

## **MINUTES**

### **MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By Chairperson Eleanor Vaughn, on March 12, 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:** Senator Bernie Swift

**Staff Present:** David Niss (Legislative Council).

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

**Announcements/Discussion:** Elizabeth Roth brought children,  
representing the 1991 Children's Agenda, to the committee  
where they gave everyone a can of juice, a play block and a  
muffin.

#### **HEARING ON HOUSE BILL 758**

##### **Presentation and Opening Statement by Sponsor:**

Representative Beverly Barnhart, House District 80, Bozeman,  
said House Bill 758 allows birth fathers and adoptive parents to  
be added to maternity leave. At the present time maternity leave  
can be taken only by the birth mother. She can also use her sick  
leave for this purpose. This bill would allow birth fathers and  
adoptive parents to do that same thing. She gave amendments that  
would include any child of any age, when placed in a home, would  
be treated the same as a birth child. (Exhibit 1)

##### **Proponents' Testimony:**

Ann Danzer read testimony supporting House Bill 758 and  
prepared by Lynda Saul representing the Interdepartmental  
Coordinating Committee for Women, because Lynda was unable to  
appear. (Exhibits 2 and 3)

Colleen Lindsay supports House Bill 758. She is a state employee and a mother of 2 adopted children. Her first child was 24 hours old when she received the notice and the other child was 2 days old when they heard they had another child. She had worked for the state for 12 years, had been trying to have a baby and had planned to use her sick leave when she got the child. She was surprised to learn that she had to return to work, take annual leave or leave without pay. The present law is discriminatory. She wanted to be home bonding with her child as any birth mother is allowed to do.

Colette Baumgardner, the legislative aide for the Democratic Women's Caucus, said they support this bill.

Kate Cholewa, Montana Women's Lobby, supports House Bill 758.

Jerry Wells rose in support of House Bill 758. He and his wife have recently begun the process of an international adoption. As long time state employees, they believe this is a positive step for families and is in the best interest of state government. By legitimizing and providing a mechanism for parental leave, HB 758 recognizes the importance of both parents, sharing in the joys and work associated with a natural or adopted child. He believes it is important for adoptive parents of foreign children to have the flexibility to utilize sick leave to bond with the child and to make the transition for the infant as rapid and pleasant as possible. Please pass this bill.

#### Opponents' Testimony:

None

#### Questions From Committee Members:

Senator Burnett asked why would you need both parents there for a period of time? Representative Barnhart said you wouldn't necessarily need both parents, but if a father wished to be there, he could have the opportunity. This is for state employees and not many have both husband and wife working for the state.

Senator Burnett said that in military service the attitude is you have to be there for the launching but not the christening.

Senator Hockett asked why did you exclude school teachers? Representative Barnhart said they are excluded because they are under a different personnel plan.

Senator Hockett asked about the length of time a person can be gone. Representative Barnhart said under maternity leave the length of time they can be gone is 6 weeks. Under sick leave it is a combination of vacation and sick leave.

SENATE STATE ADMINISTRATION COMMITTEE

March 12, 1991

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Senator Fritz asked who it applies to presently. Representative Barnhart said it applies only to birth mothers and she is adding birth fathers, adoptive fathers and adoptive mothers.

Senator Vaughn asked if this applies only to state employees? Representative Barnhart said yes, only state employees.

Senator Hockett asked about a fiscal note for House Bill 758 because this is going to cost the state some money. Senator Vaughn responded that departments do budget for sick leave and vacation leave.

Closing by Sponsor:

Representative Barnhart said she has used the language natural rather than birth or adoptive parents, and perhaps the language should be the same in all the statutes about parents. She asked Senator Blaylock to carry this bill.

Senator Blaylock asked her to take the amendments to the Legislative Council and get them prepared as she thinks they should be and bring them back to this committee. She said she would.

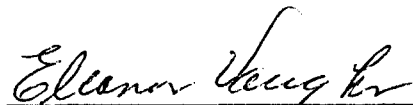
DISCUSSION

The committee discussed House Bill 829 and asked David Niss to write an amendment that puts this into agreement with the fax legislation the committee passed earlier.

The fiscal note for House Bill 577 was given to the committee members and there was discussion about the military benefits that are being offered throughout the legislature. No action was taken today on House bill 577.

ADJOURNMENT

Adjournment At: 10:30 A.M.



ELEANOR VAUGHN, Chairman



DOLORIS HARRIS, Secretary

EV/dh

SA031291.SM1

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 3-12-91

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.

