

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

January 23, 1979

The meeting of the Labor & Employment Relations Committee was called to order by Chairman Lowe on January 23, 1979, in Room 404 of the State Capitol at 1:30 p.m.

ROLL CALL: All members were present with the exception of Vice-Chairman Harold C. Nelson who was excused.

Chairman Lowe asked Senator Hafferman, Sponsor of Senate Bill 110, to explain the primary reasons for the bill. Senator Hafferman explained that he had been asked by the Office of Budget and Program Planning to sponsor the bill as it was part of Governor Anderson's 1969-1971 executive reorganization plan which is still continuing in State Government.

Mr. George Busliman, Director of the Governor's Office of Budget and Program Planning stated that the bill transferred the authority for staffing and the administrative functions from the Human Rights Commission to the Department of Labor and Industry. He stated that they felt this bill would provide staff support in the same manner as other agencies, and in this way, would save the State money if this program was integrated with the Department of Labor and Industry.

Mr. Busliman then introduced Mr. David E. Fuller, Commissioner of the Department of Labor and Industry. Mr. Fuller then testified in support of Senate Bill #110 and his testimony is attached as Exhibit "B".

Chairman Lowe then asked for more proponents of this bill, and there being none, asked for opponents to the bill.

Mr. James Mallard of the Montana Human Services Coalition then read a statement from R. Budd Gould, Representative from District 98, Missoula. Representative Gould's statement is attached to these Minutes as Exhibit "B". Mr. Mallard also read a statement from Delores Storm, past Chairman of the Montana Human Rights Commission, attached as Exhibit "C". Mr. Mallard also read a memorandum to the Committee dated January 22, 1979, from the National Association of Social Workers and attached to these Minutes as Exhibit "D".

Testimony was then received from Mr. Raymond D. Brown, Administrator of the Human Rights Division opposing Senate Bill #110 and attached hereto as Exhibit "E".

Ms. Joy Bruck from the League of Women Voters of Montana also testified opposing the bill and that testimony is attached as Exhibit "F".

Karen Townsend, attorney for the Montana Human Rights Commission then testified opposing Senate Bill 110. Ms. Townsend's testimony is attached as Exhibit "H".

Ms. Rosemary B. Zion representing the American Civil Liberties Union of Montana also testified opposing the bill and that testimony is attached as Exhibit "G".

Roger Miller, Vice-President of the Missoula Chapter of the Montana Coalition of Handicapped Individuals and President of the Handicapped Student Union for the University of Montana then testified opposing the bill and this testimony is attached as Exhibit "I".

Ms. Charlene Belgarde testified as a representative of the Indian Community which statement is attached as Exhibit "J".

Senator Fred Van Valkenberg from District 50 in Missoula then testified that he felt that the Human Rights Commission should be independent in its decision-making powers and further urged the Committee to vote a DO NOT PASS on Senate Bill #110 and to further consider referring this bill to the Judiciary Committee.

At this point, Chairman Lowe asked if there were other opponents to Senate Bill #110 and asked if these opponents had prepared statements that they could leave with the Committee since the Committee was running out of time. The remaining opponents all had prepared statements which were furnished to each member of the Committee. These statements are attached to the Minutes as Exhibits listed below:

Exhibit "K" - Statement by Paul Richards, State Director, Common Cause/Montana.

Exhibit "L" - Helena Women's Political Caucus.

Exhibit "M" - Testimony from Gail Stoltz, Lobbyist for the Montana Human Resource Development Council Directors Association.

Exhibit "N" - Letter from Tracy Bier of Missoula, Montana.

Exhibit "O" - George Henkel, Jr., Executive Director, Montana United Indian Association.

Exhibit "P" - Michael Dahlem, Lobbyist representing 8,000 students at the University of Montana.

Exhibit "Q" - Trinka Michalson, President, Helena Indian Alliance.

Exhibit "R" - Letter from Josephine D. Neuman.

Exhibit "S" - Letter from Joseph E. Reber, Attorney at Law, Helena, Montana.

The Chairman then asked for questions from the Committee to which Senator Palmer asked Mr. Raymond Brown how many cases had been filed within the last year and how many against the Department of Labor to which he replied there had been 150 cases during the year and 24 against Labor and Industry. Mr. Brown furnished the Committee with a copy of a memorandum from Mr. Fuller to Mr. Bousliman re staffing should Senate Bill #110 pass. See Exhibit "T".

Senator Alkestad asked Mr. Fuller, Commissioner of Labor and Industry, if he had enough people to handle the case load predicted for the following year, to which Mr. Fuller replied that he did have the people, however, they were not fully trained in this aspect of investigation. Senator Alkestad also asked Mr. Fuller how many people he had to assume this responsibility to which Mr. Fuller replied 6.5 budgeted, however, the fiscal analyst budgeted 8.5 for these responsibilities.

There being no further testimony, Chairman Lowe closed the hearing on Senate Bill #110 and the Committee decided to postpone further action on this bill until the Committee members had had an opportunity to read all of the testimony that was provided.

Chairman Lowe then opened the hearing on Senate Bill #111 and asked Senator Dover to inform the members of the Committee regarding this bill.

Senator Dover's explanation of Senate Bill 111 is attached as Exhibit "U". Senator Dover then introduced Mr. Charles Chamberlain, Director of the Associated Builders & Contractors to speak on the bill. The following proponents then testified.

Mr. Chamberlain explained the meaning of the prevailing wage rates in certain locals and read Sections 41-701, 1-701(3043.1) relating to standard prevailing rate of wages and its meaning. Mr. Chamberlain also felt that the law was reasonable, however, it was not being administered as required by the Montana Legislature. For purposes of clarify, Mr. Chamberlain's reference material is attached to the Minutes as Exhibit "V".

Mr. David Kautzman, representative of Overhead Doors, explained what had occurred during a meeting with the Commissioner of Labor and himself during a job he had handled in another locality where he had been obligated to pay his employees more after the job had been completed because the Commissioner did not agree with the prevailing wage scale in the local in which he was working.

Mr. Steve Koontz, representative from Concrete Wall Company, explained a similar meeting with the Commissioner where he had paid employees the prevailing rate for the area and the Commissioner had disagreed and he was obliged to increase these wages after the job had been completed. Mr. Kunst's statistics are attached as Exhibit "W".

The Committee then heard from the following opponents of Senate Bill #111:


Mr. Joe Crosswhite, Local Operating Engineers Union, opposed the bill stating that it would do away with collective bargaining and competitive bidding.

Mr. Dick Kane, Administrator of the Labor Standards Division, Department of Labor and Industry, also addressed the Committee in opposition to Senate Bill #111. Mr. Kane's statement is attached as Exhibit "X".

Senator Dover then informed the Committee that a similar measure had been introduced in Senate Bill #8 and suggested that the Committee hold Senate Bill #111 until Senate Bill #8 reached the Committee and both bills could be decided on at that time.

The Committee having run out of time, Chairman Lowe asked the remaining opponents to leave their statements if they had them available. Time did not allow Mr. James W. Murry, Executive Secretary for the Montana State AFL-CIO, to testify, however his statement is attached as Exhibit "Y".

The meeting was then adjourned at 2:55 p.m.


Senator William R. Lowe, Chairman

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

46TH LEGISLATIVE SESSION - - 1979

Date

Jan 23, 1979

NAME	PRESENT	ABSENT	EXCUSED
HAROLD C. NELSON, VICE CHAIRMAN			✓
GARY AKLESTAD	✓		
HAROLD L. DOVER	✓		
WILLIAM F. HAFFERMAN	✓		
JOHN (SANDY) MEHRENS	✓		
BOB PALMER	✓		
ELMER D. SEVERSON	✓		
RICHARD G. SMITH	✓		
BILL R. LOWE, CHAIRMAN	✓		

Testimony in Support of Senate Bill 110
By David E. Fuller, Commissioner
Department of Labor and Industry

1/23/79

APPEARING BEFORE YOU TODAY IN SUPPORT OF THIS ADMINISTRATIVE STRUCTURAL CHANGE PUTS ME IN AN UNUSUAL POSITION. FOUR YEARS AGO I TESTIFIED IN FAVOR OF TOTAL AUTONOMY FOR THE COMMISSION IN THREE AREAS:

1. POLICY DECISION MAKING
2. STAFF SUPERVISION AND DIRECTION
3. BUDGET SUBMISSION AUTHORITY

I REMAIN COMMITTED TO THE NEED FOR TOTAL AUTONOMY IN THE AREA OF POLICY DECISION MAKING. IN OTHER WORDS, THE COMMISSION SHOULD, AND UNDER THIS PROPOSAL WOULD, REMAIN INDEPENDENT IN TERMS OF HOLDING HEARINGS AND DECIDING WHETHER OR NOT AN ACT OF DISCRIMINATION HAS OCCURRED. HOWEVER, I NOW BELIEVE WE CAN DO A BETTER JOB OF THE ADMINISTRATIVE WORK WHICH SUPPORTS THE COMMISSION BY REMOVING THE STAFF SUPERVISION AND BUDGET SUBMISSION AUTHORITY.

I WANT TO EMPHASIZE THAT THE BOARD OF PERSONNEL APPEALS, WHICH IS ALSO ATTACHED TO MY DEPARTMENT, OPERATES UNDER THE STRUCTURE THIS BILL PROPOSES. THE SYSTEM WORKS WELL FOR THE BOARD AND I BELIEVE IT WILL WORK WELL FOR THE COMMISSION. IN ADDITION, IT WILL BE LESS EXPENSIVE.

I WOULD LIKE TO TAKE A FEW MORE MINUTES AND TELL YOU WHY THE WORK CAN BE DONE BETTER AND AT THE SAME TIME LESS EXPENSIVELY.

AS MANY OF YOU KNOW, THE DEPARTMENT OF LABOR AND INDUSTRY ALREADY PERFORMS WORK WHICH IS VERY SIMILAR TO THE WORK OF THE HUMAN RIGHTS COMMISSION. THIS WORK IS PERFORMED THROUGH TWO DIVISIONS, THE LABOR STANDARDS DIVISION AND THE PERSONNEL APPEALS DIVISION. THE EMPLOYEES OF THESE DIVISIONS HAVE EXTENSIVE EXPERIENCE WITH INVESTIGATIONS AND HEARINGS.

