

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Eleanor Vaughn, on March 3, 1993, at
10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: Sen. Fritz

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

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

Committee Business Summary:

Hearing: HB 291, HB 289, HB 377
Executive Action: HB 291, HB 289, HB 377

HEARING ON HB 377

Opening Statement by Sponsor:

Rep. Barnett, House District #76, presented HB 377. HB 377 is a bill which would clarify that the Commissioner of Political Practices shall provide candidates with the Code of Fair Campaign Practices, eliminating the requirement that the Commissioner of Political Practices provide copies of the code of Fair Campaign Practices to the Secretary of State, County Registrars, and City and Town Clerks. At the present time, the form C3 can be distributed by the Secretary of State, the County Registrar and City and Town Clerks. Since this is a voluntary provision, it does not require candidates to sign and return the form. The Commissioner of Political Practices office received requests to

find out if certain candidates had signed the form. The forms were not found and to clarify this issue, the Commissioner of Political Practices was designated as the office to send the forms to.

Proponents' Testimony:

Ed Argenbright, Commissioner of Political Practices, stated the intent of the bill is to have a very direct communication with candidates. Every candidate has to file with the Commissioner's Office and in doing so the Commissioner's Office will give the candidate a copy of this code. It's a method to make sure everyone gets a copy of this code and if someone signs it, it is filed in the appropriate place. Mr. Argenbright urged the committee's support of HB 377.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Rep. Barnett commented if the committee does pass HB 377 he would like Sen. Burnett to carry the bill and he would give him all the appropriate information.

HEARING ON HB 291

Opening Statement by Sponsor:

Rep. Hibbard, House District #46, presented HB 291. HB 291 does two things and the title spells them out. It transfers from the Secretary of State's to the Commissioner of Political Practices office the responsibility of furnishing copies of election laws. It eliminates the Commissioner of Political Practices authority to prescribe the manner in which county clerks and recorders received and maintain reports. Currently, the Secretary of State's office publishes the candidates information guides that goes to all prospective candidates in the State of Montana. The first part of the book, pages 1-20 deal with the responsibilities of the Secretary of State and the County Election Administrators including rules, regulations and laws concerned with filing for office, the filing fees and those sorts of things. The rest of the book deals with chapters 35, 36, and 37 of Title 13 which is the campaign laws of the state. The Commissioner of Political Practices is responsible for administering those campaign laws. Those campaign laws include such things as periodic reports of contributions and expenditures for candidates or political committees, time limits for filing of reports, limitations on

what a candidate may receive from political committees, etc. There's been a great deal of confusion in the past since those sections of law are the responsibility of the Commissioner of Political Practices and published by the Secretary of State's office, a number of these questions often go to the Secretary of State and the Secretary of State is not authorized to deal with them. This bill simply transfers the publishing of these campaign laws to the Commissioner of Political Practices where it should be, and pulls \$2500 out of the Secretary of State's budget and transfers that amount with the responsibility to the Commissioner of Political Practices to publish the book through the Commissioner's office. The second part of the bill, pages 19-21, is stricken. This allows county clerk and recorders to keep the reports according to the way they want to keep them rather than having that dictated from the Commissioner's office. The more sophisticated counties might have all the records on computers, the smaller counties might have them in a two-drawer file cabinet. It does not make sense to have it dictated to be done in the same way. They should have the flexibility to maintain the reports in their own offices and that is what this bill does.

Proponents' Testimony:

Ed Argenbright, Commissioner of Political Practices, stated the intent of this bill is to be more direct in communication and is based on the experiences of his predecessor, Dolores Colberg. He urged passage of the bill because the publication is going to occur and the communication will be easier for candidates. The local election administrators and clerks and recorders will still have the responsibilities to do the filing and we don't want to tell them how to do it.

Joe Kerwin, Election's Bureau Chief, Secretary of State's Office, stated the Secretary of State's office supports this bill. "It is very frustrating for us. We publish this guide and on the second page, there's a note that says if you have any questions contact the Commissioner of Political Practices, but people look at the publication and see the title and see Mike Cooney's name and call the Secretary of State's office. We tell them to call the Commissioner of Political Practice's office and people think they're getting the old government run around. It just makes a lot of sense and we strongly support this bill."

Amy Kelley, Executive Director of Common Cause/Montana, spoke in support of HB 291. The Commissioner of Political Practices is the administrator and enforcer of the election laws and it makes sense to have the publication of this guide centralized within that office.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Weldon asked Rep. Hibbard about the cost of the publication and if this bill was the instrument that transferred the money to the Commissioner of Political Practices. Rep. Hibbard said there was no reference in the bill and he was not sure about the vehicle of transferring the money. Mr. Argenbright said it was addressed in the Appropriations Committee.

Closing by Sponsor:

Rep. Hibbard thanked the proponents and the committee for the hearing.

