

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

February 16, 1977

The sixteenth 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.

ROLL CALL: All members present with Senator Nelson excused.

CONSIDERATION OF SB 371: An act to require operators of certain air compressors to be licensed by the Division of Workers' Compensation.

Senator Smith, Chief Sponsor of this bill, introduced SB 371 to the committee. This was a law until two years ago when there had to be licensed air compressor operators. They deleted this two years ago. I feel this should be seriously considered.

Russell Myers, representing International Union of Operating Engineers Local 927, appeared in support of this bill. The I.U.O.E. provided two amendments that they would like to be incorporated into the bill. The first amendment is to amend page 1, section 1, line 21. Following: "and". Strike: "100 pounds per square inch pressure (p.s.i.)". This amendment is of extreme importance. This bill if passed in its present form, could and would eliminate industry and contractors - the very ones who should be covered. The other amendment is to amend page 2, section 3, line 5. Following: "on". Strike: "December 31 of each year". Insert: "its anniversary date". (See attached testimony)

Bill Potts, representing United Paper Workers, appeared in support of SB 371. He also felt the proposed amendments should be incorporated into this bill. Montana had licensing of air compressor operators for many years, but the law was rather vague. A bill was submitted two years ago to clarify the law, but failed to pass the senate so there has been no compressor licensing the past two years. There has never been a completely fail-safe device made yet for compressors. They should be licensed. (See attached testimony)

Bill Potts also submitted testimony to the committee from Charles H. Frey, who was unable to attend the meeting. He also is in support of HB 371. (See attached testimony)

Merle D. Casey, representing I.U.O.E. #927, appeared in support of SB 371. I am presently working with an oxygen system. If we allow these lines to cease, it could cause a serious accident. Oxygen systems need special attention while running. An explosion of his type could cause serious problems.

There being no further proponents to SB 371, Senator Lee called for any opponents.

Terry Bass, representing Montana Contractors Association, appeared in opposition to SB 371. The compressor bill as proposed doesn't require any additional safety for the air compressors. There have been no accidents in the construction industry or any other industry that is on the records.

Lea. Cousineau, representing Anaconda Aluminum, appeared in opposition to SB 371. We have no records of any serious accidents. The one thing the bill would probably do is create jobs along the line. These are not productive jobs, however. This bill is not necessary.

Joe McCarthy, representing the Anaconda Company, appeared in opposition to SB 371. An air compressor is not a dangerous piece of equipment. It is different if the compressed air fails. We have no known records of accidents as far back as we can find.

Don Allen, representing Montana Retail Association appeared in opposition to SB 371. He submitted to the committee two letters from R.E. Vandel, Great Western Sugar Company; and Roger W. Briggs, Montana Petroleum Association, who also oppose SB 371 but were unable to attend the hearing.

George Kirk, representing Exxon Company, U.S.A., appeared in opposition to this bill. There are no valid reasons for this licensing requirement. There is no history of failure or injury due to operation by unlicensed persons. No special skill is required to operate an air compressor of any size. All air compressors are designed to operate safely unattended. Passage of this bill will have a significant impact on potential capital investment in the state which means less construction and less jobs. (See attached testimony)

Lloyd L. Pullman, Continental Oil Company Refinery, appeared in opposition to SB 371. Nothing will be accomplished by this bill except the creation of a bureaucracy that will take from the taxpayers pocket. The operation of an air compressor is no more complicated than operation of an automobile engine. There is insufficient need to improve the safety and inefficiency of air compressor operators, especially in large installations. Continental Oil views SB 371 as a form of apprentice programs, which should be negotiated at bargaining tables, not through legislation. (See attached testimony)

Herman K. Effenberger, Hoernor Waldorf Corp., appeared in opposition to SB 371. Air compressors are not complex machines to operate. Licensing will place a burden on the operator.

Art Barz, representing Northland Steel Co. in Billings, appeared in opposition to SB 371. Passage of this bill would result in additional taxes to properly administer the testing and licensing and to adequately police the requirements of the act. Compressors

are designed and built to run unattended. A licensed operator would add nothing to their safe operation. (See attached testimony).

Bob Heilding, representing Montana Woods Products Association, appeared in opposition to SB 371. I recommend the bill be killed in committee.

Senator Smith in closing stated he would like to submit the two amendments that the International Union of Operating Engineers submitted. You heard from both sides that people who have been around air compressors already have safety devices. But there are still problems. These operators should be licensed and this will result in the safety operation of the compressors.

General discussion was then held by the committee. Senator Smith moved that the committee adopt the amendments to amend page 1, section 1, line 21. Following: "and" Strike: "100 pounds per square inch pressure (p.s.i.). And the second amendment to amend page 2, section 3, line 5. Following: "on" Strike: "December 31 of each year" Insert: "anniversary date." The motion carried with Senator Goodover voting "nay".

Senator Smith then made a motion that SB 371 DO PASS. The motion failed with Senators Lee, Mehrens, and Smith voting "aye", Senators Lowe, Goodover, Hims1 and Nelson voting "nay" and Senator Blaylock abstaining. SB 371 was killed in committee.

CONSIDERATION OF HB 241: An act to provide for the correct period for appealing the Board of Labor Appeals decision.

Representative E.N. Dassinger, Chief Sponsor of the bill, introduced HB 241 to the committee. The only thing HB 241 does is change the days of appeal to the courts and the court reviews from 10 to 30 days after the date of notification or mailing of the decision. The reason for the change is to permit the allowable days to correspond to the Administration Procedures Act.

George Hammond, representing Montana Council 9, AFSCME, AFL-CIO, appeared in support of HB 241. We believe that the change from 10 to 30 days for court review is necessary for the aggrieved party to prepared most cases reviewed by the court.

There being no questions on HB 241, Senator Blaylock moved HB 241 BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF SB 430: An act for the general clarification and revision of the Occupational Disease Act of Montana.

This bill is the last bill out of the packet of Workers' Compensation bills. This bill was agreed on then by the committee

and there were no problems with it. Norman Grosfield, Division of Workers' Compensation stated that he, John Bobinski and Steve Williams of Anaconda Company reviewed the final copy of the bill. There were a few minor changes in the bill mostly dealing with grammatical changes.

Norman Grosfield added that George Wood, Montana Self Insurers, gave him permission to state that he supports SB 430.

Ernie Post, representing Montana State AFL-CIO stated they fully support SB 430.

Senator Goodover moved SB 430 DO PASS. The motion carried unanimously.

CONSIDERATION OF SB 234: An act to permit the Employment Security Division to appeal decisions of the board of Labor Appeals; and to provide time for the appeals.

Moody Brickett, representing Employment Security Division, introduced this bill to the committee by request of the Department of Labor. The Employment Security Division, Department of Labor and Industry, feels that under the present state they have no right to appeal a decision of the Board of Labor Appeals to justify its decision before the State District Courts. The Employment Security Division feels the Board of Labor Appeals should occupy a statement of whether or not the individual agencies of other states were bound by decisions of its final administrative Appeals Board. (See attached testimony)

George Hammond, representing Montana Council #9, AFSCME, AFL-CIO, appeared in support of SB 234. It is more practical to allow a aggrieved party up to 30 days to prepare their review in court and can support the position of the Division whereby their attorney will represent the Division rather than the Board of Labor Appeals.

