

HOUSE JOINT RESOLUTION NO. 13

INTRODUCED BY CONNELLY, B. BROWN, LYNCH, JACOBSON,  
BACHINI, PIPINICH, ANDERSON, GOULD, GERVAIS, STANG, D. BROWN,  
HARRINGTON, DRISCOLL, YELLOWTAIL, WHALEN

IN THE HOUSE

JANUARY 28, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LABOR & EMPLOYMENT RELATIONS.

JANUARY 29, 1991                   FIRST READING.

FEBRUARY 13, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 14, 1991                  PRINTING REPORT.

FEBRUARY 16, 1991                  SECOND READING, DO PASS.

FEBRUARY 18, 1991                  ENGROSSING REPORT.

FEBRUARY 19, 1991                  THIRD READING, PASSED.  
AYES, 97; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

MARCH 26, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 28, 1991                    SECOND READING, CONCURRED IN.

APRIL 1, 1991                    THIRD READING, CONCURRED IN.  
AYES, 38; NOES, 10.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1991                   RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 11, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House JOINT RESOLUTION NO. 13  
 2 INTRODUCED BY Cornelius Bob Brown  
 3 Robert Spindler  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
 6 OPPOSITION OF THE LEGISLATURE TO A RAILROAD CORPORATION'S  
 7 PARTICIPATION IN MONTANA'S WORKERS' COMPENSATION SYSTEM.

8  
 9 WHEREAS, Montana's industrial accident insurance program  
 10 under the workers' compensation system has funding problems,  
 11 and a long-term solution is being sought by this  
 12 Legislature; and

13 WHEREAS, railroad workers in this state have been  
 14 covered by the Federal Employees Liability Act (FELA) for  
 15 many decades; and

16 WHEREAS, the dangerous work conditions related to the  
 17 railroad industry prompted Congress 80 years ago to enact  
 18 FELA to encourage railroad safety and to compensate railroad  
 19 employees injured in the workplace; and

20 WHEREAS, FELA has proved to be effective and efficient  
 21 for providing injury compensation to several areas of  
 22 broader public policy and has proved to be a cornerstone for  
 23 safety in the railroad industry and an important element in  
 24 establishing corporate accountability; and

25 WHEREAS, Montana's no-fault workers' compensation

1 system, which covers occupational injuries in other  
 2 industries, differs from FELA; and

3 WHEREAS, FELA is negligence liability law specifically  
 4 tailored to the characteristics of the railroad industry,  
 5 and its liability provisions place strong emphasis on  
 6 preventing accidents; and

7 WHEREAS, a direct financial incentive in the railroad  
 8 industry to avoid negligence and to provide safe operations  
 9 is the basic principle of FELA; and

10 WHEREAS, safety incentives in FELA are as important to  
 11 the public as they are to workers, with safe working  
 12 conditions translating to safety for passengers and for  
 13 Montana communities through which railroads travel; and

14 WHEREAS, trains carry growing volumes of toxic  
 15 chemicals, nuclear waste, and other hazardous materials  
 16 within and across the state of Montana and make the linkage  
 17 between safe working conditions for railroad employees and  
 18 public safety clearer now than ever before in Montana.

19  
 20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 21 OF REPRESENTATIVES OF THE STATE OF MONTANA:

22 That the Legislature of the State of Montana find that:  
 23 (1) for reasons previously cited, Montana's no-fault  
 24 workers' compensation system was not designed to provide  
 25 negligence liability in the railroad industry;



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 INTRODUCED BILL  
 HJR 13

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1       (2) the railroad industry operates in interstate  
2 commerce and is governed by the United States Congress and  
3 that FELA provides a uniform standard for injuries sustained  
4 by railroad workers in this country; and

5       (3) Montana's workers' compensation system is burdened  
6 with unfunded financial liabilities.

7       BE IT FURTHER RESOLVED, that copies of this resolution  
8 be sent to the Secretary of the United States Department of  
9 Transportation, the Interstate Commerce Commission, the  
10 United States Federal Railroad Administration, each member  
11 of Montana's Congressional Delegation, and the appropriate  
12 committees of the United States Congress that consider  
13 legislation allowing railroads to participate in state  
14 workers' compensation programs.

-End-

APPROVED BY COMMITTEE  
ON LABOR & EMPLOYMENT  
RELATIONS

1 *House* JOINT RESOLUTION NO. *13*  
2 INTRODUCED BY *Connolly, Bob Brown, [unclear]*  
3 *Bob Connolly, Bob Brown, [unclear]*

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
5 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
6 OPPOSITION OF THE LEGISLATURE TO A RAILROAD CORPORATION'S  
7 PARTICIPATION IN MONTANA'S WORKERS' COMPENSATION SYSTEM.

