

MINUTES

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

Call to Order: By Chairperson Eleanor Vaughn, on March 19, 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)
Bernie Swift (R)

Members Excused: None

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion: None

HEARING ON HOUSE BILL 817

Presentation and Opening Statement by Sponsor:

Representative Royal Johnson, House District 88, said House Bill 817 allows a library created under Title 7 to receive state aid. The money is in place and this ensures an equal distribution. This bill includes the charter cities along with all other cities in the state of Montana to be able to use the funds. If they have an organized library, they are eligible for those funds.

Proponents' Testimony:

Richard Miller, Montana State Librarian, supports House Bill 817 which clarifies House Bill 193 passed the last session, and

which insures all of Montana's public libraries are eligible to receive state aid.

Debbie Schlessinger, Legislative Chair for the Montana Library Association, supports House bill 817. It was never their intention to leave any libraries out.

Gloria Hermanson, represents the Montana Cultural Advocacy, worked long and hard last session on House Bill 193 and it was an inadvertent mistake that this wasn't included in the bill last session. Please pass House Bill 817.

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Representative Royal Johnson explained that the State Library Commission did pass out the funds already because they hadn't caught the problem until a few months ago. Senator Hockett will carry House Bill 817 to the floor.

EXECUTIVE ACTION ON HOUSE BILL 817

Motion:

Senator Swift moved that we DO CONCUR IN HOUSE BILL 817.

Discussion:

None

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of House Bill 817 and Senator Hockett will carry it to the Senate floor.

HEARING ON HOUSE BILL 957

Presentation and Opening Statement by Sponsor:

Representative John Johnson, House District 23, Glendive, said House Bill 957 changes and adds 2 names to the list of Department of Institutions, the Montana Veterans' Home, which is at Columbia Falls and Eastern Montana Veterans' Home, which is in Glendive. Section 2 of the bill is for the purpose of collecting per diem and ancillary charges, and it adds that to the list of institutions under the Department of Institutions, the Montana Veterans' Home and the Eastern Montana Veterans' Home.

Proponents' Testimony:

Jim Currie, Department of Institutions, urges support of House Bill 957.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Burnett asked if eastern Montana had a veterans' home at this time. Jim Currie said the last legislative session approved the concept of the Eastern Montana Veterans' Home and set up methodology to establish a site selection committee. Since that time the site has been selected in Glendive and we're on the priority list for federal funding for the construction. It will be another year before actual construction of the home. The effect is this will codify the name.

Senator Fritz asked why is this change necessary? Representative Johnson responded that during the last session when this began there was no suggestion and this just formalizes the name of the facility.

Closing by Sponsor:

Representative Johnson asked the committee to pass this bill and said Senator Weeding will carry HB 957 to the Senate.

EXECUTIVE ACTION ON HOUSE BILL 957

Motion:

Senator Fritz moved to DO CONCUR IN HOUSE BILL 957.

Discussion:

None

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of passing HB 957. Senator Fritz moved to put House Bill 957 on the Consent Calendar. The VOTE was UNANIMOUS in favor of House Bill 957 being on the Consent Calendar.

HEARING ON HOUSE BILL 679Presentation and Opening Statement by Sponsor:

Representative John Scott, House District 97, said House Bill 679 is a bill of fairness. The firefighters are allowed time for sick leave and vacation time on a 40 hour week. This asks that they be paid sick leave and vacation time on actual hours served. Some cities will see a slight increase in benefits, but that wouldn't be as much as training another employee. To keep quality firefighters in Montana we need to think about benefits, pay increases, whatever.

Proponents' Testimony:

Tim Bergstrom, Montana State Firemen's Association, said House Bill 679 seeks to increase the annual accrual of sick and vacation leave for firefighters. Many firefighters work schedules of over 40 hours per week with straight time pay for up to 52 hours. The average work week of 1st class cities in Montana is 42.9 hours, for 2nd class cities it is 42, so the statewide average is 42.5 hours. Firefighters either work 24 hours on or the 10 hour day, 14 hour night shift. The cities found by extending the work day and going to 1 or 2 shifts in a 24 hour period they incurred less overtime costs and less sick leave costs. They can provide the same level of service with fewer men. Upon retirement a fireman can cashout 1/4 of the sick leave accrued. He asked if you can prorate sick leave and vacation for permanent part time employees, why not for over time employees?

