

FEBRUARY 10, 1979
PROCEEDINGS OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

The meeting was called to order at 11:30 a.m. by Chairman Williams. The secretary took roll. Reps. Seifert and Teague were excused. Reps. Menahan and Pavlovich were absent. Rep. Dassinger was excused.

HOUSE BILL 548: Rep. Harper, sponsor, explained to the committee that HB 548 changes the definition of the term "benefit year". He said the way "benefit year" is currently defined, it is possible that a qualifying quarter may overlap with another quarter, resulting in the use of the same quarter twice. This bill would provide a means to handle a case so that no quarter may be used twice. Rep. Harper introduced Harold Kansier, Dept. of Labor and Industry, who further explained the bill. There were no proponents or opponents. Questions were asked by the committee.

HOUSE BILL 540: Rep. Manning, sponsor, said the purpose for this bill came out of previous action by the appropriation committee. He said they could not and would not appropriate money for this act and that it is necessary to change a portion of the act.

Proponent, Bill Opitz, Public Service Commission, said they need the law changed to make a requirement that is mandatory a permissive option, or the money to do the job. He said the legislative auditor has indicated they will be written up for not enforcing the act. He said they do not have the money to enforce the act.

Opponent, Ken Clark, United Transportation Union, said he opposes the bill. He said they have worked many years to get safety measures and protection for railroad workers. He said he thinks that if the mandate is taken away from the commission, they will have the same old problems they had in the past.

Opponent Don Judge, AFSCME, AFL-CIO, said safety is nothing to play around with, and the laws should be strengthened and not weakened. He said the PSC should be given adequate funds to enforce the laws (exhibit 1).

James Murry, AFL-CIO, said he supports the previous positions in opposition to HB 540. Questions were asked by the committee.

HOUSE BILL 527: Rep. Keedy, sponsor, said it is not clear whether teachers are a part of the state's classification and pay plan. He said this bill would completely remove them from the plan. He said the bill refers to teachers who are under the authority of the Department of Institutions. He said that at the present time, there is a section of law that exempts those teachers from the plan, but another section requires that the amount of compensation they receive may not exceed the mandated pay plan schedules.

Proponents were: Richard Hull, Mountain View, Montana Education Association, (exhibit 2) and Owen Nelson, MEA, (exhibit 3).

Opponents, Bill Gosnell, Administrator, Personnel Division, said

HB 527 does not do what it is intended to do and is technically incomplete. He said this bill does not help matters, but makes them worse. Questions were asked by the committee.

HOUSE BILL 564: Rep. Dozier, sponsor, said the bill would require any labor agreement between a school district and an exclusive representative to include a grievance procedure that culminates in final and binding arbitration. At the present time, such a procedure is optional.

Proponents were: Phil Campbell, MEA, Helena. Owen Nelson, MEA, said the bill would give all public employees the right to enforce their collective bargaining agreements.

Opponent, Wayne Buchanan, School Boards Administration, said he sees lots of problems with the bill.

SENATE BILL 140: Senator, Mehrens, sponsor, introduced Norm Grosfield, Division of Workers' Compensation, who explained the bill. Mr. Grosfield said the bill would change certain provisions regarding workers' compensation judges (exhibit 4).

Proponents were: George Wood, Montana Self-Insurers Association, and James Murry, AFL-CIO. There were no opponents. Questions were asked by the committee.

SENATE BILL 141: Senator Mehrens, sponsor, introduced Norm Grosfield, Division of Workers' Compensation, who explained the bill to the committee (exhibit 5) and offered an amendment (exhibit 6).

James Murry and George Wood said they would support the bill with amendments. There were no opponents. Questions were asked by committee.

EXECUTIVE SESSION

SENATE BILL 140: It was moved by Rep. Fagg that SB 140 BE CONCURRED IN. Motion passed unanimously.

SENATE BILL 141: It was moved by Rep. Porter that SB 141 AS AMENDED, BE CONCURRED IN. Motion carried unanimously.

SENATE BILL 29: It was moved by Rep. Fagg that SB 29 BE CONCURRED IN. Motion carried. Rep. Stobie voted no.

HOUSE BILL 362: It was moved by Rep. Underdal that HB 362 DO NOT PASS. Motion carried unanimously.

HOUSE BILL 548: It was moved by Rep. Harrington that HB 548 DO PASS. Motion carried unanimously.

HOUSE BILL 540: It was moved by Rep. Manning that HB 540 be held for a fiscal note. Motion carried unanimously.

HOUSE BILL 564: Rep. Dozier said he would like to have more research done on HB 564.

HOUSE BILL 527: It was moved by Rep. O'Connell to hold HB 527 until they heard from the select committee on the pay plan. Motion carried unanimously.

HOUSE BILL 323: There were questions regarding the wording and intent of the amendments. Rep. Harrington said he wanted to get with Reps. Scully and Ramirez for clarification.

HOUSE BILL 333: It was moved by Rep. Harrington that HB 333 be passed for the day. Motion carried unanimously.

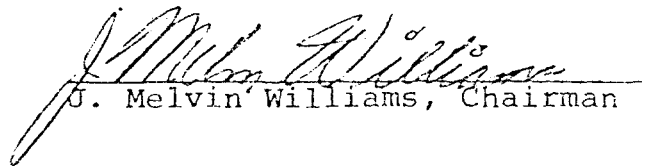
HOUSE JOINT RESOLUTION 25: It was moved by Rep. Manning that HJR 25 be passed for the day. Motion carried unanimously.

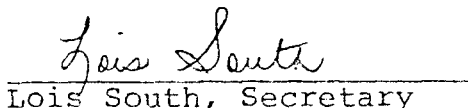
HOUSE BILL 143: The committee decided to delay action on HB 143 because too many members were absent.

The following were assigned to carry senate bills:

SB 140 - Rep. Dozier
SB 141 - Rep. Manning
SB 29 - Rep. Harrington

Meeting adjourned at 2:20 p.m.


J. Melvin Williams, Chairman


Lois South, Secretary