

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By **CHAIRMAN TOM KEATING**, on January 3, 1995, at
1:00 PM

ROLL CALL

Members Present:

Sen. Thomas F. Keating, Chairman (R)
Sen. Gary C. Aklestad, Vice Chairman (R)
Sen. Steve Benedict (R)
Sen. Larry L. Baer (R)
Sen. James H. "Jim" Burnett (R)
Sen. C.A. Casey Emerson (R)
Sen. Sue Bartlett (D)
Sen. Fred R. Van Valkenburg (D)
Sen. Bill Wilson (D)

Members Excused: None

Members Absent: None

Staff Present: Eddy McClure, Legislative Council
Mary Florence Erving, Committee Secretary

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

Committee Business Summary:

Hearing: SB 16
Executive Action: None

CHAIRMAN TOM KEATING discussed housekeeping issues and refreshment funding. **CHAIRMAN KEATING** discussed committee protocol, stating all debate goes through the Chair. Testifying order will be sponsor statements, proponents, opponents, committee questions, and sponsor closing statements. Normally, the committee will take Executive Action a day or two after the hearing.

CHAIRMAN KEATING introduced **Eddy McClure, Legislative Council**. **CHAIRMAN KEATING** stated legal summaries will not be asked for on all bills. All amendments will be drafted in writing. Substantive amendments must be requested by committee members. Anyone giving public testimony, who wants to submit an amendment, must request a committee member to submit the amendment. Amendments must be submitted in writing at the executive session. Complex matters may require a second hearing.

Eddye McClure requested amendments be submitted as early as possible for editing purposes. A lobbyist will be required to have a senator/representative submit the amendments, preferably a member of the Labor and Employment Relations Committee.

SENATOR STEVE BENEDICT expressed concern about mischief originating by people holding amendments until executive session, and blocking other people, who testified earlier, from understanding or having another chance to testify. **SENATOR BENEDICT** cautioned against bills being changed after testimony

CHAIRMAN KEATING reassured **SENATOR BENEDICT** that committee members will be vigilant in preventing such situations from happening. **Eddye McClure** stated small corrections, such as effective dates can be changed in a convenient manner, while major amendments require more work and need to be prepared ahead of time.

SENATOR GARY AKLESTAD queried **CHAIRMAN KEATING** about voting on executive action when a committee member is absent. **SENATOR AKLESTAD** asked whether or not committee members will be able to leave a vote or come back within a certain time frame and still be able to vote.

CHAIRMAN KEATING replied the committee protocol concerning proxy votes will be historically the same as previous sessions. Anyone testifying before another committee meeting or knowing they will be absent can leave a proxy vote. A written vote can also be given to the committee secretary. If a member is absent or not aware of a certain bill, that bill will be held for twenty-four hours.

SENATOR AKLESTAD asked if executive action will be taken the day following the hearing and not on the same day the bill is heard. **CHAIRMAN KEATING** replied executive action will be conducted sometime after the hearing, unless there is an "end" crunch or a consent calendar issue. Time will be allowed to lobby and to be lobbied.

SENATOR BENEDICT asked if there will be Saturday meetings. **CHAIRMAN KEATING** replied no, not until the crunch. The committee will consider the number of bills and workload. If a bill needs to be moved and there is a short floor session, the Chairman will call a meeting upon adjournment Saturday morning. Committee meetings are on Tuesdays and Thursdays at 1:00 p.m. in Room 413/415. Saturday meetings would also be at 1:00 p.m. in Room 413/415.

HEARING ON SB 16Opening Statement by Sponsor:

SENATOR GARY AKLESTAD, Senate District 44, stated SB 16 is a bill to eliminate special legislative overview committee review for the state job training plan, required by the Federal Job Training Partnership Act. **SENATOR AKLESTAD** stated if the JTPA people want to fund the committee, the committee will not be eliminated. **SENATOR AKLESTAD** emphasized the funding will come from the committee. The last biennium revenue was approximately \$24 M. Currently, General Fund monies fund the committee. The purpose of the committee is to look at and review, after the fact; consequently, the committee does not hold much power. **SENATOR AKLESTAD** reiterated that the committee should be eliminated if the committee is not self-funded, the crux of SB 16.

