

HOUSE BILL NO. 846

INTRODUCED BY BRAND

BY REQUEST OF THE HOUSE STATE ADMINISTRATION COMMITTEE

IN THE HOUSE

February 15, 1983	Introduced and referred to Committee on State Administration.
February 18, 1983	Committee recommend bill do pass. Report adopted.
February 19, 1983	Bill printed and placed on members' desks. Second reading, do pass.
February 22, 1983	Considered correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on State Administration.
March 24, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 26, 1983	Second reading, concurrent in.
March 28, 1983	Third reading, concurrent in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983

Returned to House with amendments.

April 4, 1983

Second reading, amendments not concurred in.

On motion, Conference Committee requested and appointed.

April 13, 1983

Conference Committee reported.

April 14, 1983

Second reading, report adopted.

April 15, 1983

Third reading, report adopted.

April 19, 1983

Conference Committee report adopted by Senate.

April 20, 1983

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 846
2 INTRODUCED BY Brand
3 BY REQUEST OF THE HOUSE STATE ADMINISTRATION COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE
6 PROHIBITIONS AGAINST POLITICAL COERCION OF PUBLIC EMPLOYEES
7 AND POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES WHILE ON THE
8 JOB; AMENDING SECTION 13-35-226, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 13-35-226, MCA, is amended to read:
12 "13-35-226. Unlawful acts of employers and employees.
13 (1) It is unlawful for any employer, in paying his employees
14 the salary or wages due them, to include with their pay the
15 name of any candidate or any political mottoes, devices, or
16 arguments containing threats or promises (express or
17 implied) calculated or intended to influence the political
18 opinions or actions of the employees. It is unlawful for an
19 employer to exhibit in a place where his workers or
20 employees may be working any handbill or placard containing
21 any threat, promise, notice, or information that in case any
22 particular ticket or political party, organization, or
23 candidate is elected, work in his place or establishment
24 will cease, in whole or in part, or will be continued or
25 increased; his place or establishment will be closed; the

1 salaries or wages of his workers or employees will be
2 reduced or increased; or other threats or promises (express
3 or implied) intended or calculated to influence the
4 political opinions or actions of his workers or employees.
5 This section shall apply to corporations, individuals, and
6 public officers and employees.
7 (2) No person may attempt to coerce, command, or
8 require a public employee to ~~give money, service, or other~~
9 ~~thing of value to aid~~ support or promote ~~oppose~~ any
10 political committee, ~~or to aid or promote~~ the nomination or
11 election of any person to public office, ~~or the passage of a~~
12 ~~ballot issue.~~
13 (3) No public employee may solicit ~~any money,~~
14 ~~influence, service, or other thing of value or otherwise aid~~
15 ~~support for~~ or promote ~~opposition to~~ any political
16 committee, or the nomination or election of any person to
17 public office, ~~or the passage of a ballot issue~~ while on the
18 job or at his place of employment. However, nothing in this
19 section is intended to restrict the right of a public
20 employee to express his personal political views.
21 (4) Any person who violates the provisions of this
22 section shall be fined not to exceed \$1,000, be imprisoned
23 in the county jail for a term not to exceed 6 months, or
24 both, for each separate offense."

-End-

INTRODUCED BILL

-2-
11 77

Approved by Committee
on State Administration

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21 any threat, promise, notice, or information that in case any
22 particular ticket or political party, organization, or
23 candidate is elected, work in his place or establishment
24 will cease, in whole or in part, or will be continued or
25 increased; his place or establishment will be closed; the

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17 public office, ~~or the passage of a ballot issue~~ while on the
18 job or at his place of employment. However, nothing in this
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22 section shall be fined not to exceed \$1,000, be imprisoned
23 in the county jail for a term not to exceed 6 months, or
24 both, for each separate offense."

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18 opinions or actions of the employees. It is unlawful for an
19 employer to exhibit in a place where his workers or
20 employees may be working any handbill or placard containing
21 any threat, promise, notice, or information that in case any
22 particular ticket or political party, organization, or
23 candidate is elected, work in his place or establishment
24 will cease, in whole or in part, or will be continued or
25 increased; his place or establishment will be closed; the

1 salaries or wages of his workers or employees will be
2 reduced or increased; or other threats or promises (express
3 or implied) intended or calculated to influence the
4 political opinions or actions of his workers or employees.
5 This section shall apply to corporations, individuals, and
6 public officers and employees.
7 (2) No person may attempt to coerce, command, or
8 require a public employee to give money, service, or other
9 thing of value to aid support or promote ~~oppose~~ any
10 political committee, or to aid or promote the nomination or
11 election of any person to public office, or the passage of a
12 ballot issue.
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14 influence, service, or other thing of value or otherwise aid
15 support for or promote ~~opposition~~ to any political
16 committee, or the nomination or election of any person to
17 public office, or the passage of a ballot issue while on the
18 job or at his place of employment. However, nothing in this
19 section is intended to restrict the right of a public
20 employee to express his personal political views.
21 (4) Any person who violates the provisions of this
22 section shall be fined not to exceed \$1,000, be imprisoned
23 in the county jail for a term not to exceed 6 months, or
24 both, for each separate offense."

