

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

April 23, 1985

The fifty-eighth meeting of State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 8:45 a.m. on Tuesday, April 23, 1985.

ROLL CALL: With Senator Hirsch and Senator Conover being excused, all the other members were present.

CONSIDERATION OF HOUSE JOINT RESOLUTION 58: Representative Kelly Addy, House District 94, Billings, is the sponsor of this bill entitled, "A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE STATUTORY HIRING EMPLOYMENT AT WILL RULE AND THE DOCTRINES OF WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY AND THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING." Representative Addy told the Committee that this is in recognition of a problem in the state of the "hire at will" rule, and that for the last 100 years the ability to discharge without any cause at all was the rule for Montana and all across the nation. Now there are exceptions, one is that if a man gets hurt on the job and the employer had no insurance, so he fired the employee, that would be a wrongful firing. Another exception is where a man earns commissions and those commissions are paid in December, so the employee is fired in November so the employer does not have to pay for those commissions, that is a wrongful firing. Those are supposed to be the only exceptions, but it is expanding, beyond that point to the point where you don't know what it concerns. Representative Addy told the Committee that he has many people come into his office and want to sue their employer, and when he asks them why, they reply because they have been fired. He told the Committee that employers are getting nervous and he feels that this is an important problem that needs studying. Representative Addy said that this problem affects every employer and employee in the state.

PROPOSERS: Dave Goss, Billings Chamber of Commerce, supports this bill. Mr. Goss feels that this problem is having a large impact, and especially on long-term employees who fear for their jobs. He said that we need stability in this area, and he urged the Committee to support this resolution.

George Allen, Montana Retail Association, supports this bill. Mr. Allen said there was a saying going around that you couldn't

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ask any questions before you hire someone, and after you hired them, you couldn't fire them for any reason. Mr. Allen felt that there should be rules set out.

Don Ingels, Montana Chamber of Commerce, supports this bill for all the reasons listed above.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: There were no committee questions.

Representative Addy closed by saying that he hoped the Committee would vote favorably on this. The hearing on HOUSE JOINT RESOLUTION 58 is closed.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 58: Senator Mohar made a motion that HOUSE JOINT RESOLUTION 58 be concurred in. Question was called, and the Committee voted unanimously that HOUSE JOINT RESOLUTION 58 BE CONCURRED IN. (Senator Mohar will carry this to the floor.)

CONSIDERATION OF HOUSE JOINT RESOLUTION 60: Representative Jack Ramirez, House District 87, Billings, is the sponsor of this resolution entitled, "A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO IDENTIFY AND RECOMMEND TO THE LEGISLATURE METHODS OF ACHIEVING A TRULY INTEGRATED UNIVERSITY SYSTEM; REQUIRING A REPORT OF THE STUDY TO THE 50th LEGISLATURE." Representative Ramirez told the Committee that this resolution suggests that the university system be studied, and that there are a number of aspects that need to be studied in order to have a truly integrated system. Past studies have shown that they must be operated as one university, and my view is that we must examine whether that purpose is being carried out because we are in a funding crisis, and it will probably be worse in 1987. This was expanded in the House to include the six units of the university system, the five vo-tech centers, and the three community colleges, and I supported this expansion. Representative Ramirez said that they don't want to close any of the units, we simply want to handle them more efficiently. He said the five vo-tech centers receive funding from the counties, and yet they are serving students from all areas of Montana. We must look at these systems. Representative Ramirez said that this is up for formula fundings and Bardanouve thinks that the legislature will have less control. This must be studied. He said the last study was ten years ago, but things change in ten years. Representative Ramirez said it costs \$160 million or more for our university system and this needs to be looked at, as it is a major part of the budget.

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PROPOSERS: There were no other proposers.

OPPOSERS: Representative Bill Hand, House District 73, Dillon, opposes this resolution. Representative Hand said that he was deeply concerned that this resolution will be viewed by the faculty and students as an effort to purge one or more of the smaller units, and will send morale in the threatened units reeling with enrollment following. He fears that this with substantially increased tuition could bring damaging effects to the colleges. (For more of Representative Hand's testimony see Exhibit "1" attached hereto and by this reference made a part hereof.)

COMMITTEE QUESTIONS: There were no Committee questions.

Representative Ramirez closed by saying that the Board of Regent's office was against this in the House and he was glad to see that they are no longer opposed to it. Representative Ramirez said that many people have problems with curriculum and degrees and credits, when moving from one university to another, and these are things that need to be studied. Representative Ramirez asked the Committee to rise above their parochial interests and do their job by looking at this. The hearing on HOUSE JOINT RESOLUTION 60 is closed.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 60: Senator Lynch moved that HOUSE JOINT RESOLUTION 60 be not concurred in. Senator Lynch said that there have been too many studies of the university system. He said that he was around during the Blue Ribbon Commission and they had a huge report. He said all this can accomplish is chaos in the university system. Senator Lynch said he went through that chaos and he knows what it did to the system. They were told that big was going to get bigger and little was going to get littler until they disappeared. He said the study cost about \$500,000 and it accomplished nothing. He said their enrollments are up and they are now very healthy contrary to what the report predicted. Senator Anderson concurred with Senator Lynch. He said the cost of the study was confusion and a lot of money. Senator Harding asked how many of these studies would actually take place, and Senator Lynch told her probably three or four. Question was called, and with Senator Farrell voting no and Senator Harding voting no, the Committee voted that HOUSE JOINT RESOLUTION 60 BE NOT CONCURRED IN. (Senator Haffey will carry the adverse Committee report.)

The meeting was adjourned at 9:10 a.m.



SENATOR JACK HAFFEY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date

[illegible]

DATE

April 23-1985

COMMITTEE ON

BILL NO. HJR 58

VISITOR'S REGISTER

NAME

REPRESENTING

Check One

Support Oppose

Don Sigels

Mt. Chamber of Commerce

X

Don Coss

Billings Chamber of Commerce

X

George Allen

Mt. Retail Assn

X

(Please leave prepared statement with Secretary)

Testimony Opposing HJR 60
AP. 23, 1984 Senate State Admin. Committee.
By Rep. Bill Hand

Exhibit
HJR-60
4-23-84

(A) I am deeply concerned that this Resolution will be viewed by the Faculty & Students as an effort to purge one or more of the smaller units & will send morale in the threatened units reeling with enrollment following.

I fear this, along with substantially increased tuition could bring damaging effects to the Colleges. —

Please Note That Community Colleges & Jo-Tech's are also included — Their faculties & students could similarly be damaged. —

It is true that the legislature holds the Purse strings & therefore a measure of control over the "U" system, it is equally true that the Board of Regents do the managing & this study will have little effect on them —

I urge a do not Pass —

STANDING COMMITTEE REPORT

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MR. PRESIDENT

STATE ADMINISTRATION

We, your committee on.....

having had under consideration..... HOUSE JOINT RESOLUTION No. 38

third reading copy (blue)

(Senator Mohar)

INTERIM STUDY OF HIRING AT WILL RULE AND ITS RECENT EXCEPTIONS

Respectfully report as follows: That..... HOUSE JOINT RESOLUTION No. 38

BE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

.....
Chairman.

STANDING COMMITTEE REPORT

April 23, 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE JOINT RESOLUTION** No. **60**

third reading copy (**blue**)
color

(Senator Haffey)

**INTERIM STUDY TO IDENTIFY METHODS OF INTEGRATING THE UNIVERSITY
SYSTEM.**

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** No. **60**

BE NOT CONCURRED IN

XXXXXX

XXXXXXXXXX
DO NOT PASS

Chairman.