DATE March 12, 1991

COMMITTEE ON State Administration

HB 758 HB 817

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Amendments to House Bill No. 758  
Third Reading Copy

Requested by Representative Beverly Barnhart

Prepared by Sheri S. Heffelfinger  
March 11, 1991

1. Title, line 7.  
Following: "CHILDREN"  
Strike: "UNDER 1 YEAR OF AGE"
2. Page 1, line 25.  
Following: "~~children~~."  
Insert: "(1)"
3. Page 2, line 1.  
Following: "develop"  
Strike: "an adoptive"  
Insert: "a"
4. Page 2, line 5.  
Following: "leave"  
Insert: ", immediately following the birth or placement of a  
child,"
5. Page 2, lines 8 and 9.  
Strike: "(1)" on line 8  
Insert: "(a)"  
Following: "CHILD" on line 8  
Strike: "UNDER 1 YEAR OF AGE"
6. Page 2, line 10.  
Strike: "(2)"  
Insert: "(b)"
7. Page 2.  
Following: line 10  
Insert: "(2) As used in this section "placement" means placement  
for adoption as defined in 40-8-103."
8. Page 3, lines 19 and 20.  
Following: "employee" on line 19  
Strike: "adopting a child under 1 year of age"  
Insert: "who is eligible for parental leave under the provisions  
of [section 1]"

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of March, 1991.

Name: Lynda Saul by Ann Danzer

Address: ICCW

Telephone Number: 444-6628

Representing whom?

ICCW

Appearing on which proposal?

HB 758

Do you: Support? X Amend? \_\_\_\_\_ Oppose? \_\_\_\_\_

Comments:

TESTIMONY PRESENTED TO THE  
SENATE STATE ADMINISTRATION COMMITTEE  
HOUSE BILL 758DATE 3-12-91BILL NO. HB 758

March 12, 1991

Chairwoman Vaughn, Members of the Committee:

My name is Lynda Saul. I represent the Interdepartmental Coordinating Committee for Women, known as ICCW. ICCW was established in 1977 and was re-established in 1990 by Governor Stephens, through Executive Order. Our main purpose is to promote the full participation of women at all levels of state government.

House Bill 758 will allow permanent state employees who are new natural fathers or new adoptive parents to use their earned sick leave to care for and bond with their new child.

The Montana Maternity Leave Act requires an employer to grant reasonable leave to the natural mother for temporary disability as a result of childbirth. State policy has interpreted this Act to allow natural mothers to use up to 6 weeks of their earned sick leave immediately following the birth of her child. HB 758 guarantees that parents adopting children or natural fathers will have the same benefits as natural mothers.

This is an important state employee bill because it requires that all employee leave requests are treated equally within an agency and between agencies. The bill also guarantees that employees can return to their original or equivalent position after their parental leave.

Montana has many fragmented policies for a piece meal approach to parental leave. Currently, newly adoptive parents and natural fathers may take annual leave, compensatory leave, leave without pay, or request an alternate work schedule. All of these options are currently available but there is no policy that requires an employee's supervisor to grant any of these requests. Unlike maternity leave, there is no guarantee that newly adoptive parents or natural fathers can use accumulated leave time and have their job held until they return. There is also no policy to guarantee that employee leave requests are treated equally within an agency or between agencies. House Bill 758 would require these two provisions.

An adoptive leave policy would provide parents with the critical opportunity to bond with their newly adopted child. Unlike natural parents who have 9 months to physically bond with their new child, adoptive parents need time once their new child finally arrives to physically bond. Natural parents also have 9 months to prepare for the arrival of a new infant to their lives. However often after years of waiting, couples may be given only a



week or a days notice that their new child is ready to be picked up and taken home. This bill would provide the opportunity that is needed for permanent state employees as parents to adjust to and bond with their new child.

A paternity leave policy would provide natural fathers the opportunity to fully participate in the important first weeks of his child's life.

ICCW supports House Bill 758 and urges you to vote in favor of this bill.



# 1991 CHILDREN'S AGENDA

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 3-12-91

BILL NO. none

## ENDORISING ORGANIZATIONS

American Lung Association of Montana  
American Association of University Women, Montana Division  
Butte-Silver Bow Health Department  
Department of Family Services Foundation Service Chapter of Montana Public Employees Association  
Developmental Education Assistance Program (DEAP)  
Family Outreach, Inc.  
Family Support Services Advisory Council  
Florence Crittenton Home  
Foster Adoptive Circle Encouraging Teamwork (FACET)  
Great Falls City-County Health Department  
Healthy Mothers, Healthy Babies The Montana Coalition  
Helena Ministerial Association  
Hi-Line Home Programs  
League of Women Voters of Montana  
March of Dimes Birth Defects Foundation, Montana Big Sky Chapter  
Montana Academy of General Dentistry  
Montana Children's Trust Fund  
Montana Perinatal Association  
Montana Association of County Agricultural Agents  
Montana Association of Extension 4-H Agents  
Montana Council for Families  
Montana 4-H Youth Programs Cooperative Extension Service  
Montana Alliance for Better Child Care  
Montana Section, American College of Obstetricians and Gynecologists  
Montana Education Association  
Montana Post Adoption Center  
Montana Family Planning Council  
Montana Residential Child Care Association  
Montana Nurse Practitioners Special Interest Group  
Montana University Affiliated Programs  
Montana Chapter of American Academy of Pediatrics  
Montana Council for Maternal & Child Health  
Montana Nurses' Association  
Montana Hunger Coalition  
Montana Congress of Parents and Teachers (PTA)  
Montana Dietetic Association  
Montana Public Health Association  
Montana Youth in Crisis Coalition  
Montana Dental Association  
Nurses Association of American College of Obstetrics and Gynecology  
Shodair Children's Hospital  
Special Training For Exceptional People (STEP)  
The Montana Interagency Adoption Council  
Western Montana Comprehensive Developmental Center (CDC)  
Yellowstone City-County Health Department  
Yellowstone Valley Chapter Healthy Mothers, Healthy Babies Coalition  
Young Families Program, Inc.

