

MINUTES OF THE MEETING OF THE HOUSE LABOR AND EMPLOYMENT RELATIONS
COMMITTEE
February 5, 1981

The House Committee on Labor and Employment Relations convened on February 5, 1981, in Room 129 of the State Capitol, at 12:30 p.m. with Chairman Ellerd presiding and all members present except Rep. Smith who was excused.

Chairman Ellerd opened the meeting to a hearing on the following bills: HBs 414, 464, and 544.

HOUSE BILL 414

REPRESENTATIVE KENNETH NORDTVEDT, District 77, chief sponsor, said this bill deals with the inequity of requiring engineering technology students to have on-the-job experience before taking the 8 hour exam to become an engineer-in-training while graduates of the regular engineer training program take the test immediately on graduation. He said the engineering technology program is less intensive mathematically and more application oriented; and so it would seem to him the regular engineering students, having a more theoretical program, would be more in need of the on-the-job experience. He said the exam should be a good one to make sure the engineer is qualified.

WILLIAM OLSON, Helena, Montana Contractors Association, said they were vitally interested and they support the bill. He said to keep in mind that it is not a free ride as they still have to take the exam and pass it.

DENNIS O. BLACKBETTER, Bozeman, State Board of Professional Engineers, spoke in opposition. He felt the engineer program emphasizes science, math, and physics more than the technology program. He felt the technology program does not receive the real engineering education, and this is by choice. He felt opening up the examination would be a mistake as the vast percentage of it is logic which could be passed, if taken repeatedly, by members of the general public, and so it needs the screening process. He said the bill as written should specifically say which fields should be included as relevant to the engineering process - there are other fields more relevant than the technology one and they too should be included if this one is to be.

MORRIS GUAY, Missoula, State Board of Professional Engineers and Landscapers, spoke next in opposition. He said the present law was the result of much input and work and he had had a part in it. He said it was designed so that graduates from other fields, if they discovered later they wanted to be in engineering, could do so through continuing education in the internship program and then taking the test. He asked the committee to recognize that the two curriculums were not equal.

H. S. HANSON, Montana Technical Council, spoke in opposition. He asked why these people want to become registered as engineers in training when they didn't choose to take the required courses. He

was concerned with what would happen to the quality of the exam and their reciprocity with other states.

Questions were asked by the committee. Rep. Seifert asked if the reason the bill is before the committee is due to the new field of construction technology. Rep. Nordtvedt said it was that the graduates feel qualified to take the test and do not feel the need for the on-the-job training. Rep. Keyser asked if they can pass the test why should they be required to take the extra training. Mr. Guay said the test is designed by the National Council of Engineering Examiners and the exam is not a complete review of all the engineering curriculum a person has studied. He said it is not intended to be a screening process but only part of the process. Rep. Keyser asked if the test had to be the same as the national gives. Mr. Blackbetter said that is the requirement of the law now and part of the reason is reciprocity between states for professional engineers. He said in answer to another question that the requirement is in the law and it was not his intent to use it to either increase or decrease the number of engineers coming into the field but just to administer the process so the people who do get qualified are capable. Keyser said he felt a test should be able to be prepared to cover both parties and to screen out those not qualified. Mr. Blackbetter said experience has dictated that kind of test has not worked. Passing an 8 or 16 hour exam does not demonstrate a sufficient level of experience to register that person. Rep. Schultz asked how often they can take the test if they fail. Mr. Blackbetter said twice and then they must wait six months before trying again. Rep. Underdal asked if this would be beneficial to Montana or out of state people. Nordtvedt said primarily to the advantage of engineering technology graduates of the Montana State University. Mr. Guay said our present law says that any conditions are applicable to anyone in the U.S. He said the test is not written to eliminate people but to be a memory refresher. Mr. Blackbetter said the engineering course is designed to teach the student to design systems and the technology student is taught to put the system together. He said if the law passes there will need to be a change in the standards of how they register people, what that person can represent himself to do.

NORDTVEDT in closing said the main points he would like to make is the academic oriented engineer ought to be the one that has the on-the-job experience and it would be for a good purpose. He felt all graduates of a four year program should be able to take the exam if they so choose.

HOUSE BILL 544

REPRESENTATIVE ROBERT SIVERTSEN, District 7, chief sponsor, said this bill provides that leave for national guard camps by state, city or county employees be without pay. He said they receive pay from the guards and it is an added expense to the public entity that must hire a replacement.

