

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on February 19, 1993,
at 9:05 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. Bob Gervais (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. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: Rep. Carolyn Squires

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

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

Committee Business Summary:

Hearing: HJR 23
Executive Action: HJR 23; HB 601; HB 615; HB 634

HEARING ON HJR 23

Opening Statement by Sponsor:

REP. BOB GERVAIS, House District 9, Browning, introduced HJR 23
urging the U.S. National Park Service and Glacier Park
Incorporated to support Glacier County's local economy.
EXHIBIT 1

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. MOLNAR asked REP. GERVAIS whether local residents have talked to the National Park Service and Glacier Park Inc. about hiring more local residents. REP. GERVAIS responded local residents have been talking to them for 70 years. He reported last summer a local Native American had attempted to run a tour van through Glacier Park. He said visitors to the Park were anxious to hear about the local Native American history. REP. GERVAIS said the Park Service cited him; Glacier Park Inc. testified against him; and he was forced to stop giving tours because Glacier Park Inc. has an exclusive contract for concessions in the Park. He reported local residents demonstrated in protest.

REP. STOVALL asked REP. GERVAIS whether Glacier Park Inc. was a private corporation. REP. GERVAIS explained the Park Service owns the buildings and businesses in Glacier Park and contracts with a private company to run the concessions. He contended the contract was very lucrative for Glacier Park Inc. He expressed concern that not addressing the needs of the local residents could lead to more demonstrations and protests by Native Americans.

REP. REHBEIN asked REP. GERVAIS whether the resolution should include Yellowstone National Park. REP. GERVAIS reported he thought other legislators were going to suggest including Yellowstone, but they had not responded in time.

Closing by Sponsor:

REP. GERVAIS closed.

EXECUTIVE ACTION ON HJR 23

Discussion:

REP. BARNHART referred to lines 11-12, page 2, and asked REP. GERVAIS how it was possible for Glacier Park Inc. to restrict people from buying goods and services. REP. GERVAIS contended Glacier Park Inc. hired out-of-state students and charged them room and board while they worked. He alleged the concessionaire also puts local businesses off-limits and threatened termination for violations. He reported Glacier Park Inc. does not patronize the Native American businesses either.

REP. DAVIS described the resolution as emphasizing Native Americans and suggested to REP. GERVAIS the resolution might have stronger support if the emphasis were on all Montanans. REP. GERVAIS explained he was reacting to the newspaper report that Glacier County was the ninety-fifth poorest county in the country and wanted to emphasize the local residents of Glacier County. REP. SIMPKINS referred to line 9 and line 13, page 2, and suggested the specific reference to Native Americans caused the resolution to be exclusive. REP. GERVAIS disagreed. REP. SPRING agreed with REP. GERVAIS that the resolution included all local Montanans. He asked REP. GERVAIS whether Native Americans would apply for positions under the present management. REP. GERVAIS replied they applied for jobs but were not hired. He contended local people would not live in the park facilities; and therefore, Glacier Park Inc. would not make as much profit.

Motion/Vote: REP. SPRING MOVED HJR 23 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 615

Motion: REP. DAVIS MOVED HB 615 DO PASS.

Discussion:

REP. MOLNAR reported he had discussed the bill with REP. EWER who agreed the provision relating to contract employees should be eliminated.

REP. DAVIS referred to the fiscal note and asserted there was a conflict in the use of "contract employment".

Motion/Vote: REP. MOLNAR moved to strike lines 24-25, page 1 through lines 1-2, page 2. Motion carried unanimously.

Motion: REP. DAVIS MOVED HB 615 DO PASS AS AMENDED.

Discussion:

REP. DAVIS clarified HB 615 applied only to state employees who lose their jobs because of a reduction in force. He asserted the bill was important in helping terminated employees.

REP. SPRING suggested making severance pay mandatory conflicted with having severance pay be a negotiable subject for collective bargaining.

REP. REHBEIN suggested the cost of the bill could cause more layoffs.

REP. STOVALL asked whether employees who were laid off qualified for unemployment benefits. REP. SIMPKINS confirmed they were qualified.

REP. MOLNAR expressed his concern about the cost of the bill. REP. DAVIS countered the state saved a great deal of money by reducing its staff, and the cost of severance pay was minimal in comparison. REP. GALVIN asserted the state saved money by reducing employees because remaining employees were then expected to do more work. REP. MOLNAR defended his concern about cost, noting the committee had just passed an expensive early retirement option. He said if the budget was being cut, then the committee needed to be cold and ruthless in examining fiscal facts.

