

MINUTES

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

Call to Order: By Chairperson Eleanor Vaughn, on January 22, 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)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Bernie Swift

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion:

EXECUTIVE ACTION ON SENATE BILL 43

Motion:

Senator Blaylock made a motion to accept the amendment offered that would strike on page 1, line 15 all of line 25 and on page 1, line 21 strike Columbus Day and insert Native American Day.

Senator Farrell made a substitute motion to amend Senate Bill 43 to strike on line 15 Chief Joseph Day and insert Dr. Martin Luther King and Native American Day.

Discussion:

Senate Bill 43 is an act eliminating Heritage Day and establishing Chief Joseph Day as a state holiday. There was an amendment offered that on page 1, line 15 we strike line 15 in its entirety and on page 1, line 21 strike Columbus Day and insert Native American Day and amend the title as necessary.

The effect of this amendment is to wipe out Columbus Day holiday and have a Native American Day holiday. Senator Anderson asked what would happen with Columbus Day being a national holiday.

Amendments, Discussion, and Votes:

A roll call vote was cast on the substitute motion to make the 3rd Monday in January Native American Day and Martin Luther King Day. The VOTE was 4 yes and 4 no. Motion failed.

A roll call vote was cast and the VOTE was 4 yes and 4 no to accept this amendment to wipe out Columbus Day. Motion failed.

Recommendation and Vote:

Senator Farrell moved to TABLE SENATE BILL 43. The VOTE was UNANIMOUS to table SB 43.

EXECUTIVE ACTION ON SENATE BILL 78

Motions:

Senate Bill 78 is a bill to establish Martin Luther King Day as a holiday on the 3rd Monday in January. Senator Burnett moved to have the attorney draw this legislation into a referendum to go before the people in the next election.

Senator Fritz MOVED to DO PASS SENATE BILL 78.

Discussion:

Senator Burnett's reason for this is his mail in regard to establishing a Martin Luther King Day in Montana. Since this will be a legal holiday we should give the public a chance to voice their opinion.

Amendments, Discussion, and Votes:

Chairperson Vaughn said you have heard the proposed amendment to put this legislation on the ballot as a referendum in the next general election to see if the people want the 3rd Monday in January as Martin Luther King Day.

Senator Fritz opposed this motion for several reasons. There has been no effort around the state for such a referendum and the hearing yesterday was overwhelmingly in favor of the day with 36 proponents. It's the obligation of the Senate to go forward with this legislation and if there is opposition in the state they can come forth with a petition.

Senator Farrell said it isn't within the scope of the title of this bill to make a referendum. Attorney Niss explained that

SENATE STATE ADMINISTRATION COMMITTEE

January 22, 1991

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there is "Unity of Title Requirement" of which there are two parts. The first part is that a bill can only pertain to one subject and the second part is it has to be clearly reflected in the title and it can't be changed in it's passage through the legislature to contain another subject. This is a very close call because the bill still pertains to the same holiday.

Senator Blaylock spoke against this amendment because all the state holidays that have been established in the state of Montana have been done by the legislature.

Senator Anderson mentioned a poll taken that was against the day. Senator Fritz took exception to that saying he thought the poll was the other way around.

Attorney Niss read from Section 11, "shall not be so changed in its passage through the legislature to change its original purpose."

A roll call VOTE was 3 yes and 6 no to put Senate Bill 78 on a referendum. Motion failed.

Senator Farrell MOVED a substitute AMENDMENT to amend line 16 to Martin Luther King Day and Native American Day. That satisfies the proponents of both bills and doesn't add another holiday.

Senator Fritz rebutted that with the idea that we have 2 bills and each should stand on it's own. Senator Blaylock reminded us that the Native Americans were proponents of Senate Bill 78.

Senator Burnett stated that there are only 800 Blacks in Montana and 50,000 Native Americans and if we're going to honor anyone it should be those that we've deprived. We've never had a civil rights movement, never has the colored race had a demonstration. Senator Rea wants Columbus Day in and meet the needs of both.

Senator Farrell said the president of the Rainbow Coalition testified yesterday and he felt she wouldn't oppose being honored and included with Martin Luther King. That Montana would be the first state to elevate the Native American nationwide.

Senator Blaylock said that the things that Martin Luther King fought for, decency for all, civil rights, etc. have been withheld in Montana also.

