

MINUTES OF THE MEETING
STATE ADMINISTRATION SUBCOMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 19, 1987

The meeting of the State Administration Subcommittee was called to order by Chairman Nelson at 10:30 a.m. on January 19, 1987 in Room 437 of the State Capitol. All subcommittee members were in attendance as were some other interested visitors.

The purpose of the meeting was to try to reconcile several holiday bills currently under consideration by the Legislature.

DISCUSSION: Rep. Holliday pointed out that Montana is one of the few states that does not designate Martin Luther King's birthday as a legal holiday, and she wondered what information was available on the different ways other states commemorate this occasion. Rep. Nelson responded that eleven states have a formal observance of Martin Luther King's birthday by statute and eleven others have varying observances. Rep. Nelson stated that a recent survey indicates the average state worker receives 11.2 paid holidays per year. Montana provides its employees with 10 paid holidays per year plus an additional one on general election years. Rep. Nelson further stated that information received indicates that the cost to the state for paid holidays for approximately 20,654 state and county employees is approximately \$1,560,000.00 plus overtime for those who must work at an approximate cost of \$1,580,000.00 making a total cost of about \$3 million for a paid state holiday.

COMMENTS FROM INTERESTED PERSONS: Tom Schneider, Executive Secretary of the Montana Public Employees Association, stated his organization had recently voted not to change any holidays. All of the holidays currently being observed were established prior to 1925. The only thing that has changed since that time is a language change in the new constitution deleting that "the governor can declare holidays". He feels that if holidays are to be switched or a Heritage Day proclaimed, it should be during the summer months as winter month holidays are far more costly.

Rep. Fritz stated there should be a holiday on the third Monday in January to be observed as Martin Luther King Day and to conform with the federal holiday schedule. The tradeoff would be the installation of Presidents' Day in Montana for Washington's and Lincoln's birthdays which he felt should be called Washington-Lincoln Day in Montana to commemorate the American Revolution and the American Civil War. He also feels that Election Day should be eliminated as it takes only a few minutes for people to vote and not eight hours. In addition, polls are open after working hours as well. He stated the subcommittee should consider the possibility of trading holidays for convenience.

Shawn Egan did not take a position on the issues being discussed but wanted the subcommittee members to know that there are 4,000 municipal employees at a daily payroll of \$225,000.00.

Rep. Sales stated he did not want to see the addition of another holiday at this time due to the costs involved. He agrees with Rep. Fritz that Presidents' Day should be observed in Montana as Washington-Lincoln Day.

Tom Schneider emphasized that his Association was not to go on record as asking for an additional holiday. Switching holidays is fine. He also suggested making the language more flexible particularly in the area of public employment, i.e. university system, etc.

Rep. Sales suggested having an observance of Martin Luther King's birthday without making it a legal holiday. Rep. Fritz concurred.

COMMITTEE DISCUSSION: Rep. Holliday made four suggestions: 1) to observe Martin Luther King's birthday by proclamation; 2) to have Washington-Lincoln Day the third Monday in February; 3) to establish Heritage Day in August and eliminate Columbus Day, and 4) to eliminate Election Day and observe the Friday after Thanksgiving as a legal holiday.

Rep. Peterson expressed concern as to the impact a four-day Thanksgiving holiday weekend would have on banks. She had no objections to Rep. Holliday's proposals.

Lois Menzies, Staff Researcher for the Committee, thought it could be recommended to the governor that Martin Luther King's birthday be observed by proclamation, but she did not think the legislature had that authority to require the governor to issue a proclamation. She indicated she would do some additional research on this issue.

Rep. Fritz indicated he thought it would be a mistake to eliminate Columbus Day at this time, particularly with the 500th birthday of America coming up in the near future.

The subcommittee meeting adjourned at 11:15 a.m. without a decision in order to enable Lois Menzies the opportunity to check on what the impact would be on state payroll and what problems would be encountered by banks resulting from a four-day Thanksgiving weekend. She also is to check on the necessity of banks to close if a state holiday is enacted, and what is involved in a legislative proclamation for a day of observance.


Richard M. Nelson, Chairman

DAILY ROLL CALL

STATE ADMINISTRATION SUB-COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date January 19, 1987

NAME	PRESENT	ABSENT	EXCUSED
Rep. Nelson, Chairman	✓		
Rep. Holliday	✓		
Rep. Peterson	✓		

EXHIBIT #6
DATE 1/13/87
HB 101

I am opposed to the passage of HB 101 which would designate English as the official state language.

First, the bill is erroneous in its precepts. The common bond that holds us together as Americans is not the language, but the desire to live free of state requirements and restrictions on our daily lives and goals. HB 101 sets up another needless state government requirement for the individual to observe in his pursuit of life, liberty and happiness.