HEARING ON HB 289**Opening Statement by Sponsor:**

Rep. Hibbard, House District #46, stated HB 289 addresses the vacation time of state, local, and school district employees. Current vacation law allows the public employees to accrue ten times their earnings and carry that over into the next fiscal year. It is becoming more and more difficult to take all their vacation time and therefore, more vacation seems to get passed over to the next year which is over and above the allowed amount. As an example, there are certain agencies that have policies that do not allow vacation time to be taken during certain times of the year. This bill addresses that problem. When the bill was first initiated, we attempted to require the employee to give reasonable, written notice to the head of the agency and the head of the agency would need to grant that excess vacation time within the first ninety days of the next calendar year. If for some reason the employment head could not grant that vacation time, that time was to be a cash award. We did a fiscal note and found out that this was going to cost around \$255,000. We did not realize it was that big of a problem and we did not feel in these days of fiscal constraint, that it was responsible to come forward with this kind of bill with a fiscal note of \$255,000. We went back to the drawing board and made a further change so that an employee would still have to make reasonable, written request during those first ninety days, to take that time during those first ninety days, but if it could not be granted, the employee would have the rest of the year to take that excess vacation time. We see this as a good management bill. It is not a benefits bill. It puts the onus on the heads of the agencies to manage their employees and their vacation time properly. We also think it is a good morale bill with the decrease in personnel and increase in workloads.

Proponents' Testimony:

Don Waldron, Montana Rural Education Association, stated they support the bill as amended. "It is not because of the dollars

involved it is because of the convenience to us. Our workload runs from September until June and we would like to have those people who build up that time and can't get it taken to use that time during the summer.

Tom Schneider, Montana Public Employees Association, said Rep. Hibbard did a good job of explaining the bill. He submitted written testimony (EXHIBIT #1).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Hockett asked Mr. Schneider if all this bill was doing was extending time that people should have been planning for all the time. Mr. Schneider said the employee does not carry sixty days, he carries twice their annual earnings. It was a good point and the key is the sentence which says it is the responsibility of the employing agency to provide reasonable opportunity for an employee to use rather than forfeit their accumulated vacation. We think the statute should say that and for that purpose we feel it is more of a management bill than it is a labor bill.

Closing by Sponsor:

Rep. Hibbard said HB 289 is not a benefits bill. It is a good management bill.

EXECUTIVE ACTION ON HB 289

Motion/Vote: Sen. Pipinich moved HB 289 BE CONCURRED IN. Motion HB 289 BE CONCURRED IN CARRIED. Sen. Vaughn will carry the bill on the floor.

EXECUTIVE ACTION ON HB 291

Motion/Vote: Sen. Pipinich moved HB 291 BE CONCURRED IN. Motion HB 291 BE CONCURRED IN CARRIED. Sen. Pipinich will carry the bill on the floor.

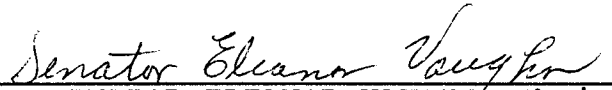
EXECUTIVE ACTION ON HB 377

Motion/Vote: Sen. Pipinich moved HB 377 BE CONCURRED IN. Motion HB 377 BE CONCURRED IN CARRIED. Sen. Burnett will carry the bill on the floor.

There was discussion on the investigations of the Board Appointments and the statutory requirements.

ADJOURNMENT

Adjournment: 10:20 a.m.



SENATOR ELEANOR VAUGHN, Chair



DEBORAH STANTON, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 3-3-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz		✓	
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit	✓		
David Niss	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 3, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 377 (first reading copy -- blue), respectfully report that House Bill No. 377 be concurred in.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 3, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 289 (first reading copy -- blue), respectfully report that House Bill No. 289 be concurred in.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

M- Amd. Coord.
 Sec. of Senate

Sen. Vaughn
Senator Carrying Bill

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 3, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 291 (first reading copy -- blue), respectfully report that House Bill No. 291 be concurred in.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

MONTANA

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PUBLIC

EMPLOYEES

ASSOCIATION

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 3-3-93
BILL NO. HB 289

March 3, 1993

TO: SENATE STATE ADMINISTRATION COMMITTEE

RE: House Bill 289

House Bill 289, as amended in the House, will extend the time period for employees to take excess vacation before it is lost.

CURRENT LAW provides that an employee can carry over from December 31 to the following year " twice their annual earned vacation ". IT FURTHER PROVIDES THAT VACATION TIME IN " EXCESS " OF THAT AMOUNT MUST BE TAKEN IN THE FIRST 90 DAYS OF THE FOLLOWING YEAR OR BE FORFEITED.

HOUSE BILL 289 provides that IF AN EMPLOYEE MAKES A REQUEST TO TAKE " EXCESS " VACATION DURING THE 90 DAY PERIOD AND MANAGEMENT CANNOT ALLOW THE REQUEST, THEN THE EMPLOYEE CAN TAKE THE TIME SOME TIME DURING THE REMAINDER OF THE CALENDAR YEAR.

It further provides that management must insure that the time is made available.

This bill does not grant any addition benefits. It is a fairness bill to insure that employees do not forfeit earned vacation time because the employer cannot grant a leave request during the 90 day period.

Eastern Region
P.O. Box 22093
Billings, MT 59104
(406) 245-2252

Western Region
P.O. Box 4874
Missoula, MT 59806
(406) 251-2304



DATE 3-3-93

SENATE COMMITTEE ON State Admin.

BILLS BEING HEARD TODAY: HB 291, HB 289, HB 377

Name	Representing	Bill No.	Check One	
			Support	Oppose
<u>Ed Cengel</u>	<u>Comm. Pol. Practice</u>	<u>HB 291</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>" "</u>	<u>" "</u>	<u>HB 377</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Joe Kerwin</u>	<u>Sec of State</u>	<u>HB 291</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3-3-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: HB 289, HB 291, HB 37

Name	Representing	Bill No.	Check One	
			Support	Oppose
Tom Schneider	MPEA	289	X	
Ed Bergstrom	Comm. Pat. Protection			
Don Waldron	MREA	289	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY