

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on January 24, 2005 at 2:35 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Bill E. Glaser (R)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Verdell Jackson (R)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. John Sinrud (R)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: None.

Members Absent: Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Joey Jayne (D)
Rep. Walter McNutt (R)
Rep. Jon C. Sesso (D)

Staff Present: Marcy McLean, Committee Secretary
Jon Moe, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp appears at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: HB 271, 1/18/2005; HB 201,
1/18/2005; HB 13, 1/18/2005
Executive Action: HB 13; HB 44

HEARING ON HB 271**Opening Statement by Sponsor:**

REP. MONICA LINDEEN, HD 43, opened the hearing on **HB 271**, a bill requesting workforce training grants supplemental appropriation.
{Tape: 1; Side: A; Approx. Time Counter: 0 - 1; Comments: Reps. Sesso and McNutt entered hearing}

This bill would provide \$2,170,000 to the Governor's Office of Economic Development. The 2003 Legislature passed HB 564, the New Jobs Training Program, which was supported by both parties and the Governor's Office.

{Tape: 1; Side: A; Approx. Time Counter: 1 - 1.6; Comments: Reps. Witt and Jayne entered hearing}

HB 564 provided for funding of the program by an intercap loan through the Board of Investments, however, the Legislative Audit Committee has found this is not a good use of the Intercap Loan Program. In the meantime, five businesses have applied for loans reimbursing them for training that created 434 jobs. HB 271 requests a supplemental appropriation to pay these businesses that the state made a commitment to.

Proponents' Testimony:

David Ewer, Director, Budget & Program Planning, stated that the Governor's Office supports this bill, since the current funding source is not appropriate. Currently, the Board of Investments makes an intercap loan to the Governor's Office to pay for the job training grants. The theory is that the employees would be earning more and because of their enhanced job training, paying higher taxes. The Department of Revenue would somehow identify the increment ascribed to this class of employees, certify the amount of the increment, and then the Governor's Office could pay the loan back based upon this information. He stated that this is not the proper way to repay General Obligation Bonds. The Governor's Budget has allocated General Fund money to pay for this program. The fiscal impact should essentially be the same, since we train employees so they can earn more money.

{Tape: 1; Side: A; Approx. Time Counter: 1.6 - 7.3}

Evan Barrett, Director, Governor's Office of Economic

Development, explained this is a very important program, but the current method of paying for it is not feasible. Five projects, representing 443 jobs, have been training people and putting them to work: 1) Printing for Less, Livingston, 26 jobs; 2) Montana Resources, Butte, 195 jobs; 3) QWest, Helena, 37 jobs; 4) Bresnan, Billings, 96 jobs; 5) Centeen, Great Falls, 80 jobs. Reimbursement to these employers is necessary. The supplemental appropriation requested in this bill will cover this biennium only; another bill has been introduced to handle this program after that time.

David Gibson, Associate Commissioner for Economic Development, stated that even though the original mechanism was a little complicated and creative, each of the five loans can be justified due to the increased tax revenues. Governor Martz's office felt this was the most efficient tool for generating new jobs.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. MORGAN asked if this program involved a "loan" or a "grant". **David Ewer** answered that they are grants, and businesses have a contractual obligation to fulfill the terms of the grant.

Closing by Sponsor:

REP. LINDEEN asked the committee to act quickly on this bill, so the businesses could be paid.

{Tape: 1; Side: A; Approx. Time Counter: 7.3 - 18.5}

HEARING ON HB 201**Opening Statement by Sponsor:**

REP. RICK RIPLEY, HD 17, opened the hearing on **HB 201**, which requests extension of the \$650,000 line of credit (LOC) from the Coal Severance Fund for natural resource damage litigation. Less than \$200,000 of this LOC has been used. This bill has already been heard in the Natural Resources Committee, where it passed unanimously.

Proponents' Testimony:

REP. DAN VILLA, HD 86, expressed to the committee how important HB 201 is for the economic development of Anaconda-Deer Lodge County. He presented letters of support from the following: Arrowhead Foundation, Anaconda-Deer Lodge County Chief Executive and the Anaconda-Deer Lodge County Planning Director.