DAN MIZNER, Montana League of Cities and Towns, spoke in support, saying this effects not only big cities but little towns. He said

cities and towns are not unpatriotic but it creates financial problems to hire a replacement and yet pay full wages to the one who goes. He said they are concerned just about the pay not their belonging to the guard.

MORRIS HYATT, Mayor of Havre, representing the city of Havre, spoke in support, and said they do have a problem as the city has a limitation on the amount of money that can be diverted to any department. He said they have to dig to the bottom of the barrel to get enough money for their police department. He said it takes about \$2800 to replace one of the men for their two week encampment. He said they concur with their right to go but are concerned about costs.

LELAND P. CHRISTOPHERSON, Chief of Police, City of Havre, said their budget is cut to the bare bones. He said the law mandates 15 days for personnel to attend guard which comes to about \$1074 for wages and benefits; plus \$1611 for the replacement at time and a half. He said he would be happy to answer questions.

JOHN F WALSH, Dept. of Military Affairs, MT National Guard Assoc., and MT National Guard EM Association, spoke in opposition and a copy of his testimony is EXHIBIT 1 and part of the minutes.

ED CANTY, representing self, spoke next in opposition. He said he was a school teacher and a parttime guardsman. He felt this bill would be extremely hard on the enlisted people. He mentioned the work done at the institutions during the strike by the guard. He said the reserve and guard account for 60% of the strength of our armed forces. He quoted a saying "when you see the flag go down in the evening, ask yourself what did I do to make sure the flag comes up in the morning."

FREDERICK JERRANS, Helena, representing self, spoke next in opposition. He said he was with the 103 Public Affairs Detachment. He said this bill would terminate his enlistment in the National Guard, and he felt this would be the case of most of their men that work as a public employee. He also feared this bill could cause private enterprise to be less supportive of the guard program.

DAVID SEXTON, MEA, opposed the bill. He said this law does cover not only state and city personnel but also school teachers. He was concerned about the loss of income this bill would create and would be a disincentive to belong to the guard.

NADIEAN JENSEN, AFSCME, Council #9, asked the committee for a do not pass motion on the bill.

DON COBURN, representing self, spoke as a state employee and member of the Montana National Guard. A copy of his testimony is EXHIBIT 2 and part of the minutes.

DAN FULLER, Helena, representing self, said he was a unit commander of 1063 of the National Guard. He said he had worked about a year to

build his unit up to 34% strength. He said the National Guard Bureau would pull the company from the state of Montana if sufficient strength is not found. Then the equipment will go back to the general army. He said this is millions of dollars of equipment that is here if we need it. He said he was completely opposed to the bill.

THOMAS E. SCHNEIDER, MPEA, spoke in opposition. He said the bill is not as clear as it looks. People in the guard can't refuse to go as they have signed on for a certain term. He felt this should at least not take effect until the next time they sign up. He said it is also not clear if they can take it as vacation time. He said there would be hardships created by this bill. He said the guard does not pay the same salary as they get in their regular jobs.

Questions were asked by the committee. Rep. Pavlovich asked what private business does. Rep. Sivertsen said they do not have to pay today and this bill only addresses public employees. Rep. Menahan asked how it could cost \$2800 for a fourteen day encampment. Mr. Christopherson said the law states three weeks may be taken or fifteen days and so they pay for weekend training also. He also brought out to answer another question that there is another state law that says a policeman is not liable for military duty while a policeman. Rep. Seifert questioned the cost and a fiscal note is being requested. Rep. Underdal asked who is the first to go in the defense of our country. Mr. Walsh responded that the guard makes up 33% of armor, 45% of helicopter; 57% of special forces, 60% of medical units and 75% unattached units - 56% of the national defense. Mr. Walsh said there are 375 people in the state who fall under this bill. He said they anticipate they would lose about half of them. The total guard strength he said was 2,703 and they had 2,328 as of the end of January. EXHIBIT 3 shows this and the cities they are from. Those working for private employers take vacation time or leave without pay or sometimes the employer makes up the difference in the paycheck, also, some businesses pay full time. Rep. Briggs asked concerning pay and Mr. Walsh said an average member in the area of E-5 with 8 years would get \$110 for a weekend.

Rep. Sivertsen closed saying the bill hardly warrants all the testimony we have had. He said teachers, most of them, wouldn't be teaching during the summer or on weekends. He said if they think some of the language isn't clear enough clear it up. He said his intention is not to pit the guards against city and state employees but there is a problem and if the committee will review the bills from cities coming in looking for more funds you can understand why this bill is here. The intent of the bill is not to belittle the job done by the guard.