General discussion was held by the committee. What this permits is that the Division can challenge the decision of the Board of Labor Appeals. John Bobinski stated there was an error in the working and this bill should be amended as follows. Amend page 2, section 1, line 16. Strike: "10". Insert: "30". Senator Smith moved SB 234 DO PASS AS AMENDED. The motion carried unanimously.

CONSIDERATION OF SB 334: Senator Blaylock moved that SB 334 DO PASS. The motion carried unanimously with Senator Goodover abstaining.

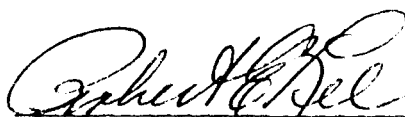
CONSIDERATION OF SB 80: Senator Smith gave a report on the amendments that the subcommittee adopted and moved that the committee adopt amendments 1 through 21. The motion carried unanimously. No decision was made on SB 80 at this time.

LABOR & EMPLOYMENT RELATIONS
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ADJOURN:

There being no further business, the meeting was adjourned
at 11:30 a.m.

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

Robert E. Lee, Chairman

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/16

[illegible]

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date 2/16 SENATE Bill No. 371 Time 10:55

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Bill Lowe, Vice Chairman		✓
Senator Chet Blaylock <i>abstained</i>		
Senator Pat Goodover		✓
Senator Matt Himsl		✓
Senator Sandy Mehrens	✓	
Senator Harold Nelson		✓
Senator Richard Smith	✓	

Laurie Jo Antonietti
Secretary

Senator Robert Lee
Chairman

Motion: SB 371 DO PASS
Senator Smith moved that SB 371
DO PASS. The motion failed. SB 371
was killed in committee.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date 2/16 Senate Bill No. 334 Time 11:01

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Bill Lowe, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Pat Goodover <i>Abstained</i>		
Senator Matt Himsl	✓	
Senator Sandy Mehrens	✓	
Senator Harold Nelson	✓	
Senator Richard Smith	✓	

Laurie Jo Antonietti
Secretary

Senator Robert Lee
Chairman

Motion: Senator Blaylock moved that
SB 334 DO PASS. The motion
carried with Senator Goodover abstaining.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date 2/16 Senate Bill No. 234 Time 10:30

NAME	YES	NO
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	✓	

Laurie Jo Antonietti
Secretary

Senator Robert Lee
Chairman

Motion: Senator Smith moved SB 234
DO PASS AS AMENDED

(include enough information on motion--put with yellow copy of committee report.)

SENATE

LABOR

COMMITTEE

BILL SB 234, 371, 430
HB 241

VISITORS' REGISTER

DATE 2/16

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
Russell L Myers	I.U.O.E # 927	371	✓	
Marle D. Casey	I.A.O.E # 927	371	✓	
L. Connerman	Anaconda Aluminum	371		✓
Debbie Dennis	Student			
Singer Malin	Student			
Joe McCarthy	Anaconda Co.	371		✓
Doug Anderson	Student			
L. L. Hammond	AFSCME AFL-CIO	241 234	✓	
Greedy Huss	Montana Contractors Assoc	371		✓
Teery Bass	MONTANA CONTRACTORS ASSOC.	371		✓
Art Banz	Northland Steel Co	371		✓
loyd L. Paulsen	Continental Oil Company	371		✓
Elton Johnson	Continental Oil Co	371		✓
Don J. Allen	Montana Petroleum Assoc.	371		✓
Kathy Rate	student			
Cheryl Water	student			
Marlene D. Long	student			
Teena Reynolds	student			
Kathy Halverson	student			
Bob Scott	student			
Val Patz	Student			
Katie L. Opler	Student			
Maureen A. Eford	Student			
Curt Barnickoff	Student			

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

COMMITTEE

DATE _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

DATE 2/16

COMMITTEE ON LABOR

BILL NO.

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Bob Wilson	Billings Chamber of Commerce		
Bob Helwig	Martina Wood Products Assn.	234	371
Jim Murphy	Division of Workers Camp	430	
Norman Grosfield	Division of Workers Camp	430	
Joe Duggan	Division of Workers Camp	430	
Ernest Post	Mont. State AFL-CIO	371	
Joe Mc Gathy	Anacosta Co		371
Ray Barr	Mont. Cond. Assoc.		371
Robert Vajtas	Operating Engineers Local #400	371	
Stephen Williams	Anacosta Co.	430	

International Union of Operating Engineers

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS



202 Powell

WRITER'S ADDRESS

LOCAL UNION NO. 927 CITY Anaconda, STATE Mont. 59711

February 8, 1977

Senate Bill # 371

To: Chairman and Members of the Select Committee and all interested parties

Gentlemen:

Our International Union of Operating Engineers Local #927 Anaconda, Mont., wishes to go on record supporting Senate Bill No. 371 provided a few amendments would be incorporated. Attached to this testimony we are submitting amendments for your consideration.

The first amendment is of extreme importance. This Bill, if passed in its' present form, could and would eliminate Industry and Contractors - the very ones who should be covered.

Factual: A.C.M. Reduction Works Anaconda, Montana utilizes both a 90 and a 16 pound air compressor system. The 90 lb. air compressor has an output of 30,000 C.F.M. (cubic feet per minute), while the 16 lb. air compressor has an output of 50,000 C.F.M. (cubic feet per minute). This, in our judgement, should require a Air Compressor License.

All users of air compressors, portable or stationary, with a capacity of three hundred C.F.M. (cubic feet per minute) should be required to have a qualified licensed Air Compressor Operator. The pounds of pressure per square inch factor should be eliminated. The implementation and enforcing of this bill would be virtually impossible as it stands.

For the reasons our Union stated above we call on you, Mr. Chairman, to appoint a sub-committee with the express purpose of all parties concerned coming together with amendments and recommendations suitable and liveable for all.

The End

Respectively Submitted,

Russell L. Myers

Business Agent

I.U.O.E. Local # 927

RLM:cse

International Union of Operating Engineers

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

202 Powell

WRITER'S ADDRESS

LOCAL UNION NO. 927 CITY Anaconda, STATE Mont. 59711

February 8, 19 77

Proposed Amendments to Senate Bill No. 371

Amend Page 1, Section 1, Line 12.

Following "And"

Strike: "100 pounds per square inch pressure (P.S.I.)"

Amend Page 2, Section 3, Line 5

Following "License"

Strike: "Expires on December 31 of each year."

Insert: "Expires on Anniversary Date."

Mr. Chairman and Members of the Committee,

My name is Bill M. Potts. I reside at 1627 S. 5th St. W. in Missoula.

I wish to testify in favor of Senate Bill 371, as altered or amended.

Montana had licensing of air compressors operators for many years but the law was rather vague. The safety inspectors had to sort of administer the intent of the law rather than as written. I was a member of a sub-committee appointed to try and clarify the guide lines of the law. We submitted a bill two years ago to try and clarify the law. By mistake it was introduced as a repealer if it did not pass. It failed to pass the senate so we have had no compressor licensing the past two years. This bill has had the limits on pressure and cubic feet raised to try and make the law more acceptable to some of the employers who had a problem with the limits in the bill two years ago.

Contrary to claims made by manufacturers, the principal and mechanics of the unloading devices on piston type compressors have not been changed in forty years. The manufacturers of rotary type compressors claim they have a fail-safe unloading device. There had never been a completely fail-safe device made yet for compressors.

I have been involved in two failures of unloading devices. One was on a piston type, compound compressor with a high pressure cylinder and a low pressure cylinder. The other was with a rotary type compressor. Both incidents were caused by un trained operators being ordered to start compressors. The piston compressor was started by a helper who had no training in compressor operation. He started the machine but failed to turn cooling

water into the after-cooler. The mistake wasn't discovered until the after-cooler caught fire. An accident was averted by an alert operator who went through smoke and flame to shut down the compressor and vent the after-cooler.

The incident involving a rotary compressor was a complete failure of the unloading mechanism. A six hundred cubic feet per minute rotary compressor was being used to operate six air tools, all on hoses of considerable length. The tools needed high pressure to operate, so the pressure was raised to 130 P.S.I. The safety valve was supposed to release a 140 P.S.I. The weather being cold, there was a problem with condensation of moisture in the hoses and tools. The compressor was to be shut down for a lunch break. Instructions for proper shut-down procedure were posted at the control panel. The supervisor came up and said the compressor was running so cold we were getting water in the hoses. He reached over and shut the diesel engine off, ignoring the instruction plate. After lunch the supervisor ordered a member of the crew, with no knowledge of compressor operation, to start the compressor. Apparently there was a temporary freeze up or plugging of the unloader mechanism. The diesel was started, with the loading valve open. The pressure went nearly instantaneous to 180 P.S.I. The safety lifted, blew dust and rocks on the whole crew who ran. I went in and shut down the compressor and then started it properly with no problem.

SENATE BILL 371

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 participated in previous legislative sessions concerning licensing over a certain size of air compressors. At the last legislative session the air compressor bill was defeated. It also repealed any licensing that was in effect. For 2 years there hasn't been a licensing program by the Division of Workers' Compensation.

I have discussed the licensing of air compressors over a certain size with D.W.C. and employees of various companies and corporations. I have come to the conclusion from the discussions mentioned above that for the safety of the operation we must have qualified people operating air compressors. Through licensing this would be accomplished. I know for a fact that having a licensing program would not create more jobs where I am employed. At Hoerner-Waldorf we have air compressors that are operated by employees with boiler licenses who under this bill would be able to go on operating these air compressors. This bill gives the boiler-licensed operator the right to operate air compressors. Hoerner-Waldorf uses a portable air compressor that would be covered. In the department that the portable is operated in, they have an employee with a second-class boiler license.

Air compressors can become dangerous through neglect and unqualified operators.

I urge you to give a do pass recommendation. Thank you.

Sincerely,

Charles H. Frey

Charles H. Frey
First-class Engineer

February 15, 1977

The Honorable Robert E. Lee
Chairman
Senate Labor & Employment Relations Committee
State Capitol Building, Room 402
Helena, Montana 59601

Dear Senator:

Senate Bill #371 is an act requiring operators of certain air compressors to be licensed by the Division of Worker's Compensation.

I would like to present a few points for you to consider in your judgment of the validity of this bill.

There are no valid reasons for this licensing requirement:

1. No history of failure or injury due to operation by unlicensed persons.
2. No special skill is required to operate an air compressor of any size. All air compressors are designed to operate safely unattended!
3. Anyone that can flip a switch or push a button can start and operate an air compressor. They are equipped with safety relief valves and the more modern ones with high temperature and pressure shutdown devices.
4. Larger air compressors do not require anymore skilled attention than the smaller type compressor operated by many ranchers, painters, garages, and service stations throughout the world.
5. If we logically think about how this law would be enforced - virtually impossible! Air compressors are used by multitudes of diverse types of operations - ranches, painters, garages, logging, mining, construction firms - large and small, oil and gas drillers to name a few.
6. Ask "What is a licensed air compressor operator going to do that the safety devices don't do now"?

Hon. Robert E. Lee
Chairman
Senate Labor & Empl/Rel. Committee
Page 2
February 15, 1977

This is a "make-work" bill and will only add to operating costs for maintenance and construction. Increasing the costs of some construction projects would make them economically unattractive. Unattractive projects are not built, resulting in a loss to both labor and business.

Exxon's Billings Refinery alone would have to license many mechanics and Process Operators at a large expense to comply with this law with no increase in safety conditions.

Passage of this type of legislation can only result in a negative business - political climate and will have a significant impact on potential capital investment in the state of Montana. This means less construction, therefore, less jobs. The Senate Labor and Employment Relations Committee should reject this bill.

Sincerely,



G. E. Kirk
Project Manager

GEK/bss

My name is Lloyd Pullum, Manager of Maintenance for the Refining Department of Continental Oil Company, ^{which includes the Billings Montana Refinery.} I was formerly the Mechanical Superintendent at the Continental Oil Company's Refinery at Billings, Montana for approximately five years. I was responsible for the maintenance of all equipment and real property at that installation as well as all new construction. I am here today representing that installation in opposition to Senate Bill No. 371.

Reading the bill raises two questions:

1. Why is it needed?

2. What will be accomplished?

The Bill hints that ^{the answer to the first question is} there is a need to improve the safety and efficiency of ^{air} compressor operation. We ^{feel that the} answer to the second question is that nothing will be accomplished except the creation of a bureaucracy that will further drain the Montana taxpayer's pocket.

Operation of an air compressor, in our opinion, is no more dangerous ^{or complicated} than operation of an automobile engine. The receiver that the compressor discharges into is as safe as the safety devices installed on it, regardless of the qualifications of the operator. OSHA rules and regulations require that adequate safety devices ^{be} ~~are~~ installed on this type equipment as well as requiring employers to train employees to operate the equipment safely. Efficient operation

is primarily a matter of design. Operator attention accounts for a small percentage of the obtainable efficiency.

Continental Oil Company views Senate Bill Number 2711 as an implement to cause owners to man now fully automated and safely operated unmanned equipment. Further, we see it as an attempt to build job security and enhancement of the union's negotiating position especially during the time of a strike, with little or no resultant increase in safety for the workers.

Continental Oil Company recommends that this bill not be passed for the following reasons:

1. There is insufficient need to improve the safety and efficiency of air compressor operation, especially in large installations such as our refinery in Billings.

~~Continental Oil Company is a member of the American Petroleum Institute (API) and the American Society of Mechanical Engineers (ASME). The American Petroleum Institute (API) is a non-profit organization that represents the interests of the petroleum industry. The American Society of Mechanical Engineers (ASME) is a non-profit organization that represents the interests of the mechanical engineering profession.~~

2. Improvements in equipment maintenance and adherence to existing safety rules and regulations by owners is more effective than operator licensing.

3. This bill will ^{create another government bureaucracy} and be an additional drain on the Montana taxpayer resulting in questionable benefits.

4. Licensing of equipment operators serves no useful purpose. It parallels existing OSHA rules and the responsibility of

6. Safety is a matter of commitment by all parties concerned. OSHA rules and regulations now require owners to obtain that commitment or subject themselves to heavy fines.

One might say that air compressor operator licensing is comparable to automobile operator licensing. There is one major difference. Automobile drivers, without licensing, would be unsupervised, which is not the case with compressor operators. They are supervised by the owners, who stand to lose a great deal of money if the equipment is not operated safely.