Senator Burnett MOVED a substitute MOTION ON SENATE BILL 78 to make Martin Luther King Day, Native American Day, and Columbus Day all in one. Remove Columbus from the October date.

The VOTE was 1 yes and 8 no. Motion failed.

Chairperson Vaughn called for a roll call VOTE on the substitute MOTION that on line 16 make Martin Luther King Day and Native American Day the 3rd Monday in January. The VOTE was 4 yes and 5 no. The motion dies.

Recommendation and Vote:

A roll call VOTE to DO PASS SENATE BILL 78 was 7 yes and 3 no. Motion carried.

GOVERNOR APPOINTMENTS

Senator Fritz gave a written recommendation and resume on Charles A. Brooke as Director of the Department of Commerce.

Senator Blaylock approved Robert Marks, Director of Department of Administration.

Senator Hockett gave a verbal recommendation and resume on Dennis Iverson, Director of Department of Health and Environmental Sciences.

Senator Farrell gave a written resume and recommendation on Thomas L. Olsen, Director of Department of Family Services.

Senator Swift gave a written recommendation and resume on Zoann Attwood, Director of Montana State Lottery.

Senator Rea gave a written resume and recommendation on Dennis L. Adams, Director of the Department of Revenue.

Senator Pipinich gave a verbal recommendation on John Rothwell, Director, Department of Highways.

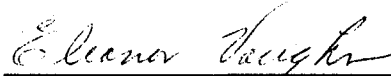
These will be put in a file to be used when the hearings on those appointments are scheduled.

RECOMMENDATION AND VOTES:

Senator Hockett MOVED that we confirm the department heads that had been reviewed. The committee instructed the Legislative Council Staff Attorney to draft a Committee Resolution to prepare the way for a public hearing on these appointments. The VOTE was UNANIMOUS to proceed with these confirmations as requested by the Governor.

ADJOURNMENT

Adjournment At: 11:20 A.M.



ELEANOR VAUGHN, Chairman



DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE Jan 22, 1991

52 LEGISLATIVE SESSION

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

Each day attach to minutes.

1-22-91

MONTANA STATE SENATE

SENATOR HARRY FRITZ
SENATE DISTRICT 28
HOME ADDRESS:
675 E. CENTRAL AVENUE
MISSOULA, MONTANA 59801

COMMITTEES:
EDUCATION, VICE-CHAIRMAN
STATE ADMINISTRATION
FINANCE & CLAIMS

CAPITOL STATION
HELENA, MONTANA 59620
PHONE (406) 444-4800

MEMORANDUM

TO: Chairwoman Vaughn, and Members of the Senate State Administration Committee

FROM: Senator Harry Fritz *H. Fritz*

DATE: January 22, 1991

RE: Confirmation of Charles A. Brooke as Director of the Department of Commerce

The candidate for the Directorship of the Department of Commerce, Charles A. Brooke, graduated from the University of Montana in Missoula.

Do we need to add anything else?

If the man had graduated from Montana State in Bozeman, we might have to call out the Pinkerton Agency to investigate his character!

Chuck Brooke obtained not one, but two degrees from the University of Montana. In 1974 he earned an M.A. in Political Science. He says I was on the three-man committee that administered the M.A. exam, but he'll say that of anyone.

Mr. Brooke has served in both the public and the private sectors of Montana.

He was the Chief Deputy of the Missoula County Clerk and Recorder's Office, and the Administrative Assistant/Chief of Staff in the Missoula County Commissioner's office (1978-1981).

He was also an Executive Assistant in the Office of Secretary of State Jim Waltermire (1986-87).

In the private sphere he ran an advertising agency in Missoula (1981-86), and was President of a public relations and media consulting firm (1987-89).

I called several people from both political parties to inquire about Mr. Brooke. Their recommendations were unanimous and highly favorable.

Mr. Brooke was described as smart, straightforward, competent and capable - a person whose judgment was always to be trusted.

Above all, I asked people if there was any reason at all why Chuck Brooke should not be confirmed as Director of the Department of Commerce.

I heard none, and, in fact, my respondents were highly enthusiastic about his leadership. One praised him for his support of local economic development groups, and said that the relationship between the state and localities on this issue was the best ever.

Another commented on Mr. Brooke's realistic assessment of the economic problems facing the state, argued that he knew the difference between promotion and development, and maintained that Mr. Brooke was beginning to gain the confidence and the ear of others in the Administration.