Ed Fleece, Montana State Council of Professional Firefighters, recommended a do pass on House Bill 679.

Opponents' Testimony:

Bill Verwolf, City Manager of the City of Helena, said this bill segregates a specific group of employees in the state and treats them differently than all other employees in the state. The annual leave and sick leave statutes apply equally to state, county, and city employees, including firefighters. If you want to change it, make it for all employees who work overtime. A comparison of non-firefighters work hours is not a valid comparison, because working conditions are different for those 2 groups of people. In Helena that is recognized in the Union Contract through the fact that it is clearly stated that the schedule is for the mutual benefit of the city and the firefighters. The standard treatment of all employees is fair, has been fair and should remain that way. This bill is not well written and it opens up a concern that they earn vacation and sick leave for overtime. He recommended a do not pass.

Alex Hanson, Montana League of Cities and Towns, opposes this bill. The fiscal note says there is no fiscal impact based upon

the assumptions above. He did some calculations and estimates the fiscal impact of possibly as much as a quarter million dollars a year for cities and towns to pay firefighters. He used an average of 48 hours per week. Bozeman is the only city that works 48 hours per week. In the different classifications they get a variety of benefit hours and you multiply that by the average wage and the number of firefighters you come up with additional vacation cost of \$160,000 per year. The sick leave cost would be about \$100,000 per year. No other public employee in the state will get additional sick and vacation pay for overtime. He mentioned the Fair Labor Standards Act recognized that firefighters and public safety employees are different than most public employees, and thus adopted a separate work schedule that applies for the purposes of determining compensable overtime wages. This Act allows firefighters 212 hours in a 28 day work period. They are opposed to this bill.

Gene Vukovich, City/County Manager of Deer Lodge County, said I-105 has their County maxed out with the fire department. They can not raise any more revenue, they can't replace any equipment, nor train the individuals. An additional expense of any type can not be handled at this time. All of their employees are covered by 2080 hours per year. That is how everyone's vacation and sick leave is computed. Thank you.

Steve Johnson, Chief of the State Labor Relations Bureau and Chief Negotiator for the executive branch of state government in collective bargaining, pointed out that for all other leave accrual rates are tied to regularly worked hours. The State of Montana firefighters are limited to the 30 or so National Guard firefighters in Great Falls. The hours in this bill happen to correspond exactly with what is negotiated in that collective bargaining agreement, which is tied to regularly scheduled working hours, not hours actually worked. The reason the fiscal note shows no impact, it's tied to the state of Montana employees. He suggested that employers can, on a prorated basis, grant additional leave benefits. A proper form for that is through rules set by the employer or through collective bargaining.

Questions From Committee Members:

Senator Blaylock explained to Tim Bergstrom that if we were to pass this bill, it requires that cities pay more into this fund and he's deeply bothered when the State tells local governments they must spend more money. He can't support legislation like this unless the State will give them the money to do it. He doesn't think it is fair.

Tim Bergstrom agreed that the legislature could mandate that local governments absorb those costs. Mr. Bergstrom said he's been a part of collective bargaining process in Billings and the firefighters since 1974. This issue has come up time and time again into the collective bargaining process in Billings and

other cities. At every instance the City of Billings has said to the firefighters that this should be taken to the legislature and not brought to them. That's why they are here.

Senator Blaylock doesn't think the legislature should be telling cities what to do, and the cities are making a mistake to do that. He packed the bill for the firemen for the binding arbitration and he's glad he did; it's good legislation. These things should be settled on the local level. Mr. Yukovich made a good point.

Senator Fritz said one complaint against this bill is that it segregates out one class of public employees. Yet you do admit that firefighters are different and unique. What's wrong with treating a unique group, uniquely.

Alex Hanson responded that there is nothing wrong with that except that we have other types of employees that are also unique. Firefighters work a different type of schedule. In Bozeman they work 2 - 24 hour shifts. They are in the fire station for 24 hours. The real issue is the cost and the ability to pay and the capacity isn't there to pay the cost.

Senator Fritz asked why shouldn't they be compensated for sick leave and vacation leave when they work more than 40 hours per week?

Alex Hanson said it is the general policy of local governments that firefighters who work overtime do not receive benefits on the hours above 40.