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9 WHEREAS, Montana's industrial accident insurance program  
10 under the workers' compensation system has funding problems,  
11 and a long-term solution is being sought by this  
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14 covered by the Federal Employees Liability Act (FELA) for  
15 many decades; and

16 WHEREAS, the dangerous work conditions related to the  
17 railroad industry prompted Congress 80 years ago to enact  
18 FELA to encourage railroad safety and to compensate railroad  
19 employees injured in the workplace; and

20 WHEREAS, FELA has proved to be effective and efficient  
21 for providing injury compensation to several areas of  
22 broader public policy and has proved to be a cornerstone for  
23 safety in the railroad industry and an important element in  
24 establishing corporate accountability; and

25 WHEREAS, Montana's no-fault workers' compensation

1 system, which covers occupational injuries in other  
2 industries, differs from FELA; and

3 WHEREAS, FELA is negligence liability law specifically  
4 tailored to the characteristics of the railroad industry,  
5 and its liability provisions place strong emphasis on  
6 preventing accidents; and

7 WHEREAS, a direct financial incentive in the railroad  
8 industry to avoid negligence and to provide safe operations  
9 is the basic principle of FELA; and

10 WHEREAS, safety incentives in FELA are as important to  
11 the public as they are to workers, with safe working  
12 conditions translating to safety for passengers and for  
13 Montana communities through which railroads travel; and

14 WHEREAS, trains carry growing volumes of toxic  
15 chemicals, nuclear waste, and other hazardous materials  
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17 between safe working conditions for railroad employees and  
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24 workers' compensation system was not designed to provide  
25 negligence liability in the railroad industry;



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SECOND READING  
HJR 13

LC 1541/01

1       (2) the railroad industry operates in interstate  
2 commerce and is governed by the United States Congress and  
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4 by railroad workers in this country; and

5       (3) Montana's workers' compensation system is burdened  
6 with unfunded financial liabilities.

7       BE IT FURTHER RESOLVED, that copies of this resolution  
8 be sent to the Secretary of the United States Department of  
9 Transportation, the Interstate Commerce Commission, the  
10 United States Federal Railroad Administration, each member  
11 of Montana's Congressional Delegation, and the appropriate  
12 committees of the United States Congress that consider  
13 legislation allowing railroads to participate in state  
14 workers' compensation programs.

-End-

1 *House* JOINT RESOLUTION NO. *13*  
 2 INTRODUCED BY *Connolly, Bob Brown, Jankovic*  
 3 *Reardon, Dabbs, Jankovic, Jankovic, Jankovic, Jankovic*  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
 6 OPPOSITION OF THE LEGISLATURE TO A RAILROAD CORPORATION'S  
 7 PARTICIPATION IN MONTANA'S WORKERS' COMPENSATION SYSTEM.

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 9 WHEREAS, Montana's industrial accident insurance program  
 10 under the workers' compensation system has funding problems,  
 11 and a long-term solution is being sought by this  
 12 Legislature; and

13 WHEREAS, railroad workers in this state have been  
 14 covered by the Federal Employees Liability Act (FELA) for  
 15 many decades; and

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 17 railroad industry prompted Congress 80 years ago to enact  
 18 FELA to encourage railroad safety and to compensate railroad  
 19 employees injured in the workplace; and

20 WHEREAS, FELA has proved to be effective and efficient  
 21 for providing injury compensation to several areas of  
 22 broader public policy and has proved to be a cornerstone for  
 23 safety in the railroad industry and an important element in  
 24 establishing corporate accountability; and

25 WHEREAS, Montana's no-fault workers' compensation

1 system, which covers occupational injuries in other  
 2 industries, differs from FELA; and

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 4 tailored to the characteristics of the railroad industry,  
 5 and its liability provisions place strong emphasis on  
 6 preventing accidents; and

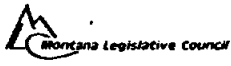
7 WHEREAS, a direct financial incentive in the railroad  
 8 industry to avoid negligence and to provide safe operations  
 9 is the basic principle of FELA; and

10 WHEREAS, safety incentives in FELA are as important to  
 11 the public as they are to workers, with safe working  
 12 conditions translating to safety for passengers and for  
 13 Montana communities through which railroads travel; and

14 WHEREAS, trains carry growing volumes of toxic  
 15 chemicals, nuclear waste, and other hazardous materials  
 16 within and across the state of Montana and make the linkage  
 17 between safe working conditions for railroad employees and  
 18 public safety clearer now than ever before in Montana.