THIS MEANS THE FUNCTIONS OF THE HUMAN RIGHTS STAFF CAN BE INTEGRATED WITH THESE TWO DIVISIONS. IN DOING SO, WE WILL BE ABLE TO PROVIDE EXPERIENCED ADMINISTRATIVE AND SUPERVISORY SUPPORT FROM WITHIN THE EXISTING DIVISIONS. THUS, AS A RESULT OF ITS SIZE, IT IS TOO EXPENSIVE TO HAVE THE STAFF WORK SEPARATELY FROM THE REST OF THE DEPARTMENT. THROUGH UNITING IT WITH THE DEPARTMENT WE CAN MORE EFFICIENTLY USE THE STAFF OF EACH DIVISION.

IN CLOSING, I WANT TO ASSURE YOU OF TWO THINGS. FIRST, THE HUMAN RIGHTS OF THE PEOPLE WHO WORK FOR ME WILL NOT BE JEOPARDIZED BY THIS CHANGE. I WILL ENSURE, IF A COMPLAINT IS FILED FROM WITHIN MY DEPARTMENT THAT AN INDEPENDENT INVESTIGATION IS MADE. SECONDLY, I HAVE A GOAL FOR MY DEPARTMENT. I WANT IT TO BE THE MOST EFFICIENT AND EFFECTIVE DEPARTMENT IN STATE GOVERNMENT. TO REACH THAT GOAL EVERY FUNCTION OF THE DEPARTMENT MUST BE PERFORMED BOTH EFFICIENTLY AND EFFECTIVELY.

IF THE WORK OF THE HUMAN RIGHTS COMMISSION IS ATTACHED TO MY DEPARTMENT, I WILL WORK HARD TO ENSURE THAT THE COMMISSION GETS GOOD STAFF SUPPORT, WHICH WILL ALLOW THE COMMISSION TO MAKE THEIR DIFFICULT DECISIONS BASED ON THOROUGH AND FAIR INVESTIGATIONS.

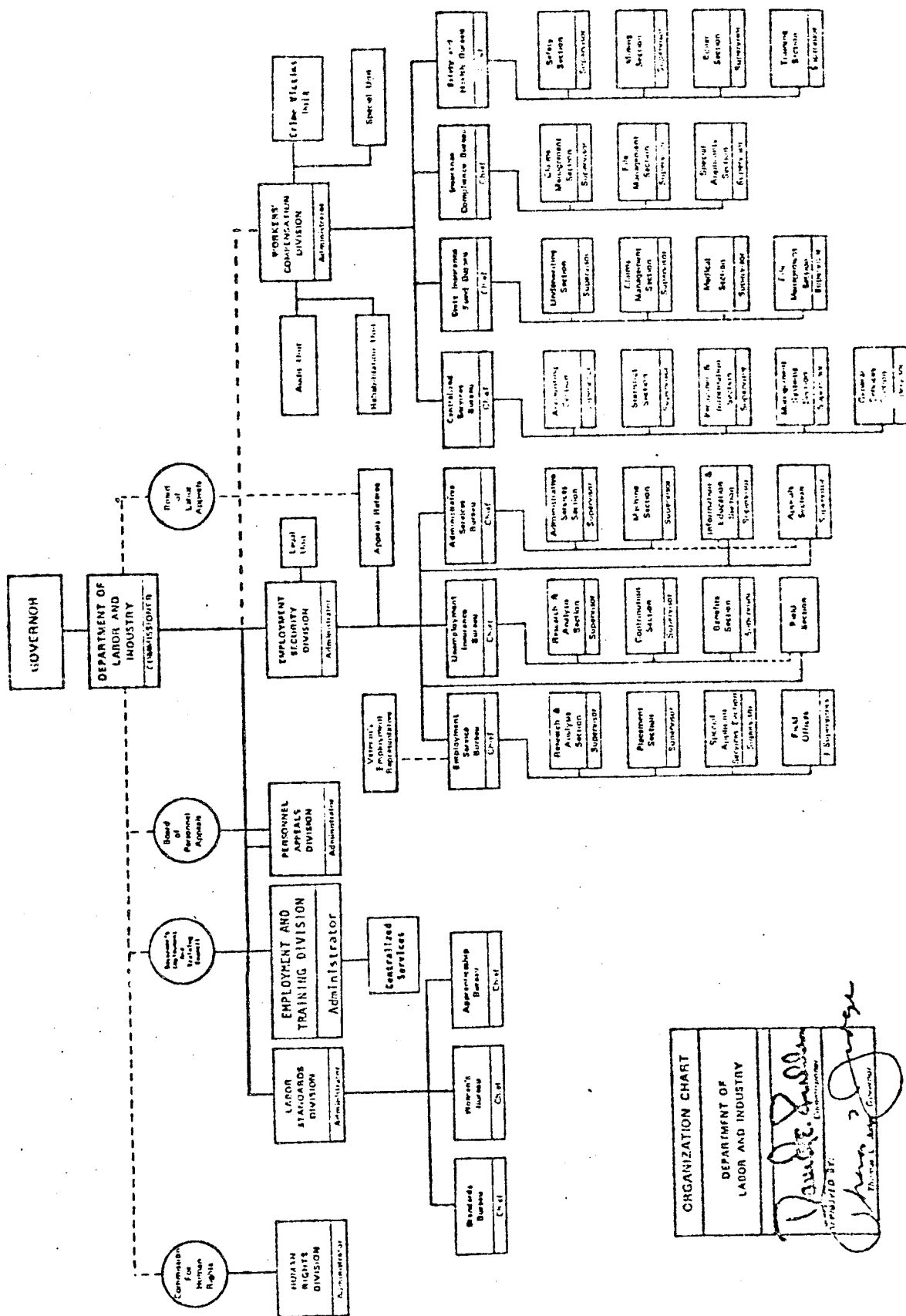


Exhibit B
Mr. Chairman, Members of the Committee:

I would like to take this opportunity to express my opposition to any changes in the Human Rights Bureau. In 1977 I met with President Carter and Secretary Califano in Washington, D.C. The subject was Section 504. The President and Mr. Califano stated that there would be absolutely no deviation from the time guidelines or the rules in Section 504.

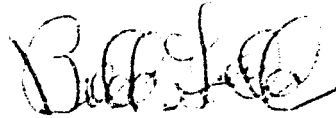
In 1978 I went to Denver and met with Mr. Warfield who runs the Office of Civil Rights for HEW in this region. I would like to most emphatically tell you that since meeting with Mr. Warfield I have talked to several people who have had dealings with this man and I can only say that this guy fits the most terrible boogie man image. Mr. Warfield is so tough that when someone talks to him on the telephone you can't pick up their telephone for several minutes afterwards because of the sweat on the handpiece.

The Human Rights Bureau has been named the 504 compliance agency in Montana and I think that we would be much better off dealing with the Human Rights Bureau instead of dealing with Mr. Warfield and OCR in Denver.

Now that I have given you all of the liberal reasons for strengthening and not weakening the Human Rights Bureau, I would like to make one further point that I think is the most important. If we were made to totally conform to all of the 504 guidelines, it would take so much money that direct client services to the handicapped would be severely jeopardized. This is going to have to be a program where everybody bends a

little in order to come out with what is best for all sides.

Thank you for your consideration,

A handwritten signature in cursive script, appearing to read "Budd Gould". The signature is written in dark ink and is positioned above the printed name.

Budd Gould

January 23, 1979

TO: Senate Labor and Employment Relations Committee

FROM: Delores Storm

Gentlemen:

My name is Delores Storm of Forsyth, immediate past Chairman of the Montana Human Rights Commission. I was appointed a Charter Member in 1974 serving until my resignation a few weeks ago. The high quality and integrity of the members of this Commission reflect their dedication and their judgement so that each has almost become an expert in civil rights law.

I am sort of a pure idealist and feel the purposes of this Commission should be considered above the political scene. Yours and my individual rights are mandated by our nation and our state. It is also interesting to know that the U.S. Civil Rights Commission and the U.S. Equal Employment Opportunity Commission are both AUTONOMOUS, separate from any of the other departments standing by themselves as they should be.

I have found that discrimination is wide-spread in the state, namely because of the attitudes of individuals. This Commission has not been afraid to make some very precedent setting decisions, some even may have an effect nationally. Consequently, the Commission may have become a "thorn" in the side of government or those whose attitudes may be discriminatory. It would be very difficult for instance for an investigator to thoroughly investigate the persons that were signing their paycheck. The Commission and its staff need complete freedom to continue to help guarantee yours and my rights. These are only some of the reasons why this Commission

should retain its autonomy and not be lost deeper than ever from view of the public. Not to perhaps become just one more cause in the wheels of state government turning when needed. Perhaps I was somewhat unique as a member of the Commission, as I do not represent any special interest group or person only maybe the thousands of Montanans who live out in the small towns and rural areas and that are never exposed to state government except to vote occassionally. I was greatly honored to have been a member of this Commission.

Gentlemen, please consider from all aspects the importance of this amendment to one of the best human rights laws in the entire nation. The law is the envy of many of the other thirty-five states with Commissions, of which only a very few are attached to another department. Please make your recommendation fairly and non-judgemental. I sincerely thank you for this opportunity to speak for the record. My deepest regrets that the weather has kept me from meeting you all personally.

Excluded

National Association of Social Workers

MONTANA
CHAPTER

January 22, 1979

MEMO TO: Senate Committee on Labor and Employment
RE: Placement of Human Rights Commission under
Jurisdiction of State Department of Labor Industry

The Montana Human Services Coalition wishes to go on record as opposing the placement of the Human Rights Commission under the jurisdiction of the State Department of Labor Industry.

This Coalition is made up of consumers and providers in the human service field. We have come together to promote common causes and concerns during this Legislative session. Our membership consists of:

Montana Chapter of National Association of Social Workers
Governor's Poverty Council
Governor's Migrant Council
Mexican Council of Montana
People Inc. of Bozeman (low-income organization)
Butte Action Now (low-income organization)
Juvenile Justice Council of Billings
State Foster Parent Association
Excl. (Gr. Fills.)

If the Human Rights Commission were placed within the Department of Labor, its autonomy and independence would be essentially destroyed. For this Commission to function and meet its objectives, it must be separate and autonomous. Without this, there would be excessive conflict of interest. How, for instance, could the staff investigate complaints within the Department that administers them and provides supervision? The impediments would be too severe to promote the cause of civil rights. Was this not the reason that the Legislature originally placed the Human Rights Division under a separate commission.