Second, the underlying and unsaid intent of the bill seems to be, as a Colorado legislator said of a similar bill in that state's legislature, to assimilate minorities into someone's version of what the "mainstream" of American life is. History shows us the failure of past assimilation bills, e.g. the Dawes Act of 1887. That Act required that previously nomadic Native Americans each be given 160 acres plus farm implements to "assimilate" them into the mainstream of then rural America. When the program was abandoned years later, it had proven to demoralize an already dispirited Native American population, destroying remnants of once proud tribal cultures in the process. The Dawes Act made it socially unacceptable for Native Americans to practice

many traditions. Generations later, the impact of this terrible cultural purge by means of an "assimilation act" which would force all diverse peoples to practice one legislatively coerced means of action is still being studied for its ramifications. It appears the legislators who have sponsored this well-meaning but potentially disastrous bill have either ignored or never studied the precarious similarities of such prior enactments as the Davis Act.

Third, why should the English language be afforded special legal protection? Neither I nor anyone I have spoken with knows of any threat to its usage as a common mode of expression. If court documents must be in English, let court rules do it. If government documents must be in English, let an administrative order, ^{or internal management memo} from the governor's office do it.

Fourth, what does it mean to make English the official state language? Montana has numerous Native Americans as residents throughout the state and particularly on reservations. The traditional languages there have been spoken in this region far longer than English. If we are going to adopt something unique to Montana for our other official state symbols (e.g. Grizzly Bear, etc.), why not adopt the Crow language or the Blackfoot? The point is that this bill goes against the grain of official state

symbol enactments and accomplishes nothing that is not already done in everyday life in Montana. What better way to observe the preeminence of a language in a society than to speak it daily?

Finally, passage of this bill has onerous ramifications. The child of an immigrant family who speak their native tongue in the household could be put at a tremendous social disadvantage by the immediate requirement that he learn and speak a difficult language when he may not have the availability of teachers or opportunity to do so. It would be incumbent on the state government, by imposing this language requirement, to provide him with facilities and assistance immediately to meet this state requirement. It would be patently unfair not to do so yet in a time of budget constraint, how could this legislative body opt to provide necessary facilities?

In summary, HB 101 is not well thought out as to its ramifications and accomplishes nothing. It should be rejected.

Respectfully,
William B. Anderson

MONTANA

PUBLIC EMPLOYEES

ASSOCIATION

THOMAS E. SCHNEIDER — EXECUTIVE DIRECTOR

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HELENA, MONTANA 59601

EXHIBIT # 7

DATE 1/13/87

HB 100

POSITION PAPER

Presented by Thomas E. Schneider
Executive Director

Subject: HOUSE BILL 100

The position of the Montana Public Employees Association is to strongly oppose House Bill 100. While its true that this bill would not affect any employee who currently is covered by any of these systems, this bill will destroy all of the work that so many of us have put into making these retirement systems actuarial sound over the past 20 years.

Presently, all of the systems mentioned in the title, with the exception of the Judges, will be funded within the actuarially accepted 40 year period. In fact, some of these systems will be fully funded years before the PERD. By passing this bill you will destroy that financial security and require the legislature to review and re-finance each of these systems. Remember, the funding for each of these systems includes a constant number of new employees coming into the system as other employees retire.

Passage of House Bill 100 would require all future hazzardous duty employees to work for 30 years for a full benefit. These employees must meet higher standards than the normal employee. If they couldn't meet those requirements they would receive substantially reduced benefits.

PERD doesn't provide for duty related death or disability benefits. Any member of these hazzardous classes who dies or is disabled now, as a result of the job, is eligible for benefits as of the first day of employment, which is as it should be. What's going to happen to job productivity when you have two police officers in a shoot out and one's family is protected and the other's isn't.

Once you put these employees into the PERD you cannot give them benefits without other members of PERD receiving them so if you try to protect these employees and their families the cost of doing it will become totally unreasonable.

When we were going through the problems of getting all of these systems actuarially sound this idea was considered and dropped. There are simply too many job related reasons for providing different disability, death and retirement benefits for employees who put their lives on the line every day to pass this legislation.

MPEA respectfully requests that you vote no on House Bill 100.
Thank You.

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan 13, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

STANDING COMMITTEE REPORT

January 13

19 37

Mr. Speaker: We, the committee on STATE ADMINISTRATION
report HOUSE BILL NO. 109

do pass be concurred in as amended
 do not pass be not concurred in statement of intent attached

Chairman

1. Title, line 5.
Strike: "APPLY"
Insert: "PETITION"
2. Title, lines 5 and 6.
Strike: "A" on line 5 through "AUTHORIZING" on line 6.
3. Title, line 8.
Following: "13-15-403,"
Strike: "13-16-301" through "13-16-306"
Insert: "13-16-201"
Strike: "13-16-307"
Insert: "13-16-204"
4. Page 1, line 14.
Strike: "application"
Insert: "petition"
Strike: "order"
5. Page 2, line 5.
Strike: "apply" through "order"
Insert: "petition"
6. Page 2, line 6.
Strike: "13-16-301"
Insert: "13-16-201"
7. Page 2.
Following: line 6
Strike: sections 2 through 5 in their entirety
Insert: "Section 2. Section 13-16-201, MCA, is amended to read:

"13-16-201. Conditions under which recount to be made. A recount shall be made under any of the following conditions:
(1) If a candidate for a county, municipal, or district office voted for in only one county, other than a legislator or a

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judge of the district court, or a precinct office is defeated by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast or by a margin not exceeding 10 votes, whichever is greater, he may, within 5 days after the official canvass, file with the election administrator a verified petition stating he believes a recount will change the result and a recount of the votes for the office or nomination should be had.

