

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - SPECIAL SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By REP. DICK SIMPKINS, CHAIRMAN, on Monday,
December 13, 1993, at 10 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chairman (R)
Rep. Wilbur Spring, Vice Chairman (R)
Rep. Ervin Davis, Vice Chairman (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: Rep. Bob Gervais (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Pat Bennett, Committee Secretary

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

Committee Business Summary:

Hearing: House Bill 70
House Bill 85
Senate Bill 5

Executive Action: To be taken on 12/15/93.

HEARING ON HOUSE BILL 70

Opening Statement by Sponsor: REP. CARLEY TUSS, HD 35, Great
Falls, introduced HB 70 and distributed a copy of the
Administrative Rules for Personnel (EXHIBIT 1) along with a

proposed amendment (**EXHIBIT 2**). The amendment would provide that any existing contract which authorizes leave with pay will be honored. She said the bill would not affect anyone going to training or active duty as far as the treatment they receive from their employer. The bill does not allow there to be harassment by the employer. The Administrative Rules of Montana verify that when a person is called on active duty for any kind of national emergency that person will be on a leave of absence or may use their vacation pay. She said that though the bill would prevent a public employee from receiving paid military leave and that this would be different compared to the way Montana has acted in recent history, the difference is justified due to the state of economics in Montana. The special session was called because of the terrible economic constraints. HB 70 offers a savings of \$198,000 per year on the state level and there will be a savings to local governments as well.

Proponents' Testimony: **Dick Michelloti, Cascade County Treasurer, Great Falls**, testified in support of HB 70. There are four people working for Cascade County who are in the military. The cost for Cascade County is approximately \$3,000 to provide these employees with 15 days of paid military leave each year.

Opponents' Testimony: **Tom Schneider, Montana Public Employees Association, (MPEA)**, testified against HB 70. **EXHIBIT 3**

Gene Prendergast, Adjutant General, Montana National Guard, testified against HB 70. There is a great concern about the ability of the Guard to recruit and retain members if the bill passes. He said it was his responsibility to prepare and train the young people not only to go to war but to also implement community-based programs. He emphasized how the military training received by public employees continues to benefit the state and the public. The National Guard is worth \$72 million to the State of Montana. In the last eight years the National Guard has been called for state active duty 22 times for state emergencies. **EXHIBITS 4 & 5**

Jim Martin, Former State Employee, Former Commander of the 159th Support Group, Helena, testified against HB 70. The 159th commands a four-state region. He said as a veteran of both the Viet Nam and Gulf wars. The Army has trained the whole force in many ways and as a result, there are energetic young soldiers who are better trained to work for the State of Montana and its cities and counties. He said it is a misnomer to think that going to military training is comparable to taking a paid vacation. Since the Gulf war, the Department of Army has downsized in Montana in the reserve sector. Bozeman lost its 420th B Company; Butte lost its 841st Company; and Lewistown lost its 889th Company. He said the military comes before the Committee to ask for nothing more; only to not take away what they have and to help maintain their status quo. The 370th, 389th, & 651st of Great Falls were all deployed in the Gulf war and now have the distinction of a CRF Unit which means they could

be called and sent directly to the point of conflict without going through a mobilization station. The requirements are more than just two weeks of training. He said that the two weeks military pay is a benefit for the soldiers and asked that it be retained. These young people would do anything the state asks and it would be horrendous to take away this benefit.

SMS Bryan Castigan, Helena, U.S. Navy Reserve in Great Falls and Department of Justice, (DOJ) employee, testified against HB 70. He informed the Committee that his military training as a criminal investigator has provided him with training he would not otherwise receive at DOJ because of the state's budget. The military training he receives is applied to his position as a criminal investigator at DOJ and benefits the state. He said his training is not just two weeks per year. In order to remain current, it often takes more time and as a result, usually vacation time is used or leave without pay. It is not a paid vacation and sacrifices are made in addition to the two weeks. He said 13% of the Navy Reserve in Great Falls are not members of state and local government and they receive the same benefits.

SMS Bryan Knowles, MT National Guard member and state employee, Ulm, testified against HB 70. **EXHIBITS 6 & 7**

Florence Michaelson, MT National Guard, state employee, Helena, testified against HB 70. She said that if HB 70 passes, she would be out and would have to go on welfare. After ten years of service she would have to leave because she could not afford it. At the present time, monthly payments are not affordable. As far as military leave pay being the same as a paid vacation, it is not true. She said during her training she often experiences times where she freezes during adverse weather and has to eat food which results in constipation or diarrhea eventually returning to her state job ill. She said she never gets to take a normal vacation. Her leave is spent with her children when they are ill or are in need of her, or to take additional military training necessary to make more money. She asked if the state can afford to have one more person on welfare. **SEE WITNESS STATEMENT**

Hal Manson, American Legion, Helena, said the Legion strongly opposes HB 70 because they know there are those people in all walks of life who are really interested in serving their country, not only on extended active duty, but in the reserve. It is not for the money or prestige, but because they feel needed. The public employees in Montana are not the only ones who receive military leave pay. There is a strong organization nationwide referred to as the Employers in Support of the Guard and Reserve. He said he is a member of this organization and they talk with civilian employers to encourage benefits paid to reserve employees for active military duty. The training is received on week ends throughout the year, not just two weeks of the year.

Stephen Garrison, Army Reserve, Department of Transportation

(DOT) employee, Helena, testified against HB 70. He said the citizen soldier the bill addresses has two jobs, one being a military job. The military job requires long hours and hard work. Leadership skills, planning and management skills and crisis management skills are all learned. These are qualities every state, county and city employees should have. Three years ago 1,000 teachers, state employees, etc. were mobilized to go to the Gulf. During that time the 1991 session was taking place and a resolution was drafted pledging the state's complete support to the troops.

Dick Baumberger, Disabled Veteran's Association, Helena, testified against HB 70. He noted that the fiscal note should reflect \$179,000 since \$19,000 is federal money.

Larry Longfellow, Montana Veterans of Foreign Wars, testified against HB 70.

Dan Antonietti, Helena, testified in opposition to HB 70. He said as the past director for the Veterans Employment and Training for the U.S. Department of Labor, he sees HB 70 in violation of Federal law. The bill as written states "not to exceed 15 days." He informed the Committee of many cases where he represented the reservists and guardsman against public employers for denying benefits. As an example, the initial military training course can last up to four or five months.

Roger Hagan, Legislative Chairman for the Enlisted Association of the National Guard of Montana (EANGMT), testified against HB 70 noting that those military personnel who were attending the hearing were not on an official status, but rather are on leave from their jobs and are in uniform because of their pride of membership. EXHIBITS 8, 9 & 10

REP. BOB PAVLOVICH, HD 70, Butte, testified against HB 70 and said since 1982 and the special session on veteran's preference he has remained a strong advocate for the veterans. In 1989 the veteran's preference law was enacted. He said there is not a need for HB 70.

John Maze, American Federation of State and County Municipal Employees, (AFSCME), testified in opposition to HB 70 in concurrence with previous testimony.

Eric Rydbom, Montana National Guardsman and state employee, Helena, testified against HB 70. EXHIBIT 11

Don Bohne, County Road Department, Missoula, testified in opposition to HB 70. SEE WITNESS STATEMENT

Carol Lassila, Helena, submitted written testimony opposing HB 70. EXHIBIT 12

Informational Testimony: None.

Questions From Committee Members and Responses: REP. RICE said she needed more information regarding the group who worked with private employers for benefits and asked how many private employers provided paid military leave and for how many days.

Mr. Manson said the group that assists the employers are very active in Montana and many of the employers are involved as well. He said he did not have the figures, but the numbers are high.

REP. RICE said she is concerned that HB 70 goes too far, and asked if the state could meet employees half way by paying the difference between military pay and state pay.

Mr. Schneider said that would put Montana in with three other states who currently offer that. He said he did not think this was the message that they would want to give. This promise has been made to the employees and they joined the military based on the information available at the time. HB 70 would withdraw an offset or reward and it would be a mistake.

REP. RICE said her concern with the bill deals with the collective bargaining and the current contracts. She read a clause from HB 58: "Within a collective bargaining unit, severance pay and retraining allowance are negotiable subjects under Title 39, Chapter 31: She asked if that clause were to be amended into HB 70, would that allow for paid military leave to become negotiable.

Mr. Schneider answered that the problem is that you could not provide military leave differently for different people. Severance pay can be negotiated differently for the highway people than it is for the Department of Transportation because there are no equity laws which apply. It would just be subject to negotiations. He said they are dealing with Federal laws which state that once an employer does something for one employee, they must do it for everyone. That clause therefore, would not work. It would require that all unions negotiate military leave pay at the same time and there would have to be a general opinion by the Legislature, Governor and the Attorney General so that whatever came out of the negotiations would be uniform.