HOUSE BILL 464

Vice-Chairman Underdal took the chair as Chairman Ellerd is the chief sponsor of this bill.

REPRESENTATIVE ROBERT ELLERD, District 75, chief sponsor, said the bill was at the request of the Department of Labor and Industry. He said the bill clarifies the law regarding disqualifications for extended unemployment insurance benefits. He introduced Mr. Kansier to further explain the bill.

HAROLD KANSIER, Employment Security Division, said this is federally required legislation. He said there were several sections of legislation passed by Congress requiring certain things when the claimant is eligible for extended benefits. It has to do with individuals who voluntarily leave, misconduct, or in section work and modifies to a certain extent the Montana statute regarding suitable work, as it extends it to other occupations of which he is capable and competent of doing and provides that the wages can be any amount over the weekly benefit and must not be less than a minimum wage or state or federal minimum wage. He handed to the members copies of the federal and state code dealing with this (EXHIBIT 4 and part of the minutes).

ROBERT N. HELDING, Montana Wood Products and Representative on the Employment Council, spoke in support saying it is a federal requirement and must be passed if we are to be in compliance with federal law.

There were no opponents.

Questions were asked by the committee. In answer to a question from Rep. Harrington, Mr. Kansier said this takes effect only after the 26 week period when it goes into the extended period. He said the federal government contributes half the benefits and if you are off more than the 26 week period you have to take a job that may pay less. Rep. Harper questioned the work "self employment" and Mr. Kansier said it should be "customary employment" instead of "self employment."

GREGG GROEPER, Labor and Industry Dept. signed as favoring the bill. A copy of his testimony is EXHIBIT 5 and part of the minutes.

Chairman Ellerd said the next meeting would convene at 11:30 on Tuesday, the 10th so executive action could be taken before the regular meeting.

Menahan moved to adjourn. Meeting adjourned at 2:40 p.m.

Respectfully submitted,



ROBERT ELLERD, CHAIRMAN

Background

The National Guard is a military institution that predates formation of the country, having been formed originally some three hundred and forty-three years ago by the various towns and communities as the country was colonized. It continued as a community supported institution until the 1700's when the states began giving recognition to the local organizations and providing for a more formally organized but locally based militia. The Guard continued thru-out the great share of its history as a community and state supported organization until the passage of the Dic Act in 1903, when the federal government began supplying arms and subsequently paying other costs. Today, over 97% of the cost of the National Guard is paid by the federal government with the state providing additional direct support and communities providing various types of indirect support. The only exception is during wartime when the Guard of the states is federalized with the federal government paying 100% of the cost during the period they are in federal service.

As we know, in all of the wars from the French and Indian war thru World War II, the National Guard provided the great majority of the combat units which did much of the fighting, and suffered much of the casualties. For instance, in 1940 when the Guard was federalized it more than doubled the strength of the United States Army in one swoop. The National Guard divisions in World War I spent more days in combat and suffered more casualties than those divisions of the regular army. In fact, the first army units to take the offensive in World War II were National Guard units including the Montana 163d Infantry which landed in New Guinea. In addition, the Guard provided over 75,000 officers from its enlisted ranks during World War II, and it is not inaccurate to say that the Guard in effect officered the expansion of the United States Army during the early years of the war. The Guard also provided both combat units and backup units during the Korean conflict. Some Guard units were called for Vietnam with the Guard that was not called providing the principle reserve strength of the country in the event there was trouble elsewhere in the world. This brief summary of our Guard participation in our history is given as a backdrop to the current situation.

At the present, because of the large reduction in the armed forces of this country, an exceedingly high percentage of the defense of this country rests with the Army and Air National Guard and the U.S. Army Reserves. For instance, 46% of the combat strength in the United States Army is found in the National Guard, and when the Army Reserve is added it totals 54%. About 70% of the support units that are needed by the United States Army to fight a war are found in the Guard and Reserve. On the Air National Guard side, the percentage of the various missions that are carried by the Air National Guard range from 25% to 70%. Never in modern history has the Guard and Reserve been so important to the defense of this country, for without it the nation cannot fight with any hope of winning a long engagement or any major war at all. In short, the nation cannot defend itself without a strong Guard and Reserve.

