

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

February 9, 1977

The thirteenth meeting of the Labor and Employment Relations Committee was called to order by Chairman Lee on the above date in Room 402 of the State Capitol Building at 9:30 a.m.

ROW CALL: All members present with Senator Goodover and Senator Lowe excused.

CONSIDERATION OF SB 334: An act giving the Division of Workers' Compensation discretion as to whether to accept inspection reports of special boiler inspectors.

Senator Blaylock, Chief Sponsor of this bill, had Mr. Briggerman, of the Division of Workers' Compensation, introduce SB 334 to the committee.

Mr. Briggerman, Division of Workers' Compensation, appeared in support of SB 334. We have had problems in the past with inspections of our boilers by insurance companies. We should have the opportunity to inspect the boilers but we do not have the right to go on and see that these inspections are done properly. We do need this change so we can either accept or reject the inspection and do our own inspection to see that it is done properly.

Bill Potts, Safety Representative of the Missoula County Trades and Labor Council, appeared in support of SB 334. Most of the proposed amendments are to clean up and simplify the language. The large majority of Insurance Companies Inspectors are very competent and do their job in a thorough manner. However, there are a few that are not and tend to slide over important items in a boiler inspection. (See attached testimony.)

Ernest Post, representing Montana State AFL-CIO, appeared in support of SB 334. We think this bill is going to provide more safety for the workers who have to work around these boilers and at the same time it should lower the insurance rates for the workers. Every boiler should have a thorough inspection before it goes on the line. This bill will allow the state to go in and see if the boilers are safe.

Mr. Post also turned in testimony of Mr. Charles H. Frey, representing Hoernor Waldorf, who was unable to attend this meeting, in support of Senate Bill 334. (See attached testimony.)

David F. Johnson, Operating Engineers, Local 400, appeared in support of SB 334. This does not only deal with the safety of the workers, but also with the people who are forced to be around these boilers.

There being no further proponents to SB 334, Senator Lee

called for any opponents.

Martin Frelinger, Power and Recovery Superintendent at Hoernor Waldorf, appeared in opposition to this bill. SB 334 is unjustifiably restrictive and punitive in that it gives the Division the discretion to reject inspection reports of special boiler inspectors. Rejection of an inspection by a special boiler inspector would require that the boiler remain out of service until an inspector from the Division inspected the boiler. This bill is unnecessary as the special boiler inspectors are licensed by the Division and, therefore, represent the Division. (See attached testimony.)

General discussion was held by the committee. Mr. Briggeman stated that they had serious problems with some inspectors. If they are not satisfied with the inspection, they would have the right to go back and reinspect the boiler. The responsibility lies with the Division of Workers' Compensation.

CONSIDERATION OF SB 279: An act permitting employees of irrigation districts to be covered by unemployment compensation.

Senator Jean A. Turnage, Chief Sponsor of this bill, introduced SB 279 to the committee. This bill was introduced at the request of the Project Engineer of the Flathead Engineer Project. This bill will permit employees of irrigation districts to be covered by unemployment compensation. The Department of Labor would not cover these employees because of statutory ruling. The amendment on page 11 would include this unemployment coverage. I understand that there is a House Bill that has to do with the same thing. If that is the case, I see no reason for further pushing this bill.

Harold Kansier, representing the Employment Security Division, stated that both SB 263 and HB 245 deal with the coverage of certain agriculture, domestic and non-profit employees coverage by Unemployment Insurance. The provision in these two bills are federal requirements. These individuals are now covered by Special Unemployment Assistance which these benefits are covered under a federal act. It covers any employee who is not now under Unemployment Compensation. This coverage expires January 31. Certainly the Division never discourages broader coverage, but SB 263 covers everything in this bill also.

Tom Schneider, representing Montana Public Employees, Ass., appeared in support of this bill. We have run into a problem with the statues. Our employees were granted everything but Unemployment Compensation. If SB 263 will apply to us in our area we will also support that bill.