Senator Fritz asked if proper regress would be to treat all employees who work more than 40 hours a week identically in terms of providing vacation leave and sick leave for more than 40 hours. Alex Hanson said they are being treated identically now, none of them receive benefits on overtime.

Closing by Sponsor:

Representative Scott there were interesting points brought out. Firefighters are not paid overtime. They work for straight pay regardless of the number of hours. They are a unique group of employees. They respond to toxic waste, car accidents, plus fires. The figures that were presented to you are the maximum that could happen. With vacation, it's a use it or lose it situation. They can not build hours of vacation beyond 2 years. This would be a good way to keep people on the job in Montana.

EXECUTIVE ACTION ON HOUSE BILL 679

Motion:

Senator Fritz moved that we DO CONCUR IN HOUSE BILL 679.

Discussion:

Senator Vaughn said there was discussion regarding the hours that most state employees work, the 2080.

Senator Rea asked if we are setting a precedent for other groups?

Senator Pipinich said he generally supports labor but he cannot in good conscience support this bill. He said it's wrong to tell local governments they must do these things. They should go back home and bargain locally.

Senator Swift said the rule is if you require something you put the money up. This wouldn't do that.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The ROLL CALL VOTE was 1 yes, 9 no to do concur in House bill 679. Motion failed and Senator Pipinich will carry the adverse committee report to the Senate floor.

HEARING ON HOUSE BILL 504

Presentation and Opening Statement by Sponsor:

Representative Jerry Driscoll, House District 92, Billings, said House Bill 504 amends the public employees collective bargaining act to say that negotiations shall commence at least 1 year prior to submission of the budget by the governor to the legislature. In the last few sessions there have been no negotiations and this year it was worse than ever. The Collective Bargaining Act of Montana is a joke. You can't mandate settlements in negotiations, but you can mandate that they must sit down and talk.

Proponents' Testimony:

Terry Minow, represents the Montana Federation of Teachers, and the Montana Federation of State Employees, said House Bill 504 is a long term solution to address the many problems the state employees are facing. House Bill 504 brings the solution of collective bargaining to the employees and the state of Montana. Collective bargaining hasn't really worked as evidenced by the poor salaries. Wages are negotiated long after the Governor's budget has been formulated. During the course of the legislative session the state settles with somebody on a pay increase. The legislature funds the pay increase and goes home. This system has been in place a long time. She thinks the State

of Montana has to enter into serious pre-budget negotiations with state employee unions. Through the clashes in negotiations the various needs of state employees will become clear. The Governor will have the opportunity to respond to those needs through the executive budget recommendations to the legislature. The legislature will know what is on the bargaining table and will have the option of funding all or part of the demands. She had letters written to the administration asking for negotiations dated January 2, 1990, April 17, 1990, June 17, 1990, June 27, 1990, August 29, 1990, October 1, 1990. They all request pre-budget negotiations with the state of Montana. She had responses saying not yet to each letter. It is a frustrating situation to try to negotiate pay directly with the legislators. Please give House Bill 504 and negotiations a chance to work.

Bob Heiser, represents the United Food and Commercial Workers Union, the representor for employees in the Montana State Liquor Stores, said they have the same problem trying to negotiate. The state declares there is nothing that they can do until the Legislature meets. He believes the State of Montana should negotiate with them. Trying to negotiate a contract with 150 separate individuals is impossible. Collective bargaining works when a few representatives from each side sit down and work out problems. The State Employees that he represents put over \$4 million into the General Fund after all expenses are paid. So why can't they negotiate on wages and working conditions? Please pass this bill.

Tom Schneider, Executive Director of the Montana Public Employees Association, said that in 1988 they requested the start of negotiations on the 7th of January and they finally had the first meeting about the 15th of November. The same thing happened again in 1990. Now we have several different pay bills and different types of attempts being made to escape the state pay plan. It is very difficult for legislators to deal with this during a 90 day session, without having any background in how these pay plans work and how they are supposed to work. At least the mechanical part of how pay is going to take place would be before you and you would be limited to how much money you could put into it. This is a good process and we hope you will allow us to use the process.

Christian Mackay, representing the Montana State AFL-CIO, supports House Bill 504.