Economic Advantages to Cities of a Strong Guard

The economic advantage to cities and counties from the location of Guard units in this state is substantial. A fiscal analysis indicates that in the fiscal year 1980 the personal income generated by National Guard expenditures amounted to about thirty million dollars. In the average community having a Guard unit located within its borders of approximately 100 strength, the result is over \$150,000 to \$200,000 in payroll alone to say nothing of other miscellaneous expenses. With a multiplier of four (some economists indicate it could be six) it will generate close to a million dollars of business on main street in that community. This business translates into jobs, taxable property evaluations, and other sources of municipal income. The economic benefits of income of residents and the tax money actually reaching the city coffers will alone more than provide for the active duty salaries paid municipal employees.

The value of community projects to the cities is often difficult to measure, but the National Guard estimates, based on very conservative equipment evaluation figures, that well over three million dollars of services have been provided to Montana municipalities in the last six years in the course of training projects and disaster assistance. Certainly this alone far exceeds the value of any military leave salary that is paid to municipal employees.

The savings to municipalities, and the consequential benefits to the municipalities and their citizens from Guard services during emergency operations such as floods, fires, and winter storms is almost incalculable. In the past few years, for instance, what would have been the property loss to the cities of Best, Libby, Great Falls, Hardin, Anaconda and the counties of Glacier, Toole, Liberty and Cascade and others had the Guard not been there to assist in successfully fighting the disaster? What might have been the loss of life that might have occurred had the Guard not been there? It goes without saying, that this emergency force, with its substantial capacity to assist in the case of natural disaster, cannot be duplicated by any community or group of communities in the state, or even by the state government. If we don't maintain a strong Guard on essentially the same basis that it is sustained today, it won't be duplicated from other sources. These emergency services alone have saved the communities of this state far in excess of any cost of military leave.

Perhaps this point was best stated by the Jamestown, North Dakota, Chamber of Commerce when it published the following article:

"The Guard Belongs to the Community, Mr. Businessman, if a firm decided to locate in your community that would spend \$1,208,000 per year would you support that firm?

If that same firm stated that in the event of a local emergency or disaster it would provide its personnel and equipment to help the community, would you support that firm?

If that same firm stated that it would assist the community in the development of various parks and civic projects and then provide other community support through the use of its personnel and equipment, would you support that firm?

If that same firm stated that it would provide vocational and college education to the youth of your community at little or no cost to the individual, would you support that firm?

If that same firm stated that it would hire 100 part-time employees, train them, pay them in excess of \$4.00 per hour starting pay, provide them with insurance and a retirement plan, would you support that firm?

Mr. Businessman, that firm is presently located in your community. The name of the firm is the Montana National Guard and it needs your support.

Remember without your support the National Guard cannot exist nor can it support your community."

Higher Caliber of Municipal Employees

In many instances, the training and experience while serving in the National Guard is of a direct benefit to municipalities through a higher caliber and better trained employee. For instance, many municipal police receive their original training as military policemen in the National Guard, and others have their police training upgraded through the attendance at military schools. Many equipment operators also learn their trade in the National Guard, and provide an employee pool from which municipalities may hire. The skills gained from operating the Guard equipment makes them more proficient employees for the city or county in carrying out similar work. In addition, the Guard teaches responsibility, and as an employee of a city rises through the ranks of the Guard the supervisory experience that he obtains makes him a more qualified supervisor for the city or county.

Importantly, the additional pay that a municipal employee receives by serving in the Guard often makes it possible for the municipality to recruit and retain employees who would not otherwise be available. In short, without Guard pay, many employees could not accept or stay in the employment with the city. In addition, the municipal employee who is a member of the Guard has proven to be invaluable to the city. If a disaster should strike the city, the employee/Guard member would probably not be ordered to duty with the Guard. He is needed to work at his usual job with the city. However, because of his Guard membership, he becomes a valuable member of the city disaster committee. With his knowledge of the city needs and the capabilities and resources of the Guard, he is in a position to act as a liaison and advisor to both the city and the Guard unit. If, by some chance, it is necessary to activate the individual with the Guard, his expertise is still there and he still can be the liaison between the two agencies.

Employee morale is a difficult thing to measure, but certainly the provision of military leave to municipal employees who serve in the Guard increases their morale and their loyalty to the employer. The job satisfaction of working for a good employer "who cares" and who recognizes the contribution that the employee is making to the state, national, and community welfare by serving the Guard certainly makes him a more stable employee, and may well prevent his resignation when other opportunities come along. On the other hand, if his military leave with compensation is withdrawn, it certainly will be a blow to the morale of the employees of the municipalities who serve in the Guard, and may well force a number of them to resign their municipal employment in order to find work elsewhere where they might obtain military leave, or to leave the Guard.