I wish to inject a word about safety at this point. Continental Oil Company's refinery at Billings, Montana completed in December of 1976 five years of operation, maintenance and construction and nearly 2 million manhours (not counting contractors) without a lost-time accident. I am happy to say that I was involved in part of the program responsible for this fine record. I am in a position to tell you that the record resulted from commitment by every person involved from the manager down to the cause of safety. No piece of paper in an operator's pocket will bring such commitment. OSHA requires this commitment from employers and places the responsibility on their shoulders. That law has the proper approach and is adequate.

Continental Oil views Senate Bill No.
371 as a form of apprentice program,
building job security for an operator as
he progresses, which should be negotiated at
the bargaining table, not through legislation.

Thank you for your attention.

Lloyd L. Pullum

Lloyd L. Pullum

Representing:

Continental Oil Company

Refinery

Billings, Montana.

February 16, 1977

Gentlemen;

I would like to submit this testimony in opposition to Senate Bill # 371.

My name is Art Baiz. I'm a registered professional engineer in the state of Montana and am employed as production manager for Northland Steel Company in Billings.

Passage of this bill would result in additional taxes to properly administer the testing and licensing and to adequately police the requirements of the act.

These taxes would be in addition to the tremendous tax burden now being carried by the citizens of Montana.

The costs for these additional employees as compressor operators will ultimately be paid for by the general public in higher prices for goods and services.

This would place Montana businesses who market goods and services outside our state in an unfavorable sales position due to higher costs which could reduce sales and as a result cause loss of jobs and increase our already high state unemployment.

Compressors are designed and built to run unattended. Safety devices are standard equipment and a licensed operator would add nothing to their safe operation.

Licensing of compressor operators and policing of the art would result in increased costs to the taxpayer and the buying public and more bureaucracy without contributing anything to worker safety.

Thank you

Carl Bartz, Production manager
Northland Steel Company Billings, Montana

THE GREAT WESTERN SUGAR COMPANY

Billings, Montana

February 15, 1977

State of Montana Senate
Labor & Employment Relations Committee
Senator Robert E. Lee, Chairman

Subject: Senate Bill #371

Gentlemen:

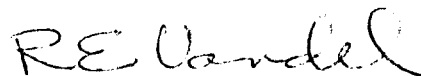
Great Western Sugar Company has a processing plant in Billings that has been in operation since 1906. There are presently 6 air compressors in our plant that exceed the 300 cfm capacity limitation specified in the proposed bill.

We feel that this bill is not necessary and should not be passed for the following reasons:

1. An air compressor itself is no more dangerous than any other engine. The receiver tank is the part that could possibly constitute a hazard. In our case the six compressors all deliver air into the same common receiver tank and this receiver is located outside of the plant, with the proper safety relief valves in place. What possible good could be gained by 6 operators standing at their compressors watching it run, when the compressors all discharge to a common receiver tank in a remote location?
2. Paragraph 2 excludes operators, who hold valid engineers licenses issued pursuant 69-1501 through 69-1517, from obtaining an air compressor license. These regulations cover boiler operators. A qualified boiler operator could very likely know nothing about air compressors, thus operating a boiler does not train a person about air compressors.
3. The important point is that an air compressor with a receiver tank is always installed with safety devices and are installed to run without an operator. All this law would do would create more unnecessary jobs and would increase government intervention into private business operation.

For the above reasons we respectfully urge the Labor & Employment Relations Committee to reject Senate Bill 371.

Very truly yours,



R. E. Vandell
Resident Engineer

Roger W. Briggs
Route 2 - Box 1012
Laurel, Montana 59044
February 15, 1977

Montana State Senate
Senate Labor & Employment Relations Committee
Montana State Capitol
Helena, Montana 59601

ATTENTION: Senator Robert E. Lee, Chairman

SUBJECT: OPPOSITION TO SENATE BILL NO. 371

Honorable Senator:

This opposition to Senate Bill No. 371 is being sent to you through the Montana Petroleum Association due to my inability to be in Helena to testify at the scheduled hearing.

It is this writer's opinion and contention that Senate Bill #371 is 100% unrelated to safety, and is, conversely, 100% related to legislating licensing as an avenue toward non-productive employment, organizational extension, and bureaucratic growth.

I oppose this legislation both as a citizen taxpayer and as a consumer.

In the event that this bill becomes law the State Government will be saddled with one more law that is impossible to uniformly apply and enforce. This law will become a tool of perversion, useful only to those who seek to achieve through law that which they are unable to achieve for themselves or their organizations through collective bargaining.

Senate Bill #371 should be returned to the collective bargaining table where it appropriately belongs.

Respectfully,

Roger W. Briggs

2-16-76

MONTANA STATE SENATE - ROOM 402

45th LEGISLATURE

SENATE LABOR & EMPLOYEE RELATIONS COMMITTEE

SUBJECT: OPPOSITION TO SENATE BILL 371

AN ACT TO REQUIRE LICENSING OF OPERATORS
FOR CERTAIN AIR COMPRESSORS.

GENTLEMEN:

MY NAME IS HERMAN EFFENBERGER.

I AM A REGISTERED PROFESSIONAL ENGINEER IN THE
STATE OF MONTANA. I AM CHIEF ENGINEER FOR THE
HOERNER WALDORF CORPORATION, MISSOULA, MONTANA.
MY PROFESSIONAL CAREER SPANS A PERIOD OF
ABOUT 30 YEARS IN MAINTENANCE, ENGINEERING,
AND MANAGEMENT.

I OPPOSE SENATE BILL 371 FOR THE FOLLOWING
REASONS:

a.) AIR COMPRESSORS ARE NOT COMPLEX
MACHINES TO OPERATE.

b.) AIR COMPRESSORS ARE MANUFACTURED IN
COMPLIANCE WITH STRICT STANDARDS AND
EQUIPPED WITH ENGINEERED SAFETY FEATURES

AND INTERLOCKS TO ASSURE SAFE UNATTENDED OPERATION.

c.) AIR COMPRESSORS ARE ADEQUATELY COVERED BY OSHA STANDARDS.

d.) AIR COMPRESSOR ACCIDENTS ARE EXTREMELY RARE. (IN MY 30 YEARS OF WORK EXPERIENCE I HAVE NEVER BEEN EXPOSED TO SUCH AN ACCIDENT.)

