

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 44.10.338 pertaining to)	AMENDMENT
limitations on individual and political)	
party contributions)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On October 24, 2011 the Commissioner of Political Practices proposes to amend the above-stated rule.

2. The Commissioner of Political Practices will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Commissioner of Political Practices no later than 5:00 p.m. on September 28, 2011, to advise us of the nature of the accommodation that you need. Please contact David B. Gallik, Commissioner of Political Practices, P.O. Box 202401, 1205 Eighth Avenue, Helena, Montana, 59620; telephone (406) 444-2942; fax (406) 444-1643; or e-mail mabaker@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

44.10.338 LIMITATIONS ON INDIVIDUAL AND POLITICAL PARTY CONTRIBUTIONS (1) Pursuant to the operation specified in 13-37-216, MCA, limits on total combined contributions from individuals to candidates are as follows:

- (a) a candidate for governor may receive no more than ~~\$600~~ \$630;
- (b) a candidate for other statewide office may receive no more than ~~\$300~~ \$310;
- (c) a candidate for all other public offices may receive no more than \$160.

(2) Pursuant to the operation specified in 13-37-216, MCA, limits on total combined contributions from political party committees to candidates are as follows:

- (a) a candidate for governor may receive no more than ~~\$21,600~~ \$22,600;
- (b) a candidate for other statewide offices may receive no more than ~~\$7800~~ \$8150;
- (c) a candidate for Public Service Commission may receive no more than ~~\$3100~~ \$3260;
- (d) a candidate for senate may receive no more than ~~\$4250~~ \$1300;
- (e) a candidate for all other public offices may receive no more than \$800.

(3) Pursuant to 13-37-218, MCA, in-kind contributions must be included in computing these limitation totals.

AUTH: 13-37-216, MCA
IMP: 13-37-216, MCA

Reasonable Necessity: Section 13-37-216, MCA, requires the Commissioner of Political Practices to periodically adjust the limitation established in statute, and to publish the revised limitations as a rule. The Bureau of Labor Statistics supplied the following Consumer Price Index information: June 2002 CPI = 179.9; June 2011 CPI = 225.722. The commissioner must adjust the limitations by multiplying each limit by an inflation factor, which is determined by dividing the Consumer Price Index for June of the year prior to the year in which a general election is held by the Consumer Price Index for June 2002. The inflation factor for the 2012 general election is 1.2547. The information is used to determine the inflation factor to be applied to the contribution limits for candidates. This information is required by 13-37-216, MCA.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: David B. Gallik, Commissioner of Political Practices, P.O. Box 202401, 1205 Eighth Avenue, Helena, Montana, 59620; telephone (406) 444-2942; fax (406) 444-1643; or e-mail mabaker@mt.gov, and comments must be received no later than 5:00 p.m., October 21, 2011.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to David B. Gallik at the above address no later than 5:00 p.m., October 21, 2011.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 85 persons based on candidate counts from the 2008 election cycle.

7. The commissioner maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in #4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all

concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail on July 19, 2011.

/s/ Jim Scheier
Jim Scheier
Rule Reviewer

/s/ David B. Gallik
David B. Gallik
Commissioner
Political Practices

Certified to the Secretary of State August 1, 2011.