Benefits to Youth and to Municipalities

The benefits to the youth of the communities of the state is very substantial. For instance, the Guardsmen are entitled to enroll in all four year colleges in the state, Junior Colleges, and most vocational schools with the federal government providing \$4,000 worth of direct tuition assistance in the form of an enlistment bonus. With this tuition, the normal Guard pay, and the employment skills that are acquired by Guardsmen, the Guard can provide all or most of the college or vocational cost for the youth of our communities. The additional students enrolled in the colleges and universities certainly add a further dimension of economic benefit to the cities where these colleges or universities are located.

The vocational skills that are learned in the National Guard, and through colleges and universities under Guard assistance, provide a much better educated and capable citizenry. Certainly the manpower pool for the attraction of industry is much higher because of National Guard membership and activities.

The responsibility and discipline that is learned in the Guard does much to relieve the municipalities of the costs of the police and court activities relating to juveniles. Not only does the Guard in itself provide a field of real interest to the youth and fills his spare time to a substantial extent, but the job skills and college assistance make him a more responsible citizen who is far less likely to turn to channels outside of the law to improve his position or to fill his spare time.

The Guard provides an opportunity for the youth of our communities to fulfill their military obligation and serve at home, as distinguished from going on active duty for extended periods of time were this part-time military service not available. With the declining youth pool and the need to maintain our active and reserve forces at a high level of strength, it is not unlikely that this nation may be forced to turn to a draft to maintain the minimal level of manpower in the military services. The loss of Guard units in our communities would remove the opportunity for our youth to serve and still remain productive citizens in our cities and towns.

Advantages to the State of Montana

The state and all its communities is provided with an emergency force at less than 3 cents on the dollar of the cost of its maintenance. The state and the communities cannot in any other way afford to protect life and property and insure law and order in the state by any other means. The value of this force in saving life and property cannot be calculated, but certainly it is far more than the cost of military leave for the Guardsmen and Reservists.

In addition, the Guard doesn't cost - - it pays. From an economic standpoint the Guard represents a "good deal" to the state. In fiscal year 79, a typical year, over \$25 million was spent in Montana for Guard activities. Montana's share of this was only \$602,689. Therefore, the state received about \$45 in federal funds for the Guard for every Montana dollar. Using the Montana Department of Revenue estimate that a 4% tax liability would be levied against

the payroll earnings, the state of Montana General Fund received \$661,797 in income tax payments which exceeds the General Fund appropriation given to the Department of Military Affairs by \$60,000. The U.S. Chamber of Commerce indicates that these National Guard monies can be expected to produce 4 times their own amount in new business during their "annual" life. When the conservatively estimated value of \$3 million dollars for community projects and disaster relief is added in, it can be seen that the cost of military leave to public employees is infinitesimal when compared to the benefits received and the cost avoidance that results.

National Needs for the Guard and Reserve

As was pointed out at the beginning of this article, the National Guard provides 46% of the combat strength of the United States Army, and if the combat units of the United States Army Reserve are added, it totals 54%. Seventy percent of the combat support organizations are found in the Reserve and Guard. In short, over 50% of the Army and an important portion of the Air Force, and consequently over 50% of our national security is dependent upon a strong Guard and Reserve. If employers were to stop supporting the Guard and Reserve, it would soon fall by the wayside, and the cost of replacing this Guard and Reserve with a full-time military force is so staggering, that it is difficult to estimate. It is estimated that it costs only 1/10th as much to maintain an army Guardsman as it does an active duty soldier. Certainly, the cost of active duty troops would be in excess of seventy-five billion dollars, which in turn would result in thousands of dollars of additional taxes upon each tax paying family in this country. There is no other feasible way to provide for the defense of this country, and to give it a decent opportunity to remain at peace because of its strength, or to survive in the event of war, except through a strong Guard and Reserve. The tax savings to the taxpayer and employers are so huge that the comparative cost to employers of supporting military leave for the Guard and Reserve is absolutely infinitesimal.

Fairness to the Guardsmen and Reservists

The Guardsmen and Reservists give up weekends with their families and time which could be spent in leisure in order to serve with the Guard, and at a rate of pay that is usually substantially less than he would have received had a Guardsman arranged to work overtime on his job or to use his saleable skills in other endeavors.

In addition, he is subject to call at any time for emergencies involving natural disaster or civil disorder in order to assist the communities of this state, regardless of his personal inconvenience, the hardship of inclement weather, or the personal danger that is often involved. Further, he is on call at any time to shore up the relatively small active forces in the event of war or national emergency.