REP. RICE asked how many people have been refused by the Guard or Reserve due to no openings or not being qualified and whether there was a waiting list to get into the Guard or Reserves.

General Prendergast said there are no waiting lists at the present time and that is why the recruiting and retention is so important at the present time. He said they are trying to retain the people they have in the national guard armories and they need the pay benefits to retain and recruit.

CHAIRMAN SIMPKINS asked if the National Guard does any community service jobs in Montana during the 15-day training period.

General Prendergast answered that this year the annual training for infantry battalion was moved from Idaho to Billings. Instead of that money going to Idaho, it will remain in Montana. Regarding public service, the National Guard continues to implement programs such as the Medical Readiness Training Program, Youth at Risk, Drug Interdiction, etc. The National Guard will become more and more involved in missions with the state in the future. Recently the Guard provided a Thanksgiving dinner at the armory and served approximately 1,900 men, women and children. Many of the volunteers were state employees who are in the National Guard or Reserves.

REP. ROSE said when a person leaves active duty they are assigned to a reserve status for several years. He asked how HB 70 would affect those people.

REP. TUSS said she was disturbed by the content of much of the testimony. HB 70 would not make second class citizens out of anyone. HB 70 does not attack anyone. The bill has an extraordinarily narrow focus on that portion of time where one can collect both the pay for a job they are not doing and the pay for a job they are volunteering to do. She said she is not attempting to take away military pay, but is attempting to disallow, what her constituents consider to be double dipping.

REP. SPRING noted she had an impressive group of co-signers for the bill and asked if the co-signers' feelings were similar to hers on the need for this bill.

REP. TUSS answered that as she collected her co-signers, she was very clear about the intent and how narrow the focus of the bill truly is.

CHAIRMAN SIMPKINS asked **REP. TUSS** if she would have any objection to including school districts to the part of the bill which includes state, county or public employee.

REP. TUSS said she had no objection. The Committee should consider whatever seems fair.

CHAIRMAN SIMPKINS asked Mr. Schneider if he had anything else he would like to comment on.

Mr. Schneider said the way the bill amends current law, the bill would limit the leave for any reason to only 15 days. Current law reads that employees may be paid up to 15 days, however, HB 70 states they may only receive a leave up to 15 days. There are those times when the training period exceeds the 15 days. Federal law requires leave to be granted for as long as the duty lasts, so HB 70 is in conflict with Federal law.

REP. BARNHART asked how many woman are involved in the Guard or Reserves.

General Prendergast answered there are approximately 4,200 women in the National Guard which is about 11%.

Closing by Sponsor: **REP. TUSS** closed the hearing on HB 70. She said there seems to be a presumption that without the ability to double dip, there would be no one signing up with the Guard. There are people who would be willing to participate in the types of programs the Guard offers and recruitment would not be adversely affected to the tune that the Guard would go under. **REP. TUSS** clarified that the reference to training time being the same as vacation time was not a choice of her words. She said she did not consider 15 days of military training as a vacation. There are private employers across the state who pay the differential and there are those who pay the total time. There are also private employers who harass and do not directly allow people back to work. HB 70 is not an attempt to attack military people, but it is a bill in response to constituents who do take exception to what is happening.

HEARING ON HOUSE BILL 85

Opening Statement by Sponsor: **REP. BRAD MOLNAR, HD 85, Laurel,** introduced HB 85, a bill which intends to bring the legislative code of ethics in line with the constitution and at the same time instill trust in the legislature. HB 85 would prohibit legislators from receiving pay from public employers during their time of service. The bill provides an employee tax for indemnity and that employee shall not receive that pay while serving the legislature. He referred the Committee to Article 13, Section 4, of the Constitution where it states that the Legislature shall provide a code of ethics prohibiting conflicts between public duty and private interests and members of the legislature as well as all state and local officers and employees.

Proponents' Testimony: None.

Opponents' Testimony: **Phil Campbell, Montana Education Association, Helena,** testified against HB 85. He said the arrangements that are made for public employees as they serve and hold office seems to be working well. There does seem to be a conflict of interest. The law provides that you can not receive pay from two separate state payrolls. For instance, if a public employee serves jury duty and are paid for their regular job as well, that employee must give that money to the employer or not take the money at all. There are teachers who also serve in public office, and they do not get both pay. They get one or the other or maybe even differential pay. If HB 85 passes it could affect health insurance benefits, retirement benefits, etc. He said the arrangements that are being made at the present time seem to be working well for those who are serving in office.

Terri Minow, Montana Federation of Teachers, Helena, testified against HB 85 and said there is no need for this change in law.

Informational Testimony: None.

Questions From Committee Members and Responses: REP. GALVIN asked if those people who have investments in any industry and receive monetary returns be restricted from serving in public office.

REP. MOLNAR said he did not know, disclosure is covered under separate legislation. There is disclosure after having been elected and he suggested that disclosure should be prior to being elected.

REP. GALVIN offered that perhaps at the times a legislator has a personal interest, he or she should refrain from voting.

REP. MOLNAR said he has only witnessed this happening a few times where a legislator excused himself from voting due to a conflict of interest. He said most of the legislators who vote on education bills also have children. Legislators are also tax payers who vote on tax bills. There is a thin line and HB 85 should not be misconstrued to be so.

Closing by Sponsor: REP. MOLNAR closed HB 85. Regarding retirement and health benefits, when the bill was originally drafted other existing legislation was review and these benefits would not be affected by HB 85. He noted that Rep. Russ Fagg serves as a county attorney, Rep. Randy Vogel is a policeman, Rep. Dave Ewer is a state employee and they will not be affected by HB 85. He said the low wages for serving in the legislature dissuade some from serving, however, part of the reason that some groups are over represented is because they receive special benefits.

HEARING ON SENATE BILL 5

Opening Statement by Sponsor: SENATOR BOB BROWN, SD 2, Whitefish, introduced SB 5, a bill which increases the license fee for lobbyists and provides a waiver of the fee.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: REP. SPRING will carry SB 5.

Questions From Committee Members and Responses: REP. SCHWINDEN asked how there can be an increase for state employee lobbyists which in turn will be paid by taxpayers.

Ed Argenbright, Commissioner on Political Practices, said his original notion was that currently the state employee lobbyists are not charged anything for registration as a lobbyist. There are over 300 lobbyists registered for state agencies. He said he originally intended for a \$10 fee for state lobbyists, but a \$50

fee for everyone would be a good deal. It would treat everyone fairly. He said there are more state employees registering as lobbyists than there needs to be. If there is a fee attached it might cut back on the number of state agency lobbyists.

REP. SQUIRES asked if a Department is asked to come before a Committee and there are more than one present to answer questions, would they each be charged \$50.

Mr. Argenbright said they would not. Anyone who is an elected official or appointed by the Governor is not required to register as a lobbyist. The fee applies to people who are specifically hired to lobby the legislature.

REP. SQUIRES asked who the 300 registered state lobbyists are if they are people other than those department heads and head management people who have the expertise. She asked if these people are available to provide information, are they considered lobbyists.

Mr. Argenbright said there are over 300 people who are currently registered as lobbyists for state departments. If a state employee is present and available for information only, that person is not lobbying. However, if that person appears before the Committee opposing or proposing a bill on behalf of that Department, that person is required to be a registered lobbyist.

REP. DAVIS asked if the Office of Public Instruction has a registered lobbyist.

Mr. Argenbright said OPI does have registered lobbyists. He said Jack Copps is a registered lobbyist.

REP. DAVIS said if those only attend to offer information, would there be the ability to get the 300 down to zero.

Mr. Argenbright said it would not be possible to get the number down to zero, however, the Department heads would limit the number of people who are registered as lobbyists.

REP. SQUIRES said there is a fine line, and asked how it would be determined whether the person is appearing as an informational person or a lobbyist.

Mr. Argenbright said it would be up to the Directors of each Department to determine who would be their active lobbyist. One of the difficulties with the lobbying and reporting is that as a director of a department you have to figure how much money you have for that activity. There has not been much consistency with regard to that.

Ms. Heffelfinger read the definition of lobbying..."lobbying means the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of

the legislature by a person other than a member of the legislature or a public official and the practice of promoting or opposing official action by an public official." Public official is defined as any official who is elected or appointed acting in his official capacity for the state government. The term does not include those acting in a judicial or quasi judicial capacity or performing ministerial acts.

CHAIRMAN SIMPKINS deferred **REP. SQUIRES'** question to **SENATOR BROWN**.

SENATOR BROWN noted that there was a time where agency people did not appear before the Committee unless it was at the Committee's request. As long as the person is available at the request of the Committee, it is not considered as lobbying. However, if a person is planning to be available on a more permanent basis as a proponent or an opponent, than he or she should register as a lobbyist.

