

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on January 17, 1991, at 10: A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)
Bernie Swift (R)

Members Excused: Senator Chet Blaylock

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Several committee members are presently meeting with the governor and they will be arriving shortly.

Chairperson Vaughn asked the committee if any of them had a report back on the department head they were assigned? Do you wish to have any of them appear before the committee? Chairperson Vaughn would contact those people through the governor's office and request them to appear if the committee desires.

Senator Rea was assigned Dennis Adams, Director, Department of Revenue, and he called 5 different people around the state for references, previous associates from Great Falls, Miles City, Helena and Billings. He met with him personally and has high regard for this man in every aspect of character reference. He's been engaged in public service for almost 15 years in his

capacity of CPA. He's been in private business of trucking and contracting firm, so he's familiar with that industry. He heard nothing but good remarks about this individual. Senator Rea said he recommends his appointment be approved as the Director of the Department of Revenue. Senator Rea asked if madam chairman wanted a written or verbal report in this regard? She answered a written report would be well for the secretary. Whatever notes you have could be made a part of the permanent record.

The resumes that the governor gave you wouldn't need to be given. That is for your information to work with. Your notes would be helpful if there is any further questions at any other time.

Chairperson Vaughn said we'll be having a joint meeting with the House to hear the Martin Luther King bill in the senate judiciary room. She talked with Jan Brown, Chairperson for House State Administration and they would like to combine the hearings in order to move the bills along. If we have combined hearings it will eliminate some travel and time for people who return twice to testify and we wouldn't have to spend two separate days in hearings. Executive action in those cases would be taken in each of the separate committees.

HEARING ON SENATE BILL 71

Presentation and Opening Statement by Sponsor:

Senator Delwyn Gage, Senate District # 5, Cut Bank, stated this bill was presented last session and didn't get out of the Senate. Interim committees are composed of 2 members from each side of the isle from each house. He said the committee relies on the legislative staff for most of the study and recommendations. Most often the senators go home and leave the work to the council. He believes that 4 people, 1 from each side of the isle from each house, could do as good a decision making on those recommendations as the 8 member committee. This is an attempt to limit the growth of state government and cut some of our own costs. He said the state legislature is probably the fastest growing segment of state government. He thinks those senators who want to be active, will be, whether they're on a committee or not and vice versa. He asked around and found that there are not many legislators who want to be real active during the interim.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members:

Senator Fritz asked Senator Gage what interim committees are we talking about? Is there a difference between a standing committee and an ad hoc interim committee?

Senator Gage responded that the committees we're talking about are committees other than Legislative Finance, Legislative Audit, Legislative Council, Indian Affairs, Revenue Oversight, Coal Tax Oversight, which only has 4 members on it.

Senator Fritz asked if there are some of those committees that should have 8 and others that shouldn't? Senator Gage has served on the Legislative Finance, Audit, the Indian Affairs, which had 12 and was cut back to 4 and Coal Tax Oversight. In his experience those he served on could function fine with only 4 members.

Senator Hockett asked how many times do they meet? Senator Gage answered that some committees get subjects assigned to them. It depends on the loads they are given and the amount of budget they're allowed.

Senator Pipinich felt that the reason that this bill failed last session was they felt there had to be that many to get the work out of committees. He feels they need the 4 there to ensure the work gets done.

Senator Burnett said that the staff does most of the study work for the committee.

Senator Anderson served on the Coal Oversight, which has 4 members and it worked very well because of fewer differing opinions. The staff gets the information together and most of the things they do is review the information given them.

Senator Rea asked about the cost of interim committee meetings. Senator Gage responded that you may get the same budget and have double the meetings and have no cost advantage at all. He hopes the legislature will cut those budgets as a result of this legislation. If they don't and the committee's have twice as many meetings, there would be no financial advantage. It would give the legislature some justification for cutting those budgets.

Senator Vaughn asked if there should be a fiscal note with this? Senator Gage answered they would make suppositions based on past history as to how many meetings there might be and what the cost would be. He wouldn't rely on suppositions to heavily.