At first blush, it may seem that military leave for Guardsmen is a fringe benefit that is unfair to other employees under their employment contract. But, the Guardsmen and Reservists have an unlimited contract with the state, nation and community that includes giving up his life - few if any other employees of

municipalities or employers anywhere in our country are pledged to this type of service to their community, state and nation and are expected to lay all they have on the line when and if the call comes.

To quote George Washington, "By making it universally reputable to bear arms and disgraceful to decline having a share in the performance of military duties, by keeping up in peace a well regulated and disciplined militia, we shall take the fairest and best method to preserve for a long time to come, the happiness, dignity and independence of our country." Certainly the Guardsmen and Reservists are an example of the highest order of the type of citizenship referred to by George Washington.

Impact of Lack of Employer Support on Guard & Reserve

The question may be raised, with the limited number of employees of state government and local government who are members of the Guard, can't the National Guard afford to get along without them, even if failure to provide pay for military leave results in their being forced to resign from the Guard. The answer is that even though it would seriously hurt, the Guard could get by if only those employees were involved. Some very fine and skilled Guardsmen would be lost, and municipalities in the state would also see these employees in many instances leave their municipal employment because of the loss of income and employee dissatisfaction. The point is, however, that we cannot expect private employers to provide military leave and pay to Guardsmen and Reservists when the public employers, whom the Guard directly serves and benefits, fails to do so. The loss of military leave and pay would soon spread to the private sector, and at that point the Guard and Reserve could no longer survive as a viable entity, capable of performing their national, state and community missions. If we adopt the attitude of "let George do it", we are certain to find that there is no George to set the standard and to provide the guideline as to what is necessary on the part of all employers to meet the needs of our community, state and nation. The lack of employer support would in all probability, over a period of relatively few years, be the death knell to the National Guard and the Reserve program, a program that has served well, faithfully and in a cost effective manner for over 343 years. A national, state, and community resource and institution which has served well and long for this period of time will in all probability gradually wither and when it became so enfeebled as to be ineffective, would fall away from the American scene. Whether it could be replaced in some other fashion, is doubtful, for in over 343 years we have not yet devised an institution that could serve us so well.

In the opinion of all those who have studied the Guard and Reserve system, and of all those who have had a close association with or served in the Guard or Reserve, we believe this will not only be a major blow in the destruction of a fine and needed institution, but would be pennywise and poundfoolish, since the benefits and savings to the state, nation and the communities so far exceed the cost of military leave for public employees.

We in the Guard urge that the military leave statutes of the State of Montana remain in our law books in the same manner that they have for so many years, where they have so greatly benefited our citizens, communities, state and nation.

House Bill 544

5 Feb 1981

Testimony of Donald L. Coburn, a State employee and member of the Montana National Guard.

Before the Labor and Industry Committee of the House of Representatives.

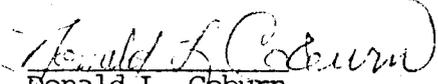
I would like to have you consider the following points regarding Military Leave with pay granted to Public employees.

1. The main reason I joined the Montana National Guard in December 1979 was for the added income. The unit I joined needed the skills I had and I wanted to contribute those skills to a newly formed unit; the incentive for me - a 50 year old ex-Navy veteran - was the added income. As a State employee, I knew I could attend "annual training" for 2 weeks and receive extra pay over and above my regular salary, so I joined. I also knew I could be called at any time and be required to perform other than my regular Army duties for whatever emergency may arise. However, not being a complete idiot, I wanted to be compensated for my contribution by way of extra pay.

2. The battle unit of the Montana National Guard is the 163rd Armored Cavalary Regiment. A regiment of Armored Cavalary normally consists of 3 squadrons of 858 officers and men each. The Montana National Guard consists of 2 squadrons ONLY. The simple reason is that Montana does not have the population to support the 3rd squadron. The 3rd squadron is located in TEXAS! (Can you imagine TEXANS serving compatibly with Montanans?) The point is that to further reduce the incentive for participation is to actually reduce the present strength of the Montana National Guard and State Militia. I don't think we can afford the reduced strength on case of local emergencies or disasters.

3. In our society at any level, we expect to pay for services that we demand. In the city of Helena, if we want weekly garbage pick-up, we pay extra for that service. If we want the best medical or legal advice we seek the best person in the field to advise us. If we want good legislation, we elect good legislators! So it follows that if we expect a ¹²³¹State Militia and Montana National Guard unit, we must pay for that also.