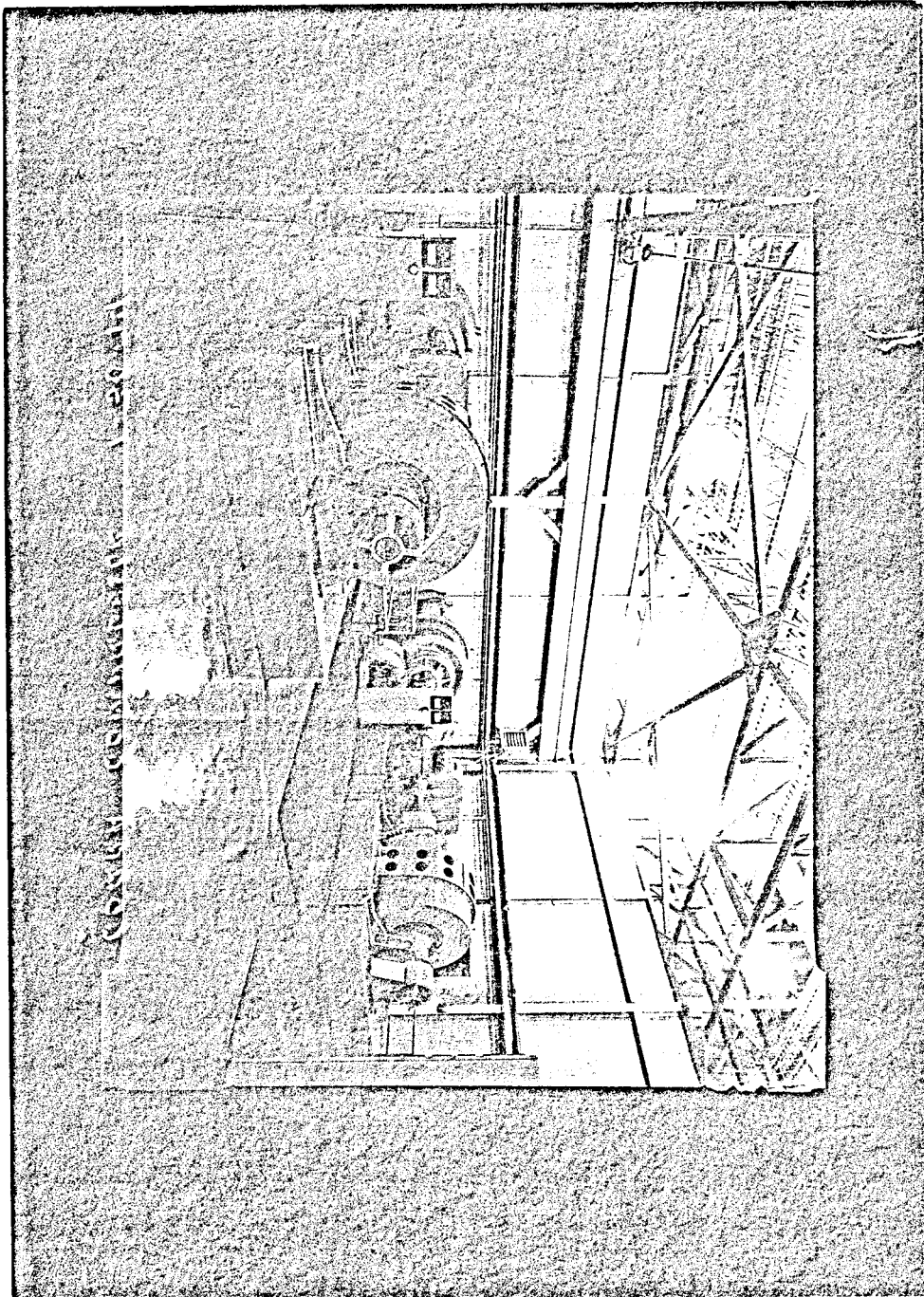
e.) THE OPERATION OF AIR COMPRESSORS IS ALREADY COVERED BY MONTANA LAW.

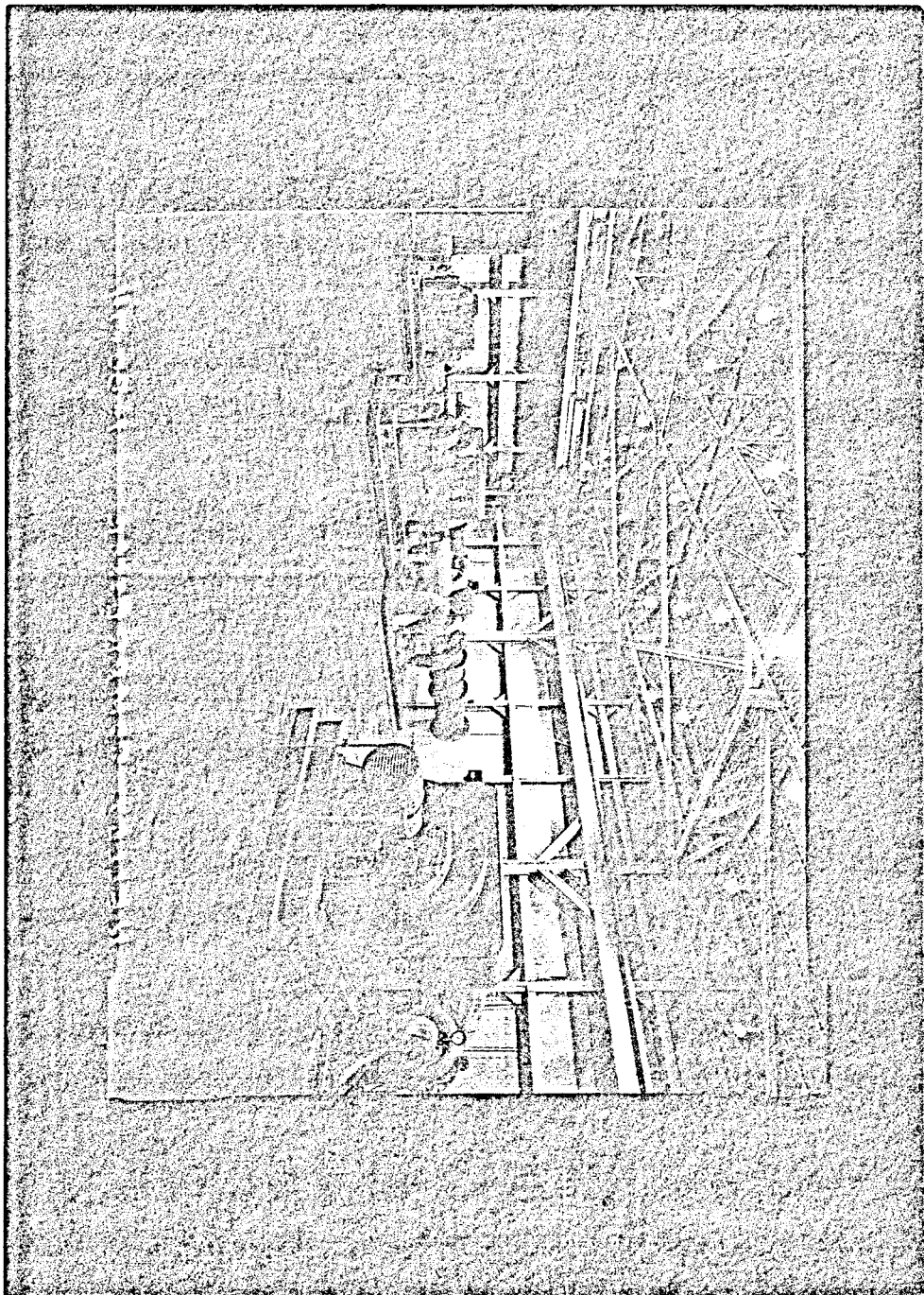
f.) LICENSING OF AIR COMPRESSOR OPERATORS WILL NOT CONTRIBUTE TO A SAFER OPERATION. IT WILL ONLY PARALLEL ALREADY EXISTING RESPONSIBILITIES FOR A SAFER OPERATION BY MANAGEMENT / OWNERS.

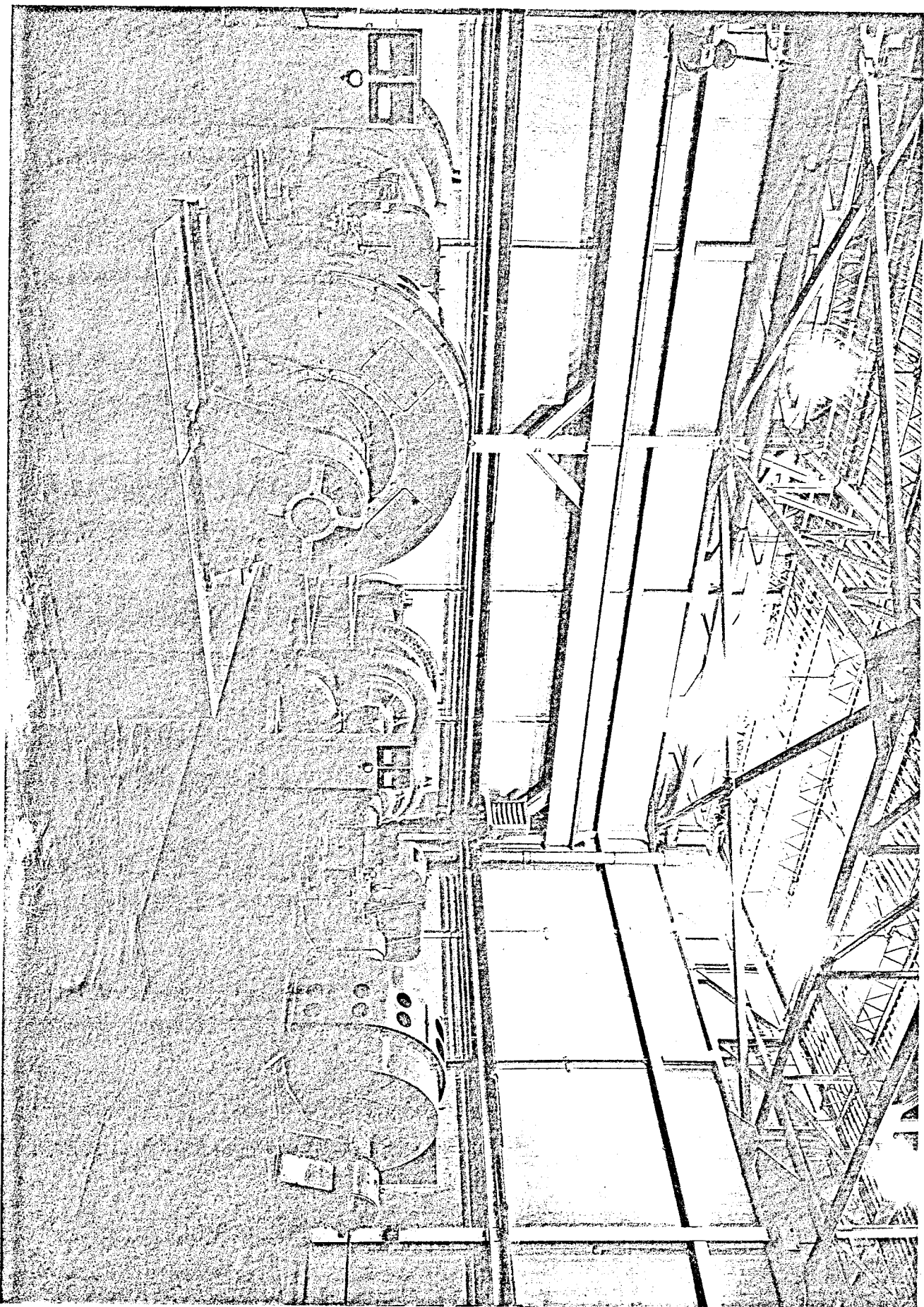
g.) LICENSING WILL IMPOSE A BURDEN ON STATE REGULATORY AGENCIES WITH INHERENT COST INCREASES FOR NO OBVIOUS BENEFIT TO OWNER-OPERATORS NOR TO THE CITIZEN IN GENERAL.

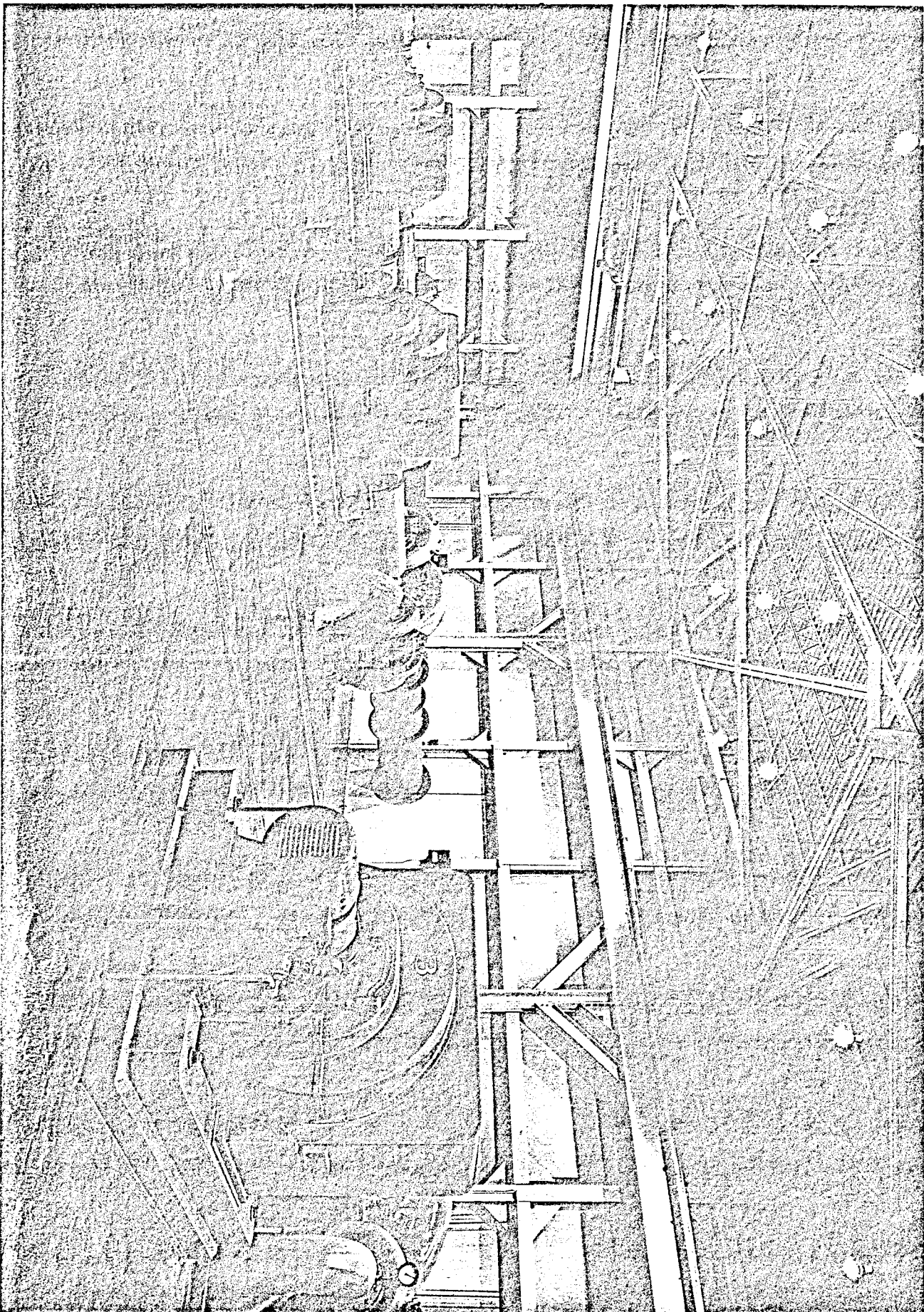
I RESPECTFULLY SUBMIT THESE POINTS FOR YOUR CONSIDERATION AND URGE YOU TO DROP THE PROPOSED BILL.

