

CHAPTER NO. 646

HOUSE BILL NO. 436

INTRODUCED BY RAMIREZ, SIVERTSEN, MARKS, CONROY, HAND, LUND,
VINGER, HEMSTAD, MEYER, PORTER, STAIGMILLER, SEIFERT, THOFT,
BARDANOUVE, HUENNEKENS, C. SMITH, IVERSON, KEYSER, ROTH,
HURWITZ, UHDE, BURNETT, NATHE, FEDA, UNDERDAL, FAGG

IN THE HOUSE

January 27, 1979	Introduced and referred to Committee on State Adminis- tration.
February 19, 1979	Committee recommend bill do not pass. Report adopted.
February 20, 1979	Objection raised to adverse committee report. Bill placed on second reading.
February 23, 1979	Second reading, do pass as amended. Correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on State Adminis- tration.
March 20, 1979	Committee recommend bill be concurrent in as amended. Report adopted.
March 22, 1979	Second reading, concurred in as amended.
March 26, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 27, 1979	Returned from second house. Concurrent in as amended.
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March 29, 1979	Second reading, amendments adopted.
March 30, 1979	Third reading, amendments adopted. Sent to enrolling.
April 3, 1979	Correctly enrolled. Signed by Speaker.
April 4, 1979	Signed by President.
April 5, 1979	Delivered to Governor.
April 10, 1979	Returned from Governor with recommended amendments.
April 11, 1979	On motion, Governor's amendments placed on second reading for the 84th Legislative Day.
April 12, 1979	Governor's amendments passed for the day.
April 13, 1979	Second reading, amendments adopted.
April 16, 1979	Third reading, amendments adopted. Transmitted to second house.

IN THE SENATE

April 16, 1979	Governor's recommendation for amendments submitted to the Senate.
April 17, 1979	Committee of the Whole recommend Senate adopt Governor's amendments. On motion, rules suspended. Bill placed on Calendar for third reading this day. On third reading. Governor's amendments adopted. Transmitted to House.

IN THE HOUSE

April 18, 1979

Returned from second house.
Sent to enrolling.

Reported correctly enrolled.

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House BILL NO. *436*
Rasmus *Swanson* *Mark* *Conroy*
Stignell *Robert* *Steele* *Baudon* *Haenichen*
Johnson *Wagner*
Wood
David
Wagner
10/1

1 INTRODUCED BY
2 A BILL FOR AN ACT ENTITLED "AN ACT TO CONTROL THE
3 PRODUCTION AND USE OF PRINTED MATTER OF ALL KINDS BY STATE
4 GOVERNMENT; REQUIRING FULL DISCLOSURE OF THE COST OF
5 PREPARATION, PRINTING, AND CIRCULATION OF THE PRINTED
6 MATTER; FORBIDDING MATERIAL PRINTED AT PUBLIC EXPENSE TO BE
7 USED TO LOBBY FOR ANY POLITICAL CANDIDATE OR PROPOSITION OR
8 MATTER PENDING BEFORE THE STATE LEGISLATURE."
9
10
11

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

13 Section 1. Short title. [This act] may be cited as the
14 "State Printing Control Act".

15 Section 2. Public document defined. "Public
16 documents", as used in [this act], includes all books,
17 booklets, pamphlets, flyers, newsletters, brochures,
18 Christmas cards, and leaflets prepared by the state.

19 Section 3. Department to prepare standards. The
20 department of administration may prepare recommended
21 standards for state printing of public documents.

22 Section 4. Statement of need to be prepared. In
23 printing public documents each department, board,
24 commission, agency, official, employee, or other entity of
25 the executive branch of state government shall make all

1 reasonable efforts to prepare, print, and circulate each
2 public document at the lowest unit cost compatible with the
3 need, purpose, and statutory authority for the document and
4 taking into consideration increased costs which may result
5 from paper quality, page, size, color, composition, page
6 make-up, design, art work, special features, and proof
7 alterations. All documents must be filed with the
8 department along with a statement of need.