[EXHIBIT\(aph18a01\)](#)

[EXHIBIT\(aph18a02\)](#)

[EXHIBIT\(aph18a03\)](#)

He noted that this program has been very efficient, and has spent only \$200,000 so far. The program has been responsible for many economic development projects in Anaconda-Deer Lodge County, many are due to the damage caused through the smelting over the past 100 years.

{Tape: 1; Side: A; Approx. Time Counter: 18.5 - 23.5}

Mike McGrath, Attorney General, stated that this is a critical bill for the continuation of litigation that the State initiated in 1983 against ARCO for clean-up in the Clark Fork River Basin. The Federal Environmental Protection Agency has the primary responsibility for clean-up, and the State has the authority to pursue litigation for restoration. In 1998, the State received approximately \$215 million through a partial settlement. In the past, the State has financed litigation efforts through general funds and most recently, through a LOC in the Coal Tax Severance Fund. Approximately \$15 million in litigation fees that had been borrowed were paid back by the settlement monies. Currently, there are three restoration claims remaining.

He stated that all work on litigation and restoration is done in-house by eight full-time employees and only the interest from the settlement money is being used to fund grant-requests for restoration. Over the past four years, \$29 million has been spent for 49 projects. The biggest negotiation currently is with the federal government, ARCO, and Northwestern Energy for removal of the Milltown Dam; this will be a \$100 million construction project.

[EXHIBIT\(aph18a04\)](#)

{Tape: 1; Side: A; Approx. Time Counter: 23.5 - 32}

Jim Flynn, Anaconda citizen, explained that in the years 1980-1990, a great deal of time, effort, and money went into the lawsuit pursuing compensation for damages caused by 100 years of mining. Since the 1998 partial settlement of this lawsuit, approximately \$5 million per year has been spent on clean-up and restoration. He stated that "more money is now being spent in the ground than in the courtroom." The lawsuit is not completed,

and the remainder must be finalized before the total restoration can occur. He commented that he hoped the efforts of four Governors, four Attorney Generals and 10 Legislative sessions will continue with the passage of this bill.

EXHIBIT(aph18a05)

Sandi Olsen, Department of Environmental Quality (DEQ), stated that the Natural Resources damage settlement has played a critical role with the Fish, Wildlife, and Parks Department and the DEQ in ensuring that the remedy and restoration needs of the State are adequately met. The receipt of partial settlement has allowed the State to substantially enhance Super Fund remedies that will be done along the Clark Fork River Basin. He noted that the State has made a significant investment in the claims that are still to be resolved, and it is important that we see them through to completion.

Questions from Committee Members and Responses:

REP. SESSO asked about the purpose of the funds, about the status of the three outstanding claims and a projected settlement date.

Mike McGrath answered that the funds are used for both litigation and restoration. The State is required to proceed with claims under the Record of Decision adopted by the EPA, which has been done with two of the three claims. He stated that this is a very complex process, and there is no way of knowing how long will it take.

REP. BUZZAS asked when the Department of Justice was first authorized to use funds from the Coal Tax Severance Fund, and about the repayment history. **Rob Collins, Department of Justice**, explained that the first loan from the Coal Tax Severance Fund was in 1991. Loans through 1997 have been paid back, but currently there is an outstanding loan balance of \$3.8 million.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 10.1}

REP. JAYNE asked what will happen if these funds are not used in the next biennium, and if a new request for funds would be needed. **Rob Collins** stated that the money would remain in the Coal Tax Severance Fund, and if the State does not settle the litigation in the next two years, they will need to ask for an extension of the LOC.

REP. JUNEAU asked if the \$12,000 and \$24,000 impacts on the General Fund are included in the loan repayment. **Rob Collins** said, "Yes, but that would be the maximum hit on the General fund." If they do not use \$200,000, they would not have \$12,000 in interest to pay back. He said that previously all pay backs of interest and principal went to the General Fund in the past.

Closing by Sponsor:

REP. RIPLEY asked for passage of HB 201 to continue the line of credit.

HEARING ON HB 13**Opening Statement by Sponsor:**

REP. RICK RIPLEY (R), HD 17, opened the hearing on **HB 13**, which is a pay plan for state employees. He stated that this is a well-deserved 3% across-the-board raise in each year of the biennium, for a total of \$58.5 million. This amount includes a 10% increase in the State's insurance premium contribution of \$46 per month beginning January 2006, and \$51 beginning January 2007. The bill also contains \$75,000 for continuation of labor-management training that was established in 2002.