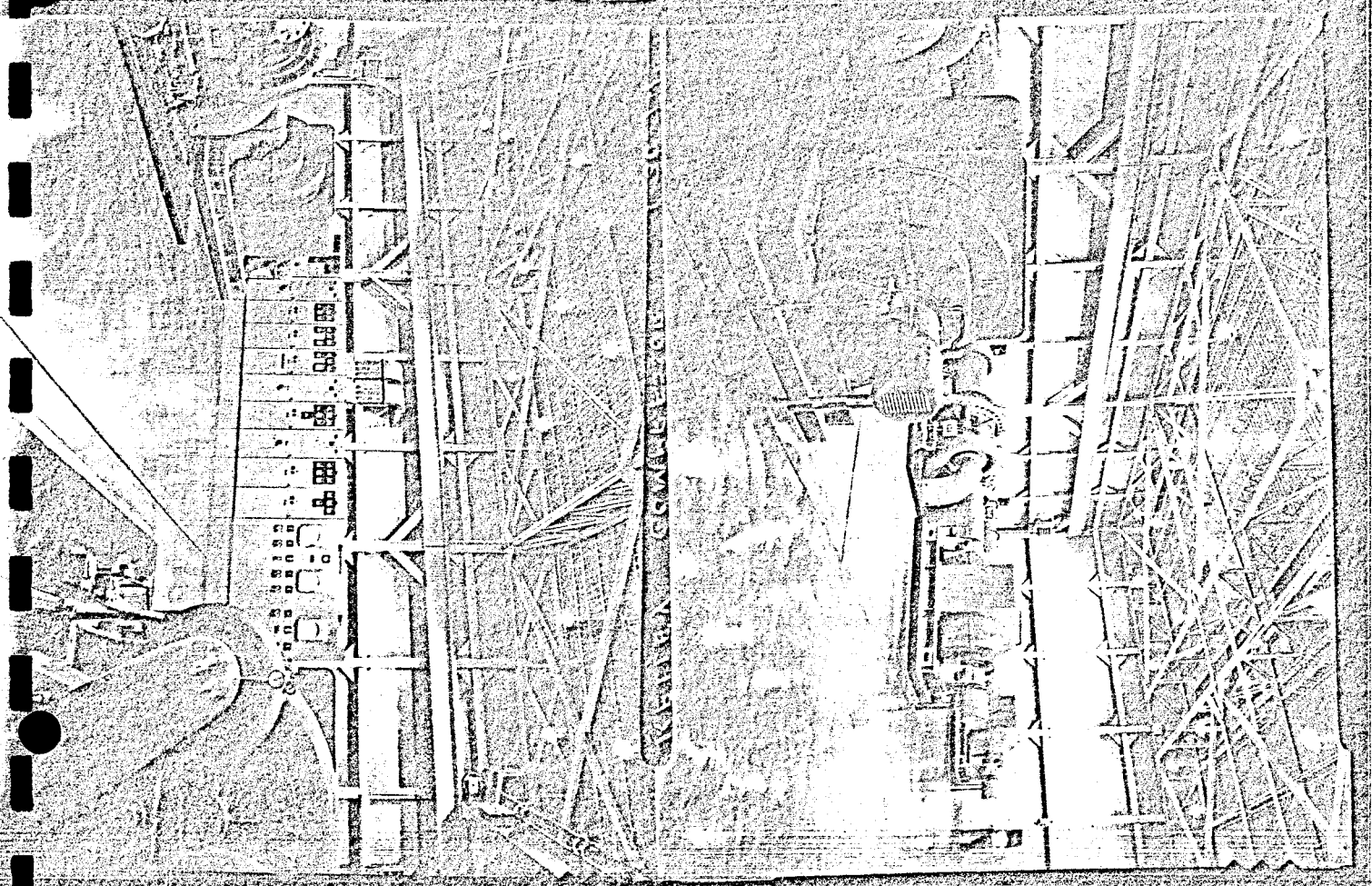
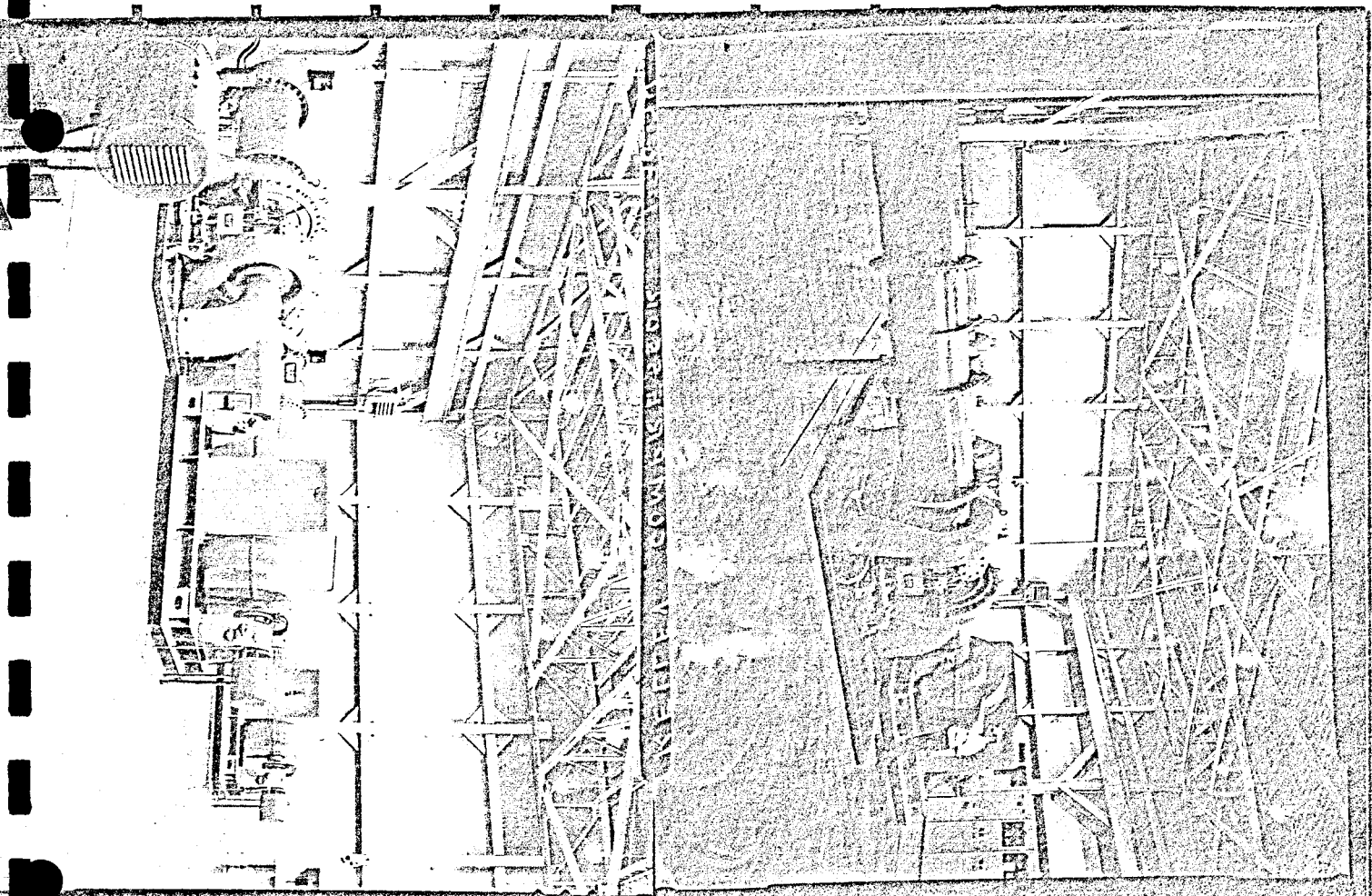
Harmon E. Brown.