Opponents' Testimony:

Steve Johnson, Chief of the State Labor Relations Bureau, and Chief Labor Negotiator for the Executive Branch of State Government in collective bargaining, said contrary to what you've heard negotiations did take place this fall over state pay. They weren't able to reach any agreements during collective bargaining, but collective bargaining did take place. The main problem with House Bill 504 is that it would produce the opposite

result of what it intends to do. The timing, frequency and length of negotiations are all mandatory subjects of bargaining under the collective bargaining act. Mandating when it should begin defeats the purpose of collective bargaining. The union that is responsible for this bill currently has 16 contracts with the state. About 1/3 of those do not even provide for pre-budget negotiations. This is giving the unions something they have failed to achieve in collective bargaining. Most of the contracts between the state and various employee unions have specific language on pre-budget negotiations. In general, the intent of that language is that the unions and the state will sit down at a time that is sufficiently reasonable in advance of the submission of the executive budget; that the unions can have input into the process that is meaningful. If the unions believe the State has not lived up to those contractual obligations, they have the recourse in the Contractual Grievance and Arbitration Provision, which is something that they bargained in the first place. The main reason the legislature is faced with so many pay bills is not because they did not sit down in sufficient time to negotiate. The problem is money. At the time the executive budget was submitted to the legislature the state and the state employee unions were between \$80 and \$180 million apart on pay. When we start bargaining is not the important issue. The willingness of the parties to reach a reasonable agreement is the issue.

LeRoy Schramm, Chief Legal Counsel for the Montana University System, said the Commissioner's office, on behalf of the Regents, does the bargaining for the University System. He's been involved with state labor relations about 15 years. Their contracts parallel the fiscal biennium, which is July 1 of the odd numbered years to June 30, 2 years later. Serious bargaining begins after the legislature goes home. This bill would mandate that this coming January, which is 1 year before the Governor submits his budget, the state and state employees would have to begin bargaining again. You are mandating perpetual bargaining. When you begin bargaining, you need to have your entire package on the table in order to be bargaining in good faith. He said there are real dangers on the employer's side for settling. 3 times since the late 1970s there have been sincere pre-budget bargaining, that culminated in agreements before the legislature convened. In every one of those 3 cases, the employers were rebuked severely by legislators. The criticism was that you've tied the hands of the legislature, you've made a commitment, and now you expect the legislature to rubber stamp your decision. Another criticism was that you embarrass the legislature when they can't fund the commitment. There was bargaining with the University Teachers' Union, we sat at the table, and offered them a wage freeze. The reason being that they don't know how the legislature will respond. They would be more comfortable bargaining if they could be certain this is what the legislature wanted. He believes there is a need for structural change.

Questions From Committee Members:

Senator Fritz asked how do we work through these road blocks and difficulties that Mr. Schramm has presented?

Representative Driscoll said if that the University Teachers Union, the University System and the Administration would unite and say this is the agreement, they would have more sincere clout. Ultimately, the system was funded. If the unions must retrench, they can. You can have a love-in with the legislature, or you can have negotiations, you can't have both. If all put their whole heart and soul into the bill, you could get the funding.

Senator Hockett said this bill doesn't have any guarantee of a settlement. It says they will commence bargaining in good faith. Representative Driscoll said you can't mandate a settlement.

Senator Hockett asked about 1 year prior to the fiscal budget and that there is no fiscal impact? There is usually a fiscal impact to everything. Representative Driscoll said he negotiates 102 construction agreements every year by himself with a secretary.

Senator Blaylock asked if they sat down and decided and put a stipulation that if the legislature gives the money, it would be that way.

Representative Driscoll said that's what has to happen. He said that whenever he bargained with the University System they always had a clause that said, "The Board of Regents reserves the right to add to, subtract from or change this offer." They could have negotiated "market" this time. They did a survey of 12 states on how much janitors make. They never talked to the school district in Billings to find out what they pay their janitors. They went to Service Masters, Creek Building, etc. They didn't go to the janitors in the refineries.

Senator Hockett asked Steve Johnson if the fiscal note was correct? Mr. Johnson said that when he gave input to the fiscal note he would use present staff only. Since that is a fixed cost, there would be no additional fiscal impact.

Senator Rea said testimony showed that negotiation requests were made early and nothing happened until late in the year. Was that due to you, Mr. Johnson?

