up on the reporting requirements contained in those laws.

Under current law, lobbyists and their principals are required to report expenses incurred in lobbying the Montana Legislature to the Commissioner of Political Practices generally only twice. The first report is due before the 16th of February and the second is due 60 days following adjournment of the session. Additional reports may be filed IF the principal has expenditures exceeding \$5,000.00 in one month, although I suspect this doesn't apply to most Montana lobbyists.

Under the provisions of HB 472, the principals would be required to make their final report within 30 days following adjournment of the session. This provision would give the public quicker access to information regarding the dollars spent on attempts to influence the passage or defeat of legislation. It would also encourage those lobbyists and principals which tend to forget about those reports to get them in.

There are other suggested changes to Montana's lobby disclosure laws provided in HB 472. One is to clarify that a principal need not spend \$1,000.00 to fall under the Act's provision. Another is to establish that a lobbyist doesn't have to be a citizen in order to lobby the Montana Legislature.

We concur with both suggested changes.

Reporting is not an onerous task for principals or lobbyists and the \$1,000.00 threshold was not necessary.

And, we expect that growing numbers of non citizens will be engaged in lobbying our legislature as the world economy becomes more intertwined and foreign interests seek influence in our state. House Bill 472 would simply apply those same principals of disclosure to noncitizens that our citizens now have to follow.

All in all, we believe that House Bill 472 is worthy of your support and would urge you to give it a "do pass" recommendation. Thank you.

SENATE STATE ADMIN.

EXHIBIT NO. 9

DATE 3-7-91

BILL NO. HB 472

Amendments to House Bill No. 562
Third Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
March 7, 1991

1. Page 2.

Following: line 13

Insert: "(5) This section does not authorize the release of
electronic security codes giving access to private
information."

SENATE STATE ADMIN.

EXHIBIT NO. 10

DATE 3-7-91

BILL NO. H.B. 472

Amendments to House Bill No. 472
Third Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
March 7, 1991

1. Title, lines 11 through 13.

Strike: "ADJUSTING" on line 11 through "INDEX;" on line 13

2. Page 2, line 20.

Strike: ":",

3. Page 2, line 21.

Strike: "(A)"

4. Page 2, line 25.

Strike: "; AND"

5. Page 3, lines 5 and 6.

Following: line 4

Strike: subdivision (B) in its entirety

6. Page 9, line 21 through line 5 on page 10.

Following: line 20

Strike: subsection (6) in its entirety

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1921

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 585 (third reading copy - blue), respectfully report that House Bill No. 585 be concurred in.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

APR 3-7-91
And. Coord.

CL 3-7-91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Joint Resolution No. 22 (third reading copy - blue), respectfully report that House Joint Resolution No. 22 be concurred in.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

3-7-91
Add. Coord.

SR 27
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 562 (third reading copy -- blue), respectfully report that House Bill No. 562 be amended and as so amended be concurred in:

1. Page 2.

Following: line 13

Insert: "(5) This section does not authorize the release of electronic security codes giving access to private information."

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

1991 3-7-91
And. Coord.

SP 3-7 2:55
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 472 (third reading copy -- blue), respectfully report that House Bill No. 472 be amended and as so amended be concurred in:

1. Title, lines 11 through 13.

Strike: "ADJUSTING" on line 11 through "INDEX;" on line 13

2. Page 2, line 20.

Strike: "i."

3. Page 2, line 21.

Strike: "(A)"

4. Page 2, line 25.

Strike: "i. AND"

5. Page 3, lines 5 and 6.

Following: line 4

Strike: subdivision (B) in its entirety

6. Page 9, line 21 through line 5 on page 10.

Following: line 20

Strike: subsection (6) in its entirety

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

Jan 2-7-71
MR. Coord.

313 3-7 2:55
Sec. of Senate