REP. SPRING asked for an explanation regarding the hardship clause.

Mr. Argenbright said the hardship amendment occurred in the Senate and was patterned after the hardship law which already exists where a person can go to the Secretary of the State's Office to file as a candidate and if hardship exists, that person does not have to pay a filing fee. He said the hardship would have to be a true hardship, because if someone is employed as a lobbyist there would have to be some money there.

CHAIRMAN SIMPKINS asked if a registered lobbyist is sick and has a replacement, would that replacement be required to be a registered lobbyist.

Mr. Argenbright said if that person is an employee of that organization and that person is being paid by the organization to influence the outcome of legislation, then they would be required to be registered. However, if a person who is an unpaid director of an organization comes before a committee, they would not be required to be registered.

REP. SQUIRES asked if he would agree to exempting nonprofit organizations or if he would agree to having a sliding scale for registration fees. For instance the Low Income Coalition does not have a big budget and could probably afford \$10, but not \$50.

Mr. Argenbright answered that he would prefer to keep the registration fees simple and to not have varied categories. He said he was not sure how they would determine hardship, but the purpose would be to allow those who have a hardship to still have the ability to lobby and influence legislation.

Closing by Sponsor: **SENATOR BROWN** closed the hearing on SB 5.

HOUSE STATE ADMINISTRATION COMMITTEE

December 13, 1993

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ADJOURNMENT

Adjournment: 11:45 a.m.

Dick Simpkins

REP. DICK SIMPKINS, Chairman

Pat Bennett

PAT BENNETT, Secretary

by Maudie Miller

DS/PB

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 13 Dec 93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIRMAN	✓		
REP. WILBUR SPRING, VICE CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. ERVIN DAVIS	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS			✓
REP. HARRIET HAYNE	✓		
REP. GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES	✓		
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

2.21.409

PERSONNEL

Sub-Chapter 4

Military Leave

2.21.401 INTRODUCTION (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604 MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.402 DEFINITIONS (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604 MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.403 QUALIFYING PERIOD (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604 MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.404 RATE OF COMPENSATION (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604, MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.405 SEASONAL AND PERMANENT PART-TIME EMPLOYEES (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604 MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MCA p. 2012, Eff. 11/11/82.)

2.21.406 STATE EMPLOYEES WHO ARE MEMBERS OF THE NATIONAL GUARD OF THE STATE OF MONTANA (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-603 and 10-1-604 MCA; Eff. 03/22/76; ARM Pub. 11/25/77; AMD, 1978 MAR p. 190, Eff. 2/25/78; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.407 ACCUMULATION (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604 MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.408 ABSENCES (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604 MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.409 CLOSING (IS HEREBY REPEALED) (History: Sec. 2-18-102 MCA; IMP, 10-1-604 MCA; NEW, 1977 MAR p. 718, Eff. 10/25/77; REP, 1982 MAR p. 2012, Eff. 11/11/82.)

Gale Kuglin
Liz Hayden

2.21.419

PERSONNEL

2.21.414 RATE OF COMPENSATION (1) An employee on military leave receives the regular gross salary and benefits. (History: Sec. 2-18-604 MCA; IMP, 10-1-604 MCA; NEW, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.415 LEAVE NOT CUMULATIVE (1) Military leave which is not used in one calendar year may not be carried over to the next calendar year. (History: Sec. 2-18-604 MCA; IMP, 10-1-604 MCA; NEW, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.416 REQUESTS FOR LEAVE (1) An agency shall establish procedures for the application for and approval of military leave.

(2) An employee shall submit a copy of his military orders with the request for military leave.

(3) The agency shall document the number of days per year of military leave taken by an employee. (History: Sec. 2-18-604 MCA; IMP, 10-1-604 MCA; NEW, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.417 MILITARY LEAVE TAKEN OVER A HOLIDAY (1) Military leave taken over a legal holiday may not be charged to an employee's account. (History: Sec. 2-18-604 MCA; IMP, 10-1-604 MCA; NEW, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.418 MEMBERS OF THE NATIONAL GUARD OF THE STATE OF MONTANA (1) Employees of the state of Montana who are members of the National Guard of the state of Montana may be ordered to active federal and state service by competent authority to aid in the execution of the laws, suppress insurrection, repel invasion, or protect life and property in natural disasters as provided in Article VI, Section 13 of the Constitution of Montana.

(2) When ordered to active duty for such exigencies, state employees shall have the option of taking annual vacation leave or being placed in a leave without pay status. A state employee ordered to active federal or state service by competent authority is not an "affected employee" as defined in Rule 2.21.306, ARM, relating to Disaster and Emergency Leave.

(3) If the employee elects to take leave without pay during the period for which ordered to active duty by the Montana National Guard, the employee shall continue to accumulate annual vacation leave, sick leave, and other employee benefits even if the leave extends beyond 15 working days, since the employee is paid from state monies for the time on active duty. (History: Sec. 2-18-604 MCA; IMP, 10-1-604 MCA; NEW, 1982 MAR p. 2012, Eff. 11/11/82.)

2.21.419 ACCOMMODATING REQUIRED DUTY (1) An agency must allow an employee to take time off to attend any required

EXHIBIT 2
DATE 13 Dec 93
HB HB 70

Amendments to House Bill No. 70
First Reading Copy

Requested by Rep. Carley Tuss
For the Committee on House State Administration

(This amendment is a reconstruction of the amendment that was handed out and misplaced in Committee.)

1. Page 2.

Following: line 3

Insert: " NEW SECTION. Section 3 {standard} Saving clause.

[This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

MONTANA

PUBLIC

EMPLOYEES

ASSOCIATION

1426 Cedar Street • P.O. Box 5600

Helena, Montana 59604

Telephone (406) 442-4600

Toll Free 1-800-221-3468

EXHIBIT 3

DATE 12/13/93

HB HB 70

December 13, 1993

TO: Committee on State Administration

FROM: Tom Schneider, Executive Director

SUBJECT: HB 70

Mr. Chairman and members of the House State Administration Committee, I have attached for your information a copy of a state by state survey, which is done by Workplace Economics, Inc. (a private Washington, D.C. firm) showing how " Military Leave" is provided for by state governments.

If you look at the attachment you will see the following:

<u>No. of States</u>	<u>No. Days Military Leave</u>
1	10
1	11
2	12
29	15*
15	Over 15
2	15**

* Same as Montana

** Pay the Difference Between Military Pay and Full State Pay

Forty Eight states currently pay military leave for their employees and two states pay the difference between military pay and state pay. IF HB 70 PASSED, MONTANA WILL BE THE ONLY STATE WHICH PAYS NOTHING FOR ITS EMPLOYEES ON MILITARY LEAVE.

There will be no savings to the state in this biennium if HB 70 passes. MPEA, AFSCME, MFT, Teamsters and other unions have contracts which require the payment of " Military Leave" and these contracts extend to June 30, 1995. My understanding of Federal Law, in this area, is that you have to treat all employees equally so 1. you can't break the contracts and 2. you can't treat others not covered by contract differently.

All of these facts aside, why do you want to do this. Not only are you taking away a promise you made, you will be requiring these dedicated employees to pay for health insurance

Eastern Region

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

Western Region

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

MPEA

out of their own pockets while they attend training sessions. You will force them to lose money or give up family vacations if they choose to remain in the National Guard or Reserve. HB 70 will ultimately cause employees to quit the military because they will not be able to afford to remain. If you pass HB 70 the employee loses, the state of Montana loses and the country loses. Please kill this bill. Thank you...