January 22, 1979

MEMO TO: Senate Committee on Labor and Employment

Page 2

If Montana wishes to sustain the gains made by this Commission in pursuing human rights for Montanans, this Commission must remain independent and autonomous.

Respectfully submitted,

A handwritten signature in cursive script, reading "Suzanne Tiddy-Larsen".

Suzanne Tiddy-Larsen, President
Montana Chapter, NASW

STL/dm

TO: William R. Lowe, Chairman
Labor and Employment Relations Committee

FROM: Raymond D. Brown, Administrator
Human Rights Division

SUBJECT: Senate Bill 110

Mr. Chairman, Members of the Committee. Thank you for this opportunity.

I am opposed to the adoption of Senate Bill 110.

A report issued by the Center for National Policy Review reveals that 63% of fair employment practice commissions are autonomous. This avoids potential conflict with cases filed against a State, their agencies or other groups where political pressures are involved. Currently 150 of the 968 cases filed with the Commission are against public agencies. Subtle political pressures against complete investigations may take form through staffing and/or the budgetary process. This has been the experience of other fair employment agencies which are attached to departments within the respective states.

Excerpts from the study are attached. The editorial position of the Great

Falls Tribune also supports independence for the Montana Human Rights Commission.

(Editorial Attached)

The Human Rights Commission has been in existence since 1974. Complaints have increased approximately 20% per year. Currently some 989 cases have been filed with the Division.

We have been effective in settling 639 of these complaints. 268 were settled last year alone.

We have been effective in establishing rapport with client groups as witnessed here today.

We have been effective for the business community by conducting workshops in conjunction with the Montana Chamber of Commerce, School Administrators and others as well as establishing a business rights line.

We have been effective by reaching annualized settlements of nearly one-half million dollars in discrimination complaints. We have been effective in processing

complaints of discrimination whether for male or female, white or red, republican or democrat.

We have been effective in the eyes of the Equal Employment Opportunity Commission who have raised our contract in the past year from \$35,000 to \$62,000. We were also granted an additional \$86,000 for agency improvement funds.

We have been effective in establishing intake system which resulted in approximately 1300 inquiries being received by the Division which we reduced some 76% into 308 legitimate formalized complaints. The remainder of these inquiries were referred to the proper agency.

We have been effective in beginning to eliminate discrimination in the State of Montana.

In a letter to George Bousliman, the Commissioner of Labor and Industry states that they will handle some 60 cases per year plus 150 inquiries for some \$80,000. The Executive Budget recommends \$110,000 and \$115,000 for fiscal years 80 and 81 respectively. Based on the Commissioners proposals, an accurate estimate to reflect greater monies would be handling approximately 90 complaints per year plus 200 inquiries. Mr. Fuller, to date, has made no specific proposal how this will be done but essentially the work will be handled by the Labor Standards Division with hearings to be conducted by the Board of Personnel Appeals.

The Legislative Fiscal Analyst estimates that some 350 complaints will be received by the Human Rights Division in fiscal years 80 and 81. This is fairly consistent with the estimates of the Human Rights Division. The Commissioner of Labor and Industry has made no provision, to my knowledge, to handle the remaining 260 complaints projected. Further, there is no provision made to handle some additional 1100 inquiries.

Based on these estimates, I would respectfully point out to the Committee that the Human Rights Division has been, is, and will continue to be most cost

efficient. A comparison of the proposals will suffice to illustrate.

The Human Rights Division has been efficient in increasing the number of cases completed per year.

The Human Rights Division has been efficient in reducing the cost per case per year. For Fiscal Year 78 the cost per case completed was \$723, for 79, \$650. Based on the Legislative Fiscal Analyst recommended budget and the estimated cases completed by the Human Rights Division, the cost per case for Fiscal Year 80 by the Division will \$499 and \$391 for fiscal year 81. Based on the executive budget recommended for the Department of Labor and Industry the cost for completed case will be \$1,222 for fiscal year 80 and \$1,277 for fiscal year 81. The efficiency of the Labor and Industry proposal as compared with the Human Rights Division proposal is obvious. Further, it is my understanding that the Labor Standards Division is already overworked as is the Board of Personnel Appeals. Further, the Commissioner of Labor and Industry, by his own admission, is not proposing to handle 350 cases per year. Cases will continue to backlog at an extremely high rate. The Human Rights Division is reducing backlog. No cases are unassigned. (Fact sheet is attached.)

The Human Rights Commission has been efficient in developing a rapid charge process which is beneficial to both Charging Parties and Respondents.

Federal funding is depended on contractual completion. EEOC has a minimum funding of \$35,000.00 for less than 100 cases. The result of passing Senate Bill 11 may well result in a reduction in Federal funds plus an increase in backlog of unresolved cases. According to Federal sources, this may result in the canceling in the 706 agreement.

Some cases have been jointly filed with the Department of Labor and Industry as well as the Human Rights Division and the Equal Employment Opportunity Commission. Some, originally investigated by the Labor Standards Division, must be reinvestigated by the Human Rights Division, as they do not meet EEOC standards.

The Forty-fifth Legislative Session passed a Sunshine Law. It calls for

termination of the Montana Human Rights Commission in 1981. Prior to that time, it will be subjected to a critical review by the Legislative Audit Committee. The Committee must submit its findings for the insuing legislative session. I welcome this review.

In the Legislative Fiscal Analyst's, "Budget Analysis, 1978 Biennium," a recommendation is to continue funding of the Labor Standards Division at its current level with a critical review prior to the 1981 Session.

The effect of the proposed legislation would undercut the critical review by the legislature of both programs. Rather than anticipate what the reviews will be, I would respectfully submit that Senate Bill 110 is premature and would recommend that you wait until 1981 for effective review and action with all pertinent information.

I ask that SB 110 do not pass.

Thank you very much. I would be happy to answer any questions you might have.

(Excerpts from (

STATE AGENCIES AND THEIR ROLE IN
FEDERAL CIVIL RIGHTS ENFORCEMENT¹.

There are forty-eight Fair Employment Practice Agencies in the United States. Sixty-three percent (63%) are independent; thirty-seven percent (37%) are dependent upon a parent agency. Four states have no agencies (Alabama, Mississippi, North Dakota, Virginia), three states are advisory only (Arkansas, Georgia, Louisiana).

"Independent agencies are protected in their operations from excessive Executive and Legislative political influence. The commissioners...control both the short and long functions of the antidiscrimination unit and set policy." ...often have the power to hire and fire the Executive Director of the Agency. There are no responsibilities other than eradicating discrimination to divert the agencies effort or conflict with its utilization of enforcement power. Commissioners...may initiate and help guide their own proposals through the legislature and are insulated from the pressure from other state agencies."

"Independent agencies remain subject, of course, to certain political authority lodged in the legislature and executive."

"The dependent unit must process its budget request through its governing department. Its needs may never reach the governor. ...the Director is subject to the control of the head of the parent agency, has no direct access to the executive or legislature and may be more susceptible to the influence exerted by other administrative units of state government."

"Most executive directors prefer the independent form. Connecticut's Commission...feel insulated from political

interference. ...Kentucky asserts that by having independence it has avoided political interference with its cases and policies (the agency there is heavily involved in the Louisville School desegregation issue). Maryland says it enjoys the freedom to investigate other departments of state government. Michigan's agency is one of nineteen principal departments of the state, its independence providing for a significant role in state issues and planning. Minnesota has created a cabinet-level executive department. No independent state antidiscrimination agency responding to the project survey noted any significant disadvantages of its status."

"Those agencies which operate under the auspices of another are generally not as pleased with their status. ...Colorado notes that the major disadvantage of a limited dependency on the state's regulatory agencies is that in some instances planned uses of money already appropriated have been overruled. Delaware cites...budget control subordinate to the authority of the parent department, and the possibility of the parent agencies impeding standard operating procedures.... New Jersey...finds a disadvantage in competing with other divisions for budget and space. A staff member at Wyoming's FEPC, within the Department of Labor and Statistics, suggests the FEPC may be given "second billing" to other functions of the department,...Wisconsin notes...that staff members from Equal Rights may be "pirated" to other divisions, larger operations get priority and complaints against other divisions must be referred to EEOC."

"Some evidence indicates that those agency heads who are avid supporters of independent status as compared to dependency on another departments have developed their views from experience in the state political process."

Independence counts

The Human Rights Commission makes an excellent squeaking wheel in its efforts to get more grease from the governor's proposed budget. Of course, the commission and its staff have a right to squeak — roar might be a better term.

Way back in mid-November the commission protested the governor's budget, which proposes to end the commission's independent status and control over its staff. The commission would be absorbed into the Department of Labor.

Human Rights Commission advocates then began work to get the governor's budget released to the public. Rosemary Zion, a former staff attorney in the Human Rights Division and representing the American Civil Liberties Union, went to court to obtain release of the documents.

The budget was declared to be a public document. That battle won by the ACLU, the commission and Zion face the next one: the funding controversy. Zion has accused the governor's ad-

ministration of losing its commitment to human rights. Commission Chairman Dee Storm has followed up by charging that the state would be better off with no human rights agency at all than with a "token effort."

Those are strong criticisms. They may be overstated. But they're justified because they serve a useful purpose: focusing attention on the Human Rights Commission and Division and their work. The commission and division investigate complaints of discrimination in areas such as employment, education and housing. Last year, the division responded to about 1,300 inquiries. It completed 268 of its 308 cases.

The work is necessary and valuable. But much of the value lies in the fact the division and commission are independent. Putting them under the wing of the Department of Labor would take that independence away for the sake of efficiency. The move would not be worth it.

MONTANA HUMAN RIGHTS COMMISSION

FACT SHEET

- The Montana Human Rights Commission was established by the legislature in 1974 to investigate complaints of discrimination and to be the administering agency for the Montana Human Rights Act, Code of Fair Practices and by contract, Title VII of the federal Civil Rights Act of 1964. These laws protect people from discrimination in the areas of employment, housing, training and education, financing, public accommodations, governmental services, and retaliation for human rights activity because of their sex, age, creed or religion; race, national origin or color, mental or physical handicap, marital status or political belief (if government involved).