Proponents' Testimony:

David Ewer, Director, Budget & Program Planning, stated that the State needs to solve the pay plan as soon as possible. HB 13 has traditionally been the Pay Plan Bill. He explained that the Schweitzer Administration's proposal is contained in a set of amendments. This proposal is for a 3.5% raise (or a minimum of \$1,005) in the first year, and 4.0% raise (or a minimum of \$1,088) in the second year. The guaranteed minimum dollar raise gives employees in Grade 7 a 6.9% increase in 2006 and a 7.6% increase in 2007. In the 2003 session, the issues of pay and balancing the budget were very difficult and were done at the expense of state workers. He said that the Governor's Office thinks HB 13 as amended is fair and has put it in their budget.

Randy Morris, Personnel Administrator, Department of Administration, stated that HB 13 represents Governor Martz's collective bargaining proposal and was in her budget. This proposal was not accepted by the major state employee unions.

REP. FRANKLIN'S amendments reflect Governor Schweitzer's tentative agreement of 1/7/05 with the major state employee unions, dependent upon their member's ratification and Legislative approval. Most of the union members ratified this agreement on January 21, 2005. HB 13, As Amended, contains the additional components of this agreement. Based upon the most recent salary survey conducted by the Personnel Division, Montana's state government compensation package lags behind the labor market by an average of 6.8%. Governor Martz's proposal, as presented in HB 13, is a total of \$58 million; Governor Schweitzer's proposal, as presented in the amendments, is \$70

million. The Department of Administration supports HB 13, As Amended, by Rep. Franklin.

{Tape: 1; Side: B; Approx. Time Counter: 10.1 - 25}

Tom Schneider, Montana Public Employees Association (MPEA), reminded the committee that the 2003 Legislature passed a \$.25/hour increase on the last day of the session. This process verified a belief by state employees that their pay is used to balance the budget on the last day of the Legislature. He also emphasized that Governor Schweitzer and the unions have a negotiated settlement that has been ratified by the members and is intended to help the lower-paid employees.

EXHIBIT(aph18a06)

{Tape: 1; Side: B; Approx. Time Counter: 25 - 29.6}

Sheila Stearns, Commissioner of Higher Education, said they recommended passage of HB 13 as amended; it speaks to the valuing of employees, resulting in better service to the students and better organizations. The Montana living wage for a single adult is \$8.61/hour, and the University system has 350-400 employees who are making less than that amount. She said that they support the amendment ensuring that there will be at least a \$1,005 increase for that group of employees the first year.

{Tape: 1; Side: B; Approx. Time Counter: 29.6 - 32}

The proposed pay plan will be paid 40% from General Fund and 60% from tuition. They would like to see a policy plan put in place over the next two to six years reversing that policy.

George Dennison, President, University of Montana (UM), said that they strongly support the level of increase that would enhance the pay of lower-level employees. The percentage increase addresses ground that has been lost by faculty and professional salaries over the past 10 years. It is very important that the Legislature work over the next two to three bienniums to reverse the trend of tuition paying for salaries.

Geoff Gamble, President, Montana State University (MSU), stated, "people are our greatest resources." He said that University System employees have been steadily losing ground at the local level, particularly for employees at the lowest pay-level. University Employees at the lower pay-level are holding two to three jobs just to get by. The Bozeman Chronicle advertised several low-level jobs paying \$9 to \$12 per hour. In the same classified ads, MSU advertised for a cook's helper at an hour rate of \$7.43.

Warren Jones, Faculty Council, Montana State University (MSU), stated that the pay raises faculty is looking at are critical to the University's ability to recruit and retain high-quality faculty. Faculty members compete in a national job market and when you compare our salaries with those in other universities, we are at 75-90% of those other positions. Also, faculty who live in Missoula and Bozeman find the cost of living to be above the national average. He said that in the past year, MSU faculty were successful in procuring \$100 million in external research funding. This funding gets spent largely in the local community and we need to retain those faculty who are able to secure these grants.

Sara France, Classified Employees President's Advisory Committee, Montana State University (MSU), stated there are 1,100 classified employees at MSU. The Board of Regent's September 2004 compensation survey reports that salaries for classified employees are not at 100% of the Montana average salary for similar titles. This is seriously impacting productivity and the University's ability to attract and retain good staff. At MSU, at least one in eight classified employees must work more than one job to meet their basic financial needs. The average MSU classified staff salary is 94% of the Montana average, whereas the average housing cost in Bozeman is 146% of the Montana average.