I believe strongly in the Montana National Guard and I am proud of my contribution to the total effort. I strongly urge that you do not recommend passage of House Bill 544. I recommend House Bill 544 receive a DO NOT PASS from this committee.


 Donald L. Coburn
 (a tired State employee)

MONTANA ARMY NATIONAL GUARD
COMPANIES ORGANIZATION

Auth Strength is: 3709

ACTIVITIES:

11/63
858

1/63
2431

2/163
858

3/163
TEXAS

1049 Engr P1T
Helena 24

THE ADJUTANT
GENERAL

163 ACE 2431

SHHD
Helena 91

CAC HQD
Helena 71

HHT
Bogeman
Helena 144
84

3669 Maint Co
Helena 170

103 AAD
Helena 13

1049 Engr P1T
Helena 24

11/63
858

2/163
858

3/163
TEXAS

Air Troop
Helena 152
Deer Lake 57

1063 Engr Co
Missoula 50
Helena 41
Bogeman 50

HHT
Billings 138
Chinook 53

TRP C
Marta
Glasgow 74

HHT
Kalispell 138
Libby 53

TRP G
Missoula 77
Hamilton 74

TRP A
Mts City 77
Gardiner 74

CO D
Livingston 42
Billings 43

TRP E
Havre 77
Shelby 74

CO H
Anaconda 50
Whitefish 35

TRP B
Sidney 45
Calderton 55
Plentywood 51

HEAD BTRY
Yorkston 60
Lewistown 69

TRP F
Butte 77
Dillon 74

HEAD BTRY
Missoula 129

DEPARTMENT OF MILITARY AFFAIRS
 STATE OF MONTANA
 OFFICE OF THE ADJUTANT GENERAL
 HELENA, MONTANA 59601

WEEK ENDING 30 Jan 81

UNIT AND LOCATION	PAS	STRENGTH	EXTENSIONS	GAINS	LOSSES	NR OVER-SHORT	2 1/2
SEHD - HELENA	92	124		1	1	- 32	124.7
CAC HQ - HELENA	16	17				- 1	106.3
CAC HQ (Accrmentations) - HELENA	50	44				- 6	88.0
2669th Main Co - HELENA	169	143				- 26	84.6
103d PA Det (Fld Svc) - HELENA	13	14				+ 1	107.7
1049th Engr Plt (FPTG) - HELENA	22	24			1	+ .2	109.1
TOTAL	270	242			1	- 32	89.6
HET(-) 163d AC - BOZEMAN	149	143		2	1	- 6	96.0
DET 1 HET 163d AC - HELENA	84	78			1	- 6	92.9
AIR TRP(-) 163d AC - HELENA	152	152		3	1		100.0
DET 1 AIR TRP 163d AC - DEER LODGE	57	54		1		- 3	94.9
1063d Engr Co(-) AGR - MISSOULA	66	38		1		- 26	57.6
DET 1 1063d Engr Co - HELENA	61	21				- 40	34.4
DET 2 1063d Engr Co - BOZEMAN	58	22				- 36	80.4
TOTAL	627	508		7	3	-119	81.0
HET(-) 1/163d AC - BILLINGS	137	136		3		- 1	99.3
DET 1 HET 1/163d AC - CHINOOK	53	43		3		- 10	81.1
TRP A(-) 1/163d AC - MILES CITY	77	54		1		- 23	70.1
DET 1 TRP A 1/163d AC - GLENDIVE	74	37		1		- 37	50.0
TRP B(-) 1/163d AC - SIDNEY	45	30				- 15	66.7
DET 1 TRP B 1/163d AC - CULBERTSON	55	47			1	- 8	85.5
DET 2 TRP B 1/163d AC - PLENTYWOOD	51	32		1		- 19	62.7
TRP C(-) 1/163d AC - MALTA	77	78				+ 1	101.3
DET 1 TRP C 1/163d AC - GLASGOW	74	35				- 39	47.3
CO D(-) 1/163d AC - LIVINGSTON	42	44		1	1	+ 2	104.8
DET 1 CO D 1/163d AC - BILLINGS	43	52		2		+ 9	120.9
HOW BTRY(-) 1/163d AC - HARLOWTON	60	45		1		- 15	75.0
DET 1 HOW BTRY 1/163d AC - LEWISTOWN	69	36				- 33	52.2
TOTAL	857	669		13	2	-188	78.1
HET(-) 2/163d AC - KALISPELL	137	154	1	7		+ 17	112.4
DET 1 HET 2/163d AC - LIBBY	53	43				- 10	81.1
TRP E(-) 2/163d AC - HAVRE	77	64				- 13	83.1
DET 1 TRP E 2/163d AC - SHELEBY	74	48				- 26	64.9
TRP F(-) 2/163d AC - BUTTE	77	70				- 7	92.2
DET 1 TRP F 2/163d AC - DILLON	74	66			1	- 8	89.2
TRP G(-) 2/163d AC - MISSOULA	77	80				+ 3	103.9
DET 1 TRP G 2/163d AC - HAMILTON	74	61				- 13	84.2
CO H(-) 2/163d AC - ANACONDA	50	52		2		+ 2	104.0
DET 1 CO H 2/163d AC - WHITEFISH	35	37				+ 2	105.7
HOW BTRY 2/163d AC - MISSOULA	129	110	1	4	1	- 19	85.3
TOTAL	857	785	1	13	2	- 72	91.6
TOTAL 163d AGR (With Engr)	2341	1962	1	33	7	-379	83.2
TOTAL MONTANA ARNG	2703	2328	1	34	9	-375	86.1