- The Commission, 5 members appointed by the Governor, is responsible for the operation of its staff - the Human Rights Division. Although attached for administrative purposes only to the Department of Labor and Industry, the Commission controls its own budget and has the authority to hire and fire its own staff. This independent status was granted in 1975 after one year of operation under the Department of Labor and Industry. The Legislature believed the Commission should be non-political and autonomous.

- Since 1974 the division has formalized 989 complaints. Allegations statistics are as follows:

AREA	CAUSE
Employment 77%	Sex 41%
Government Services 5%	Race, National Origin, Color 17% (Montana's Minority population is 5%)
Retaliation for Human Rights Activity 4%	Age 14%
Training or Education 3%	Mental and Physical Handicap 13%
Housing 3%	Marital Status 10% (Housing and Public Accommodations not protected)
Financing 3%	Political Belief 3% (State and Local Government Agencies only)
Public Accommodations 2%	Religion 2%

Private Sector 630 (64%) Public Sector 359 (36%)

- 639 Cases have been completed for annualized settlements of over \$403,000 as of December 31, 1978.
- Nonmonetary settlements include policy changes, improved record keeping methods, consideration for next job openings, recommendations, etc.
- Successful conciliations result in approximately 20% of the complaints processed.

- New effective and efficient methods of case processing in FY 78 showed the Division responding to some 1,300 inquiries which resulted in 308 formalized complaints. 268 cases were completed in FY 78.
- Average cost per case for FY 78 was \$723.00 with a projected decrease in per case expenditures as continued improvements are made.
- Recommended Legislative and Executive budget proposals for FY 80 - FY 81 are as follows:

	<u>HUMAN RIGHTS COMMISSION</u>		<u>*EXECUTIVE</u>		<u>LEGISLATIVE</u>	
	<u>Actual</u>	<u>Appropriated</u>	<u>Recommended</u>	<u>Recommended</u>	<u>Recommended</u>	<u>Recommended</u>
	<u>FY 78</u>	<u>FY 79</u>	<u>FY 80</u>	<u>FY 81</u>	<u>FY 80</u>	<u>FY 81</u>
Budget	\$193,766	\$209,154	\$110,000	\$115,000	\$165,352	\$167,991
Inquiries	1,300	1,300	200 ^a	200 ^a	1,300 ^c	1,300 ^c
Cases	308	339	90 ^a	90 ^a	350 ^b	350 ^b
Cases Completed	268	322	90	90	368 ^c	430 ^c
Cost Per Case	\$ 723	\$ 650	\$ 1,222	\$ 1,277	\$ 499	\$ 391

a. Based on Department of Labor and Industry estimations for \$83,000 and proportional increases to \$110,000 - \$115,000, respectively.

b. Based on Legislative Fiscal Analysis estimate.

c. Human Rights Commission estimates.

* This budget includes a recommendation to incorporate the power of the Human Rights Commission under the Department of Labor & Industry.

RECOMMENDATIONS OF HUMAN RIGHTS COMMISSION

1. That the Montana Human Rights Commission remain attached for administrative purposes only to the Department of Labor and Industry, as enacted by the 1975 Legislature, and
2. That the Legislative Fiscal Analyst budget recommendations, with additional spending authority for federal monies as necessary, be adopted.

LEAGUE OF WOMEN VOTERS OF MONTANA

By Bruce
Exhibit "F"

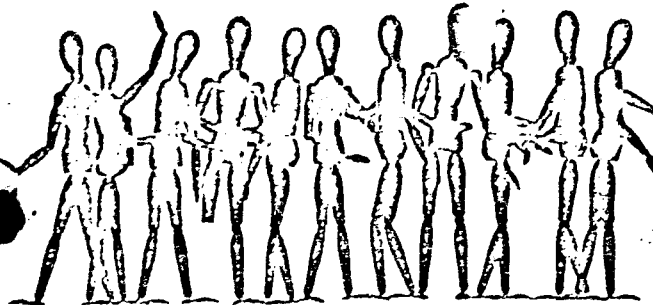
SB 110

Human Rights Commission

For many years, the League of Women Voters has been combating discrimination in a variety of areas.

We feel Montana's Human Rights Commission has been quite successful in dealing with discrimination, and that part of it's success is due to it's autonomy. In our opinion, if the Commission loses that, it's success will suffer, and, in turn, ~~our~~ ^{our} citizens will suffer.

We urge you vote against this bill, and allow the Human Rights Commission a successful and productive future.



MONTANA HUMAN RIGHTS COMMISSION



POWER BLOCK, LAST CHANCE GULCH, HELENA, MONTANA 59601 • TELEPHONE 406/449-2884.

January 12, 1979

COMMISSION

DELORES STORM
CHAIRPERSON
FORSYTH

LEE TOPASH
HELENA

KAREN TOWNSEND
MISSOULA

PEG KRIVEC
BILLINGS

THE HONORABLE THOMAS L. JUDGE
Governor for the State of Montana
Capitol Building
Helena, Montana 59601

Dear Governor Judge:

Frank E. Schoenen
Great Falls

The Montana Human Rights Commission unanimously passed the following motion at its meeting on January 12, 1979:

"The Montana Human Rights Commission cannot in good conscience support the budget proposal of general fund monies of \$30,000 and the lack of autonomy".

We will be actively participating with the legislature.

Sincerely,

Delores Storm
Delores Storm, Chairperson

Lee Topash
Lee Topash, Commissioner

Karen S. Townsend
Karen Townsend, Commissioner

Peg Krivec
Peg Krivec, Commissioner

Frank E. Schoenen
Frank E. Schoenen, Commissioner

cc: David E. Fuller
George Bousilman

An Equal Employment Opportunity Employer

THOMAS L. JUDGE
GOVERNOR OF MONTANA

PRINTED ON  RECYCLED PAPER

RAYMOND D. BROWN
ADMINISTRATOR
HUMAN RIGHTS DIVISION

January 23, 1979

OF MONTANA , P.O. Box 314, Helena, Montana 59601

My name is Rosemary Zion. I am here representing the American Civil Liberties Union of Montana. Montana ACLU is opposed to Senate Bill 110 because we believe that passage of this bill will weaken the effectiveness of the Human Rights Commission.

When the Human Rights Act was first passed in 1974, the task of investigation and conciliation of human rights complaints was given to the Department of Labor and Industry. The Human Rights Commission had responsibility for setting general policy and for hearing complaints. The Commission had no staff of its own. The law went into effect in July of 1974. By the time of the 1975 Legislative Session, it was clear that this structure was not working.

Without the power to direct the staff, the Human Rights Commission could not implement its policies. Within the Department, the Human Rights Bureau was subject to a number of pressures which were interfering with its effectiveness. Also in 1975, legislation was proposed and ultimately passed which would give the Human Rights Commission responsibility for overseeing and evaluating the anti-discrimination effort of state government.

As a result, the Governor's office, the Commission itself, and the many community groups who support effective human rights laws in Montana, supported legislation which gave the Human Rights Commission control over its staff and its budget. ACLU of Montana strongly supported this move toward autonomy. We believed then and we believe now that the only way to have effective, evenhanded enforcement of the state human rights laws for both the private and the public sector is through an independent Human Rights Commission.

The Legislature in 1975 was aware of the structure of executive reorganization and recognized that the organization of the Human Rights Commission was different from the general pattern of governmental boards. The reason for the difference in organization then and now is that the Human Rights Commission has the responsibility for investigating complaints of discrimination against state agencies, for overseeing and evaluating the anti-discrimination policies of state government, and for taking legal action against the state if the state does not meet its civil rights commitments. This is a delicate task to perform within government under any circumstances. It is an almost impossible task to perform credibly from within a department of the executive branch. The 1975 Legislature recognized the difficulties involved in this task. It removed one obstacle to evenhanded enforcement of the Human Rights Laws by giving the Human Rights Commission control of its staff and budget.

The Legislature itself has recognized how difficult it is to monitor the activities of the executive branch from within the executive branch. That is one of the reasons for the growth of legislative oversight committees in recent years. The Human Rights Commission cannot be situated in the legislative branch because it could not exercise its enforcement powers without violating the separation of powers. It should not be made subject to the power of an executive department because of the clear conflict of interest involved in such a placement. The present structure of the Commission, worked out after a great deal of consideration in 1975, represents the most effective way to enforce the state human rights laws in both the public and the private sectors. The independence of the Commission and its staff give human rights enforcement a credibility among private employers, who can see that the state also is held to the law.

Montana ACLU continues to believe that the structure for the Human Rights Commission developed in 1975 was the right move. We believe that this bill represents a step back from credible, effective, independent human rights enforcement. We urge that this bill do not pass.

Rosemary Zion



C. H. H.

()

TESTIMONY GIVEN JANUARY 23, 1979
BEFORE THE SENATE LABOR AND
EMPLOYMENT RELATIONS COMMITTEE

Mister Chairman and members of the senate Labor and Employment Relations committee, my name is Karen Townsend, I am a member of the Montana Human Rights Commission. I was appointed two years ago and serve as the attorney member of the commission. I am here today to speak in opposition to Senate bill 110, a bill which would remove the present autonomy of the commission. The bill would further give to the Commissioner of Labor the authority over any staff involved in the investigation and resolution of discrimination complaints. I oppose this bill because I believe more problems will be created than will be solved by this legislation.

One major difficulty will be the ability to effectively deal with complaints which are pending or which may be yet filed against the Department of Labor and Industry or any of its divisions. A mammoth conflict of interest arises when an agency is asked to investigate itself. Any such complaint would have to be handled by another agency or an outside consultant in order to avoid the conflict difficulties. When an outside individual is handling the case, the difficulties of lack of training and experience could easily lead to an inferior result. If, on the other hand, an investigator with training and experience in discrimination complaints could be found, the cost would likely be prohibitive. The Commissioner of Labor would thus be left with a true dilemma - do an inferior job of investigating his own department which would be labeled or whitewash, or do very few investigations if any, because he could not afford them, thus gaining an advantage

over other public and private respondents and again be accused of shielding his department from scrutiny. If, however, the commission retains its autonomy, these problems would not arise since the division could handle these complaints as it does all others.

A second reason for my opposition to this bill is my believe that the enforcement function of government must have an independence in order to function effectively. Clearly we recognize the need for such independence by leaving such agencies as police or sheriff's departments as independent agencies and not putting them within another department of city or county government. The Human Rights Division functions like a police department with reference to discrimination complaints.