Sandra Gibson, Professional Council, MSU, explained that her group represents 900 non-faculty, non-classified staff that perform a variety of middle management responsibilities. Salary levels are a critical issue at MSU due to the high cost of living in Bozeman. It is difficult for MSU to compete for skilled professional staff with the private sector.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 12.8}

Mike McGrath, Attorney General, stated that the pay system in the State of Montana is nowhere near a market-based system. The Department of Justice has a serious problem attracting new employees. The State's large Information Technology Department has a very difficult time hiring people. They have a very serious problem attracting attorneys to work for the Department of Justice. He said that there is a crisis in the Montana Highway Patrol. This pay plan increase is long overdue. We need to pay state employees enough to compete with the private sector.

Jerry Driscoll, American Federation of Labor-Congress of Industrial Organization (AFL-CIO), stated that he is a proponent of the amendments, but is an opponent of HB 13 if it is not amended. He said that the amendments will put in a negotiated

settlement and if the Committee chooses not to support them, it would be better to just kill HB 13.

Rhonda Carpenter-Wiggers, Great Falls and Helena Chamber of Commerce, stated they support a pay raise for state employees. Business owners understand that fairly compensated employees are happy employees, and happy employees are productive employees. She said that state employees are an integral part of the Helena economy and they believe these employees are due substantial pay increases.

{Tape: 2; Side: A; Approx. Time Counter: 12.8 - 15.2}

Opponents' Testimony:

Eric Feaver, Montana Education Association-Montana Federation of Teachers (MEA-MFT), stated HB 13 should not be passed as it was introduced. It was rejected at the bargaining table; what they agreed to is the amendments. Even HB 13, As Amended, does not repair the damage done by the 2003 Legislature to state employees. He said, "The \$.25/hour increase was an insult, a slap in the face, and an abuse of the work they do for us. HB 13, As Amended, is still not a competitive wage, but it is a good start. Employees never recover from a salary freeze."

REP. PAT WAGMAN, HD 62, explained that the GOP find themselves in an unusual position. They are carrying two bills for the state pay plan and they are advocating HB 268, which gives larger raises to 92% of state employees.

EXHIBIT(aph18a07)

REP. WAGMAN said he talked to two state employees in his district who had never heard of HB 268, yet were voting on the pay plan proposal. One of the employees was making \$10.80/hour, and after comparing the two pay plans, there was a substantial difference between the two bills. HB 268, As Amended, would give more money to employees earning under \$53,000/year than HB 13 would.

CHAIRMAN BUZZAS asked REP. WAGMAN to limit his comments in reference to HB 13.

Informational Testimony:

REP. JOHN WITT, HD 28, stated that he does not oppose any of the issues that have been discussed today. He requested that HB 268 be moved forward, so the Committee can look at all bills and amendments relative to the state pay plan. He asked that Executive Action on HB 13 be postponed.

Rod Strohmayer, state employee, stated that he and his fellow employees do not believe in this 3% bill as it is presented, nor in a 3.5% bill that was presented. They have a lot of employees who make about \$8/hour, and for those people a salary increase of \$1,005 does not help them enough. They believe a dollar amount raise straight-across-the-board would be a much better deal for everybody, because it is a better deal for lower level employees. He asked the Committee not to accept either HB 13, or its amendments, and to look at other options.

{Tape: 2; Side: A; Approx. Time Counter: 15.2 - 30.5}

Questions from Committee Members and Responses:

REP. FRANKLIN clarified that there is only one set of amendments, which she is carrying, and that they cover the negotiated settlement agreement that was ratified by the two largest unions involved.

{Tape: 2; Side: A; Approx. Time Counter: 30.5 - 32}

REP. GLASER asked Tom Schneider if he could have patience to see the committee through this. **Tom Schneider** said, "We've had patience, and feel we have been taken advantage of session after session." There are as many employees over Grade 12 as there are employees under that grade. He said that they are trying to take care of both ends of the spectrum. Nobody at the bargaining table offered \$1/hour so they were not able to offer it to their members for consideration. He said that they went through the last session with \$.45/hour offered, and on the final three days of the session \$.25/hour was given.