Table 4. Other Types of Leave

State	PERSONAL	EDUCATIONAL				MILITARY*	CIVIC**	FUNERAL
	days per year	avail- able	with pay	maximum length	tuition paid	days per year	salary plus jury pay	(separate from sick leave)
Alabama	1(1)	yes	varies	12 mos	varies	21	yes	no
Alaska	0(2)	no	-----	-----	-----	16.5	yes	no
Arizona	0	varies(3)	varies	12 mos	varies	15	no(4)	3-5 days
Arkansas	0	yes	varies(5)	-----	varies(6)	15	yes	no
California	0	yes	varies	12 mos(7)	yes(7)	30	no	3-5 days
Colorado	0	yes	yes(8)	varies	yes	15	yes	1-5 days
Connecticut	3	yes	no	12 mos	yes(9)	15	no	no
Delaware	0	yes	yes(10)	24 mos(11)	yes(12)	15	yes	1-3 days
Florida	0	yes	yes	12 mos	no	17	yes	2 days
Georgia	3(13)	yes	no	no max	no	18(14)	yes	no
Hawaii	0(15)	yes(16)	no	12 mos	varies	15	yes	3 days
Idaho	0	no	-----	-----	-----	15	yes	no
Illinois	3	yes	no	no max	yes(17)	60	no	no
Indiana	3	yes(18)	no	no max	varies	15	no	3 days
Iowa	0	yes	yes(19)	12 mos(19)	yes(19)	30	no	no
Kansas	1	yes(20)	varies	12 mos	varies	12	yes	1-6 days
Kentucky	0	yes	yes	24 mos	yes	10	yes	no
Louisiana	0	yes	yes	1 month	no	15	yes	2 days
Maine	2	yes(21)	yes	12 mos	yes	17	no	3-4 days
Maryland	3	yes	yes	18 mos	yes	15	yes	no
Massachusetts	3	yes	yes(22)	12 mos	yes(23)	17	no	4 days
Michigan	1-2(24)	yes	no	varies	50%	15(25)	no	no
Minnesota	0	yes	yes(26)	no max	yes	15	yes	no
Mississippi	0	yes(27)	yes(28)	-----	yes(27)	15	yes	no
Missouri	0	varies	yes	-----	yes(29)	15	yes	yes

Table 4. Other Types of Leave -- continued

State	PERSONAL	EDUCATIONAL				MILITARY*	CIVIC**	FUNERAL
	days per year	avail-able	with pay	maximum length	tuition paid	days per year	salary plus jury pay	(separate from sick leave)
Montana	0	yes(20)	varies	varies	varies	15	no	no
Nebraska	0	no	-----	-----	50-100%	15	yes	yes
Nevada	0	yes	varies	no max	yes	15	yes	no
New Hampshire	0-4(30)	yes	yes	12 mos	yes	15	yes	no
New Jersey	3	yes	yes	varies	yes(21)	90	yes	no
New Mexico	1	yes	yes	no max	yes	15	no	no
New York	3-5(31)	yes(32)	yes(3)	no max	yes(20)	30(33)	no(34)	no
North Carolina	0	yes(32)	yes	12 mos	yes	12	yes	no
North Dakota	0	yes	yes	varies	yes	20	no	3 days
Ohio	3-4(35)	yes(20)	no	24 mos	yes	22	no	yes
Oklahoma	0	yes(36)	yes	12 mos	yes	20	yes	no
Oregon	2	yes	yes(37)	no max	varies	15	yes	no
Pennsylvania	4	yes(20)	no	12 mos	varies	15	yes	no
Rhode Island	4	yes	yes	12 mos	yes	15	no	3 days
South Carolina	0	yes	no	12 mos	varies	15	yes	3 days
South Dakota	5(38)	yes	yes	24 mos	yes	15	yes	no
Tennessee	0	yes	75%	varies	varies	15	no(4)	3 days
Texas	0	varies	varies	varies	varies	15	yes	3 days
Utah	0	no	-----	-----	yes(39)	15	no	3 days
Vermont	0-5(40)	yes	yes	24 mos	yes	11	no(4)	no
Virginia	0	yes	yes	12 mos	yes	15	no	no
Washington	0	yes	no	24 mos	yes(29)	15	yes	no
West Virginia	0	yes(20)	yes(8)	no max	no	30	yes	no
Wisconsin	3	yes	varies	36 mos	yes(41)	15(25)	yes	no
Wyoming	0	yes	yes	24 mos	yes	15	yes	3 days

NOTES FOR TABLE 4:
OTHER TYPES OF LEAVE

- * Except where otherwise indicated, military leave is paid at full salary.
 - ** A "no" response indicates that employee receives salary minus jury pay or that employee must remit jury pay -- not both.
1. Alabama: Except in two counties where employees receive a holiday for Mardi Gras (see Table 5).
 2. Alaska: Employees represented by the Confidential Employees Association and the supervisory unit receive personal leave instead of annual and sick leave, which accrues at a rate of 2 days/mo in the first 2 years, 2.25 days/mo up to 5 yrs, 2.5 days/mo up to 10 yrs, and 3 days/mo for each month over 10 years service.
 3. Arizona, New York: Varies according to agency policy and available funding.
 4. Arizona, Tennessee, Vermont: Employee may take annual leave and keep jury pay.
 5. Arkansas: Amount paid determined by mutual agreement but shall not exceed the regular salary paid to the employee.
 6. Arkansas: Payment of tuition, fees, books, and transportation if such sums have been specifically appropriated by the General Assembly for such purpose.
 7. California: Where required by the state.
 8. Colorado, West Virginia: Allowed, but seldom used, at full pay or partial pay.
 9. Connecticut: Partial payment.
 10. Delaware: Also available without pay.
 11. Delaware: Applies to leave without pay.
 12. Delaware: Tuition not guaranteed but may be offered.
 13. Georgia: Additional leave may be converted from sick leave in excess of 15 days as of November 30 of each year.

14. Georgia: When Governor declares an emergency and orders employee to active duty as a member of the Georgia National Guard, an additional 30 workdays per year is permitted.
15. Hawaii: Teachers are granted two personal leave days with full pay per school year which are charged against sick leave credits. Police officers are granted three days of personal leave per year which are charged against vacation credits.
16. Hawaii: Sabbatical leave is also available at 50% pay; maximum length 12 mos; tuition not paid; employee eligible only after serving seven continuous years with the state and contractually agrees to serve two continuous years with appropriate department upon return from the leave.
17. Illinois: One course per semester at 80% reimbursement. 100% reimbursement for courses leading to promotions for certain job titles.
18. Indiana: Education benefits could apply to any state worker however, only a few agencies have a tuition reimbursement program at this time.
19. Iowa: Appointing Authority discretion, course work related to current job responsibilities, satisfactory completion (C grade or better), and within available budget funds. Leave with pay severely restricted. May be extended.
20. Kansas, Montana, New York, Ohio, Pennsylvania, West Virginia: Subject to agency discretion.
21. Maine, New Jersey: Depends on available funding and operational need.
22. Massachusetts: Only in certain bargaining units.
23. Massachusetts: Tuition remission program available to all state employees. Full-time employees enrolled in regular state supported courses at state institutions are entitled to 100% remission for tuition costs. Full-time employees are entitled to 50% remission for tuition at state institutions for continuing education courses.
24. Michigan: For new hires, personal days granted one time only.
25. Michigan, Wisconsin: Employee is paid the difference between military pay and full salary.
26. Minnesota: Educational leave with pay is available to all employees if the employer is requiring the employee to attend. When the employee requests the education leave, the leave is without pay. However, at the employer's discretion, a managerial employee can be granted a paid educational leave which is specifically employee initiated.
27. Mississippi: Educational leave available under rules promulgated by the State Personnel Board annually. Employee must sign a contract with the employing agency to "repay" the state agency by working for that agency for a certain period of time.

28. Mississippi: Up to \$12,000 annually.
29. Missouri, Washington: Agencies may approve full or partial tuition reimbursement.
30. New Hampshire: "Bonus leave" accrued based on sick leave use: 3 days or less sick leave used per year: 4 days bonus leave earned; 4 days sick leave used per year: 3 days bonus leave earned; 5 days sick leave used per year: 2 days bonus leave earned; 6 days sick leave used per year: 1 day bonus leave earned; no bonus days earned when more than 6 days sick leave is used.
31. New York: Depending on bargaining unit and date of hire.
32. New York, North Carolina: Course must be job related.
33. New York: Thirty calendar days or twenty-two workdays, whichever is greater.
34. New York: Employees do not receive jury pay in addition to salary, but do receive travel expenses.
35. Ohio: Varies by bargaining unit.
36. Oklahoma: For the most part restricted to certain classifications and agencies. Leave without pay available for up to twelve months with agency approval.
37. Oregon: Leave with pay granted when benefits to state exceed cost.
38. South Dakota: Deducted from sick leave.
39. Utah: Tuition assistance available to maximum of \$1,500 per fiscal year.
40. Vermont: Personal leave based on non-use of sick leave; 1 1/4 days per calendar quarter. Maximum of 5 per calendar year.
41. Wisconsin: 75% if job related, 50% if career related.

Legislative Briefing Testimony - Major General John E. Prendergast

Provided is the script MG Prendergast used when testifying in opposition to HB 70, during the State Administration Committee hearings held on Dec. 13, 1993. Because this script is more an outline, MG Prendergast's testimony was far more in-depth in many of the areas.

As The Adjutant General of the Montana National Guard, I have the responsibility of ensuring that our sons and daughters are sufficiently trained to go to war.

Thank God our state had the foresight to pass a law permitting military leave for our state and other public employees.