(2) If a candidate for a congressional office, a state or district office voted on in more than one county, the legislature, or judge of the district court is defeated by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for all candidates for the same position, he may, within 5 days after the official canvass, file a petition with the secretary of state as set forth in subsection (1). The secretary of state shall immediately notify each election administrator whose county includes any precincts which voted for the same office by certified or registered mail, and a recount shall be conducted in those precincts.

(3) If a question submitted to the vote of the people of a county, municipality, or district within a county is decided by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for and against the question, a petition as set forth in subsection (1) may be filed with the election administrator. This petition must be signed by not less than 10 electors of the jurisdiction and must be filed within 5 days after the official canvass.

(4) If a question submitted to the vote of the people of the state is decided by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for and against the question, a petition as set forth in subsection (1) may be filed with the secretary of state. This petition must be signed by not less than 100 electors of the state, representing at least five counties of the state, and must be filed within 5 days after the official canvass.

(5) If a question submitted to the vote of the people of a multicounty district is decided by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for and against the question, a petition as set forth in subsection (1) may be filed with the secretary of state. This petition must be signed by not less than 25 electors of the district, representing at least two counties, and must be filed within 5 days after the official canvass.

(6) The secretary of state shall immediately notify each election administrator by certified mail of the filing of the petition, and a recount shall be conducted in all precincts in each county.

(7) If during a canvass of election returns a board of county canvassers finds an error, as provided in 13-15-403, the board immediately shall file a petition with the election administrator."

Section 3. Section 13-16-204, MCA, is amended to read:

*13-16-204. Meeting of recount board when recount requested. (1) Immediately upon receiving ~~an application a~~ petition for a recount as provided in 13-16-201(1) or a notice from the secretary of state that ~~an application a~~ petition has been filed with him, as provided in 13-16-201, the election administrator shall notify the members of the county recount board.

(2) The board shall convene at the usual meeting place of the governing body without undue delay but not later than 5 days after receiving notice from the election administrator."

ROLL CALL VOTE

*Unanimous
Do Pass has
Amended*

State Administration

COMMITTEE

DATE 1/13/87 BILL NO. 109 NUMBER _____

NAME	AYE	NAY
Walt Sales	✓	
John Phillips	✓	
Bud Campbell	✓	
Dorothy Cody	✓	
Duane Compton	✓	
Gene DeMars	✓	
Harry Fritz	✓	
Harriet Hayne	✓	
Gay Holliday	✓	
Loren Jenkins	✓	
Janet Moore	✓	
Richard Nelson	✓	
Helen O'Connell	✓	
Mary Lou Peterson	✓	
Paul Pistoria	✓	
Rande Roth	✓	
Tonia Stratford	✓	
Timothy Whalen	✓	

TALLY

Secretary

Chairman

MOTION: _____

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 100

DATE 1/13/87

SPONSOR Sales

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Tim BERGSTROM	MT. STATE COUNCIL OF PROFESSIONAL FIRE FIGHTERS		X
Thomas E. Schneider	mt. Public Emp Assoc		X
VERNON L ERICKSON	MT. State Fireman Assoc		X
Col. R.W. Landon	Highway PATROL		X
Stephen R. BARRY	HIGHWAY PATROL		X
Curt Petty	MT. Sheriff's & Peace off. Assn.		X
Rick LATER	MT Sheriff's & Peace off. Assn		X
EARL HALL	MSFA (MT. State Fireman's Assoc)		X
THOMAS STEENBERG	MT ST. Fireman's Assoc.		X
Edward L Flics	MT. St. Council Professional Firefight		X
Pat Knight	AFSCME		X
Nedra Jensen	AFSCME		X
Jan May's	AFSCME		X
Tom Harrison	MT. Sh. + Peace Officers		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 101

DATE 1/13/87

SPONSOR Rocky Simon

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
CAROL MOSHER	Mt. Cattle Women	X	
Lorna FRANK	Mont. Farm Bureau	X	
Robert Kolesar	ACLU		X
Butch Turk	Mont Peace Reg. Coalition		X
William B. Anderson H-227-8892	Self		X
Rep. Angela Russell	constituents		X
Phil Campbell	MEA		X
Larry LaCounte	Lot's Grass Schools		X
IVAN SMALL	Pryor Public Schools		X
Ken Briggs	Missoula Elem. Schools		X

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 109

DATE 1/13/87

SPONSOR Sungood

NAME (please <u>print</u>)	REPRESENTING	SUPPORT	OPPOSE
Greg Jackson	MT. CLK & Rec Assn.	✓	
Elwood English	Secy of State		
Margaret S Davis	LWV/MT		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.