9 Section 5. Printed matter prohibitions. No department,
10 board, commission, agency, official, employee, or other
11 entity of the executive branch of state government may use
12 public funds to print or cause to be printed any public
13 document except in accordance with [this act].

14 Section 6. Public disclosure of costs. All public
15 documents caused to be printed by any department, board,
16 commission, agency, official, employee, or other entity of
17 the executive branch of government shall contain the
18 following statement, with required information inserted, to
19 be printed on the publication adjacent to the identification
20 of the agency responsible for publication: "... copies of
21 this public document were published at a cost of \$... per
22 copy, for a total cost of \$..., which includes \$... for
23 preparation, \$... for printing, and an estimated \$... for
24 distribution. The material was printed by (name and address
25 of person, firm, or corporation or agency which printed the

1 material) to (statement of purpose) under authority of
 2 (state law requiring publication--if none, so state).” This
 3 statement shall be printed in the same size type as the body
 4 copy of the document and shall be set in a box composed of a
 5 1-point rule.

6 Section 7. Computation of costs. The following factors
 7 shall be utilized in computing cost data:

8 (1) preparation, including all expenditures for
 9 materials, salaries, and operating expenses of personnel
 10 involved in preparing the public document for publication;

11 (2) printing, including all expenditures for
 12 reproduction, whether on bid or in-house; and

13 (3) circulation, including all expenditures for
 14 postage and for salaries of agency or department personnel
 15 involved in distribution of the public document.

16 Section 8. Prohibited use of printed matter. No
 17 material printed or caused to be printed by any state agency
 18 may be used to urge any elector to vote for or against any
 19 candidate or proposition on an election ballot or to lobby
 20 for or against any proposition or matter having the effect
 21 of law being considered by the legislature or any local
 22 governing authority.

23 Section 9. Penalties. The administrative head of any
 24 department, board, commission, agency, employee, or other
 25 entity who violates the provisions contained in [this act]

1 is personally liable for the cost of any printing in
 2 violation of these provisions. Any state funds expended on
 3 any printing in violation of these provisions may be
 4 recovered by the state in a civil action instituted in a
 5 court of the state. In addition, any official of the state
 6 convicted of violating these provisions shall be fined no
 7 more than \$500.

-End-

STATE OF MONTANA

Request No. 250-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 6, 1979, there is hereby submitted a Fiscal Note for House Bill 436 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

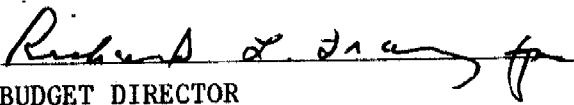
An act to control the production and use of printed matter of all kinds by state government; requiring full disclosure of the cost of preparation, printing, and circulation of the printed matter; forbidding material printed at public expense to be used to lobby for any political candidate or proposition or matter pending before the state legislature.

ASSUMPTIONS:

1. The Department of Administration will require an additional .25 FTE purchasing agent and additional office and storage space to administer the proposed legislation.
2. State agencies incur underterminable costs in accumulating certain information required.

FISCAL IMPACT:

The Department of Administration estimates that it will cost approximately \$5,000 per year to administer the proposed legislation. Additional costs of state agencies to conform to the requirements of the legislation were not determined. The University System suggests that a time card or cost accounting system would be required to segregate the required costs for each publication, the cost of which could be significant.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/14/79

HOUSE BILL NO. 436

INTRODUCED BY RAMIREZ, SIVERTSEN, MARKS, CONROY, HAND, LUND, VINGER, HEMSTAD, MEYER, PORTER, STAIGMILLER, SEIFERT, THOFT, BARDANOUVE, HUENNEKENS, C. SMITH, IVERSON, KEYSER, ROTH, HURWITZ, UHDE, BURNETT, NATHE, FEDA, UNDERDAL, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO CONTROL THE PRODUCTION AND USE OF PRINTED MATTER OF ALL KINDS BY STATE GOVERNMENT; REQUIRING FULL DISCLOSURE OF THE COST OF PREPARATION, PRINTING, AND CIRCULATION OF THE PRINTED MATTER; FORBIDDING MATERIAL PRINTED AT PUBLIC EXPENSE TO BE USED TO LOBBY FOR ANY POLITICAL CANDIDATE OR PROPOSITION OR MATTER PENDING BEFORE THE STATE LEGISLATURE."

