

FEBRUARY 6, 1979  
PROCEEDINGS OF THE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

The meeting was called to order by Chairman Williams at 12:30 p.m. The secretary took roll. All members were present.

The purpose of the meeting was to take executive action on the following bills:

HOUSE BILLS 53 and 190: Rep. Harper began discussion on the bills and submitted amendments (exhibit 1) that would move HB 53 into HB 190. Rep. Harper made a motion that the amendments DO PASS. Motion carried. Rep. Teague voted no. Rep. Dozier moved that HB 190 DO PASS AS AMENDED. Rep. Teague offered amendments to HB 190 (exhibit 2) and made a substitute motion that the amendments DO PASS. Discussion was held among the committee members. Question was called. Rep. Teague's substitute motion failed 16-1. Rep. Teague voted yes. The committee voted on Rep. Dozier's motion that HB 190 DO PASS AS AMENDED. Motion carried 13-4. Reps. Teague, Seifert, Ellerd, and Stobie voted no.

HOUSE BILL 129: Rep. Pavlovich, sponsor, said he had HB 129 brought back to the committee because he thought they did not realize the importance of the bill. Rep. Stobie made a motion to reconsider HB 129. Motion carried unanimously.

Rep. Pavlovich asked Fred Barrett, Dept. of Labor and Industry to explain the significance of the bill to the committee. Mr. Barrett said that an attorney won a case against them in court 2 years ago, when they tried to collect a claim that had been paid in error. He said they then discovered a flaw in the law. He said the department can collect for fraudulent claims and he was referring to department errors or payments that should never have been made at all. He said Montana is the only state that does not have a law that will allow the department to collect in such cases. He said they have received notice from their regional office that it is a requirement of the federal government that they be able to collect claims that have been paid in error. He said they need this bill to correct the law and make legal what they are already doing.

Rep O'Connell moved that HB 129 DO PASS. Motion carried unanimously.

HOUSE BILL 54: The subcommittee reported back to the committee on HB 54. Rep. Teague submitted amendments to the committee (exhibit 3). After lengthy discussion, Rep. Ellerd moved that HB 54 be held for further study and be considered with HB 177. Motion carried. Reps. Seifert and Stobie voted no.

Chairman Williams appointed Reps. Menahan, Harper, and Underdal to a subcommittee. Rep. Harper was appointed chairman.

HOUSE BILL 158: It was moved by Rep. Menahan that HB 158 DO NOT PASS. Motion carried. Reps. Porter, Ellerd, Wyrick, and Underdal voted no.

HOUSE BILL 212: The committee discussed the amendments (exhibit 4) to HB 212. Rep. Dozier made a motion to move the amendments. Motion carried unanimously. Rep. O'Connell moved that HB 212 DO PASS AS AMENDED. Motion carried unanimously.

HOUSE BILL 331: It was moved by Rep. Harper that HB 331 DO PASS. Motion carried unanimously.

HOUSE BILL 349: was moved for the day.

HOUSE BILL 378: It was moved by Rep. Manning to adopt the amendments. Motion carried 13-4. Reps. Seifert, Underdal, Stobie, and Ellerd voted no. It was moved by Rep. Manning that HB 378 DO PASS AS AMENDED. Motion carried 13-4. Reps. Seifert, Underdal, Stobie, and Ellerd voted no.

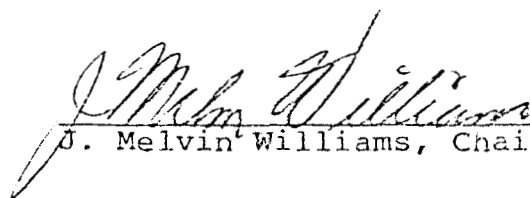
HOUSE BILL 302: It was moved by Rep. Menahan that HB 302 DO PASS. Motion carried. Reps. Seifert, Wyrick, Stobie, Fagg, Porter, Ellerd, and Underdal voted no.


HOUSE BILL 333: It was decided that HB 333 should be held for a fiscal note.

HOUSE BILL 349: It was decided that HB 349 should be held for a fiscal note.

HOUSE BILL 362: It was moved by Rep. Menahan, seconded by Rep. O'Connell that HB 362 DO NOT PASS. A substitute motion was made by Rep. Fagg that HB 362 be held until next Thursday. Motion carried. Reps. Menahan, Harrington, Pavlovich, and Dassinger voted no.

Meeting adjourned at 3:15 p.m.

  
J. Melvin Williams, Chairman

  
Lois South, Secretary