Steve Johnson responded that every biennium they receive letters requesting negotiations early in the year and every biennium he responds that they are not ready yet to negotiate until the end of August or early September. That early they have no idea what the revenue picture looks like and how big the pie is that has to be divided. It seldom happens that negotiations are complete by the time of submission of the executive budget.

Senator Blaylock told how difficult it is to negotiate if one side won't come to the table. For the State to keep saying they are just not ready, isn't fair. There are many items that wouldn't involve large amounts of money.

Steve Johnson responded typically the union comes in with a package of proposals of changes it would like in a collective bargaining agreement. They have to negotiate to the complete state pay plan. Unions can come in with individual packages of proposals. It's difficult to respond to that in a comprehensive fashion.

Senator Blaylock asked if there is an advantage to the Montana Public Employees Association to negotiate earlier? Tom Schneider responded that there is a big advantage to both sides because as soon as they know what all the unions want, they have some idea what they are faced with in negotiations. On the employees side it gives a chance to discuss before the executive budget and the department budgets are ironclad what the budgets are going to be. The negotiators of school districts contracts when they have to have voted levies, add the provision that if the levy is voted down, they will go back to the table. The legislative process can do that, too.

Senator Pipinich asked about negotiating items that aren't salary. Tom Schneider responded there are many items that aren't dollars. It depends upon how long the agreement has been in force as to what you want to bring to the table.

Senator Swift asked if his view of what happened with the University System agreed with Mr. Schramm?

Tom Schneider responded that was true, plus there was one other item. It would be 6% above what other state employees received and that's what started causing the problem. That happened in 1981 also. The legislature does not want to be a rubber stamp.

Senator Vaughn asked if you did negotiate before the legislature assigned the funds, would it be easier to negotiate what you would take toward your contracts and what you can let go?

Tom Schneider said it would be much easier, because you have at least decided how the dollars are going to be given to the employees. The only way you can have unanimity is to go through the bargaining process first and have it decided.

Closing by Sponsor:

Representative Driscoll said there are many things that can be negotiated in a contract. Parking spots, losing your keys and they fire you, those are items to negotiate.

EXECUTIVE ACTION ON HOUSE BILL 504

Motion:

Senator Fritz moved that we DO CONCUR IN HOUSE BILL 504.

Discussion:

Senator Fritz said it gets everything else negotiable.

Senator Burnett doesn't think we need this bill. Negotiations can begin any time now

Recommendation and Vote:

The ROLL CALL VOTE was 6 yes and 4 no. The motion to do concur in House Bill 504 passed and Senator Fritz will carry it to the Senate floor.

HEARING ON HOUSE BILL 711

Presentation and Opening Statement by Sponsor:

Representative Mary Ellen Connelly, House District 8, said House Bill 711 is a continuation of a bill from 2 years ago for the retired highway patrolmen. This provides a lump sum supplemental payment to retired highway patrol officers and takes 25 cents on the registration of motor vehicle fees. She explained the eligibility requirements.

Proponents' Testimony:

Gene Miller, resides in Great Falls, is a retired Montana Highway Patrolman, and is a lobbyist for the retired Highway Patrolmen, widows and disabled. He said the cost of living is going up every day, medicare benefits have jumped another \$25.00, medicare insurance premium went up \$2.00. He urged support of this bill. It pertains mainly to the low, low income people and the widows of the retired highway patrolmen and those that are disabled. Those at the top end are not going to be able to receive benefits from this bill.

Tom Sanford, a retired highway patrol officer, said House Bill 711 requires 25 cents to register your vehicle, be collected and distributed proportionately. To be eligible you must be retired at least 5 years. There are 18 survivors. He further explained the criteria for receiving benefits.

Tom Schneider, Executive Director of the Montana Public Employees Association, supports House Bill 711. He worked with this group of people for 20 years. He explained that highway patrol officers do not get Social Security. In 1955 the federal

government allowed state governments to take part in social security. There was a referendum vote. The law was very clear that any employee who had a retirement benefit provided by the state, which was better than the average employee received, was ineligible by federal law from participating in the referendum or receiving Social Security benefits. The highway patrolmen's retirement plan was a little better than PERS or TRS so they were excluded by federal law. In 1977 the law changed and they could, but the Social Security Fund was in dire straights and people thought not to belong. There is nothing retroactive for these people.