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

Section 1. Short title. [This act] may be cited as the "State Printing Control Act".

Section 2. Public document defined. "Public documents" as used in [this act] includes all books, booklets, pamphlets, flyers, newsletters, brochures, Christmas cards, and leaflets prepared by the state.

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

Definitions. (1) The term "public documents" as used herein includes all books, booklets, magazines, pamphlets, flyers, newsletters, brochures, Christmas cards, and

leaflets prepared by the state.

(2) The term "agency" as used herein includes each state office, department, board, commission, council, committee, unit of the university system, or other entity or instrumentality of the executive branch, office of the executive branch, or office of the judicial branch of state government.

(3) The term "department" as used herein means the department of administration provided for in Title 2, chapter 15, part 10.

Section 3. Department to prepare standards. The department of administration may prepare recommended standards for state printing of public documents.

Section 4. Statement of need to be prepared. In printing public documents each department, board, commission, agency, official, employee, or other entity of the executive branch of state government shall make all reasonable efforts to prepare, print, and circulate each public document at the lowest unit cost compatible with the need, purpose, and statutory authority for the document and taking into consideration increased costs which may result from paper quality, page size, color, composition, page make-up, design, art work, special features, and proof alterations. All documents must be filed with the department along with a statement of need.

1 Section 5. Printed matter prohibitions. No department
 2 board, commission, agency, officer, employee, or other
 3 entity of the executive branch of state government may use
 4 public funds to print or cause to be printed any public
 5 document except in accordance with [this act].

6 Section 6. Public disclosure of costs. All public
 7 documents caused to be printed by any department, board,
 8 commission, agency, officer, employee, or other entity of
 9 the executive branch of STATE government shall contain the
 10 following statement, with required information inserted, to
 11 be printed on the EXTERIOR COVER OF THE publication adjacent
 12 to the identification of the agency responsible for
 13 publication: "... copies of this public document were
 14 published at a AN ESTIMATED cost of \$... per copy, for a
 15 total cost of \$..., which includes \$... for preparation
 16 \$... for printing, and an estimated \$... for distribution.
 17 The material was printed by (name and address of person,
 18 firm, or corporation or agency which printed the material)
 19 to (statement of purpose) under authority of (state law
 20 requiring publication--if none, so state)." This statement
 21 shall be printed in the same size type as the body copy of
 22 the document and shall be set in a box composed of a 1-point
 23 rule.

24 Section 7. Computation ESTIMATION of costs. The
 25 following factors shall be utilized in computing ESTIMATING

1 cost data:

2 (1) preparation, including all expenditures for
 3 materials, salaries, and operating expenses of personnel
 4 involved in preparing the public document for publication;
 5 (2) printing, including all expenditures for
 6 reproduction PRODUCTION, whether on bid or in-house; and
 7 (3) (2) circulation, including all expenditures for
 8 postage and for salaries of agency or department personnel
 9 involved in distribution of the public document.

10 Section 8. Prohibited use of printed matter. No
 11 material printed or caused to be printed by any state agency
 12 may be used to urge any elector to vote for or against any
 13 candidate or proposition on an election ballot or to lobby
 14 for or against any proposition or matter having the effect
 15 of law being considered by the legislature or any local
 16 governing authority.