REP. RICE observed that the fiscal note only shows the expense of severance pay but does not show the savings gained by reducing the number of employees. She compared the fiscal notes for severance pay and the early retirement option (HB 517). She maintained if the fiscal note for HB 517 showed savings by having employees retire early, then the fiscal note for HB 615 should show savings by having employees terminated. REP. GALVIN agreed and suggested that although savings may not be evident in the first year, savings would be realized in future years.

REP. BARNHART suggested that discussion of staff reductions created stress for current employees and affected their morale and productivity. She asserted severance pay provided some protection to employees and would increase their productivity.

REP. WALLIN stated employees should be given three months notice of impending termination and help in planning and searching for new jobs.

REP. REHBEIN asked whether the state currently offered severance pay. REP. SIMPKINS recalled testimony that the state had no severance pay policy.

REP. SPRING commented small business owners and farmers did not receive severance pay when their businesses failed.

REP. STOVALL asked whether the state gave notice of termination to employees. Tom Schneider, Montana Public Employees' Association, stated there was no standard but most agencies tried to give 30 days notice.

Vote: DO PASS HB 615 AS AMENDED. Motion failed 7 to 9 on a roll call vote with REPS. DAVIS, BARNHART, GALVIN, GERVAIS, RICE, SCHWINDEN, and SQUIRES voting yes and REP. GERVAIS and SQUIRES voting by proxy. EXHIBITS 2, 3, 4

Motion/Vote: REP. MASON MOVED HB 615 BE TABLED. Motion carried 9 to 7 with REPS. DAVIS, BARNHART, GALVIN, GERVAIS, RICE, SCHWINDEN, and SQUIRES voting no and REP. GERVAIS and SQUIRES voting by proxy. EXHIBITS 3, 4

EXECUTIVE ACTION ON HB 601Discussion:

Ms. Heffelfinger reminded the committee HB 601 was a teachers' retirement bill which provides a 0.5 percent benefit adjustment for each year of service a teacher did not receive credit under the system in effect prior to 1977.

REP. SPRING asked whether the cap on years of service applied to years at the end of teachers' careers. Ms. Heffelfinger confirmed teachers would have worked to the cap and further service was not counted; she noted teachers salaries were also capped at that time. REP. SPRING asked when the law changed removing the caps. Ms. Heffelfinger answered the law changed in 1977.

REP. MASON asked about the expense of the bill to school districts. REP. SIMPKINS reported employer contributions would be increased from 7.459 percent to 7.47 percent to fund the benefit adjustment.

REP. WALLIN described a retired teacher he knew who only received \$400 per month in retirement and expressed his desire to offer him more help.

REP. DAVIS reported the teachers' retirement system did not begin until 1947; therefore, some teachers affected by HB 601 worked before a retirement system existed. He said these teachers also had their salaries and years of service capped. He contended few retired teachers would be affected by the bill.

REP. SIMPKINS described HB 601 as a compassion bill. He noted employers were paying the full cost of the bill and asked whether employees would be willing to bear some of the cost. REP. GALVIN agreed employees should contribute.

REP. RICE proposed amending the bill to split the contribution between employees and employers. Tom Schneider, Montana Public Employees' Association, explained current employees could not be required to contribute for a benefit which only applied to current retirees.

Motion/Vote: REP. DAVIS MOVED HB 601 DO PASS. Motion carried 9 to 7 on a roll call vote with REPS. SIMPKINS, SPRING, HAYNE, MASON, MOLNAR, REHBEIN, and ROSE voting no and REPS. BARNHART, GERVAIS, SCHWINDEN, and SQUIRES voting by proxy. EXHIBITS 3, 4, 5, 6, 7

EXECUTIVE ACTION ON HB 634

Motion: REP. GALVIN MOVED TO RECONSIDER ACTION ON HB 634 AND TAKE FROM THE TABLE. Committee agreed to reconsider.

Motion: REP. GALVIN MOVED HB 634 DO PASS.

Motion/Vote: REP. ROSE MOVED TO REMOVE THE AMENDMENT CHANGING "SHALL" TO "MAY". Motion carried unanimously.

Discussion:

REP. SIMPKINS suggested removing the codification instruction from the bill. He stated the bill would then become part of session law but not be placed in the Montana Codes Annotated.