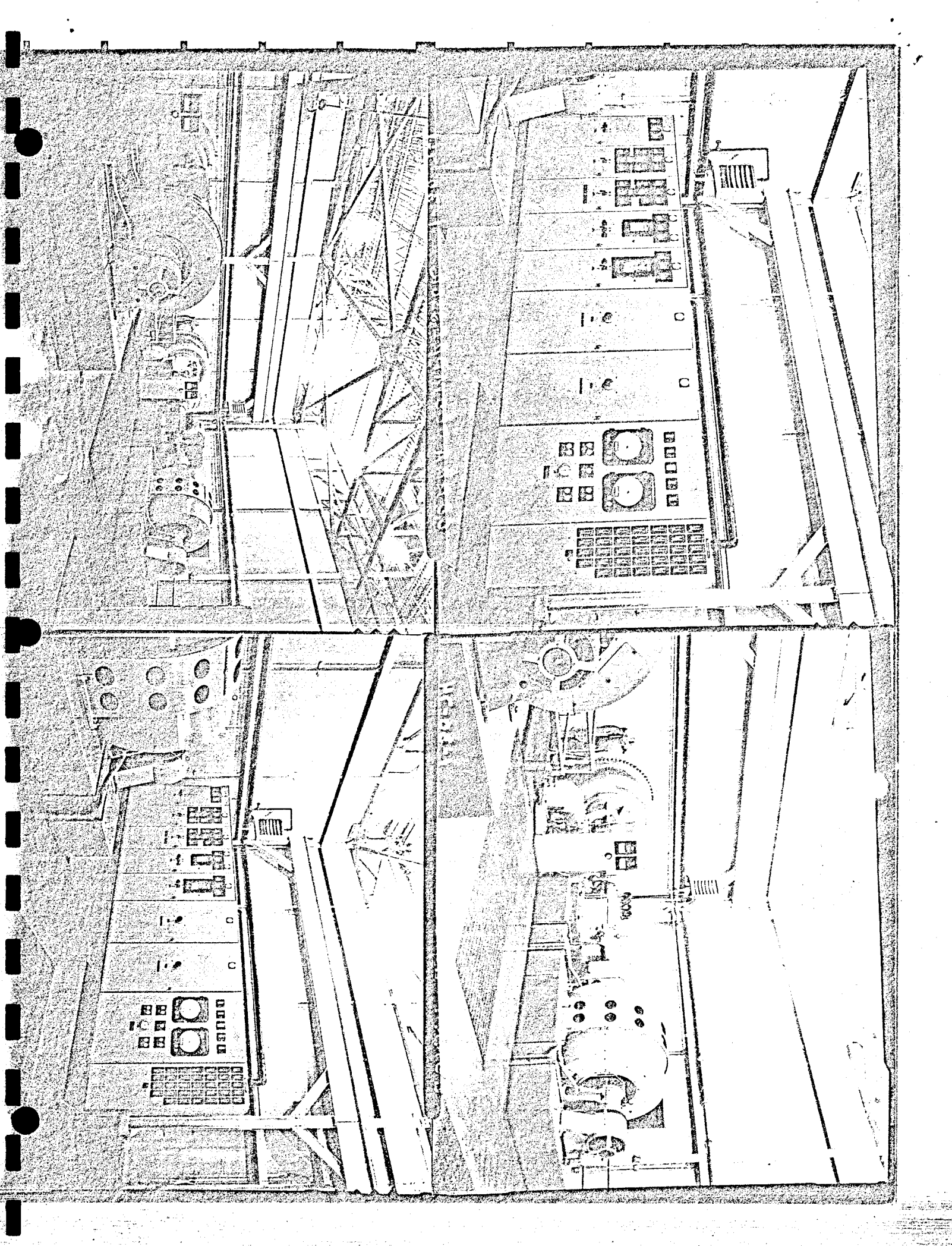












STATEMENT BY MOODY BRICKETT - EMPLOYMENT SECURITY DIVISION

In February of 1976, the Administrator of the Employment Security Division, Department of Labor and Industry, State of Montana, sent an inquiry to all of the states concerning procedures of appeal; specifically as to whether or not the individual agencies were bound by decisions of its final administrative appeals board.

Forty-two replies were received by the Montana agency. The replies fell into three categories; namely, as follows:

(1) Those agencies who were governed and bound by a commission much the same as the predecessor to the Employment Security Division, that is the Employment Security Commission. As you will recall, the commission was composed of a chairman and two members of the public, one representing management and the other member representing labor. This was prior to the executive Reorganization Act of 1971. Under the former law there was no conflict, the attorney for the agency, in court appearances represented the commission and defendant's decision in the event of an appeal by the claimant or an employer.

The following states have a system similar to Montana prior to the Reorganization Act: Arizona, Iowa, Maine, Minnesota, North Carolina, North Dakota, South Dakota (North Dakota and South Dakota's final administrative determinations are made by an executive director), South Carolina, Texas, Virginia, Wisconsin and Wyoming.

(2) All of the other states have either independent boards of review or boards of appeal similar to Montana's Board of Labor Appeals. In other words, the boards of appeal are independent from the agency itself. The following state agencies are bound by the decision of the independent boards: Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Kansas, Maryland, New Jersey, New York, Ohio, Tennessee, Vermont, and West Virginia.

(3) Those state agencies which are not bound by the decisions of an independent board and are free to appeal a board's decision to a Court of record are: Michigan, Massachusetts, Pennsylvania, Florida, Louisiana, Alabama, Mississippi, Missouri and Oklahoma.

The situation in Montana is such that the division in approximately 98 percent of the cases determined by the Board of Labor Appeals agrees with the Board of Labor Appeals decision; however, the situation some times arises wherein a deputy claims examiner will make a decision and from that decision an appeal is taken to a referee who sustains the decision of the claims examiner and from there an appeal is taken to the Board of Labor Appeals which will reverse the finding of the claims examiner and the referee. The Employment Security Division, Department of Labor and Industry, feels that under the present state and language of Section 87-108, that it has no right to appeal a decision of the Board of Labor Appeals to the State District Court. The language in the statute is such that the Board of Labor Appeals is required to justify its decision before the State District Courts. The Employment Security Division is of the opinion that the Board of Labor Appeals should occupy a position similar to that of a District Court, and as a quasi-judicial body, should not have to answer or defend its position in a court of record.