-End-

March 24, 1983

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 846 be amended as follows:

1. Title, line 6.

Following: "POLITICAL"

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

2. Title, line 7.

Following: "EMPLOYEES"

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

Insert: "AND OFFICIALS"

3. Title, line 8.

Following: "MCA"

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

4. Page 1.

Following: line 10

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

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

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

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

(a) upon invitation of a legislator;

(b) for informational purposes; or

(c) when exercising his rights as a private citizen and not acting in any official capacity.

Section 2. Registration of public officials as spokesmen.

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

SENATE STANDING COMMITTEE REPORT
STATE ADMINISTRATION H.B. NO. 846
March 24, 1983
Page 2

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

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

Renumber: subsequent section.

5. Page 1, line 12.

Strike: "and employees"

6. Page 2, lines 13 through 24.

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

7. Page 2.

Following: line 24

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

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

March 24, 1983

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 846 be amended as follows:

1. Title, line 6.
Following: "POLITICAL"
Strike: "remainder of line 6 through "POLITICAL" on line 7
2. Title, line 7.
Following: "EMPLOYEES"
Strike: remainder of line 7 through "JOB" on line 8
Insert: "AND OFFICIALS"
3. Title, line 8.
Following: "MCA"
Insert: "; AND REPEALING SECTION 87-1-204, MCA"

March 24, 1983

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 846 be amended as follows:

1. Title, line 6.
Following: "POLITICAL"
Strike: "remainder of line 6 through "POLITICAL" on line 7
2. Title, line 7.
Following: "EMPLOYEES"
Strike: remainder of line 7 through "JOB" on line 8
Insert: "AND OFFICIALS"
3. Title, line 8.
Following: "MCA"
Insert: "; AND REPEALING SECTION 87-1-204, MCA"

HOUSE BILL NO. 846

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BY REQUEST OF THE HOUSE STATE ADMINISTRATION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE
PROHIBITIONS AGAINST POLITICAL ~~GOVERNMENT-OF-PUBLIC-EMPLOYEES~~
~~AND-POLITICAL~~ ACTIVITIES OF PUBLIC EMPLOYEES ~~WHILE--ON--THE~~
~~JOB AND OFFICIALS~~; AMENDING SECTION 13-35-226, MCA; ~~AND~~
~~REPEALING SECTION 87-1-204, MCA."~~

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

~~THERE IS A NEW MCA SECTION THAT READS:~~

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

(2) No such employee may solicit support or opposition
to any political committee, the nomination or election of

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

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

(a) upon invitation of a legislator;

(b) for informational purposes; or

(c) when exercising his rights as a private citizen
and not acting in any official capacity.

~~THERE IS A NEW MCA SECTION THAT READS:~~

Section 2. Registration of public officials as
spokesmen. (1) The head of each board, commission,
department, or agency of state government and the governing
body of any unit of local government shall, at least 15 days
prior to each legislative session, file with the secretary
of state a list of the officials or employees who are
designated as official spokesmen representing such
governmental board, commission, department, agency, or unit
before the legislature. The secretary of state must be
promptly notified of any change of authorized spokesmen.

(2) The secretary of state shall record in a
legislative docket the information supplied under this

1 section and shall furnish current, complete lists thereof to
2 the clerk of each house and to each member of the
3 legislature. The records required to be kept by this section
4 must be open to public inspection and copying during the
5 regular business hours of the secretary of state.

6 ~~THERE IS A NEW MCA SECTION THAT READS:~~

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

10 Section 4. Section 13-35-226, MCA, is amended to read:

11 "13-35-226. Unlawful acts of employers and employees.

12 (1) It is unlawful for any employer, in paying his employees
13 the salary or wages due them, to include with their pay the
14 name of any candidate or any political mottoes, devices, or
15 arguments containing threats or promises (express or
16 implied) calculated or intended to influence the political
17 opinions or actions of the employees. It is unlawful for an
18 employer to exhibit in a place where his workers or
19 employees may be working any handbill or placard containing
20 any threat, promise, notice, or information that in case any
21 particular ticket or political party, organization, or
22 candidate is elected, work in his place or establishment
23 will cease, in whole or in part, or will be continued or
24 increased; his place or establishment will be closed; the
25 salaries or wages of his workers or employees will be

1 reduced or increased; or other threats or promises (express
2 or implied) intended or calculated to influence the
3 political opinions or actions of his workers or employees.
4 This section shall apply to corporations, individuals, and
5 public officers and employees.