Motion/Vote: REP. MASON moved to amend HB 634 to strike the codification instruction. Motion carried unanimously. EXHIBIT 8

Motion/Vote: REP. GALVIN MOVED HB 634 DO PASS AS AMENDED. Motion carried 12 to 4 with REPS. MOLNAR, REHBEIN, HAYNE, and SPRING voting no and REPS. BARNHART, GERVAIS, SCHWINDEN, and SQUIRES voting by proxy. EXHIBITS 3, 4, 6, 7

ADJOURNMENT

Adjournment: 10:20 a.m.



DICK SIMPKINS, Chair



DOROTHY POULSEN, Secretary

DS/DP

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION

COMMITTEE

ROLL CALL

DATE 2/19/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
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	✓		

HOUSE STANDING COMMITTEE REPORT

February 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Joint Resolution 23 (first reading copy -- white) do pass .

Signed: *Dick Simpson*
Dick Simpkins, Chair

HOUSE STANDING COMMITTEE REPORT

February 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 601 (first reading copy -- white) do pass .

Signed: *Dick Simpkins*
Dick Simpkins, Chair

HOUSE STANDING COMMITTEE REPORT

February 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 634 (first reading copy -- white) do pass as amended .

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Page 4, lines 8 through 12.
Strike: section 4 in its entirety
Renumber: subsequent sections

-END-

Committee Vote:
Yes ____ . No ____ .

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House JOINT RESOLUTION NO. 23

INTRODUCED BY Gewai

BY REQUEST OF THE HOUSE COMMITTEE

ON STATE ADMINISTRATION

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE NATIONAL PARK SERVICE OF THE UNITED STATES DEPARTMENT OF THE INTERIOR AND GLACIER PARK INCORPORATED TO SUPPORT GLACIER COUNTY'S LOCAL ECONOMY.

WHEREAS, Glacier National Park is one of the nation's most cherished parks whose priceless beauty should be preserved for the benefit of present and future generations; and

WHEREAS, Glacier National Park is located in Glacier County, Montana; and

WHEREAS, Glacier County covers much of the Blackfeet Reservation for Americans native to the Glacier Park area; and

WHEREAS, Glacier County ranks 95th among the 100 poorest counties in the nation, with more than one-half of the Indian population living below the poverty level; and

WHEREAS, Glacier Park Incorporated, under contract with the National Park Service of the United States Department of

EXHIBIT 1
DATE 2/19/93
HB HJR 23



1 the Interior, has exclusive operation of lodging and
2 concessions for Glacier National Park.

3
4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
5 OF REPRESENTATIVES OF THE STATE OF MONTANA:

6 That the National Park Service of the United States
7 Department of the Interior and Glacier Park Incorporated be
8 urged to:

9 (1) hire local Montanans, especially Native Americans
10 of the area, to work in Glacier Park;

11 (2) allow Glacier Park Incorporated employees to
12 purchase goods and services from local establishments; and

13 (3) contract with local Native American entrepreneurs
14 and with local businesses.

15 BE IT FURTHER RESOLVED, that the Secretary of State send
16 copies of this resolution to the National Park Service of
17 the United States Department of the Interior, to Glacier
18 Park Incorporated in West Glacier, Montana, and to each
19 member of Montana's Congressional Delegation.

-End-

Give my proxy to
Ben Barnhart on Excess Hours
and all other referendum Committee

Voluntary 2/19/93

Agrees

HSR-23

Yes

HB 615 - Yes

HB 601 - Yes

HB 630 - Yes

EXHIBIT 3
DATE 2/19/93
HB HB615; HB601; HB630

2/19/93

Rep Emiri Davis has msg

proxy to vote on all Bills, Amendments,

and other actions in State Admin.

HB601 - YES
today.

HR-23
Yes

HB615 Yes
HB3630 Yes

Rep Grewas

EXHIBIT 4
DATE 2/19/93
HB HB615; HB601;
HB634

to Rep. Davis Feb. 19

I give my proxy for all votes on bills,
motions and amendments in House State
Administration Committee this day.

HB601 - Yes
HB634 Yes

Dore L. Linder

EXHIBIT 6
DATE 2/19/93
HB HB601; HB634

68
16

76

Feb 19-1993

I give my puppy to Pat Galvin
for talking, nesting, etc.

Benny Barnhart

H 605 yes
6 314 as discussed
yes

EXHIBIT 7
DATE 2/19/93
HB HB 605; HB 615; HB 634

Amendments to House Bill No. 634
First Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
February 18, 1993

1. Page 4, lines 8 through 12.
Strike: section 4 in its entirety
Renumber: subsequent sections

EXHIBIT 8
DATE 2/19/93
HB HB 634