In short, because of these favorable references, because no visible opposition has surfaced, and because he was recently spotted in The Windbag, I recommend that Charles A. Brooke be confirmed by the State Administration Committee and the Senate as Director of the Department of Commerce.

HF\mm

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 1-22-91

Bill No. SB 42

Time 10:00

NAME	YES	NO
Chairman Eleanor Vaughn		X
Vice Chairman Bob Pipinich	X	
Senator John Anderson		X
Senator Chet Blaylock	X	
Senator James Burnett		X
Senator "Bill" Farrell		X
Senator Harry Fritz	X	
Senator Bob Hockett	X	
Senator Jack "Doc" Rea	X	
Senator Bernie Swift		

Dolores Harris
Secretary Dolores Harris

Eleanor Vaughn
Chairman Eleanor Vaughn

Motion: Accept the amendment to change
Columbus Day to Native American
Day.

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 1-25-91 SB 43 Bill No. SB 43 Time 10:15

NAME	YES	NO
Chairman Eleanor Vaughn		X
Vice Chairman Bob Pipinich		X
Senator John Anderson	X	
Senator Chet Blaylock		X
Senator James Burnett	X	
Senator "Bill" Farrell	X	
Senator Harry Fritz		X
Senator Bob Hockett		X
Senator Jack "Doc" Rea	X	
Senator Bernie Swift		

Dolores Harris
Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: Substitute motion to make the 3rd
Monday in January Native American
Day and Martin Luther King Day. Motion
failed

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date _____ Bill No. SB78 Time 10:40

NAME	YES	NO
Chairman Eleanor Vaughn		X
Vice Chairman Bob Pipinich		X
Senator John Anderson	X	
Senator Chet Blaylock		X
Senator James Burnett	X	
Senator "Bill" Farrell	X	
Senator Harry Fritz		X
Senator Bob Hockett		X
Senator Jack "Doc" Rea		X
Senator Bernie Swift		

Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: To put a referendum on the
ballot in the next general election.
Indemnity funds

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 1-22-91

Bill No. SB 78

Time 10:50

NAME	YES	NO
Chairman Eleanor Vaughn		X
Vice Chairman Bob Pipinich		X
Senator John Anderson		X
Senator Chet Blaylock		X
Senator James Burnett	X	
Senator "Bill" Farrell		X
Senator Harry Fritz		X
Senator Bob Hockett		X
Senator Jack "Doc" Rea		X
Senator Bernie Swift		

Dolores Harris
Secretary Dolores Harris

Eleanor Vaughn
Chairman Eleanor Vaughn

Motion: 2nd substitution - delete Columbus
Day a holiday and make 3rd Mon
in Jan. Martin L. King, Martin Luther
and Columbus Day motion failed

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 1-22-91 Bill No. SB 78 Time 10:55

NAME	YES	NO
Chairman Eleanor Vaughn		X
Vice Chairman Bob Pipinich		X
Senator John Anderson	X	
Senator Chet Blaylock		X
Senator James Burnett	X	
Senator "Bill" Farrell	X	X
Senator Harry Fritz		X
Senator Bob Hockett		X
Senator Jack "Doc" Rea	X	
Senator Bernie Swift		

Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: on line 16 make Martin Luther
King Day and native American day the
3rd Mon. in Jan. Motion dies.

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date Jan 22, 1991

Bill No. SB 78

Time 10:55

NAME	YES	NO
Chairman Eleanor Vaughn	X	
Vice Chairman Bob Pipinich	X	
Senator John Anderson	X	
Senator Chet Blaylock	X	
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

Dolores Harris
Secretary Dolores Harris

Eleanor Vaughn
Chairman Eleanor Vaughn

Motion: As per sb 78. Motion Carried

51st Legislative Session

STATE ADMINISTRATION COMMITTEE

PROXY VOTE

I, Senator Bernie Swift do hereby
grant my proxy vote to Chairman Vaughn or Secretary Harris as
follows:

BILL NUMBER SB 78

MOTION

Do Pass
Yes _____ No ✓

Do Not Pass
Yes ✓ No _____

Indefinitely Postponed
Yes ✓ No _____

Tabled
Yes ✓ No _____

Date 1/18/91

Bernie Swift
Signature

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 22, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 78 (first reading copy -- white), respectfully report that Senate Bill No. 78 do pass.

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

BB 1/22/91
Amd. Coord.

BB 1/22/91
Sec. of Senate

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