Bill Yaeger, represented the Association of Montana Highway Patrolmen, appeared in support of House bill 711. (Exhibit 1)

Frank Willems, a retired patrol officer, said this bill would not benefit him personally. He's been retired over 5 years and he urges support because of the good it would do for folks who have been retired for some time and are having difficulty living on a lower retirement amount.

Opponents' Testimony:

Patricia Cook, President of the Montana County Treasurers Association and Lake County Treasurer, understands that this does increase fees and Representative Connelly said it doesn't. Was this bill amended on page 3, line 14? If it doesn't increase fees, then she doesn't have any problem with it.

Questions from the Committee:

Senator Burnett asked Representative Connelly to explain the fiscal note. The fiscal notes says there is money from the general fund. Is that money there at this time? Representative Connelly said she had an amendment to offer that would coordinate this bill with Senate Bill 192. Senate Bill 192 takes the 25 cents off and this bill keeps it on, so there is no increase.

Representative Connelly explained the fiscal note has \$1.50 for noxious weeds, 50 cent for junk vehicle, and many other things besides this 25 cents for the retired patrol officers.

Senator Pipinich asked Linda King about the Highway Patrol Retirement Fund. Linda King said her best guestament is there will be \$420,000 in that fund. Originally the way this bill was drafted, one would end and this would begin, and there would be no increase in automobile registration. She explained that the amendment that was added in the House would put the \$420,000 that was in Senate Bill 192 into this House Bill 711. Senate Bill 192 would put the \$420,000 into the general fund without those House amendments.

Senator Swift read the fiscal note that says there will be a 5% increase, secondly it says you will only receive 2 payments.

Will you explain that? Representative Connelly explained that they will receive a payment every year, because they will be collecting the 25 cents on an ongoing basis. Will this reduce the Highway Patrol Retirement Fund pool overall? Representative Connelly said this is a separate little fund to supplement those people who have been retired with very low amounts.

Senator Fritz said presumably as the eligible retirees die, the survivors will be getting more money per capita. Rep. Connelly said it will still be based on years of service and the formula that is outlined. The fiscal notes says that increasing amounts of receipts will be available for distribution to a dwindling number of eligible benefitors. More will be coming in all the time.

Linda King said the fiscal note was prepared on the bill as originally proposed. The bill you have before you now has been amended. The way it was originally proposed only people that were retired on and before July 1, 1991, would be eligible. The way it has been amended, anyone who retires in the future will also be eligible to take part in this after they have been retired for at least 5 years, so you won't have a steadily dwindling number as the bill was first drafted. The same amount of money will still be collected and distributed, but it has not been redone to include the amendment. \$210,000 is what is expected to be collected under that vehicle registration fee each year of the next biennium. The way this bill is, it will continue forever and each year the total amount of eligible recipients will receive a benefit. They'll take years of service, add them up, divide that into the money available, and pay it out to them based on their proportional years of service.

Senator Hockett asked why the Highway Patrol Officers aren't covered under Social Security.

Linda King explained that Highway Patrol Officers hired after April 1, 1986 are covered by Medicaid. There is no general Social Security coverage for them. They could join Social Security if they wish to, but they have not asked to belong.

Senator Rea asked who is the "board" that is referred to on page 2, line 2? Linda King responded that is the Public Employees Retirement Board. Do patrolmen have representation on that board? Linda King responded that there are 6 members on the board, appointed by the Governor for staggered 5 year terms and currently there is not a highway patrol person.

Senator Rea asked why you chose 55 years of age? Linda King said the normal retirement age in the Highway Patrol Retirement System is age 50. With the idea that it would not go into effect for 5 years because the people who retire most recently have the higher benefits and inflation has not in fact taken its toll on them. That would provide the people with lower retirements, a benefit.

Senator Farrell asked if there is any other retirement systems where we provide a supplemental retirement benefit? Linda King said there is a minimum benefit in Highway Patrol now and in Police and in Fire, that is supplemental. This is a lump sum benefit and there is none other like this.

Closing by Sponsor:

Representative Connelly gave Attorney David Niss a copy of the proposed amendment. (Exhibit 2) She reminded the committee that highway patrolmen put their lives on the line for us every day. This is the least we can do for them. Senator Harp will carry House Bill 711 to the Senate floor.

ADJOURNMENT

Adjournment At: 11:57 A.M.