General discussion was then held by the committee. HB 245 deals strictly with federal requirements and SB 263 includes a change in the benefit year and further definitions. Senate Bill 263 covers everything in the HB 245. Further consideration of SB 279 was deferred until SB 263 is heard.

ADJOURN:

There being no further business, the meeting was adjourned at 10:20 a.m.

A handwritten signature in cursive script, appearing to read "Robert E. Lee", is written over a horizontal line.

Robert E. Lee, Chairman

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/9

NAME	PRESENT	ABSENT	EXCUSED
Senator Robert Lee, Chairman	✓		
Senator Bill Lowe, Vice Chairman			✓
Senator Chet Blaylock	✓		
Senator Pat Goodover			✓
Senator Matt Himsl	✓		
Senator Sandy Mehrens	✓		
Senator Harold Nelson	✓		
Senator Richard Smith	✓		

Each day attach to minutes.

BILL 279
334

VISITORS' REGISTER

DATE 2/9

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Mr. Chairman, Members of the Committee,

My name is Bill M. Potts. I reside at 1627 S. 5th St. W., Missoula. I represent local 885 United Paper Workers as their Safety Chairman and the Missoula County Trades and Labor Council as their Safety Representative.

I wish to testify in favor of Senate Bill 334. Most of the changes of the proposed amendment are to clean up and simplify the language. This will make the Act much easier to enforce. The major change is the one word in Section 3--69-1501. The word shall is changed to may. The large majority of the Insurance Company Inspectors are very competent and do their job in a very thorough manner. However, there are a few that do not, and tend to slide over important items in a boiler inspection.

I have witnessed where a phone call was given as sufficient to operate a boiler, which had major repairs made to the steam jacket of the boiler. No actual inspection, no check of the hydro pressure, yet called an inspection.

I know of a private school in Missoula where the fireman opened the boiler and called the insurance inspector asking for an internal inspection. He informed the inspector that the boiler would be available for the summer, an inspection was promised but always delayed. The inspector lived but 50 miles from Missoula. After repeated calls of no avail the fireman became concerned and called me and I referred him to the State Boiler Inspector to have the boiler in safe operation by the beginning of school in the fall.

I think the change in wording in the law will be of no concern to the inspectors who are doing their jobs and will force those who are lax in their duties to shape up and do their jobs.

SENATE BILL 334

Mr. Chairman and members of the committee;

My name is Charles H. Frey; I reside at 1843 35 street Missoula, Montana.

I am a first-class engineer; I am employed by Hoerner Waldorf.

I have been active in the past legislative sessions on bills of this nature. This bill will help the Division of Workers' Compensation. As the present law reads, the D. W.C. hasn't any options. They must receive and accept the reports from the special inspectors of boilers. Many times in the past, reports had to be accepted even though there were doubts.

I personally have had a ruptured tube in a boiler. After the repairs were made the boiler was put into service without an inspection by a commissioned and certified special boiler inspector. I have talked to several licensed operators who have experienced the above mentioned incident.

By changing the word shall to may, this would give the D.W.C. the latitude to be sure the laws governing inspectors are not violated. The inspection of repairs made are critical for the safety of the employees who work around the boilers, operation, owner, renter, or user.

This bill will not create a hardship!

I urge you to pass Senate Bill 334.

Thank you;

Sincerely,

Charles H. Frey

Charles H. Frey
First-class engineer

My name is Martin Frelinger. I am Power and Recovery Superintendent at the Hoerner Waldorf mill at Missoula, Montana, where as many as six boilers are in operation 24 hours per day, 7 days per week.

I am speaking against Senate Bill 334. This bill is unjustifiably restrictive and punitive in that it gives the Division the discretion to reject inspection reports of special boiler inspectors.

Rejection of an inspection by a special boiler inspector would require that the boiler remain out of service until an inspector from the Division inspected the boiler. This would be an extended period of time, putting an unfair financial burden on the manager-owner of the boiler and risking possible layoff of the people employed to operate our Missoula plant.

I believe this bill is unnecessary as the special boiler inspectors are licensed by the Division and therefore, represent the Division.