## LEGISLATIVE UPDATE

1991 CHILDREN'S AGENDA  
Status as of March 11, 1991

<u>Bill No.</u>	<u>Description and Status</u>
Health:	
HB 876	To continue and to expand the <u>MIAMI Project</u> . The Bill was introduced by Rep. Wyatt and passed through the House Committee on Human Services and Aging. It will be heard in the House Appropriations Committee on March 19.
HB 696	To continue funding for the <u>Montana Medical Genetics Program</u> . The bill was introduced by Rep. Jim Rice and passed through the House Comm. on Human Services and Aging. The bill has been referred to the House Appropriations Committee.
SB 371	To require insurance companies to cover <u>Well Child Care</u> . The bill was introduced by Sen. Jacobson and passed the Senate on February 26. The bill was heard on March 8 with the House Comm. on Human Services and Aging and is still in committee.
HB 376	To contribute general fund dollars for the state's <u>Immunization Program</u> . The bill was introduced by Rep. Messmore and has been referred to the House Appropriations Committee. That committee will hear the bill on March 19.
SB 259	To provide <u>Professional Nursing Consultants</u> within the Department of Health and Environmental Sciences. The bill was introduced by Sen. Eve Franklin and passed the Senate on February 11. The bill will be heard by the House Committee on Human Services and Aging on March 12.
HB 2	To provide general fund monies for the state <u>Family Planning Services</u> . This is part of the general appropriations for DHES and will be heard by the House Appropriations Committee from March 13 to 15.
HB 369	To provide funding for a <u>Public Health Education Specialist</u> within the Department of Health and Human Services. The bill was introduced by Rep. Toole. The bill has been referred to the House Appropriations Committee and will be heard on March 19.
HB 728	To provide for <u>Accessibility to Food Programs and Nutrition Services</u> . The bill was introduced by Rep. Ream and was heard by the House Committee on Human Services & Aging on March 6. The bill was passed by the committee as amended.

1991 CHILDREN'S AGENDA  
Status as of March 11, 1991

Bill No.      Description and Status

Mental Health/Social Service:

- HB 950      To adopt the Montana Family Policy Act. The bill was introduced by Rep. Brooke and was heard by the House Committee on Human Services and Aging on March 6. The committee has not yet reported.
- HB 2      To provide increased Staffing for the Department of Family Services. This is part of the general appropriations for the department and will be heard by the House Appropriations Committee on March 13 to 15.
- HB 366      To provide Child Protection Services on Montana's Indian Reservations. The bill was introduced by Rep. Russell and was passed by the House Committee on Human Services and Aging. The bill has been referred to the House Appropriations Committee and will be heard on March 18.
- HB 2      To provide Part H Early Intervention to children with developmental disabilities. This is part of the general appropriations for the Department of Social and Rehabilitation Services and will be heard in the House Appropriations Committee on March 13 to 15.
- HB 2      To continue funding the Big Brothers/Big Sisters Program. This is part of the general appropriations for the Department of Family Services and will be heard by the House Appropriations Committee on March 13 to 15.
- HB 371      To provide funding for Family Based Services. The bill was introduced by Sen. Menahan and has been referred to the House Appropriations Committee. The committee will hear the bill on March 18.
- HB 299      To Assure Permanent Homes for Children who have been placed in foster care. The bill was introduced by Rep. Sheila Rice and has been referred to the House Appropriations Committee. The committee will hear the bill on March 18.
- HB 981      To develop In-State Resources for Chronically Mentally Ill Children and Youth. The bill was introduced by Rep. Russell and has been referred to the House Committee on Human Services and Aging. No hearing has been scheduled as yet.

1991 CHILDREN'S AGENDA  
Status as of March 11, 1991

Bill No.      Description and Status

Education:

- HB 642      To Redefine Day Care and Preschool. The bill was introduced by Rep. Cocchiarella. The bill passed through the House and was transmitted to the Senate on February 26. It has been referred to the Senate Public Health Committee. A hearing has not yet been scheduled.
- SB 84      To Prohibit Corporal Punishment in the Schools. The bill was introduced by Sen. Jacobson and passed through the Senate. The bill has been referred to the House Education Committee and will be heard by that committee on March 14.
- SB 369      To Control the Sale of Tobacco Products to Minors. The bill was introduced by Sen. Jacobson. The Senate Public Health Committee heard the bill on February 20. No committee report as yet.