Karen Townsend

Exhibit "I"

TO: Senate Labor & Employment Relations Committee

FROM: Roger Miller, Vice President, Missoula Chapter of the Montana Coalition of Handicapped Individuals; also, President of the Handicapped Student Union, University of Montana.

DATE: January 23, 1979

Members of the Committee:

(MCHI) The Missoula Coalition of Handicapped Individuals is an advocacy group concerned about the welfare and rights of handicapped people, and includes representation from Multiple Sclerosis, Cerebral Palsy, Indoor Sports Club, Blind, Handicapped Students Union and Missoula Advocacy Program for the Mentally Retarded, and Wheelchairs, Crutches & People groups.

We object to Senate Bill 110 for the following reason:

The Division of Labor examiners will have to do a double job by assuming responsibility for the Human Rights complaints. We feel that they are not trained for this type of investigation. We feel that they do not know what the concerns of the handicapped are and that ~~we~~^{they} will not provide the best service that our groups deserve to have.

Please vote against Senate Bill 110.

Charlene J

TO MEMBERS OF THE LABOR AND INDUSTRY
COMMITTEE - SENATE

My name is Charlene Belgarde. I am from Helena and I represent the Indian Community.

We feel confident having the Human Rights Commissioners and staff acting in their present capacity. I see no reason to change a system that has been operating so effectively. We know that if we have a discrimination complaint, or even a question, we are assisted by a thoroughly competent staff whose main function is to deal with our discrimination problems. The staff of the Commission is a leader in the Human Rights field, using their expertise to help all people, including Indians.

Because they are autonomous they can act accordingly, without restraints of beauracracy that slows down progress and even stops it in many instances.

The Human Rights Division has informed people of all races which laws protect them, and more important, which laws they may be violating. We think the Human Rights Division is carrying out the intent of the law in the best way possible.

The progress we have made since the passage of the Civil Rights Law in 1964 has been slow but steady. In order for us to grow and progress as an Indian people, we need less bureauracy, not more. If the Human Rights Division loses its autonomy, more bureauracy will be created and all we have worked for in the past will have been for nothing.

We therefore are strongly opposed to the Human Rights Division losing their autonomy.



COMMON CAUSE/MONTANA

P.O. Box 822

Helena, Montana 59601

Telephone (406) 442-6959

Senate Committee on Labor and Employment Relations
Hearing - January 23, 1979
Senate Bill 110 - Human Rights Commission

Mr. Chairman and Members of the Committee:

I am Paul Richards, State Director for Montana Common Cause. I appear today in respectful opposition to Senate Bill 110, which would remove the autonomy from the Montana Human Rights Commission.

In a case such as the Human Rights Commission, extensive investigatory powers are necessary in order to provide equitable resolution of complaints. Independence and autonomy are a must if the Division is to do its job for the people of Montana. With this autonomy stripped away, the Human Rights Commission could be susceptible to political influences. This could potentially hamper the over-all effectiveness of the Division and its ability to fairly resolve complaints.

For example, numerous complaints are filed against the State of Montana. Some may even be filed against the Department of Labor and Industry. Should this bill pass, an official in the Department of Labor and Industry could conceivably be overseeing the investigation of himself. If the investigating party does not have employment and budgetary autonomy, it is easy to see the compromising situation in which that investigating party would find itself.

In order to minimize this type of pressure and maximize investigation effectiveness, the Human Rights Division must retain its bureaucratic independence. It would be regretful to have an agency which the Legislature created to be an "ombudsman" for the people become just another bureaucratically burdened and ineffective arm of government. If we want the Human Rights Division to do its job well, we cannot subject it to possibilities for political intimidation.

Thank you for your consideration.

Sincerely,

Paul Richards
State Director
Common Cause/Montana

TO: Senate labor and Employment Committee

Re: Senate Bill 110

From: Helena Women's Political Caucus

January 23, 1979

In 1975, before the Senate Judiciary Committee, we were adamant supporters of autonomy for the Human Rights Commission.

We still believe that it is imperative for autonomy to be retained by the Commission to ensure equal treatment under the law.

Testimony before the Labor and Employment Relations Committee, Montana Senate, Hearing on Senate Bill 110, Tuesday, January 23, 1979.

I am Gail Stoltz, lobbyist for the Montana Human Resource Development Council Directors Association, representing the 10 Human Resource Development Councils in Montana.

Our Association opposes Senate Bill 110 which would remove the ability from the Human Rights Commission to hire its own staff, seek and receive private and federal funds, and have control over policy concerning the use of its budget..

The HRDCs around the state represent the needs of low income people of Montana who utilize the Human Rights Commission to advocate its interests on issues of employment discrimination, among other issues. Low-income Montanans have a difficult time as it is finding non-partial advocates who do not have conflicts of interest.

We believe that the Human Rights Commission should retain its autonomous status. We believe that the HRC should not be placed into the jurisdiction of the Department of Labor and Industry which deals specifically with the area of employment, an area in which low-income and minority persons face discrimination each day in Montana. We have serious doubts as to the ability of any agency to make fair determination on cases dealing with itself.

Because of these doubts we favor the Human Rights Commission remaining independent and oppose the passage of Senate Bill 110 as written.

January 23, 1979

William Lowe
Chairperson
Labor & Employment Relations
Helena, Montana 59601

Dear Chairperson Lowe,

Having worked in the field of women's employment counseling, I am aware of the need for a non-political, advocacy agency to protect the rights of working women.

I am also aware of discrimination problems which directly involve state agencies.

I believe Senate Bill 110 will hamper the ability of the Human Rights Bureau to act effectively on the part of women workers in Montana.

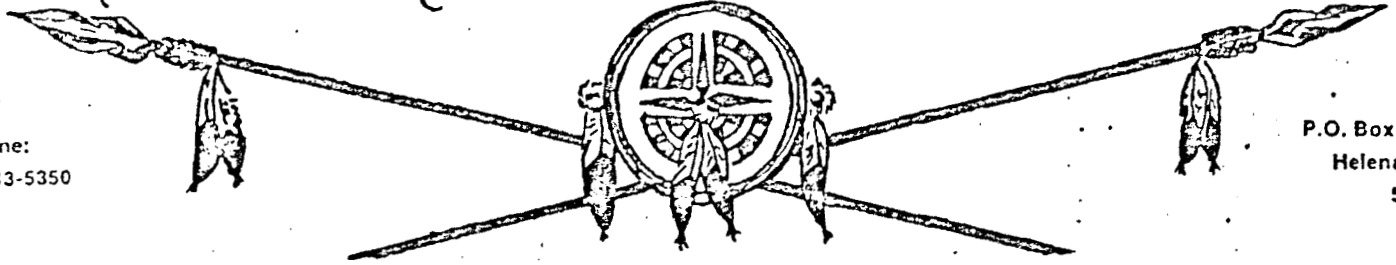
Sincerely,



Tracy Bier
1610 Sherwood
Missoula, Montana 59801

(406) 728-8118

Montana United Indian Association



Phone:
443-5350

P.O. Box 5988
Helena, MT
59601

M U I A
January 23, 1979

The Honorable Thomas L. Judge
Governor of the State of Montana
State Capitol
Helena, Montana 59601

Dear Governor Judge:

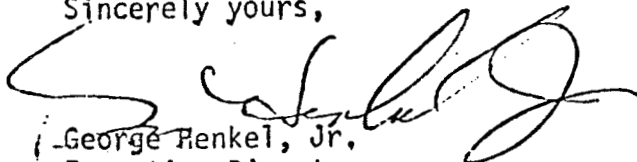
At the January 20, 1979 meeting of the Montana United Indian Association's Board of Directors, recommendations in support of the Montana Human Rights Commission were made.

The Board recommends that you give favorable consideration to the appointment of a Native American in filling existing vacancies in the Human Rights Commission. This would be in accordance with HJR 36, which was passed during the forty-fifth Legislative Session, urging the appointments of Native Americans to commissions, boards, etc., whose actions affect Native Americans.

The Board of Directors also urges you to reconsider your proposed budget as submitted to the current Legislature and to support adequate funding for the Human Rights Division as it now exists.

The Montana United Indian Association Board also feels that the independence and autonomy of the Human Rights Division should be retained to ensure full enforcement of the law.

Sincerely yours,


George Renkel, Jr.
Executive Director

GHJ/mr
cc: Human Rights Div.

— MUIA IS AN EQUAL OPPORTUNITY EMPLOYER —

BILLINGS AMERICAN INDIAN COUNCIL
BILLINGS, MONTANA
NORTH AMERICAN INDIAN ALLIANCE
BUTTE, MONTANA
GREAT FALLS INDIAN EDUCATION CENTER
GREAT FALLS, MONTANA

HELENA INDIAN ALLIANCE
HELENA, MONTANA
MISSOULA QUA-QUI CORPORATION
MISSOULA, MONTANA
HI-LINE INDIAN ALLIANCE
HAYRE, MONTANA

NORTH AMERICAN INDIAN LEAGUE
DEER LODGE, MONTANA
ANACONDA INDIAN ALLIANCE
ANACONDA, MONTANA
NATIONAL ASSOCIATION OF
BLACKFEET INDIANS

Testimony to the Senate Committee on Labor and Employment Relations- Jan. 2

My name is Michael Dahlem. I reside at 1836 Flowerree in Helena, Montana. I am a lobbyist representing more than 8,000 students at the University of Montana. I wish to state publicly our opposition to SB 110.

As a class, students have been subject to discrimination not only in education, but also in housing and employment. Sex discrimination facing recent graduates is a particularly common occurrence. There is also a large number of handicapped students and Indian and black students who believe that effective enforcement of Montana's human rights laws is crucial to protecting their rights. It is our position that the elimination of the autonomy of the Human Rights Commission by placing its division under the administrative control of the Department of Labor and Industry will not only substantially reduce the number of cases investigated, but will present problems of enforcement in cases dealing directly with the department.

In 1975, HB 602 established the present structure of the Human Rights Commission. At that time, the division was removed from the control of the Department of Labor and Industry to insure the independence necessary to guarantee the complete enforcement of state discrimination laws. Since 1974, the division has formalized 989 complaints. 639 of them have been settled. The Legislative Fiscal Analyst estimates a case load of 700 for FY 80 and 81. The Executive recommendation, however, of which this reorganization represents an integral part, only anticipates a case load of 180.