Senator Vaughn asked if the larger number allows greater input from different areas and a broad spread for your information? Senator Gage responded that few of the legislators bring any information from their constituency.

Closing by Sponsor:

Senator Gage indicated that Senator Pipinich hit on the best reason for reducing this to 4. Perhaps the committee members would take them more seriously and realize that more depends on

them individually if there is only 4 members doing the work. The thrust of this legislation is to set an example for the rest of state government to not keep growing larger.

Chairperson Vaughn postponed executive action until the fiscal note could be perused. Senator Fritz said they would calculate the cost on the number of meetings in the previous biennium.

Senator Hockett asked if there are budgets set up for these committees by the legislature? Unless you cut the budget in half you don't really save a great deal. Senator Anderson said the committees usually try to live within their budget. Senator Pipinich said we should try to appoint 2 people who are really interested and involved, it would work.

HEARING ON SENATE BILL 76

Presentation and Opening Statement by Sponsor:

Senator Tom Towe, Senate District 76, Billings, said Senate Bill 76 is an act establishing an office of the state coordinator for ethnic affairs. We already have a coordinator of Indian affairs. That works very effectively. The coordinator is an advocate who helps them get into the mainstream and society where they live. The coordinator of ethnic minorities would deal with problems Mexican Americans, Latin Americans, Blacks, Laotians and Vietnamese. They have a difficult time dealing with state government and dealing with society. Some of their problems are unemployment, underemployment and the lack of economic and educational opportunity. It defines ethnic minorities as a person of Hispanic, Black, Asian, or other minority race. It provides for that coordinator be attached to the Department of Commerce. The coordinator is appointed by the governor from a list of qualified ethnic minority nominees. He reviewed a book, "Hispanics in Montana" published in October 31, 1980. It says hispanics tend to get jobs but are underemployed as to the kinds and quality of employment.

Proponents' Testimony:

Senator Towe read a letter from the "Refugee Assistance Corporation of Missoula, in support of this legislation. (See exhibit 1)

Representative Bob Gervais, House District 9, Glacier County, commented that the Coordinator of Indian Affairs works on a government to government basis. He supports the 2 coordinator concept and wants them kept separate. He wants new money for this ethnic coordinator.

Rod Garcia, Billings, former state representative told that this legislation failed last session. He believes the minority groups in Montana are experiencing a deeper depression than most.

Robert Frederico, a hispanic elected to the state House of Representatives in 1975, recommended that there be a commission on hispanic affairs be created and be attached to the Office of Public Instruction, Social Rehab and the Governor's offices. Average salary of minority groups is presently around \$10,000 in Montana. He suggests not giving paid state holidays and spend that money on a coordinator for ethnic affairs.

Kathleen Fleury, Coordinator of Indian Affairs, read testimony from the Crow Tribe of Indians. They support the concept, but do not want the Indians included in Senate Bill 76. (See exhibit 2)

Francis Belgarde, Executive Director of the Helena Indian Alliance, who represent between 1800 and 3200 native Americans. They support the concept of a coordinator of ethnic affairs but do not want the Coordinator of Indian Affairs abolished or changed in any way.

Representative Gervais read 2 letters into the record in favor of Senate Bill 76. (See exhibits 3 & 4)

Opponents' Testimony:

None

Questions From Committee Members:

Chairperson Vaughn asked about a fiscal note on Senate Bill 76. Senator Rea asked if on the fiscal note it will show how the funds are spent? Chairperson Vaughn responded the fiscal note explains quite well what the costs are. Senator Towe said the fiscal note would be \$112,000 the first year and \$100,000 thereafter. It would be similar to the Coordinator of Indian Affairs.

Closing by Sponsor:

Senator Towe thanked the committee for a good hearing and hoped they would pass Senate Bill 76.

Announcement

Senator Vaughn asked if anyone had anything further to report on the confirmations. She asked the committee for written reports on their people. Tuesday, January 22, we'll take action on the confirmations.

Senator Hockett asked what is the path of these confirmations in the legislative process? This committee recommends to the Senate. Once the appointment is approved by the Senate it's

SENATE STATE ADMINISTRATION COMMITTEE

January 17, 1991

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done. If there is no question, we can offer them as 1 group. If there is a question on 1 person, we can separate that name out and do it separately. Our committee doesn't get the judgeship appointments.

ADJOURNMENT

Adjournment At: 11:07 A.M.


ELEANOR VAUGHN, Chairman


DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE January 17, 1991

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	Y		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK			<i>excused</i>
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT	X		

Each day attach to minutes.

January 17, 1991

State Administration

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

kinko's

FAX Cover Sheet

SENATE STATE ADMIN.

EXHIBIT NO. 1DATE Jan 17, 1991BILL NO. SB 76**To:** SEN. TOM TOWEContact Phone: 1-444-4448FAX Phone: 1-444-4105**From:** Refugee Assistance Corp

Contact Phone: _____

kinko's FAX phone: (406) 543-6232

Number of Pages including this cover sheet: 2

KINKO'S PUBLIC FAX service can receive FAX transmissions 24 hours a day.
Please call (406) 728-2679 if you have difficulties receiving this transmission.

Refugee Assistance Corporation

A Non-Profit Organization

1280 South Third West • Missoula, Montana 59801
Telephone: (406) 721-5052

January 16, 1991

Senator Tom Towe
Montana State Legislature

Dear Senator Towe:

We, the members and supporters of the Missoula Southeast Asian Refugee community are sending this letter in support of proposed legislation, contained in Senate Bill 76, which would establish the office of State Coordinator of Ethnic Affairs.

The Southeast Asian refugee community in Missoula County consists of 410 individuals, primarily from Laos, but also from Vietnam and Cambodia. Problems facing this community include a high unemployment rate (30%), and chronic underemployment. We are concerned about the lack of employment and employment training in the area. We also see a need for better low-cost housing, child care, and medical insurance. Finally, we are concerned with the fact that federal funds for refugees

We endorse the proposal for establishing the proposed office of State Coordinator of Ethnic Affairs as we feel many of the problems confronting our community are similar to those faced by other ethnic minority populations in the state. A person representing ethnic minority issues in Helena, we feel, would significantly benefit our community.

Sincerely,

Members and Supporters of the Missoula County Refugee Community

Nyiaj Kou C. Lee - Director Refugee Assistance Corp.

Emily Barton - Program Developer Refugee Assistance Corp.

Nancy Grassesschi - Co-Chair of Board of Directors for the Refugee Assistance Corporation.

James W Denny - Board of Director member.

PAO MOVA - VICE CHAIR - BOARD OF DIRECTORS



CROW TRIBAL COUNCIL

P.O. Box 159
Crow Agency, MT 59022
(406) 638-2601

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 1-17-91

BILL NO. SB 76

Clara Nomee, Madame Chairman
Joseph Pickett, Vice-Chairman
Blaine Small, Secretary
Sylvester Goes Ahead, Vice-Secretary

Crow Country

DATE: January 17, 1991

FAX COVER SHEET

TO: Governor Stephens

COMPANY: Montana State Governor

FAX #: 444-5529 PHONE #: _____

FROM: Crow Tribe of Indians

COMPANY: _____

FAX #: 638-2608 PHONE #: 638-2601

COMMENTS: The enclosed comment are in regards to Senate Bill No. 76

Re: State Coordinator for Ethnic Affairs

NUMBER OF PAGES INCLUDING COVER SHEET: 2

COMMENTS OF CROW TRIBE
ON SENATE BILL No. 76

The Crow Tribe wishes to go on record in support of the Montana State Legislature's concern for ethnic minority groups as expressed in Sections 1 and 2 of the proposed bill.