Closing by Sponsor:

REP. RIPLEY closed by saying, "Let's do what's best for our state employees." Agreements have been ratified with some unions, but not all unions, and these agreements are subject to Legislative approval. He asked that all pay plans and their amendments be placed on the table before taking Executive Action on HB 13. HB 286 gives more money than what is proposed by the Schweitzer Administration, and will cut the pay disparity between low and high-end employees.

**{Tape: 2; Side: B; Approx. Time Counter: 0 - 7.1; Comments:
Committee took a five minute break.}**

EXECUTIVE ACTION ON HB 13

Motion: REP. JUNEAU moved that HB 13 DO PASS.

Motion: REP. FRANKLIN moved that HB 13 be amended
(#HB001302.agp, which is the negotiated agreement).
[EXHIBIT](#)(aph18a08)

Discussion:

REP. FRANKLIN explained that these are the only set of amendments, and it makes the bill consistent with the negotiated settlement. She asked that the Committee be respectful of the negotiating process. She said "If you believe in fair labor organizing and in the structure we set up to allow people to organize, choose their representatives and move through the process with respect and order, then I think you'll understand why HB 13 amendments are before you."

Randy Morris reviewed the Amendments. Amendments 1 and 2, Page 2, Lines 20-23, reflect the 3.5% Year One pay raise and the 4.0% Year Two pay raise as they were negotiated by the Schweitzer Administration and the unions. Amendment 3, Page 2, Lines 25-26, deletes language currently in the law relating to maximum salary, and how to determine the maximum between the percentage or the guaranteed minimum dollar raise. Amendment 4, Page 3, Lines 20-22, states that if ratification is not completed by October 1st, then retroactive implementation of the increase will occur. Amendment 5, Page 4, Line 26, inserts a maximum salary for each grade.

{Tape: 2; Side: B; Approx. Time Counter: 7.1 - 18}

REP. RIPLEY asked when the unions ratified the agreement and how many unions have not ratified. Randy Morris stated the MEA-MFT ratified on January 21st and a majority of MPEA members ratified by January 21st. Nineteen unions have not yet ratified.

REP. RIPLEY expressed concern over an identical set of amendments purportedly "submitted by Rep. Ripley," dated January 13th, which he said he did not submit.

Jon Moe, Staffer, explained that the amendments were prepared by the Legal Department because of the union negotiations, and they assumed that since REP. RIPLEY was carrying the bill, he would also carry the amendments. He said that document is superseded by the amendments presented by REP. FRANKLIN.

REP. SINRUD asked questions about "maximum salary," the effect on the Broadband Pay Plan, overtime costs, the fiscal note for the

bill, and the university system pay plan. **Randy Morris** explained that the agreement reached between the State and the unions stipulated a minimum adjustment that would be provided to employees; i.e., 3.5% or a minimum of \$1,005 in the first year. In order to codify that minimum increase, they needed to establish the maximum level of the salary grade. The broadband pay classification system is not listed in the Statute, however the appropriation for employees in the broadband plan is based upon the 3.5% and 4.0% of their salaries. Each agency is in charge of administering and distributing the money. **CHAIRMAN BUZZAS** and **John Moe** noted that appropriations bills, such as HB 13, do not require a fiscal note. **George Dennison** said that the university classified employees are on a Broadband Pay Plan; faculty are in bargaining agreements; and professionals are not on a Broadband Pay Plan. If broadband employees negotiate higher pay beyond HB 13, those negotiations would be limited to the money that is available.

{Tape: 2; Side: B; Approx. Time Counter: 18 - 32.6; Comments: end of tape}

REP. FRANKLIN asked about the significance of the amendments and which unions had not yet ratified. **Eric Feaver** answered that the significance is, "This is what we bargained for with the Governor." This was negotiated in good faith with the Governor. Seventy percent of the union members have ratified; 19 unions, which is a very small percentage, have not yet ratified, but they tend to follow the lead of the above 70%.

REP. RIPLEY stated that he respects the agreement with the Governor, but asked why the unions would settle for less than what HB 268 has to offer. **Eric Feaver** answered that they bargained with the Governor, and based upon the history of pre-budget negotiations, they did not want to be in a position of not dealing with the Governor. He said he does not believe the Committee will be able to make HB 268 work. **Tom Schneider** answered that during bargaining they were not looking at legislation, they were negotiating wages based on the information they had. The union's bargaining team was comprised of 25 employees from across the state who had been involved in bargaining for over 12 months.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 7.9}

REP. SESSO asked Tom Schneider if the amendments represent what he expected them to be, and if they represent what he testified in favor of today. **Tom Schneider** answered, "Yes."