19  
 20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 21 OF REPRESENTATIVES OF THE STATE OF MONTANA:

22 That the Legislature of the State of Montana find that:  
 23 (1) for reasons previously cited, Montana's no-fault  
 24 workers' compensation system was not designed to provide  
 25 negligence liability in the railroad industry;



-2-  
 THIRD READING  
 HJR 13

LC 1541/01

1       (2) the railroad industry operates in interstate  
2 commerce and is governed by the United States Congress and  
3 that FELA provides a uniform standard for injuries sustained  
4 by railroad workers in this country; and

5       (3) Montana's workers' compensation system is burdened  
6 with unfunded financial liabilities.

7       BE IT FURTHER RESOLVED, that copies of this resolution  
8 be sent to the Secretary of the United States Department of  
9 Transportation, the Interstate Commerce Commission, the  
10 United States Federal Railroad Administration, each member  
11 of Montana's Congressional Delegation, and the appropriate  
12 committees of the United States Congress that consider  
13 legislation allowing railroads to participate in state  
14 workers' compensation programs.

-End-



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 26, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Joint Resolution No. 13 (third reading copy -- blue), respectfully report that House Joint Resolution No. 13 be amended and as so amended be concurred in:

1. Page 1, line 9.

Following: line 8

Insert: "WHEREAS, legislation has been introduced in the United States Congress to allow railroad corporations to participate in state workers' compensation programs; and"

2. Page 3, line 7.

Following: line 6

Insert: "BE IT FURTHER RESOLVED, that the Legislature of the State of Montana opposes participation of railroad corporations in Montana's workers' compensation system."

Signed: 

Thomas E. Towe, Vice-Chairman

LB/dgh  
Amd. Coord.

SB 3/26 11:20  
Sec. of Senate

SENATE

HJR 13

## 1 HOUSE JOINT RESOLUTION NO. 13

2 INTRODUCED BY CONNELLY, B. BROWN, LYNCH, JACOBSON,  
3 BACHINI, PIPINICH, ANDERSON, GOULD, GERVAIS, STANG, D. BROWN,  
4 HARRINGTON, DRISCOLL, YELLOWTAIL, WHALEN

5  
6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
7 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
8 OPPOSITION OF THE LEGISLATURE TO A RAILROAD CORPORATION'S  
9 PARTICIPATION IN MONTANA'S WORKERS' COMPENSATION SYSTEM.

10  
11 WHEREAS, LEGISLATION HAS BEEN INTRODUCED IN THE UNITED  
12 STATES CONGRESS TO ALLOW RAILROAD CORPORATIONS TO  
13 PARTICIPATE IN STATE WORKERS' COMPENSATION PROGRAMS; AND

14 WHEREAS, Montana's industrial accident insurance program  
15 under the workers' compensation system has funding problems,  
16 and a long-term solution is being sought by this  
17 Legislature; and

18 WHEREAS, railroad workers in this state have been  
19 covered by the Federal Employees Liability Act (FELA) for  
20 many decades; and

21 WHEREAS, the dangerous work conditions related to the  
22 railroad industry prompted Congress 80 years ago to enact  
23 FELA to encourage railroad safety and to compensate railroad  
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25 WHEREAS, FELA has proved to be effective and efficient

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2 broader public policy and has proved to be a cornerstone for  
3 safety in the railroad industry and an important element in  
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5 WHEREAS, Montana's no-fault workers' compensation  
6 system, which covers occupational injuries in other  
7 industries, differs from FELA; and

8 WHEREAS, FELA is negligence liability law specifically  
9 tailored to the characteristics of the railroad industry,  
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25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

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2 That the Legislature of the State of Montana find that:

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5 negligence liability in the railroad industry;

6 (2) the railroad industry operates in interstate  
7 commerce and is governed by the United States Congress and  
8 that FELA provides a uniform standard for injuries sustained  
9 by railroad workers in this country; and

10 (3) Montana's workers' compensation system is burdened  
11 with unfunded financial liabilities.

12 BE IT FURTHER RESOLVED, THAT THE LEGISLATURE OF THE  
13 STATE OF MONTANA OPPOSES PARTICIPATION OF RAILROAD  
14 CORPORATIONS IN MONTANA'S WORKERS' COMPENSATION SYSTEM.

15 BE IT FURTHER RESOLVED, that copies of this resolution  
16 be sent to the Secretary of the United States Department of  
17 Transportation, the Interstate Commerce Commission, the  
18 United States Federal Railroad Administration, each member  
19 of Montana's Congressional Delegation, and the appropriate  
20 committees of the United States Congress that consider  
21 legislation allowing railroads to participate in state  
22 workers' compensation programs.

-End-