However, if Senate Bill No. 76 is for the purpose, or has the intent of, replacing the State Coordinator of Indian Affairs and/or abolishing the existing State Office of Indian Affairs, then the Crow Tribe of Indians is totally opposed to the proposed legislation in its entirety based in part on the following reasons:

1. The Crow Tribe does not wish to be included in what appears on the surface to be a sort of melting pot of other non-Indian minorities.
2. The Crow Tribe has a unique relationship with the U.S. Government and Montana State Government, as do other tribes in the state that the tribe wishes to continue.
3. The Crow Tribe's unique relationship is based on its unique culture, history, sovereignty (inherent and otherwise) that is not common with any other ethnic group or minority within the state.
4. The Crow Tribe has supported the creation of the Office of State Coordinator For Indian Affairs and the present State Coordinator of Indian Affairs, Kathy Fleury. To abolish the office and coordinator would be to frustrate our efforts in establishing a more meaningful relationship with the government of the State of Montana as well as the Governor's Office.



SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE Jan 17, 1991

BILL NO. SB 76

CITY OF BILLINGS

RICHARD L. LARSEN
MAYOR
P.O. BOX 1178
BILLINGS, MT 59103
PHONE (406) 657-8296

TO: MEMBERS OF THE SENATE AND HOUSE
MONTANA STATE LEGISLATURE

FROM: RICHARD L. LARSEN, MAYOR
CITY OF BILLINGS

SUBJECT: SENATE BILL 76

DATE: JANUARY 15, 1991

It has come to my attention that SENATE BILL 76, "an act establishing an Office of the State Coordinator for Ethnic Affairs", is being considered by the Legislature. For some years I have been an advocate to have such an office at the State level.

We sometimes forget the major role our minority brothers and sisters play in our state, including in our state's economy, yet many of these citizens do not have adequate representation at the state level dealing with unique issues. We are beginning to address the issues of the Native Americans, but we still have not come to grips with our minority population.

I urge your serious consideration of SENATE BILL 76. Thank you.

Sincerely,

Richard L. Larsen
Mayor

RLL:bm

B FREE*Billings Forum for Racial and Ethnic Equality*

P. O. Box 30164
Billings, MT 59107
(406) 245-7735

January 15, 1991

Montana State Senate
Capitol Station
Helena, Montana

RE: SENATE BILL 76

The Billings Forum for Racial and Ethnic Equality (B FREE) is strongly in support of Senate Bill 76 which would establish an office of the State Coordinator of Ethnic Affairs. We believe that such an office is vital in Montana, where, sadly, many problems peculiar to people of color are inadequately addressed; it is, at this moment in history, a very necessary step in Montana's social, educational, cultural and economic development.

There exists in Montana a growing population of peoples of color. Most of us who belong to racial minorities continue to have limited avenues to redress, employment, housing, education, etc. Racial discrimination in housing, for example, occurs at the rate of 57% in Montana, a rate more than twice that of the rest of the nation. There are only a few places in Montana where qualified people of color, when we are employed at all, are seen in "front office" jobs. There are, consequently, too few minority teachers, college professors, physicians, judges, legislators to serve as mentors and role models to children of color.


Our children are exposed to precious little, if any, ethnic literature, history, art, music, or even current events in Montana's public schools; as has been shown repeatedly, the lack of exposure to curricula relative to a child's own traditions tends to foster that child's disinterest in functioning effectively in the surrounding culture. A State Office of the Coordinator of Ethnic Affairs may never change these facts, but it certainly could help to fill some of the gaps.

Further, people of color in Montana continue to be effected most often and more adversely by some public policy and tactics existing in local governments, which seem to reflect a general acceptance of negative stereotypes as well as the assumption that those so effected would appear to "deserve it." Again, a State Office of the

Coordinator of Ethnic Affairs may not serve to bridge the entire cultural-legal abyss, but such an office can help fill some of the gaps.

Peoples of color in Montana sorely need an official entity to address the critical issues facing us today and in the future. We hope that our esteemed State Senate will give SB 76 the serious consideration it is due.

Yours very truly,

A handwritten signature in cursive script that reads "Deborah Stanford".

Deborah Stanford

for: BILLINGS FORUM FOR RACIAL AND ETHNIC EQUALITY