REP. TAYLOR asked Randy Morris if the Amendment found on Page 7, Line 17 shows the high end salary of Grade 25 to be \$129,000, and if that is a \$44,000 increase over the entry salary.

Randy Morris answered, "Yes." **REP. TAYLOR** then asked if the Grade 1 maximum salary increase would be about \$5,000, and the Grade 25 increase would be \$44,000. **Randy Morris** referred to Page 4 of HB 13 which shows the Grade 1 entry salary to be \$9,703.

CHAIR BUZZAS asked the Committee to beware of two critical items when considering their vote on these Amendments: 1) These negotiations were done in good faith, as they traditionally have been done, and 2) This agreement has been ratified by the majority of the membership. The Legislature could make a really serious error if they try to re-open a negotiated agreement, and would undermine the integrity of the process. She stated that she hoped the Committee would not make this a partisan issue.

CHAIRMAN BUZZAS asked **REP. FRANKLIN** if she would like to retain the right to close. **REP. FRANKLIN** said, "Yes."

{Tape: 3; Side: A; Approx. Time Counter: 7.9 - 20.9}

REP. WELLS stated that he understands the tradition of negotiations, but if the Governor and the unions can negotiate, then perhaps neither the Legislature nor the Appropriations Committee role are needed. He stated that he thinks it is their duty to review what has been negotiated and represent the taxpayer's interest in pay raises of this magnitude. He feels that this is a partisan issue, since it represents a difference in philosophy. This difference encompasses what is the true function of government. If people choose to work for the state government, and they are not paid as much as the private sector, then they have to make the decision if they want to stay in that job. He asked where non-government employees and non-union people are represented in the bargaining process. He expressed that his party has looked at the numbers and believe there is a better proposal. A partisan vote should not be a surprise to anybody.

REP. MORGAN commented that if she was an employee of the State of Montana, she would want HB 268 because she would want the higher wages. She said that she couldn't understand why the union leaders would not take HB 268 back to their members. Voting "no" on HB 13 and its amendments means you want to give more to the state employees.

{Tape: 3; Side: A; Approx. Time Counter: 20.9 - 25.7}

REP. RIPLEY stated that he does not look at this as a partisan issue. He was sent to Helena to represent first his conscience, then his constituents, and, lastly, his caucus. Most of the state employees in his district are at the lower level salaries, and that is who he wants to represent.

(At this time there was a call for the question and **CHAIRMAN BUZZAS** reminded the Committee that **REP. FRANKLIN** had been given prior approval to close.)

REP. FRANKLIN stated she appreciated the remarks of **REP. WELLS** that there are philosophical differences that will be represented. She said that part of that philosophical reality is whether or not you support the right to organize, and the right to bargain. HB 268 has been presented as the GOP's better idea; however, the GOP does not bargain on behalf of the State employees. The unions bargain for the best deal that they can get for the most people that they represent, which are mostly the lower level employees.

{Tape: 3; Side: A; Approx. Time Counter: 25.7 - 27.5}

Vote: Motion to amend failed 10-10 by roll call vote with **REPS. BUZZAS, CALLAHAN, FRANKLIN, HINER, JAYNE, JUNEAU, KAUFMANN, LENHART, MUSGROVE, and SESSO** voting aye. **REP. MUSGROVE** voted by proxy.

Vote: Original DO PASS motion failed 1-19 by roll call vote with **REP. WITT** voting aye. **REP. MUSGROVE** voted by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 27.5 - 32.6}

EXECUTIVE ACTION ON HB 44

Motion/Vote: **REP. SINRUD** moved that HB 44 DO PASS. Motion carried 20-0 by voice vote. **REP. MUSGROVE** voted by proxy.

CHAIRMAN BUZZAS announced that the next meeting will be January 25, 2005.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 5.6}

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. ROSALIE (ROSIE) BUZZAS, Chairman

MARCY MCLEAN, Secretary

RB/MM

Additional Exhibits:

EXHIBIT ([aph18aad0.PDF](#))