ELEANOR VAUGHN, Chairman


DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 3-19-91

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	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 19, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 957 (third reading copy -- blue), respectfully report that House Bill No. 957 be concurred in and unanimously request that it be placed on the Consent Calendar.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

WJA 3-17-91
And. Coord.

JB 3-19 12:30
Sec. of Senate

59121580.311

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 19, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 679 (third reading copy -- blue), respectfully report that House Bill No. 679 be not concurred in.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

3-19-91
And. Coord.

SB 2-19 12:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 19, 1991

MR. PRESIDENT:

We, your committee on State Administration having had¹ under consideration House Bill No. 504 (third reading copy -- blue), respectfully report that House Bill No. 504 be concurred in.

Signed: _____

Eleanor Vaughn, Chairman

LB 3/19/91
Amd. Coord.

JB 3/19/2000
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 20, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 817 (third reading copy -- blue), respectfully report that House Bill No. 817 be concurred in.

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

LB 3/19/91
Amd. Coord.

SP 3/20
Sec. of Senate

12:30

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 3-19-91

BILL NO. HB 711

TESTIMONY BY: BILL YAEGER OF HELENA ON HOUSE BILL 711

BEFORE: THE SENATE COMMITTEE ON STATE ADMINISTRATION

DATE: MARCH 19, 1991

GOOD MORNING, MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE. I AM BILL YAEGER OF HELENA, REPRESENTING THE ASSOCIATION OF MONTANA HIGHWAY PATROLMEN. I APPEAR TODAY IN SUPPORT OF HOUSE BILL 711.

THIS MEASURE SHOULD NOT BE CONFUSED WITH HOUSE BILL 77, ALSO BEING CONSIDERED DURING THIS LEGISLATIVE SESSION. HOUSE BILL 77 ADDRESSES ONLY PATROL OFFICERS CURRENTLY SERVING. THIS BILL, HOUSE BILL 711 DEALS ONLY WITH RETIRED PATROL OFFICERS AND THEIR SPOUSES.

THE CONCEPT FOR THIS BILL WAS PUT IN PLACE BY THE LEGISLATURE TWO YEARS AGO, AND MONEY FROM THE FEE HAS BEEN COLLECTED. HOWEVER, THE WAY IT WAS WRITTEN PREVENTED ANYONE FROM QUALIFYING TO RECEIVE IT. HOUSE BILL 711 CORRECTS THAT OVERSIGHT AND MAKES IT POSSIBLE FOR RETIRED OFFICERS OR THEIR SURVIVING SPOUSES TO MEET THEIR BASIC NEEDS, SINCE PATROL OFFICERS ARE NOT COVERED BY SOCIAL SECURITY. SOME ARE GETTING BY FOR ^{LESS THAN} ~~AROUND~~ FIVE HUNDRED DOLLARS A MONTH.

THE RETIREMENT ASSISTANCE OFFERED THEM UNDER HOUSE BILL 711 IS BADLY NEEDED. WE URGE YOUR SUPPORT FOR HOUSE BILL 711.

Amendments to House Bill No. 711
Third Reading Copy

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 3-19-91

BILL NO. HB 711

Requested by Representative Connelly
For the Committee on Senate State Administration

Prepared by Sheri S. Heffelfinger
March 15, 1991

1. Page 7, line 25 through page 8, line 3.

Strike: "the" on page 7, line 25 through "[section 1]" on page 8,
line 3

Insert: "61-3-321(5) is amended to read as follows:

"(5) An additional fee of \$5.25 per year for each
registration of a vehicle must be collected as a
registration fee. Revenue from this fee must be forwarded by
the respective county treasurers to the state treasurer for
deposit in the general fund. The department of justice shall
distribute to the highway patrol retirement fund 25 cents
from the motor vehicle registration fee for payment of
supplemental benefits provided for in [section 1]."

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 3-19-91 House Bill No. 679 Time 11:55

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

Chairman Eleanor Vaughn

Motion: do Concur in House Bill 679.
Motion failed. Address Committee
report.

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 3-19-91 House Bill No. 504 Time 11:50

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		X

Dolores Harris
Secretary Dolores Harris

Eleanor Vaughn
Chairman Eleanor Vaughn

Motion: do Concur in House Bill 504
Motion Carried

DATE March 19, 1991

COMMITTEE ON State Administration

~~H~~B 817, 504, 679, 711, 957

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)