Let me tell you how military leave is used:

- Annual Training to prepare and be trained to go to war.
- Counter-drug program in Montana. This program has a \$750,000 federally supported budget, \$3,000,000 of confiscated contraband has been seized.
- Medical Readiness Training Exercise (MEDRETES). Innovative program partnership with the Northern Cheyenne Reservation which is designed to provide medical services to underserved populations.
- Challenge. The MT NG is entering into what is essentially a "youth at risk" program, which assists high school dropouts in gaining their GED and building self respect and confidence.

The Montana National Guard is adding value to America.

- It is a community based defense force which, from an economic impact perspective, is worth \$72,000,000 federal dollars to the State and local communities.
- Most importantly, our Governor and the people of Montana have one billion dollars worth of military equipment, operated and maintained by 4300 trained men and women who can be called upon in time of need, be it a disaster, a flood, forest fire, or institution strike.

In conclusion, the mission of the Montana National Guard and each one of its soldiers and airmen is vital to our national security and state capability to serve and protect our citizenry. In these changing times of "downsizing" and "rightsizing" and "inactivations" and "deactivations", don't send the message to Congress and the Department of Defense that Montana does not support its National Guard and Reserve forces.

Prendyest

EXHIBIT 5
DATE 12/13/93
HB HB 70

1 May 1990

DMAMT Reg 672-1/900-48

APPENDIX E

MONTANA NATIONAL GUARD CAMPAIGNS

The Montana National Guard Campaign Ribbon is awarded to members of the MT NG for active state service performed within the state of Montana after 1 January 1947. This service must be the result of a declared state emergency and call-up of guard members or units in connection with floods, fires, riots or other disasters. Declared state emergencies/disasters recognized are:

FLOOD	7-11 APRIL 1952	MILK RIVER
STATE PRISON RIOT	30-31 JULY 1957	DEER LODGE
STATE PRISON RIOT	16-19 APRIL 1959	DEER LODGE
FOREST FIRE	15 SEPTEMBER 1959	KALISPELL
FOREST FIRE	24-29 JULY 1960	CASCADE
FOREST FIRE	5-12 AUGUST 1961	CLANCY
FOREST FIRE	3-12 AUGUST 1961	SLEEPING CHILD
TRAIN WRECK	21-22 JUNE 1962	MISSOULA
FLOOD	08-20 JUNE 1964	GLACIER PARK, SUN RIVER
WINTER DISASTER	16-22 DECEMBER 1964	SOUTHEASTERN MONTANA
TRAIN WRECK	7-8 MARCH 1966	CHESTER
FOREST FIRE	4-6 AUGUST 1966	SWEET GRASS COUNTY
FOREST FIRE	23-26 AUGUST 1967	ONLY
FOREST FIRE	10-13 AUGUST 1971	MISSOULA COUNTY
FOREST FIRE	15-31 AUGUST 1973	WESTERN MONTANA
STATE INSTITUTIONS	13-21 MARCH 1974	WARM SPRINGS, GALEN &
STRIKE		BOULDER
CIVIL DISTURBANCE	22 JANUARY 1975	DECKER
HAYLET	9-11 APRIL 1975	GLACIER TOOLE, LIBERTY
		AND CASCADE COUNTIES
FLOOD	19-23 JUNE 1975	CASCADE COUNTY
PRISON FIRE	23-25 FEBRUARY 1976	DEER LODGE
STATE INSTITUTIONS	27-28 NOVEMBER 1976	WARM SPRINGS
STRIKE		
EXPLOSION AND FIRE	27-28 NOVEMBER 1976	BELT
FLOOD	20-25 MAY 1978	HARDIN
SNOW BOUND	9-18 FEBRUARY 1978	EASTERN MONTANA
STATE INSTITUTIONS	5 FEBRUARY -	DEER LODGE, BOULDER
	14 MARCH 1979	AND GALEN
FLOOD	22 MAY - 2 JUNE	WESTERN MONTANA
	1981	
FLOOD	26-29 SEPTEMBER 1986	MILK RIVER
TRAIN WRECK	2-3 FEBRUARY 1989	HELENA
PRISONER ESCAPE	7 MAY 1989	ANACONDA, WARM SPRINGS
TRAIN WRECK	4-5 AUGUST 1989	WHITEFISH

12-13-93

HB 70

1 May 1990

DMAMT Reg 672-1/900-48

APPENDIX F

MONTANA NATIONAL GUARD VOLUNTEER CAMPAIGN RIBBON

The Montana National Guard Volunteer Campaign Ribbon is awarded to members of the Montana National Guard who volunteer during an emergency within the state of Montana after 1 May 1988. This service must be in a civilian capacity and not a state call-up. Declared emergencies/disasters recognized but not subject to National Guard, state active duty are:

FOREST FIRE	16 JULY - 7 AUGUST 1988	MONTANA
FOREST FIRE	11-15 AUGUST 1988	
FOREST FIRE	18 AUGUST - 21 SEPTEMBER 1988	MONTANA
TRAIN WRECK	2-3 FEBRUARY 1989	HELENA

6

EXHIBIT 6
DATE 12/13/93
HB HB 70

SMS BRYAN G. KNOWLES

12 DEC. 93

RES: 43 FOXTAIL LN. ULM , CASCADE COUNTY, MONTANA
MT AIR NATIONAL GUARD, STATE EMPLOYEE AT MT AIR NAT'L GUARD
GREAT FALLS MT.

AS A FORMER MEMBER OF THE U.S. NAVY AND NAVAL RESERVE AND
HAVING BEEN A MEMBER OF THE MONTANA AIR NAT'L GUARD FOR OVER
17 YEARS, I APPRECIATE THE OPPORTUNITY TO EXPRESS MY CONCERNS
OF HOUSE BILL 70 AND ITS EFFECT ON THOSE MUNICIPAL
COUNTY AND STATE EMPLOYEES. FURTHER, THE ADVERSE EFFECT THE
PASSAGE OF THIS BILL WOULD HAVE ON THE STATE OF MONTANA.
I HAVE SEEN PEOPLE JOIN A MILITARY ORGANIZATION FOR A HOST OF
REASONS. DEDICATION TO STATE AND COUNTRY, EDUCATIONAL
BENEFITS ADDITIONAL INCOME, OR JUST TO SHARPEN THEIR SKILLS
FOR CIVILIAN EMPLOYERS, TO NAME A ONLY FEW. ALL OF WHOM HAVE
GIVEN OF THEM SELVES SELFLESSLY. WEEKENDS AWAY FROM FAMILY,
WEEKS AND MONTHS OF FEDERAL AND STATE ACTIVATIONS FOR ONE
CRISES OR ANOTHER.

THE TESTIMONY YOU WILL HEAR THIS MORNING WILL HIGHLIGHT THE
COST ISSUE OF PAID MILITARY LEAVE. FURTHER, YOU WILL HEAR HOW
SOME INDIVIDUALS CANNOT AFFORD TO BE A MEMBER OF THE NATIONAL
GUARD WITH OUT IT, ^{*PAID MILITARY leave*} I FEEL IT WOULD BE REDUNDANT OF ME TO
BELABOR THIS ISSUE. THE ISSUE I'M CONCERNED WITH IS THE

EFFECT THIS ^{MEASURE will have} ~~ISSUE~~ ON THE STATE AND COUNTRY.

IN PAST YEARS THE AIR NATIONAL GUARD HAS BEEN ACTIVATED FOR
NUMEROUS STATE EMERGENCIES; FLOODS, FOREST FIRES, STATE
^{To say nothing of activations for Korea & Desert Storm,}
EMPLOYEE STRIKES, [^] ETC. WHERE WOULD THIS STATE HAVE BEEN
WITHOUT THE DEDICATED FOLKS WE HAVE TO CALL ON WHEN NEEDED.
WE KNOW THE PASSAGE OF THIS BILL WILL CAUSE A LOT OF THESE
TRAINED AND DEDICATED PEOPLE NOT TO BE THERE, WHEN NEEDED
NEXT TIME, IF THIS BILL IS PASSED.

I PERSONALLY HAVE BEEN ACTIVATED FOR THE 1979 INSTITUTIONAL
^{with a Medal of Gold Employee That Received Pay Ben. for 6 mos.}
EMPLOYEE STRIKE, FOREST FIRES, DESERT STORM IN 1991 [^] AND
SERVED WITH GUARDSMEN AND RESERVISTS IN DESERT STORM/SOUTHERN
WATCH IN 1993. HAD I NOT THE TRAINING I WOULD HAVE
OTHERWISE DISREGARDED WITHOUT THE BENEFITS OF PAID MILITARY
LEAVE, I WOULD NOT HAVE HAD MUCH TO OFFER THIS STATE OR
COUNTRY.

PRESENTLY, THE POSITION I HOLD AS A GUARDSMAN IS FIRST
SERGEANT OF A SQUADRON OF 169 MEMBERS. THIRTY FIVE OF THESE
PEOPLE ARE DIRECTLY EFFECTED BY THE DECISION YOU ARE ABOUT TO
MAKE. THE PASSAGE OF THIS BILL WILL TELL THEM THE STATE OF
MONTANA HAS LITTLE CONCERN FOR THEIR PAST OR FUTURE DEDICATION
AND HARDSHIPS. ADDITIONALLY, THIS WILL SIGNAL PRIVATE
^{and Fed. Gov't}
INDUSTRY AND BUSINESSES IN THIS STATE [^] THAT HAVE SIMILAR
BENEFITS, THAT IF THE STATE OF MONTANA DOES NOT CARE FOR THE ADVERSE

EXHIBIT 4
12-13-93
HB 70

NATIONAL GUARD MEMBERS WHY SHOULD THEY, AND THE GUARD WILL
LOSE MORE PEOPLE.

THE END RESULT OF ALL THIS AS I SEE IT, A SHORT FALL OF
TRAINED, EXPERIENCED, AND DEDICATED PEOPLE TO SERVE YOU, THE
TAXPAYER.

PERSONALLY, I'M COMING TO A CAREER END IN A YEAR OR TWO.
HOWEVER, I'LL CONTINUE TO BE A TAXPAYER, AND FROM WHERE I
STAND AND FROM MY EXPERIENCE, WE AS A STATE CANNOT AFFORD TO
VOTE IN FAVOR OF THIS BILL. *This measure in my opinion, must be killed.*

Ray E. Brown

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Bryan Knowles BILL NO. HB 70

ADDRESS Box 44 Ulen, MT. DATE 12/13/93

WHOM DO YOU REPRESENT? Air National Guard / Self

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: Attached.

EXHIBIT 7
DATE 12/13/93
HB HB 70

- MONTANA NATIONAL GUARD (ARMY AND/OR AIR) STATE ACTIVATIONS -

START DATE:	END DATE:	MANDAYS REQUIRED:	EVENT:	LOCATION:
20 Aug 92	20 Aug 92	4	Wildfire	Dearborn
12 Mar 92	12 Mar 92	4	Wildfire	Cascade County
17 Oct 91	21 Oct 91	279	Wildfire	Lincoln County
17 Oct 91	28 Oct 91	105	Wildfire	Fergus County
10 Oct 91	28 Oct 91	20	Wildfire	Blain County
25 Apr 91	1 May 91	4,334	State Institution Strike	Statewide
14 Nov 90	20 Nov 90	248	Wildfire	Helena Nat'l Forest
9 Aug 90	13 Aug 90	23	Wildfire	Custer Nat'l Forest
2 Aug 89	4 Aug 89	3	Train Wreck	Whitefish
2 Feb 89	3 Feb 89	24	Train Explosion	Helena
16 Jul 88	18 Sep 88	8,888	Wildfire	Statewide
25 Sep 86	1 Oct 86	249	Flood	Milk River
16 Aug 86	19 Aug 86	45	Wildfire	Sand Creek
11 Aug 86	19 Aug 86	68	Wildfire	North Valley
10 Aug 85	15 Aug 85	48	Wildfire	Lost Trail Pass
9 Aug 85	12 Aug 85	67	Wildfire	Woodward Ranch
12 Jul 85	23 Jul 85	120	Wildfire	Hellgate Canyon
5 Jul 85	14 Jul 85	274	Wildfire	Sandpoint
2 Jul 85	6 Jul 85	119	Wildfire	Game Ridge
24 Jun 85	2 Jul 85	56	Wildfire	Milltown
27 Aug 84	20 Sep 84	5,272	Wildfire	Western Montana
21 Jun 84	25 Jun 84	25	Flood	Dillon

Numerous State activations occurred prior to 21 Jun 84 (i.e. State Institution Strike in 1979); however, complete records of such activations could not be located.

In addition, numerous Search & Rescue missions (several of which resulted in saving of life) have been performed coincident to training in National Guard Federal status.

Mr. Chairman, members of the committee, for the record my name is Roger A. Hagan. I represent the more than 4,000 members of the Enlisted Association of the National Guard of Montana (EANGMT). I am here today to urge your opposition to House Bill 70.

I will raise several issues concerning this bill in an effort to identify for you the impact of gutting this allowance. Issues such as; the monetary impact to our state employees, the perception that Montana views membership in the militia as of little importance, the value of National Guard and Reserve members as public employees, the affect that the loss of this provision can have on employee morale and how Montana ranks with the Nation for benefits of belonging to the National Guard and Reserve. For the remainder of my testimony my reference to the National Guard will serve to include the Reserve in most instances.

The most direct and immediate impact of this bill is to the pocketbooks of our public employees. Many Guard members who work for the public sector depend on their military income, not as an added income, but as supplemental income. Supplemental income that, when coupled with their regular wage, enables them to pay the utilities and feed and clothe their families. This military leave is very important to them!

The second issue is the perception that the State does not support or encourage membership in the National Guard. If there is ever an entity that directly benefits from a strong National Guard more than any other, it is the State of Montana. Only a few weeks prior to this committee's arrival at this special session, your National Guard, acting as the Governor's militia, was drawing up activation lists, securing transportation and communications equipment, notifying our members of potential callup and finalizing our emergency action plan. All of this was in anticipation of the State Corrections employees' strike.

In many instances the training and experience while serving in the National Guard is of direct benefit to municipalities through a higher caliber and better trained employee. For instance, many municipal police officers receive their original training as military police in the National Guard, and others have their police training upgraded through the attendance at military schools. Many equipment operators also learn their trade in the National Guard and provide an employee pool from which municipalities may hire. The skills gained from operating the Guard equipment makes them more

proficient employees for the city or county in carrying out similar work. In addition, the Guard teaches responsibility and, as an employee rises through the ranks of the Guard, the supervisory experience that he or she obtains makes a more qualified supervisor for the municipality or state.

Employee morale is a difficult thing to measure, but certainly the provision of military leave to municipal employees who serve in the Guard increases their morale and their loyalty to their employer. The job satisfaction of working for a good employer "who cares" and who recognizes the contribution that the employee is making to the state, national and community welfare by serving the Guard, certainly makes him or her a more stable employee; and may well prevent their resignation when other opportunities come along.

So what do other states do for their Guard and Reserve members? Of 54 states, territories and the District of Columbia, ALL provide paid military leave. Two of the 54 provide differential pay, 22 states provide more leave and only 2 states provide fewer days. As for other forms of recognition of service in the National Guard, several states offer tuition assistance or 100% waiver, state income tax exemptions of military earnings, state retirement benefits, free license plates, enlistment/reenlistment bonuses or death gratuities. Montana offers none of these.

There have been references to the fairness of this allowance. The perception that coworkers are not equally treated must be dispelled. We, the appreciative citizens of Montana should do everything that we can to relieve those perceptions.

The Guard and Reserve members give up weekends with their families, time which could be spent in leisure, in order to serve with the Guard, and at a rate of pay that is usually less than he or she would have received had they arranged to work overtime at their job or to use their saleable skills in other endeavors.

In addition, they are subject to call at any time for emergencies involving natural disaster or civil disorder in order to assist the communities of this state; regardless of their personal inconvenience, the hardship of inclement weather, or the personal danger that is often involved. Further, they are on call at any time to shore up the relatively small active forces in the event of war or national emergency.

At first blush, it may seem that military leave for Guard and

Reserve members is a fringe benefit that is unfair to other employees under their employment contract. But, the Guardsmen and Reservists have an unlimited contract with the state, nation and community that could include giving up his or her life - few if any other employees of municipalities or employers anywhere in our country are pledged to this type of service to their community, state and nation and are expected to lay all they have on the line when and if the call comes.

To those who scoff at our members commitment to our state and country, I say; "Come on along! We are always looking for good, able bodied citizens to join shoulder to shoulder with us in protecting our beautiful state and nation." Mr. Chairman, members of the committee, this concludes my testimony and I remain available for any questions that you may have.

EXHIBIT 9
DATE 12/13/93
HB HB 70

9 December 1993

Dear Members:

RE: House Bill 70

I am writing to state my opposition to House Bill 70. As a member of the Montana Militia for twelve years, as well as a state employee for fourteen years (not counting a short break in service), the use of military leave has been not only beneficial, but very necessary.

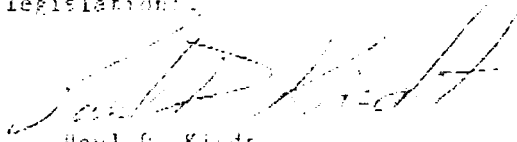
Myself, I am the father of seven, the benefit of having a full paycheck to meet monthly bills, while I am away from home training has allowed me to leave my family (always a difficult thing) and not have to worry that they would be going without. Also at times when my military pay has been delayed (yes it does happen) it has not put the burden on my family. I do not know if I would be able to continue serving in the Guard without the use of military leave. It saddens me to even say that, because I am proud and believe I serve a beneficial function as a medic to my unit. I also feel the time and training that I have received through the National Guard has improved my work skills and allows me to be a better worker at my job with the State of Montana.

My case for opposition is not unique, though I can provide more details that are. Many of the members of the traditional guard do not have the benefit of weekends off. In the private sector many employers allow members to work flexible shifts so they do not incur a loss of wages. Many of us who are employed by the state do not have weekends off either, yet change of shifts to attend guard drills must be with one's vacation/holiday time or leave without pay. As you are all aware, leave without pay affects the amount of leave fees, as well as reduces the contributions to one's pension!

As the governing body, I am sure that you are aware, when you passed the laws, that child support (if do pay) includes National Guard Drills and Annual Training, as well as Military Income, as it is based on W-2 forms and gross wages.

So let me tie together some of this information, in case you cannot understand. I, as a state employee with over ten years service, earn 18 days annual leave and 10 sometimes 11 holidays. Of these I must use on average 24 to cover my time off for guard. I leave 4 to 5 days vacation each year to spend with my family. I guess it could be suggested that I take the leave without pay, reducing my income, yet allowing more time for family. That may be feasible for some, for me it is impossible, my child support payments of \$504 per month, do not allow me the luxury of taking time off without pay.

I hope that you will consider these points as you ponder the issue of military leave. I and others who have a lot to lose will be watching HB 70 very closely. In closing, I would like to state my opposition to this bill and can only wish that I had been available so that I could be there in person to testify as to what I consider a terrible piece of legislation!


Paul G. Kindt
SSG MT ARNG
M.B. 100A Shift Supervisor

P.S. I am also a registered voter and tax payer. I will be very concerned citizens.

12-10-93

Dear Legislature #

Last night I received a very disturbing phone call about a bill that was introduced for the special session concerning Military leave for state employees #

Being both a state employee + a member of the "MONTANA NATIONAL GUARD" for the past 17 years is not just collecting benefits # The 15 days per year given me for annual training does not come close to the actual time involved # I have spent time at Warner Springs, fighting floods, hauling equipment, ammunition + fair time doing other activities all while I must be torn off my job #

Myself, a single parent while on my limited duties, to include week-end bills, I must pay for a babysitter, food + any social activities while I am away # Two weeks in Boise, Idaho can be very expensive #

I must take it for granted that as a legislator, if you are taken for dinner by one of the vast lobby groups, you must pay your "PER-DIEM" money to the state for that meal !!

My continued memberships in the Montana National Guard will depend on the "15 TO" of any bill to take away this much needed benefit #
Respectfully

EXHIBIT 11
DATE 12/13/93
HB HB 70

I AM HERE TODAY TO EXPRESS MY OPPOSITION TO HB 70, WHICH PROPOSES TO ELIMINATE PAID MILITARY LEAVE FOR STATE EMPLOYEES WHO ARE ENLISTED IN THE NATIONAL GUARD OR RESERVES.

THE NATIONS MILITARY IS UNDER ATTACK FROM EVERY QUARTER IN THIS AGE OF BUDGET CUTS AND FORCE REDUCTION. CONGRESS HAS RECENTLY PASSED LEGISLATION REDUCING THE NATIONAL GUARD BY 40,000 TROOPS AND THE RESERVES BY 80,000 TROOPS BY 1996. THIS, COUPLED WITH ACTIVE COMPONENT REDUCTIONS WILL LEAVE THE MILITARY OF THE UNITED STATES WITH LESS TROOPS THAN PRIOR TO WW II.

THE NATIONAL GUARD HAS A TRADITION REACHING BACK 220 YEARS AND MANY OF IT'S UNITS HAVE THE PROUDEST BATTLE RECORDS OF ANY UNITS IN THE MILITARY ACTIVE OR RESERVE.

I HAVE SERVED NOW IN THREE STATES. I HAVE SERVED IN THE PENNSYLVANIA NATIONAL GUARDS 28TH INFANTRY DIVISION THAT CAN TRACE IT'S ROOTS BACK TO PRE-REVOLOUTIONARY WAR TIMES AND A BATTLE RECORD AS PROUD AS ANY ACTIVE UNIT TODAY.

I HAVE SERVED IN THE UTAH ARMY NATIONAL GUARD AS A COMBAT ENGINEER OFFICER. THIS UNIT, LIKE THE MONTANA NATIONAL GUARD SERVED IN THE PACIFIC IN WW II AND WHO I SERVED WITH IN OPERATION DESERT STORM.

I NOW SERVE AS AN ARMOR OFFICER IN THE 163D ARMOR BRIGADE OF THE MONTANA ARMY NATIONAL GUARD. I HAVE BEEN A TRADITIONAL GUARDSMAN OR PART TIME SOLDIER FOR ALL OF MY 12 YEAR CAREER. I HAVE LED LITERALLY HUNDREDS OF SOLDIERS ALL OVER THIS COUNTRY, IN EUROPE AND IN THE GREAT STATE OF MONTANA. ONE CHARACTERISTIC ALWAYS IMPRESSES ME NO MATTER WHWERE I GO AND THAT IS THE DEDICATION OF THESE PROUD CITIZEN SOLDIERS. THEY DON'T HAVE TO BE IN THE GUARD OR RESERVES. THEY HAVE CIVILIAN JOBS. WHY DO THEY GIVE UP SO MUCH OF THIER FREE TIME, WHICH AT A MINIMUM IS 63 DAYS A YEAR. THE ONLY ANSWER IS DEDICATION.

ONE WEEKEND A MONTH AND TWO WEEKS IN THE SUMMER KNOWN AS ANNUAL TRAINING, WHICH HB 70 PROPOSES TO ELIMINATE PAID LEAVE FOR, IS A MYTH. NATIONAL GUARD SOLDIERS TODAY ARE UNDER SUCH INCREASED DEMANDS TO BE AS TRAINED AND AS READY AS THE ACTIVE COMPONENT COMPARED TO TEN YEARS AGO WHEN I FIRST ENLISTED IT STAGGERS THE IMAGINATION. ENLISTED MEN DESIRING TO BE ANYTHING ABOVE A PFC ARE REQUIRED TO ATTEND SCHOOLS SUCH AS PLDC, BNCOC, ANCOC, AND MOS SCHOOLS TO PROGRESS IN RANK. ALL OF THESE SCHOOLS ARE OVER AND ABOVE THE TWO WEEK ANNUAL TRAINING PERIOD AND ONE WEEKEND A MONTH MINIMUM REQUIREMENT. OFFICERS ARE REQUIRED TO ATTEND SCHOOLS RANGING FROM THREE TO SIX MONTHS IN LENGTH. AGAIN, OVER AND ABOVE THE MINIMUM. FOR ALL OF THIS EXTRA TIME, SOLDIERS USE COMP TIME, VACATION TIME OR GO ON LEAVE WITHOUT PAY. THEY DO IT BECAUSE THEY ARE WILLING TO MAKE THAT SACRAFICE.

STATE EMPLOYEES DO NOT LIVE LAVISHLY. STATE EMPLOYEES ARE GENERALLY NOT PAID WELL NOR DO THEY RECIEVE HUGE PAY INCREASES. I AM CURRENTLY A STATE EMPLOYEE SO I SPEAK FROM EXPERIENCE. THIS IS NOT UNUSUAL. I HAVE WORKED FOR STATE OR LOCAL GOVERNMENTS IN BOTH UTAH AND PENNSYLVANIA AS WELL AND THE STORY WAS THE SAME.

I HAVE LED TROOPS IN STATE AND FEDERAL ACTIVATIONS. I HAVE SEEN SOLDIERS AND FAMILIES SUFFER GREAT FINANCIAL HARDSHIP BECAUSE THE MILITARY PAID THE SOLDIER 2/3 TO 3/4 LESS THAN HE MADE IN HIS CIVILIAN JOB. BUT IN ALL THE STATES I HAVE BEEN IN AND IN ALL THE GOVERNMENT JOBS I HAVE HAD, THERE WAS ALWAYS PAID LEAVE FOR TWO WEEK ANNUAL TRAINING. WITH ALL OF THE ADDITIONAL TIME REQUIRED OF NATIONAL GUARDSMEN TODAY, THE RIGOROUS TRAINING AND THE GREAT SACRAFICES THEY MAKE TO BE TRAINED AND READY TO FIGHT FOR AND DIE FOR THIS COUNTRY, I FEEL THAT 15 DAYS OF PAID MILITARY LEAVE A YEAR IS THE LEAST THAT CAN BE DONE FOR THESE OUTSTANDING PEOPLE.

IF HB 70 IS PASSED IT MAY BE THE STRAW THAT BREAKS THE CAMELS BACK FOR MANY GUARDSMEN. THEY WILL NOT BE ABLE TO AFFORD TO KEEP UP THE 220 YEAR TRADITION OF THE CITIZEN SOLDIER. THAT WOULD BE A SAD STATEMENT IN AND OF ITSELF. BUT THE FACT THAT THE MONTANA GUARD HAS SOME STRENGTH PROBLEMS RIGHT NOW IS NO SECRET. THIS BILL WILL NOT ONLY TAKE AWAY THE INCENTIVE FOR MANY GUARDSMEN TO STAY IN, BUT WILL ALSO TAKE AWAY AN INCENTIVE FOR QUALITY YOUNG MEN AND WOMEN TO ENLIST IN THE FIRST PLACE. AND WHEN CONGRESS AND THE PENTAGON START LOOKING FOR PLACES TO CUT 40,000 NATIONAL GUARDSMEN AND 80,000 RESERVISTS, THEY WILL LOOK FIRST WHERE STRENGTH IS LOW. SO WITH HB 70 HELPING TO KEEP OUR STRENGTH LOW, HB 70 WILL SOON BE A USELESS PIECE OF PAPER AS THERE WILL BE NO NATIONAL GUARD IN MONTANA TO WORRY ABOUT GIVING PAID LEAVE TO.

PLEASE DON'T LET THIS HAPPEN. THE MEN AND WOMEN OF THE GUARD AND RESERVE DESERVE BETTER. PLEASE DEFEAT HB 70.

THANK YOU.



Eric Rydholm
Co. B 1-163d CAV BN
Commanding

EXHIBIT 12
DATE 12/13/93
HB HB 70

12

2500 Villard Avenue
Helena, Montana 59601

December 13, 1993

House State Administration Committee
Montana State Legislature

Re: HB 70

Mr. Chairman and Committee Members:

I am opposed to the passage of HB 70 concerning the military leave status of public employees.

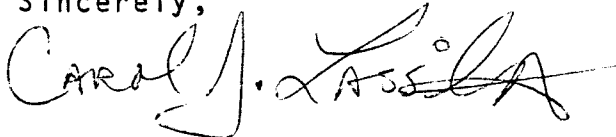
I am a former enlisted member of the US Army Reserves in this state, served on active military duty for seven years out of state and am now a Montana Army National Guard officer. I am assigned to the 163d Armored Brigade that is centered in Bozeman. My husband is also a Montana Army National Guard officer with the same unit. I am a former state employee and my husband is presently employed by the Department of Transportation here in Helena.

I ask that you all keep in mind the purpose of our membership in the Guard or other reserve components. We are there to protect Montana and the nation. We freely grant our otherwise free weekends to serve in this capacity. We are subject to call-up for events like Desert Storm. Remember soldiers were killed during that war. Our part-time job for which we must attend training that takes us out of the workplace is important for the entire community.

Finally, I would like to note my awareness of a possible amendment to this bill that would establish a differential between the amount earned in the workplace versus during the training. I remain opposed to HB 70 even with such an amendment. Montana incomes are so low that such a law would equate to essentially repealing the present law.

Please vote against HB 70.

Sincerely,



Carol J. Lassila

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL NO. HB 70

DATE 12/13/93

SPONSOR(S) REP. CARLEY TUSS

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
ROGER A. HAGAN 1224 STUART, HELENA, MT	ENLISTED ASSOCIATION NATIONAL GUARD OF MT		X	
Florence V. Michaelson 618 Peosta Helena, MT	Self		X	
DONALD BOHNE P.O. BOX 3394 MISSOULA MT	SELF		X	
Anthony Morrison 1325 Leslie Helena, MT	Officers Association National Guard of MT		X	
JOHN MAZE	AFSCME HELENA MT		X	
Bryan Knowles	Air NATIONAL Gd Great Falls		X	
ERIC Rydbom	ARMY NATIONAL Guard		X	
COL JIM MARTIN, HELENA.	UNITED STATES ARMY RESERVE		X	
BRYAN COSTIGAN 1003 TOWNSEND HELENA, MT 59601	U.S. NAVY RESERVE		X	
MG Gene Praeder, MS Helena MT 59601	DEPT OF MILITARY AFFAIRS		X	
JOSEPH S FOSTER 636 Tamarack, Helena 59601	SELF		X	
Robert T. Hill 1102 Chateau St Helena	Self		X	
Terry Munn	MT		X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

State Administration

COMMITTEE

BILL NO.

*HB 70*DATE *12-13-93*

SPONSOR(S)

C. Tush

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>Joe Hanson</i>	<i>American Legion</i>		X	
<i>Mr. Schneider</i>	<i>MPEA</i>	<i>70</i>	X	
<i>Dick Baumgardner</i>	<i>DAV</i>	<i>70</i>	X	
JOHN STEWART	ARMY NATIONAL GUARD	70	X	
STEPHEN F. GARRISON	Army Reserves	70	X	
<i>Jay Cole</i>	<i>MT AIR N 'tl CR</i>	<i>70</i>	X	
<i>Larry Langfellow</i>	<i>UFU</i>	<i>70</i>	X	
RAN ANTONIETTI	SELF	70	X	
Jim White	MT AIR NATIONAL GUARD	70	X	
<i>Rep Bob Parham</i>	<i>HD 70</i>	<i>70</i>	X	
Carol J. Lassila	self as guardsman	70	X	
Bryan Knowles	SELF & Air Guard member	70	X	
<i>Dennis Stober</i>	<i>Self & Army Reserves</i>	<i>70</i>	X	

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HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Florence Michaelson BILL NO. AB 70

ADDRESS 618 Peosta Helena MT 59601 DATE 12/13/93

WHOM DO YOU REPRESENT? Self

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: This is no "second vacation". This is a job - an income for my family - I am a single mother trying to make ends meet. The income I make pays the power and water (well most of these two bills anyway). The past year has been hard - power bill is bigger, groceries cost more, but my pay check is smaller because more goes toward taxes. I need this pay - it is not an extra to me and my family - it simply helps pay all the bills in a somewhat timely manner. A vacation is a luxury I do not get - all my leave is used for ill/time for my children. If I have to use my "vacation" for Annual Training, I will not be able to attend annual training. Thus I cannot be in the Guard thus I lose income - The state welfare will help. Thus the state doesn't
system
really save any money - it just losses one trainee worker.

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME ANTHONY MORRISON BILL NO. AB 70

ADDRESS 1325 Leslie, Helena, MT 59601 DATE 12/13/93

WHOM DO YOU REPRESENT? MONTANA National Guard Officer's Association

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: I would like to take this opportunity to oppose
House Bill 70. I have been a Guardsman in the Montana
National Guard since 1968. To take military leave away
from Montana State and municipal employees will have
an adverse impact on all military services throughout the state
in a time when reserve components are fighting for their
existence at the national level. People do not join
the military to take advantage of benefits. They join
to serve their state and nation. Being in the military
isn't necessarily a fun job or a vacation. Hours are
long and living conditions are bad. Being in dirt and
dust for weeks without good sanitary conditions cannot
be considered a vacation. Working for 48 straight hours,
sleeping for 5 hours, and working for another 48
hours cannot be considered a vacation. Military
people don't ask for a lot. But what few benefits
that they receive are treasured. To take away that

benefit would be a detriment to the moral and the
readiness of the military

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME COL JIM MARTIN (IRR) BILL NO. HB 70

ADDRESS 6062 LAKEVIEW DATE 12/13/93

WHOM DO YOU REPRESENT? UNITED STATES ARMY RESERVE (MONT)

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: _____

A RESERVE SOLDIERS POINT OF VIEW ABOUT
HB-70 BEING A DETRIMENT TO OUR
YOUNG PATRIOTIC SOLDIERS SERVING THEIR
STATE AND NATION.

STATE ADMINISTRATION COMMITTEE

PLEASE PRINT

COMMENTS: _____

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME SSG DONALD BOWNE BILL NO. AB 70

ADDRESS P.O. Box 3394 MISSOULA MT ⁵⁹⁸⁰⁶ DATE 12/13/93

WHOM DO YOU REPRESENT? SELF

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: _____

I WORK FOR MISSOULA COUNTY ROAD DEPARTMENT
I AM A EAST DISTRICT SUPERVISOR
BY HAVING THIS BILL THERE COULD BE
LESS PEOPLE IN THE N.G. AND IN THE N.G.
PEOPLE GET TRAINED WHEN PEOPLE ARE TRAINED
IT HELPS EVERYONE

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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