Proponents' Testimony:

T. Gary Curtis, Department of Labor and Industry, stated departmental support of SB 16. **Mr. Curtis** stated the department, nonetheless, does not support interim committee funding with training dollars. Such dollars are steadily declining due to federal employment restructure and training programs over the next biennium. The department does not believe it will be a wise investment to fund from declining resources.

Opponents' Testimony:

No Opponents Present.

Informational Testimony:

No Informational Testimony Offered.

Questions From Committee Members and Responses:

SENATOR BENEDICT asked to make the effective date the date the bills are normally passed, which is October 1. **SENATOR AKLESTAD** stated it will be best to have the effective date be the passage and approval date, rather than October 1. **SENATOR AKLESTAD** stated the committee is formed prior to October. Should the effective date be the passage and approve date, the JTPA people will know whether or not they want to form the committee.

CHAIRMAN KEATING stated funding must begin July 1, 1995, due to the fact the biennium starts on July 1. Otherwise, the committee funding will start in October. JTPA is an interim committee and normally meets the beginning of the biennium.

SENATOR SUE BARTLETT questioned **Mr. Curtis** concerning when the plan is usually completed and submitted, stating the proposed bill reads "at least one hundred twenty days before the beginning

of the first two program years". **SENATOR BARTLETT** asked what is the program year. **Mr. Curtiss** explained the program year is from July 1st to July 1st. Currently, the plan is being rewritten and developed for spring submittal to the federal government. The plan will be submitted 60 days prior to the start of the fiscal year.

SENATOR BARTLETT asked if there was a possibility the plan could be submitted to the standing committee during the current session. **Mr. Curtis** replied negatively, stating at best there will be a draft document during session.

SENATOR BARTLETT stated there is an apparent requirement in federal codes. If codes are phrased to require legislative review during session, is the legislation set afoul, according to federal requirements. **Mr. Curtiss** replied the proposed legislation does not have an adverse impact. The department does not foresee any legislative problems.

CHAIRMAN KEATING queried **Curtis** if the committee receives only federal government training dollars, why the department objects to funding the interim committee. **Curtiss** replied the department gets administrative money as part of training dollars. Money will be available from the training dollars, if that is the agreement between the legislature and the administration. The department does not believe it is good use of the money and questions the propriety or appropriateness of the department being a legislative committee.

CHAIRMAN KEATING queried **Curtis** about the department's desire to have funding. He said funding could come only from the general fund or from imaginative funding, such as tapping the Administration Fund. The purpose of the interim committee is program supervision or giving state program authority. The federal administration fee should cover the cost of the interim committee. **Mr. Curtis** replied it is a philosophical issue with the budget office concerning what is or where is the appropriate place to find funding for the committee.

SENATOR CASEY EMERSON asked what money amount would be questioned. **SENATOR AKLESTAD** replied the committee cost is approximately \$4,600.

Closing by Sponsor:

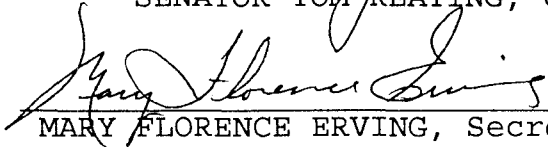
SENATOR AKLESTAD closed discussion on SB 16. **SENATOR AKLESTAD** stated the department is not opposed, but rather concerned about committee funding monies being taken out of JTPA monies. Only \$4,600 out of \$24 M funding is for the JTPA Committee, while the committee has over \$1M total in administrative costs. **SENATOR AKLESTAD** sought favorable action for SB 16, and stated he will carry the bill to the floor.

ADJOURNMENT

Adjournment: 1:42 P.M.



SENATOR TOM KEATING, Chair



MARY FLORENCE ERVING, Secretary

TK/mfe

MONTANA SENATE
1995 LEGISLATURE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

ROLL CALL

DATE _____

January 3, 1995

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CS-09

DATE January 3, 1995
 SENATE COMMITTEE ON Labor and Employment Relations
 BILLS BEING HEARD TODAY: SB 16

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Check One

Name	Representing	Bill No.	Support	Oppose
RICH BROWN	AFL-CIO	SB 16		
T GARY CURTIS	LARSON, Industry	SRS 16		
Ingrid Danielson	Labor & Industry	SB 16		
Lisa Herman	Senate Page	SB 16		
Jon Koon	Senate Page	SB 16		
Dave Bohyer	Legislative Council	SB 16		
Sue Mohr	MTJTP	SB 16		
David Owen	MT Chamber			

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY