

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - SPECIAL SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **REP. DICK SIMPKINS, CHAIRMAN**, on Friday,
December 17, 1993, at 9:30 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. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Gayleen Strachan, Committee Secretary

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

EXECUTIVE ACTION ON SENATE BILL 38

Motion: REP. RICE MOVED THAT AMENDMENTS TO SB38 DO PASS.

Discussion:

Sheri Heffelfinger, LFA, explained that SEN. HALLIGAN'S amendments replace the appropriations which had to be removed in the Senate. This does is statutorily appropriates from the general fund the money required to fund the 2.5 percent annual benefit adjustment for retirees, and it goes to the requirement

systems to fund the benefit adjustment. Ms. Heffelfinger said that the dates in the amendments refer to dates that the money must be transferred to the retirement system. There are other dates involved when the retirement boards have to certify what would be needed by each system to pay that retirement adjustment.

Vote: REP. RICE MADE THE MOTION THE AMENDMENTS DO PASS. Motion carried unanimously.

Discussion:

REP. MOLNAR said that the bill provides that nothing will happen until the next legislature, which means that the next legislature can endorse the bill, kill it or change it. He suggested that this bill be left alone and that the next legislature be allowed to take a look at it.

REP. SCHWINDEN stated that the reason to do something with this bill is, as the sponsor mentioned, to prevent being called into special session if there is a court case. REP. SCHWINDEN recommended passing the bill even though it doesn't do anything now; it is a good safeguard.

REP. SQUIRES stated that she supports the bill because it puts the retirees in a better position when the case goes to court.

REP. MOLNAR stated that he checked into what REP. SCHWINDEN said about being called in for a special session. REP. MOLNAR said that, if the case is lost and funds are not available to pay for it a special session may be called regardless of this bill.

REP. SQUIRES questioned why the legislature consistently insists on stigmatizing state employees instead of trying to accommodate and help them.

REP. RICE stated that this bill is a bipartisan bill that was carefully worked out. She stated that she will vote yes on this bill to help help obligations to state employees.

Motion/Vote: REP. SPRING MADE A SUBSTITUTE MOTION THAT SB38 BE TABLED AS AMENDED. Motion passed 8-7 on a roll call vote with REPS. BARNHART, DAVIS, GALVIN, GERVAIS, RICE, SCHWINDEN and SQUIRES voting no.

EXECUTIVE ACTION ON SENATE BILL 45

Motion: REP. BARNHART MADE A MOTION DO PASS ON SB 45.

Discussion:

REP. SPRING stated that it appeared that the proponents were polished professional lobbyist. The opponents were citizens, the type of people that supported the petition. The petition was very carefully done. REP. SPRING said he thinks it would be an

insult for the legislature to change something that over 90,000 people signed. He is opposed to the bill.

REP. RICE asked REP. SPRING if he recalled SEN. HALLIGAN saying that the petition drafters had no other option than the November date because of the way the constitution reads and that only the legislature can change the date.

REP. SPRING stated that he does not recall that. He does know that the way the petition people wrote the petition is legal. REP. SPRING said he sees nothing wrong with having the election in November.

REP. GERVAIS stated that Mr. Natelson, the man who started the petition, had no objections to moving the date to June.

CHAIRMAN SIMPKINS distributed the comparisons between the voting turnout during a primary election and a general election.

EXHIBIT 1

REP. GERVAIS stated that this petition represents only 20 percent of the voting population.

REP. MOLNAR said that there are more voters in the general election and, therefore, the vote should be held in November.

REP. STOVALL added that he agrees the vote should be in November when there is a larger voter turnout.

REP. DAVIS stated that the reason the voter turnout is small during the primary election is because there isn't much to vote on. If this issue was put on the ballot, the voter turnout would be much larger.

Motion/Vote: REP. SPRING MADE A SUBSTITUTE MOTION TO TABLE SB45 AS AMENDED. The motion carried 10-6 with REPS. DAVIS, GALVIN, GERVAIS, RICE, SCHWINDEN and SQUIRES voting no.

EXECUTIVE ACTION ON SB 58

Motion/Vote: REP. RICE MOVED THAT THE COMMITTEE TAKE HB 58 FROM THE TABLE.

Discussion:

Ms. Heffelfinger explained that HB58 would provide severance pay for employees terminated because of a reduction in force. An employee would get one week of severance pay for every year of service. The amendments passed would make the effective date January 1, 1994; clarify that this would apply only to permanent state employees; the number of years would be calculated by the actual time in paid status. The severance pay would terminate

June 30, 1995.

Vote: The motion failed 9-7 with REPS. BARNHART, DAVIS, GALVIN, GERVAIS, RICE, SCHWINDEN and SQUIRES voting yes.

EXECUTIVE ACTION ON HB 85

Motion: REP. MOLNAR MADE A MOTION TO REMOVE HB 85 FROM THE TABLE FOR THE PURPOSE OF AMENDMENT.

Discussion: Ms. Heffelfinger stated that HB85 prohibits members of the legislature who are employees of the state or any local government, school district, or special passing district from receiving compensation from their public employer during the legislative session.

Vote: Motion carried 9-7 with REPS. BARNHART, DAVIS, GALVIN, GERVAIS, RICE, SCHWINDEN and SQUIRES voting no.

Motion/Vote: REP. MOLNAR MOVED THE PROPOSED AMENDMENT. Motion carried 9-7 with REPS. BARNHART, DAVIS, GALVIN, GERVAIS, RICE, SCHWINDEN and SQUIRES voting no.

Motion: REP. MOLNAR MOVED THAT HB 84 DO PASS.

Motion/Vote: REP. GERVAIS MADE A SUBSTITUTE MOTION DO NOT PASS AS AMENDED.

Discussion:

REP. DAVIS said that during election time voters make their decision by voting for people who are state employees.

Motion: REP. GERVAIS WITHDREW HIS SUBSTITUTE MOTION.

Motion/Vote: REP. ROSE MADE A SUBSTITUTE MOTION TO TABLE HB85. Motion passed 11-5 with REPS. HAYNE, MASON, MOLNAR, REHBEIN and WALLIN voting no.

ADJOURNMENT

Adjournment: 10:30 A.M.

Dick Simpkins

REP. DICK SIMPKINS, Chairman

Gayleen Strachan

Gayleen Strachan, Secretary

by Nancy Miller



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

I give my proxy
to Erv Davis on
all matters before State
Ad Comm. 12/17/93
C. Guire —

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12-17-93 BILL NO. 38 NUMBER 1

MOTION: SB38 as amended be tabled

NAME	AYE	NO
REP. DICK SIMPKINS, CHAIRMAN	✓	
REP. WILBUR SPRING, VICE CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. ERVIN DAVIS		✓
REP. PAT GALVIN		✓
REP. BOB GERVAIS <i>Tarvis</i>		✓
REP. HARRIET HAYNE	✓	
REP. GARY MASON	✓	
REP. BRAD MOLNAR	✓	
REP. BILL REHBEIN	✓	
REP. SHEILA RICE		✓
REP. SAM ROSE <i>abstain</i>		
REP. DORE SCHWINDEN		✓
REP. CAROLYN SQUIRES		✓
REP. JAY STOVALL	✓	
REP. NORM WALLIN	✓	
	8	7

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12-17-93 BILL NO. 45 NUMBER 2

MOTION: To table SB 45

NAME	AYE	NO
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	✓	
	10	6

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12-17-93 BILL NO. 58 NUMBER 3

MOTION: To remove HB 58 from
the table.

NAME	AYE	NO
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		✓
	7	9

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12-17-93 BILL NO. HB85 NUMBER 4

MOTION: To Remove HB85 from the table for the purpose of amendment

NAME	AYE	NO
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	✓	
	9	7

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12-17-93 BILL NO. HB 85 NUMBER 5

MOTION: To move the amendments

NAME	AYE	NO
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	✓	
	9	7

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12-17-93 BILL NO. ~~SB~~ HB85 NUMBER 6

MOTION: To table the bill

NAME	AYE	NO
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		✓
	11	5

OFFICE OF SECRETARY OF STATE
 REGISTRATION AND VOTER FILE

	1982		1984		1986		1988	
(VAP)	Primary	General	PRIMARY	GENERAL	Primary	General	PRIMARY	GENERAL
# REGISTERED	579,000	579,000	591,000	591,000	587,000	587,000	586,000	586,000
# VOTING	412,841	445,888	482,429	526,841	421,264	443,935	471,311	471,311
% Of Gen. Voters Not Voting In Primary	48.16%	73.58%	39.85%	74.98%	39.55%	73.53%	224.47%	224.47%
Off Election Year	39.39%		51.34%		48.96%			

* = The words PRIMARY and GENERAL are in capital letters to represent pre
 + = Voting Age Population figures are from the U.S. Census Bureau



EXHIBIT 2
DATE 12-17-93
HB 85

HOUSE COMMITTEE OF THE WHOLE AMENDMENT

House Bill 85
Representative Molnar

December 15, 1993 3:05 pm
Page 1 of 2

Mr. Chairman: I move to amend House Bill 85 (second reading copy -- yellow).

Signed: _____
Representative Molnar

And, that such amendments to House Bill 85 read as follows:

1. Title, line 9.
Following: "SERVICE"
Insert: "UNLESS APPROVED BY A PUBLIC VOTE"
2. Page 1, line 16 and Page 4, line 5.
Following: "prohibited"
Insert: "-- exception"
3. Page 3, line 15.
Strike: "of any kind"
4. Page 3, line 17.
Following: "service"
Insert: "unless receipt of the compensation is approved by a majority vote of the people composing the taxing entity that is acting as the public employer"
5. Page 3, line 23.
Following: "include"
Insert: "retirement or insurance contributions or"
6. Page 5, line 1.
Strike: "of any kind"
7. Page 5, line 3.
Following: "service"
Insert: "unless receipt of the compensation is approved by a majority vote of the people composing the taxing entity that

ADOPT

AC ____

REJECT

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December 15, 1993
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is acting as the public employer"

8. Page 5, line 9.

Following: "include"

Insert: "retirement or insurance contributions or"

-END-