Perhaps, the real reason you are being asked to support SB 110 has nothing to do with efficiency or executive reorganization. Instead, it may have everything to do with the fact that the Human Rights Commission has been doing its job too well. This bill, at this time, strikes us as little more than retaliation against the Commission for pursuing complaints in sensitive areas, for winning settlements against other state agencies and in general for refusing to submit to executive coercion.

The people of Montana through their elected officials have shown the fore

sight of establishing a needed watchdog free of the political pressures inherent in other agencies. Montana's young people are particularly interested in seeing that this watchdog function not be abandoned under the guise of some innocuous reorganization. The cost savings to the taxpayer will be minimal. The loss of equal protection under the law will be substantial.

helena indian alliance

436 North Jackson
Helena, Montana 59601
(406) 442-9334



Exhibit "Q"

LEO POCHA
Executive Director
TRINKA MICHALSON
President
ROY GEORGE
Vice President
JOY KING
Secretary

Senator William Lowe, Chairman
Labor Relations Committee
Capital Hill
Helena, Montana 59601

Dear Committee Members:

On behalf of the Board of Directors for the Helena Indian Alliance, I wish to speak out in support of the Human Rights Commission of Montana.

Since its establishment, urban Indian people in Helena and through out Montana have utilized the Commission with great success, with the exception of the Commission being short of investigators and lawyers, we have come to view it as the only vehicle we have to enforce our rights when they're being violated by an employer. Our unemployment rate in Montana is already a staggering statistic and by cutting the Commission's funding and taking away its autonomy, the result would be nothing more than putting a band-aid on a sore and doing nothing to heal it; not only for Native Americans in Montana but for all people who at one time or another have their rights violated and cannot afford to pay a lawyer. You have an obligation to those folks too, Legislators.

Walk in Balance

TRINKA MICHALSON
PRESIDENT,
HELENA INDIAN ALLIANCE

cc: Helena Indian Alliance Board Members

January 23, 1979

TO WHOM IT MAY CONCERN:

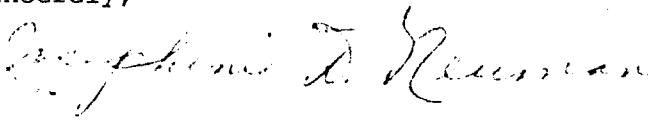
This is my letter of support for the Human Rights Commission.

On behalf of myself Josephine D. Neuman a woman of Indian descent, I cannot over emphasize my concern for the Human Rights Commission.

I disagree with attempts to "torpedo" the Human Rights Commission, by reducing its staff and placing it under the Department of Labor and Industry. This will result in serious consequences.

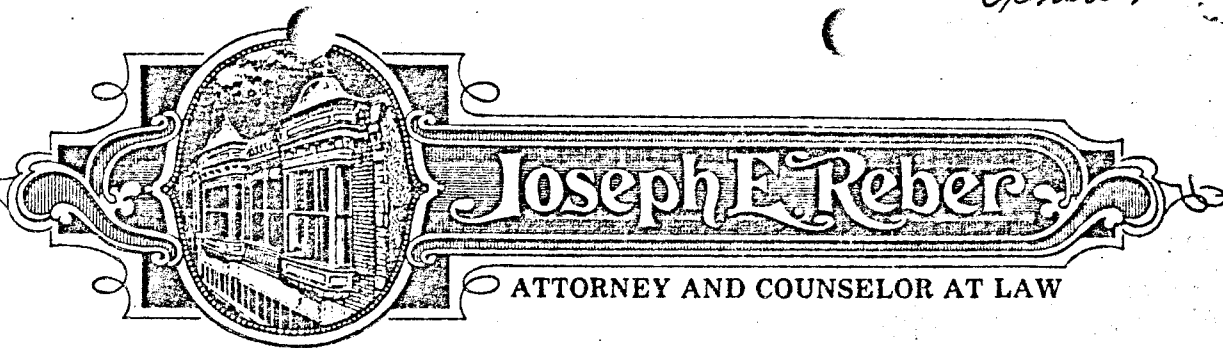
If the Judge administration is truly concerned with tribal relations, it should treat Indians decently by bringing them into state employment and using state and federal resources to continue their services. I view these kind of services as a basic requirement for better relations with tribes and seek your assistance in curtailing any actions which might result in jeopardizing the autonomy of the Human Rights Commission.

Sincerely,



Josephine D. Neuman

Exhibit 5



January 19, 1979

Senator Bill Lowe
Chairman
Labor and Employment Committee
Montana State Senate
Capital Building
Helena, Montana 59601

Re: HB 110

Dear Senator Lowe,

I urge your committee to recommend that HB 110 do not pass.

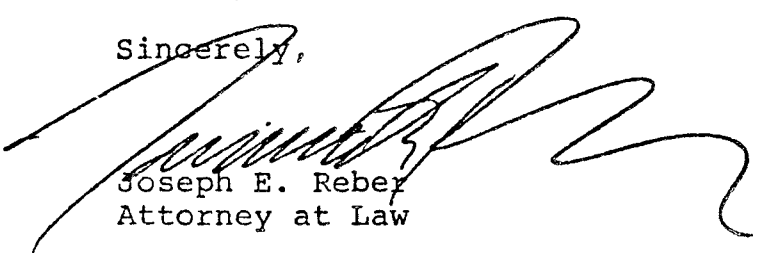
The Human Rights Division should not be made part of the Department of Labor, nor should it be made part of any other state department.

I presided as a hearings officer in a matter involving age discrimination and mandatory retirement. Imagine department employees alleging discrimination in their own department, and the discrimination that could result!

The Human Rights Division must maintain its autonomy in order to remain effective in state government.

Thank you for your attention to this matter.

Sincerely,


Joseph E. Reber
Attorney at Law

/sc

Department of Labor and Industry



449-2621

Helena, 59601

THOMAS L. JUDGE
GOVERNOR OF MONTANA

November 1, 1978

DAVID E. FULLER
COMMISSIONER

To: George Boushman
From: Dave Fuller
Re: Human Rights Staffing Pattern for the Next Biennium

We have developed this alternative staffing pattern in response to your request yesterday. As we understood your request, we were to present a plan which would be able to "reasonably" absorb the current Human Rights effort. We used the current plan for one staff person and a \$20,000 general fund appropriation as our benchmark but, as you will notice in the attached budget, did not consider it an absolute limit.

I would like to emphasize that, while we will do everything we can to effectively use staff to meet the legislative intentions for the Human Rights Commission, there is really no reason to believe the existing staff will be able to expand on the efforts called for in this "bare bones" proposal.

I would also like you to note that this proposal is based on several assumptions. The assumptions are:

- 1) that the Equal Employment Opportunity Commission will be willing to contract with the State of Montana for approximately \$50,000 of investigative and hearing services and that the Governor's Office would be willing to approve FTEs to carry out the contract for at least this amount.
- 2) that the Governor's Office understands the limitations of this proposal. It does not include any plans for EEO education or training to private business. We will expect future direction on the value of providing this service at the expense of other services.
- 3) that there is great value, in terms of successful conciliation of complaints, in having fast, responsive action and consequently it is very important to use the next eight months and the presently available money as effectively as possible.

To: George Bousliman
November 1, 1978
Page two

- 4) that the Governor's Office will support the Department of Labor and Industry in amending the law which created the Human Rights Commission to place the human rights effort within the regular chain of command for the Department.

The staffing pattern, that we envision, would be designed to use the experience and ability of two Divisions, the Labor Standards Division and the Personnel Appeals Division. You will notice that the budget has been presented so that you can identify the costs of operating both with the current Commission and without it. We have abandoned the option of somehow uniting the Human Rights Commission's functions with the Board of Personnel Appeals primarily because of the Board's workload.

Our recommendation is to keep the Commission. The details of the operating procedure would have to be worked out later, but we expect to use the current Human Rights appeal process with modifications from the processes of the two other Divisions.

We do propose that the Labor Standards Division handle the investigations with two grade 12 positions. These positions should be able to handle approximately 60 investigations and 150 inquiries a year. We estimate that this would result in approximately 15 hearings which could be handled by one grade 12 hearings officer, who would be attached to the Personnel Appeals Division.

The Department would also need clerical, legal and administrative support. The legal support could be provided through contracted services. However, we recommend approval of the attorney position in the Personnel Appeals Division, with the duties split three-fifths for classification appeals work and two-fifths for human rights work. The clerical support could also be at least partially contracted out, but since the current clerical support usually runs as much as ten working days behind, and good equipment is available, we recommend approval of one grade 8 secretary. Finally, there would be indirect administrative and travel costs. The travel cost which is estimated in the budget may rise if there is a statutory requirement to hold hearings in the county where the purported discrimination took place.

We believe that by implementing this proposal that the number of full time employees needed to carry on the human rights function could be cut from the originally proposed 9.5 to 3.4. Although 1.6 positions would need to be added to other support programs. The originally requested yearly general fund request for approximately \$155,000 would be able to be cut to \$30,000. However, \$12,600 would be needed to provide the funding for the support positions.

Attachment

42,600
85,200

Personal Services

FY 80

FY 81

Salaries		
1.00 Grade 12 Investigator	\$13,133	\$13,527
1.00 Grade 12 Investigator	13,133	13,527
1.00 Grade 12 Investigator <i>Hearing Officer</i>	13,133	13,527
.40 Grade 15 Attorney	7,252	7,470
Total Salaries	46,651	48,051
Benefits - 16%	7,464	7,688
Honorarium	500	500
Total Personal Services	54,615	56,239

Operating Expenses

Contracted Services		
Preparation of Hearings Transcripts	3,000	3,000
Filing fees for legal documents	50	50
Insurance and bonds	25	25
Payroll Service Fees	25	25
Printing	1,000	1,100
Photocopying	500	550
General	25	25
Supplies	200	225
Communications	1,000	1,100
Travel - Staff	3,000	3,200
Travel - Commission	2,500	2,650
Total Operating Expenses	11,325	11,950
Total Operating Costs	65,940	68,189

Indirect Costs

Commissioner	270	280
*Centralized Services	14,070	14,491
Total Program Costs	80,280	82,960

*A 1.00 secretary grade 8 must be added to Centralized Services Program.