17 Section 9. Penalties. The administrative head of any
 18 department, board, commission, agency, employee, or other
 19 entity who violates the provisions contained in [this act]
 20 is personally liable for the cost of any printing in
 21 violation of these provisions. Any state funds expended on
 22 any printing in violation of these provisions may be
 23 recovered by the state in a civil action instituted in a
 24 court of the state. In addition, any official of the state
 25 convicted of violating these provisions shall be fined no

HB 0436/02

1 more-than-\$500v

-End-

HOUSE BILL NO. 436

INTRODUCED BY RAMIREZ, SIVERTSEN, MARKS, CONROY, HANO, LUND,
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A BILL FOR AN ACT ENTITLED: "AN ACT TO CONTROL THE
 PRODUCTION AND USE OF PRINTED MATTER OF ALL KINDS BY STATE
 GOVERNMENT; REQUIRING FULL DISCLOSURE OF THE COST OF
 PREPARATION, PRINTING, AND CIRCULATION OF THE PRINTED
 MATTER; ~~FORBIDDING MATERIAL PRINTED AT PUBLIC EXPENSE TO BE
 USED TO LOBBY FOR ANY POLITICAL CANDIDATE OR PROPOSITION OR
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 "State Printing Control Act".

~~Section 2. Public document defined. "Public
 documents" as used in [this act] includes all books,
 booklets, pamphlets, flyers, newsletters, brochures,
 Christmas cards, and leaflets prepared by the state.~~

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

Definitions. (1) The term "public documents" as used
 herein includes all books, booklets, magazines, pamphlets,
 flyers, newsletters, brochures, Christmas cards, and

leaflets prepared by the state, EXCEPT THOSE REGULAR
 PERIODICAL PUBLICATIONS SOLD TO THE GENERAL PUBLIC SOLELY
 THROUGH SUBSCRIPTION AND NEWSSTAND SALE.

(2) The term "agency" as used herein includes each
 state office, department, board, commission, council,
 committee, unit of the university system, or other entity or
 instrumentality of the executive branch, office of the
 executive LEGISLATIVE branch, or office of the judicial
 branch of state government.

(3) The term "department" as used herein means the
 department of administration provided for in Title 2,
 chapter 15, part 10.

Section 3. Department to prepare standards. The
 department of administration may prepare recommended
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 printing public documents each department, board,
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 reasonable efforts to prepare, print, and circulate each
 public document at the lowest unit cost compatible with the
 need, purpose, and statutory authority for the document and
 taking into consideration increased costs which may result
 from paper quality, page size, color, composition, page
 make-up, design, art work, special features, and proof~~

1 ~~iterations. All documents must be filed with the~~
2 ~~department along with a statement of needs.~~

3 Section 4. ~~Printed matter prohibitions. No department,~~
4 ~~board, commission, agency, official, employee, or other~~
5 ~~entity of the executive branch of state government may use~~
6 ~~public funds to print or cause to be printed any public~~
7 ~~document except in accordance with [this act].~~

8 Section 5. ~~Public disclosure of costs. All public~~
9 ~~documents caused to be printed by any department, board,~~
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11 ~~the executive branch of STATE government shall contain the~~
12 ~~following statement, with required information inserted, to~~
13 ~~be printed on the EXTERIOR COVER OF THE publication adjacent~~
14 ~~to the identification of the agency responsible for~~
15 ~~publication: "... copies of this public document were~~
16 ~~published at a AN ESTIMATED cost of \$... per copy, for a~~
17 ~~total cost of \$..., which includes \$... for preparation,~~
18 ~~\$... for printing, and an estimated \$... for distribution.~~
19 ~~The material was printed by (name and address of person,~~
20 ~~firm, or corporation or agency which printed the material)~~
21 ~~to (statement of purpose) under authority of (state law~~
22 ~~requiring publication if none, so state)." This statement~~
23 ~~shall be printed in the same size type as the body copy of~~
24 ~~the document and shall be set in a box composed of a 1-point~~
25 ~~rule.~~

1 Section 6. ~~Computation~~ ESTIMATION of costs. The
2 following factors shall be utilized in computing ESTIMATING
3 cost data:

4 (1) ~~preparation, including all expenditures for~~
5 ~~materials, salaries, and operating expenses of personnel~~
6 ~~involved in preparing the public document for publication;~~

7 (2) ~~printing, including all expenditures for~~
8 ~~reproduction PRODUCTION, whether on bid or in-house; and~~

9 (3) ~~circulation, including all expenditures for~~
10 ~~postage and for salaries of agency or department personnel~~
11 ~~involved in distribution of the public document.~~

12 Section 8. ~~Prohibited use of printed matters. No~~
13 ~~material printed or caused to be printed by any state agency~~
14 ~~may be used to urge any elector to vote for or against any~~
15 ~~candidate or proposition on an election ballot or to lobby~~
16 ~~for or against any proposition or matter having the effect~~
17 ~~of law being considered by the legislature or any local~~
18 ~~governing authority.~~

19 Section 9. ~~Penalties. The administrative head of any~~
20 ~~department, board, commission, agency, employee, or other~~
21 ~~entity who violates the provisions contained in [this act]~~
22 ~~is personally liable for the cost of any printing in~~
23 ~~violation of these provisions. Any state funds expended on~~
24 ~~any printing in violation of these provisions may be~~
25 ~~recovered by the state in a civil action instituted in a~~

HB 0436/03

1 ~~court-of-the-state-in-addition-any-official-of-the-state~~
2 ~~convicted-of-violating-these-provisions-shall-be-fined-no~~
3 ~~more-than-\$500.~~

-End-

March 20, 1979

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 436, third reading bill, be amended as follows:

1. Page 2, line 1.

Following: "state"

Insert: " , except those regular periodical publications sold to the general public solely through subscription and newsstand sale,"

2. Page 2, lines 14 through 25.

Strike: Section 4 in its entirety

Renumber: subsequent sections

3. Page 3, lines 17 through 20.

Strike: Lines 17 through 19 in their entirety and lines 20 through "state)."

March 22, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 436, third reading bill, be amended as follows:

1. Page 2, line 6.
Following: line 5
Strike: "executive"
Insert: "legislative"

HOUSE OF REPRESENTATIVES
April 11, 1979

Governor's Proposed Amendments to House Bill No. 436, reference bill, as follows:

1. Page 1, line 23 through line 3 on page 2.

Following: "Definitions."

Strike: remainder of line 23 on page 1 through line 3 on page 2 in their entirety

Insert: "As used in [this act], the following definitions apply:

(1) The term "public document" includes any publication of a state agency meant for dissemination to the public, but does not include educational materials published by a unit of the university system or the superintendent of public instruction, reports of the legislative auditor, travel promotion materials, standard forms, bid specifications, opinions of the attorney general, opinions of the supreme court, session laws, the administrative rules of Montana, Montana code annotated, regular periodical publications sold to the general public solely through subscription and newstand sale, or a publication specifically exempted by the publishing policy committee when inclusion of that publication under [this act] is not considered in the best interests of the state."

2. Page 2.

Following: line 12

Insert: "(4) The term "committee" means the publishing policy committee created in [section 3].

SECTION 3. THERE IS A NEW MCA SECTION THAT READS:

Publishing policy committee. (1) There is a publishing policy committee.

(2) The committee consists of the budget director, the director of administration, and a director of a state department designated by the governor.

(3) The committee shall:

(a) adopt standards for the efficient and economical publication of public documents;

(b) review proposals for publishing of all public documents prior to publication to determine:

(i) that the publication is necessary; and

(ii) that the publication meets the standards of efficient and economical publication; and

(c) prepare a report for submission to each legislature detailing the savings to state government resulting from [this act]."

Renumber: subsequent sections

3. Page 3, line 7.

Following: "except"

Strike: "in accordance with [this act]"

Insert: "with approval of the committee"

Governor's Proposed Amendments to HB 436
Page two

4. Page 3, line 25.

Following: "rule."

Insert: "If the committee determines that the cost of publication cannot be reasonably estimated at the time of publication, the publications shall contain the following statement on the exterior cover in lieu of the statement concerning estimated cost: 'This document printed at state expense. Information on the cost of publication can be obtained by writing department of administration, Helena, Montana.'"