6 (2) No person may attempt to coerce, command, or
7 require a public employee to ~~give money, service, or other~~
8 ~~thing of value to aid~~ support or promote ~~oppose~~ any
9 political committee, ~~or to aid or promote~~ the nomination or
10 election of any person to public office, ~~or the passage of a~~
11 ~~ballot issue.~~

12 (3) ~~No public employee may solicit any money,~~
13 ~~influence, service, or other thing of value or otherwise aid~~
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15 ~~committee or the nomination or election of any person to~~
16 ~~public office or the passage of a ballot issue while on the~~
17 ~~job or at his place of employment. However, nothing in this~~
18 ~~section is intended to restrict the right of a public~~
19 ~~employee to express his personal political views.~~

20 (4) ~~Any person who violates the provisions of this~~
21 ~~section shall be fined not to exceed \$1,000, be imprisoned~~
22 ~~in the county jail for a term not to exceed 6 months, or~~
23 ~~both for each separate offense.~~

24 SECTION 5. CODIFICATION INSTRUCTION. SECTIONS 1
25 THROUGH 3 ARE INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF

HB 0846/02

- 1 TITLE 13.
- 2 SECTION 6. REPEALER. SECTION 87-1-204. MCA. IS
- 3 REPEALED.

-End-

.....April 12,..... 19..83....

CONFERENCE COMMITTEE ON
AMENDMENTS TO HOUSE BILL NO. 846
(Report No. 1)

Mr. Speaker:

We, your conference committee on amendments to House Bill 846, met and considered Senate State Administration Committee amendments to the third reading copy (blue). We recommend as follows:

That the Senate recede from Senate State Administration Committee amendments numbers 1 through 7; and

That this conference committee report on House Bill 846 be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

Strike Senate State Administration Committee amendments number 1 through 7.

FOR THE HOUSE

Joe Brand
BRAND, CHAIR

Kathleen McBride
MCBRIDE

Clyde B. Smith
SMITH

FOR THE SENATE

Story
STORY, CHAIR

MARBUT

M. Daniels
DANIELS

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

~~HERE IS A NEW MCA SECTION THAT READS:~~

Section 13-35-226 Political activity of public employees
(1) While retaining the right to vote as he may please, the right to express his opinions on all political questions and the right to participate in and support the candidacy of any person for a public office, an employee of the state of Montana or any political subdivision of the state may not use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing or influencing the political actions of any person or body, other than as provided in this section and [section 2].

(2) No such employee may solicit support or opposition

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

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

(a) upon invitation of a legislator;

(b) for informational purposes; or

(c) when exercising his rights as a private citizen

and not acting in any official capacity.

~~HERE IS A NEW MCA SECTION THAT READS:~~

Section 24-Registration of public officials as spokesmen. (1) The head of each board, commission, department, or agency of state government and the governing body of any unit of local government shall, at least 15 days prior to each legislative session, file with the secretary of state a list of the officials or employees who are designated as official spokesmen representing such governmental board, commission, department, agency, or unit before the legislature. The secretary of state must be promptly notified of any change of authorized spokesmen.

(2) The secretary of state shall record in a

1 legislative docket the information supplied under this
 2 section and shall furnish current complete lists thereof to
 3 the clerk of each house and to each member of the
 4 legislature. The records required to be kept by this section
 5 must be open to public inspection and copying during the
 6 regular business hours of the secretary of state.

7 ~~HERE IS A NEW MEASURE SECTION THAT READS:~~

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

11 Section 1. Section 13-35-226, MCA, is amended to read:

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 13 and employees. (1) It is unlawful for any employer, in
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 25 part, or will be continued or increased; his place or

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 6 corporations, individuals, and public officers and
 7 employees.

8 (2) No person may attempt to coerce, command, or
 9 require a public employee to give money, service, or other
 10 thing of value to aid support or promote oppose any
 11 political committee, or to aid or promote the nomination or
 12 election of any person to public office, or the passage of a
 13 ballot issue.

14 (3) No public employee may solicit any money,
 15 influence, service, or other thing of value or otherwise aid
 16 support for or promote opposition to any political
 17 committee or the nomination or election of any person to
 18 public office, or the passage of a ballot issue while on the
 19 job or at his place of employment. However, nothing in this
 20 section is intended to restrict the right of a public
 21 employee to express his personal political views.

22 (4) Any person who violates the provisions of this
 23 section shall be fined not to exceed \$1,000, be imprisoned
 24 in the county jail for a term not to exceed 6 months, or
 25 both, for each separate offense.

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 3 ~~support--for~~ or promote ~~opposition--to~~ any political
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 6 job or at his place of employment. However, nothing in this
 7 section is intended to restrict the right of a public
 8 employee to express his personal political views.

9 (4) Any person who violates the provisions of this
 10 section shall be fined not to exceed \$1,000, be imprisoned
 11 in the county jail for a term not to exceed 6 months, or
 12 both, for each separate offense."

13 ~~SECTION-5--CORRECTION-INSTRUCTION-----SECTIONS---1~~
 14 ~~THROUGH-3--ARE-INTENDED-TO-BE-CORRECTED-AS-AN-INTEGRAL-PART-OF~~
 15 ~~TITLE-13~~

16 ~~SECTION-6--REPEALER-----SECTION---37-1-204--MGA--IS~~
 17 ~~REPEALER~~

-End-