39-51-2304. Disqualification for failure to apply for or to accept suitable work. (1) Effective April 1, 1977, an individual is disqualified for benefits if he fails without good cause either to apply for available and suitable work when so directed by the employment office or the division or to accept suitable work offered to him which he is physically able and recently qualified to perform or to return to his customary self-employment, if any, when so directed by the division. Such disqualification continues for the week in which such failure occurs and until the individual has performed services, other than self-employment, for which remuneration is received equal to or in excess of his weekly benefit amount in 6 separate weeks subsequent to the date the act causing the disqualification occurred, with 6 weeks' reduction in benefit duration, as determined by the division, provided he has not left this work under disqualifying circumstances.

(2) In determining whether or not any work is suitable for an individual, the division shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(3) Notwithstanding any other provisions of this chapter, no work may be considered suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization

(4) During the first 13 weeks of unemployment, suitable work is work that meets the criteria in this section and that offers wages equal to the prevailing wage for that area in the individual's customary occupation. After 13 weeks of unemployment, suitable work is work that meets the criteria in this section and that offers 75% of the prevailing wage.

8. Denial of extended benefits to individuals who fail to meet certain requirements related to work

Senate amendment. The Senate amendment would:

(a) Deny extended benefits to an individual during a period of unemployment for which, under State law, he or she was disqualified from receiving State benefits because of voluntarily leaving employment, discharge for misconduct, or refusal of suitable employment, even though the disqualification was subsequently lifted prior to reemployment and the person received State benefits. However, the person could receive extended benefits if the disqualification is lifted because he or she became employed and met the work or earnings requirement specified in State law.

(bX1) Deny extended benefits to any individual who fails to accept any work that is offered in writing or is listed with the State employment service, or fails to apply for any work to which he or she is referred by the State agency, if the work is within the person's capabilities; pays wages equal to the highest of the Federal or any State or local minimum wage; pays a gross weekly wage that exceeds the person's average weekly unemployment compensation benefit plus any supplemental unemployment compensation payable to the individual; and is consistent with the State definition of "suitable" work with regard to provisions not specifically addressed in this amendment.

States would have to refer extended benefits claimants to any work meeting these requirements. If the State, based on information provided by the individual, determines that the individual's prospects for obtaining work in his or her customary occupation within a reasonably short period are good, the determination of whether any work is "suitable work" would be made in accordance with State law rather than the above.

(2) Extended benefits would be denied to any individual for so long as he or she fails to engage in a systematic and sustained effort to obtain work and fails to provide tangible evidence to the State agency that he or she has engaged in such an effort.

(3) Any individual who is denied extended benefits because of the requirements in (BX1) or (BX2) would continue to be ineligible to receive extended benefits until he or she had been employed for at least four weeks after the denial and earned wages equal to four times his or her average weekly unemployment compensation payment.

out

NAME Gregg Hoopes BILL No. 464
ADDRESS ESD BLDG, Rm 412 DATE 2/5/81
WHOM DO YOU REPRESENT LABOR & INDUSTRY DEPT.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: The Department supports this legislation because it is federally required to keep Montana's ~~un~~ unemployment insurance law in conformance with federal law. If the legislation is not passed, ~~it would~~ ~~preclude~~ Montana employees could ~~lose~~ lose their present unemployment insurance tax credit.