SENATE

Labor & Eng. Rel. COMMITTEE

BILL 110

VISITORS' REGISTER

DATE 1-25

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OP
Sir Mallard	Mnt. Coalition of Human Services	110		X
Kore Miller	Mnt. Coalition of Handicapped Indiv	110		X
Lail M. Staley	Mt. Human Res. Dev. Coun	110		X
TRACY BIER		110	<input checked="" type="checkbox"/>	X
Rebecca Kott	Helen's Women's Political Groups	110		X
Lee Topash	Self	110		X
Ann Clayburn	MT M. A. P.	110		X
Lyv Watkins	Mt. Human Res. dev. Coun	110		X
Karen Townsend	Human Rights Comm	110		X
Virginia Johnson	LICAT-Law & Economics	110		X
Gary Curtis	Labor Industry	110	X	
Jan Brown	Self			X
Wanda Brander	Self			X
Jay Burch	League of Women Voters	110		X
Dave Fuller	Dept of Labor & Ind.	110	X	
GEORGE BOUSHMAN	OBPP	110	X	
Mike Dapkin	A.S.H.M.	110		X
Emmanuel Brown	Human Rights Div	110		X
Rosemary Zion	A.L.U. of Mont	110		X
Charlene Belgarde	Indian Community	110		X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: Tim Mallard DATE: 1-23-79

ADDRESS: 1501 9th Neban, Md. 59601

PHONE: 4143-41641

REPRESENTING WHOM? Mt. Coalition of Human Services

APPEARING ON WHICH PROPOSAL: SB 110

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: See Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

RAYMOND D. BROWN

DATE:

1/23/79

ADDRESS:

404 POWER BLOCK, HERENA

PHONE:

449-2884

REPRESENTING WHOM?

HUMAN RIGHTS DIVISION

APPEARING ON WHICH PROPOSAL:

SB 110

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

✓

COMMENTS:

WRITTEN TESTIMONY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____

DATE : _____

2-23-71

ADDRESS :

Missoula B7T

PHONE: _____

543-3111 (urb)

REPRESENTING WHOM?

Commission

APPEARING ON WHICH PROPOSAL:

110

DO YOU :

✓

COMMENTS :

written testimony being submitted

NAME:

Roger B. Niles

DATE:

1-23-79

ADDRESS:

153 Jesse Hall Bldg Missoula

PHONE:

243-2009

REPRESENTING WHOM?

Montana Coalition of Handicapped Individuals

APPEARING ON WHICH PROPOSAL:

Senate Bill 110

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

See Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Charlene Belgarde DATE: 1-23-79

ADDRESS: 2317 Choteau Helena

PHONE: 443-3595

REPRESENTING WHOM? Helena Indian Community

APPEARING ON WHICH PROPOSAL: Senate Bill 110

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? XXX

COMMENTS: See attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Senator Fred Van Vleet DATE: 1-23-79

ADDRESS: State Senate

PHONE: 449-5510

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: SB 110

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: REBECCA KOHL DATE: 1/23/79

ADDRESS: 716 8th AVE HELENA

PHONE: 442-0399

REPRESENTING WHOM? Helena Womens Political Caucus

APPEARING ON WHICH PROPOSAL: SB 110

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Written statement submitted.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Paul W. Stech DATE: 1-15-1979

ADDRESS: 241 H-1, Main Building, Belmont

PHONE: 4-3-7254

REPRESENTING WHOM? 1427. Human Resource Development Council

APPEARING ON WHICH PROPOSAL: SB. 110

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: Attended 10pg. - 4/1/80.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Par Watkins

DATE: 1-23-79

ADDRESS: 102 Mill St Hamilton

PHONE: 363-5063

REPRESENTING WHOM? Mont. Human Resource Dev. Council Directors
assoc

APPEARING ON WHICH PROPOSAL: SB 110

DO YOU: SUPPORT?

AMEND?

OPPOSE? ✓

COMMENTS: Written testimony being submitted.
U

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Virginia Jenson

DATE:

Jan 23 '79

ADDRESS:

921 Stephens, Missoula, MT.

PHONE:

549-0656

REPRESENTING WHOM?

LIGHT-Low Income Group for Human Treatment

APPEARING ON WHICH PROPOSAL:

S.B. 110

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

The LIGHT organization opposes the elimination of the Human Rights Bureau autonomy. We do not believe that the Dept. of Labor will do their best job in administering this program and in investigating Human Rights violations, as they have had many cases of discrimination filed against them. We think that the entire purpose and result of this proposal is to dilute the effectiveness of the Human Rights bill and will make it more difficult to insure compliance within State Government.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JAMES W. ZION DATE: 1-23-79

ADDRESS: 201 POWER BLOCK, HELENA, MT. 59601

PHONE: 442-3261

REPRESENTING WHOM? AMERICAN CIVIL LIBERTIES UNION

APPEARING ON WHICH PROPOSAL: SB 110

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: This bill would eliminate the effective autonomy of the Human Rights Commission and create a conflict of interest in investigating claims against the state.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE

Labor & Eng. Rel. COMMITTEE

BILL

SB 111

VISITORS' REGISTER

DATE 1-23

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPO
RAY WAYRYNEN	Mt. St. Build + Coast Trades	111		✓
Johnnie White	Open Eng. Union	111		✓
John Moore	Self	111		
Jim Silverthorn	Mt. St. Bldg + Coast Trades	111		✓
Jim Binger	Open Eng. Union			✓
Jim Marney	Mt. St. Bldg + Coast Trades	111		✓
Alfred R. Brown	Teamsters	111		✓
Carl Quinn	Carpenters Local #112	111		✓
Robert Johnson	Carpenters Local #153	111		✓
Pete Langray	Laborers 254	111		✓
Harold H. Hef	Carpenters Local 188	111		✓
Erny Driscoll	Laborers Local 98	111		✓
Witch McHardy	Mt. State Bldg. Trades	111		✓
Ray Heringworth	Teamsters & Open Engin.	111		✓
Ray Brown	Teamsters & Open Engin.	111		✓
Ferry Bass	ABC - MONTANA	111		
Ernest H. Hef	ABC Montana	111	✓	
David Hef	ABC Montana	111	✓	
Les Chamberlain III	ABC Montana	111	✓	
Steve Kautz	CONCRETE WALL CO	111	✓	
Harry Persinger	Construction & General Laborers Local #1334	111		✓
Robert Holmes	Construction & General Laborers Local 1334	111		✓
Dick Kane	Labor Standards Div	111		✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Exhibit "U"

SENATE BILL 111

SENATOR HAROLD DOVER

Senate Bill 111 provides that a prevailing rate of wages may be set by a given locality - county, city or town. This prevailing wage is obtained by taking the average of the basic wage rate, basic fringe and travel benefits of a craft that prevail in a community such as a carpenter, laborer or painter.

When a state contract is advertised for bid with wage rates or fringe benefits that are higher than those actually paid in the locality or the state contract advertised for bid contains no standard prevailing wage rate ~~and~~ the commissioner must be contacted by mail 7 calendar days prior to the bid award date by a party eligible to challenge the wage rate in the contract. The commissioner must then withdraw the contract from bidding to determine the standard prevailing wage rate of the locality by conducting a standard prevailing wage survey. Once the standard prevailing wage rate has been established in a locality it is good for 12 months.

I introduced a similar bill two years ago which missed passing in the Senate by only a few votes. I had no intention of introducing it again this time. At that time, I used as my premise the fact that it was imposing undue tax burdens on the people who had to pay the taxes for these escalated wages. The taxpayers wage or the prevailing wage in that community may be as low as 1/2 the required wage for this particular public job which the local people must pay in taxes. Furthermore, it created some serious employee

problems for local contractors who normally could not pay this scale of wage because the area was a low income agricultural or rural community. The prevailing wages used are those of Great Falls, Billings, Butte, etc. - depending on the district in which you live or it may be the Davis Bocon Scale. I had no other outside testimony at that time.

Just before this session I was contacted by a group of contractors - union and non-union, who felt there was a real need for a prevailing wage for the local community to be established. Local communities were being forced to pay too much for public structures in their local areas and some contractors were having difficulty determining how the prevailing wage scale was determined. I'm going to let some of these men speak for themselves.

Exhibit V

Definition

Prevailing - Superior force or influence; most frequent; generally current; common; acceptance or use in a given place or at a given time.

WEBSTER'S NEW COLLEGIATE DICTIONARY Copyright 1977

MONTANA CODE

Section 41-701
1-701 (3043.1)

"Standard prevailing rate of wages...means those wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions which are paid in the county or locality by other contractors for work of a similar character performed in that county or locality by each craft, classification or type of worker needed to complete a contract under this act. When work of a similar character is not being performed in the county or locality, the standard prevailing rate...shall be those rates established by collective bargaining agreements..."

Section 41-701. Preference of Montana labor in public works-wage scale-not to conflict with federal statutes.

41-701. (3043.1) Preference of Montana labor in public works-wage scale not to conflict with federal statutes. In all contracts hereafter let for state, county, municipal, school, heavy highway or municipal construction, services, repair and maintenance work under any of the laws of this state there shall be inserted in each of said contracts a provision by which the contractor must give preference to the employment of bona fide Montana residents in the performance of said work, and that the said contractor must further pay the standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions in effect and applicable to the county or locality in which the work is being performed. "Standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions, applicable to the county or locality in which the work is being performed," means those wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions which are paid in the county or locality by other contractors for work of a similar character performed in that county or locality by each craft, classification or type of worker needed to complete a contract under this act. When work of a similar character is not being performed in the county or locality, the standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions shall be those rates established by collective bargaining agreements in effect in the county or locality for each craft, classification or type of worker needed to complete the contract. No contract shall be let to any person, firm, association or corporation refusing to execute an agreement with the above-mentioned provisions in it; provided that, in contracts involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States. All public works contracts under this act shall be approved in writing by the commissioner of the contracting state, county, municipal corporation, school district, assessment district or special improvement district body or officer prior to execution by the contracting public officer or officers. Whenever the employer is not signatory party to a collective bargaining agreement, those moneys designated as negotiated fringe benefits shall be paid to the employee as wages.

(1) The Montana commissioner of labor may determine the standard prevailing rate of wages in the county or locality in which the contract is to be performed. The commissioner shall undertake to keep and maintain copies of collective bargaining agreements and other information from which rates and jurisdictional areas applicable to public works contracts under this act may be ascertained.

(2) Contractors, subcontractors, and employers who are performing work or providing services under public works contracts as provided in this act shall post in a prominent and accessible site on the project or work area, not later than the first day of work, legible statement of all wages to be paid to the employees employed on such site or work area.

(3) Any contractor, subcontractor or employer who shall pay workers or employees at less than the standard prevailing wage as established under the public works contract shall forfeit to the contracting agency the sum of twenty-five (\$25) a day for each worker so underpaid. Whenever it shall appear to the contracting agency or to the Montana commissioner of labor that there are insufficient moneys due to the contractor or the employer under the terms of the contract to cover such penalties, the Montana commissioner of labor may within ninety (90) days after the filing of notice of completion of the project and its acceptance by the contracting agency, maintain an action in district court to recover all such penalties and forfeitures due. Nothing in this section shall prevent the individual worker who has been underpaid from maintaining an action for recovery of the wages due under the contract as provided in chapter 13 of this title.

(4) The provisions of this act do not apply in those instances where the standard prevailing rate of wages is determined pursuant to federal law.

(5) In no instances where this act is applicable shall the standard prevailing rate of wage be determined to be greater than the applicable rate of wage in the area for the particular work in question as negotiated under existing and current collective bargaining agreements.

Projects From October, 1977 to October, 1978

Project Locations - City of Ennis and Madison County

Number of Projects - 13

Number of General Contractors Involved - 4

Volume of Work Represented - \$1,263,000

<u>Job Classification</u>	<u>Number Employees</u>	<u>Hourly Rate</u>
Carpenters	1	\$5.00
	2	5.50
	6	6.00
	6	7.00
	3	8.00
	* 1	9.00
Total:	19	
* Working Foreman		
Laborers	2	\$4.00
	3	4.50
	8	5.00
	1	5.50
	6	6.00
Total:	20	

Mr. Chairman and members of the Committee. My name is Dick Kane. I am Administrator of the Labor Standards Division, Department of Labor and Industry. I am here today as an opponent of Senate Bill 111.

Administration of this proposed law would be a monumental task requiring a survey of 1793 registered contractors and a cost breakdown on their employees by craft classification.

There are 14 major crafts with each craft containing various skills. There are approximately 338 job classifications, each with a different wage scale.

The law would require that the surveys be done at the very least on an annual basis and provides for interim surveys in cases where the wage rates are in question.

In addition to making the surveys and issuing the wage determination the Commissioner of Labor and Industry is required to withdraw any contract from bidding whenever he has been given proper notice, that the rates are not in the bid, or are incorrect. This provision could create a liability question that could result in extensive litigation.

Another problem would be the implementation of the law. Assuming an effective date of July 1, 1979, the Department of Labor and Industry would be faced with making their required surveys at the same time the construction season gets into full swing. It is probable that there would be contracts let in 56 counties, 126 incorporated cities and towns, 584 school districts plus an unknown number of governmental entities such as hospital districts. We estimate it would be necessary to make some 1800 surveys in order to issue 1200-1400 wage determinations each year.

This bill, if passed, would require a budget of \$274,000.00.



JAMES W. MURRY
EXECUTIVE SECRETARY

Box 1176, Helena, Montana

ZIP CODE 59601

PHONE 406/442-1708

TESTIMONY OF JAMES W. MURRY ON SENATE BILL 111, BEFORE THE SENATE LABOR AND
EMPLOYMENT RELATIONS COMMITTEE, JANUARY 23, 1979

I AM JIM MURRY, EXECUTIVE SECRETARY FOR THE MONTANA STATE AFL-CIO, AND I
APPEAR BEFORE THIS COMMITTEE IN OPPOSITION TO SENATE BILL 111, A BILL THAT WOULD
IMPOSE LIMITATIONS ON WAGES AND BENEFITS PAID TO WORKERS BY ACCIDENT OF JOB
LOCATION.

IT IS NO ACCIDENT THAT THE PREVAILING WAGE OPERATIONAL IN THIS STATE
INCLUDES THE WAGES OF WORKERS, WHO BY THE EXERCISE OF THEIR RIGHTS THROUGH THE
COLLECTIVE BARGAINING PROCESS, HAVE BOLSTERED AND STRENGTHENED WAGES THROUGHOUT
THE STATE COMMUNITY, SO THAT ALL WORKERS, IN ALL WALKS AND SKILLS CAN BENEFIT
FROM THE PREVAILING WAGE.

IN 1975, THE MONTANA STATE AFL-CIO TOOK THE POSITION AT OUR CONVENTION TO
AMEND THE SO-CALLED "LITTLE DAVIS-BACON ACT", WHICH AUTHORIZED THE ENFORCEMENT
OF THE PREVAILING WAGE ON PUBLIC WORKS PROJECTS.

AT THAT CONVENTION, AND AT THE REQUEST OF THE MONTANA STATE BUILDING AND
CONSTRUCTION TRADES COUNCIL, WE SOUGHT LEGISLATIVE ACTION TO AMEND THAT STATUTE SO
THAT THE WAGES AND FRINGE BENEFITS ON ALL PUBLIC AND PRIVATE WORKS PROJECTS BE
USED IN THE SURVEY TO DETERMINE AREA PREVAILING WAGE RATES.

IN 1977, THE LAST LEGISLATIVE SESSION KILLED LEGISLATION THAT WOULD HAVE
ALLOWED CONTRACTORS TO BASE THEIR PREVAILING WAGE PUBLIC WORKS CONTRACTS ON A
COUNTY-BY-COUNTY BASIS, RATHER THAN CONSIDERING COLLECTIVE BARGAINING AGREEMENTS
IN THEIR JURISDICTIONAL AREAS.

-more-

NOW WE SEE A PIECE OF LEGISLATION BEFORE US THAT WOULD NOT ONLY ALLOW THE PREVAILING WAGE BUT THE PREVAILING FRINGE BENEFITS AS WELL TO BE DIFFERENT AND CHANGEABLE FROM ONE MONTANA TOWN TO THE NEXT.

IT IS NO ACCIDENT THAT THERE ARE PREVAILING RIGHTS AND BENEFITS FOR WORKERS IN MONTANA, FROM LIBBY TO BAKER. IT IS NO ACCIDENT BECAUSE WE BELIEVE IN THE CONCEPT OF UNITY. EQUALITY IS HOW MONTANA FUNCTIONS AS A STATE, AND IT IS WHY OUR NATION REMAINS A NATION, INSTEAD OF A CONGLOMERATE OF MINI-FEDERATIONS.

THE CONCEPT OF COMPUTING THE PREVAILING WAGE EXCLUSIVELY ON THE WAGES AND BENEFITS WORKERS HAVE EARNED IN A YEAR IN EACH SEPARATE LOCALITY IS RAMPANT WITH INEQUALITIES.

IT FORCES THE COMMISSIONER OF LABOR TO CONDUCT "PREVAILING WAGE SURVEYS", BY TRADE, IN EVERY MUNICIPALITY IN THE STATE THAT REQUESTS SUCH A SURVEY IN ORDER TO DETERMINE ITS OWN SEPARATE BUT UNEQUAL PREVAILING WAGE.

INTO EACH SURVEY ARE POURED ALL THE WAGES, NUMBERS OF WORKERS, NUMBERS OF EMPLOYERS, FRINGE AND APPRENTICESHIP BENEFITS, TRAVEL ALLOWANCES, CONSTRUCTION CONTRACTS AND PROJECTS COMPLETED FOR THE PRECEDING TWELVE MONTHS IN EVERY SINGLE REQUESTING MUNICIPALITY IN ORDER FOR THE COMMISSIONER OF LABOR TO DETERMINE THE PREVAILING WAGES AND BENEFITS THAT WILL APPLY ONLY TO THAT SINGLE LOCALITY.

NO DOUBT THIS COMMITTEE CAN TAKE INTO CONSIDERATION THE HUNDREDS OF SUCH SURVEYS WHICH THE COMMISSIONER OF LABOR WOULD HAVE TO YEARLY PERFORM, AND THE EXORBITANT COST SHARED BY TAXPAYERS ANNUALLY WHENEVER A MUNICIPALITY ASKS FOR SUCH A SURVEY.

THE WASTE OF MAN-HOURS ALONE IS STAGGERING.

I SAY "SEPARATE" AND "UNEQUAL" BECAUSE THIS LEGISLATION HAS THE POTENTIAL OF UNDERMINING THE CONSTITUTIONAL CONCEPT OF STATEHOOD. IT PITS THE WAGES AND BENEFITS OF ONE TOWN AGAINST ANOTHER. IT MAKES MUNICIPALITIES, NO MATTER WHAT SIZE, SEPARATE AND UNEQUAL ENTITIES. IT WILL ENCOURAGE UNEQUAL GROWTH AND UNFAIR

ECONOMIC DECAY BETWEEN MONTANA COMMUNITIES. IT WILL DISCOURAGE COMPETITIVE BIDDING ON CONTRACTS IN ONE LOCATION, AND ENCOURAGE IT IN ANOTHER. AND IN A VERY SHORT TIME, IT WILL CAUSE THE PREVAILING WAGES OF A MUNICIPALITY TO LOWER WITH EACH SUCCEEDING YEAR THERE IS A SURVEY REQUEST.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, WE REALIZE THAT THERE ARE MANY GOOD CONTRACTORS IN MONTANA WHO PAY FAIR AND DECENT WAGES, A NUMBER OF WHOM DO SO UNDER UNION CONTRACT. WE FEEL SENATE BILL 111 PLACES GOOD CONTRACTORS IN AN UNFAIR COMPETITIVE POSITION WITH OTHER CONTRACTORS WHO HAVE MADE IT THEIR POLICY TO PAY SUBSTANDARD WAGES UNDER SUBSTANDARD WORKING CONDITIONS.

WE HAVE SEEN THIS LEGISLATION BEFORE, LEGISLATION THAT WOULD DRIVE COMPETITIVE WEDGES BETWEEN COMMUNITIES, AND LEGISLATION THAT WAS EFFECTIVELY KILLED BECAUSE OF ITS USURPATION OF PREVAILING STATE WAGES.

THEREFORE, I ENCOURAGE THIS COMMITTEE TO LOOK AT THE LOGIC BEHIND SUCH LEGISLATION -- LEGISLATION THAT WOULD TRANSFORM PROUD MONTANA COMMUNITIES INTO BICKERING, WEAK AND UNEQUAL CITY-STATES.

-end-

NAME: Dick Kane DATE: 1/23/79

ADDRESS: 35 S Fort Chase Gulch

PHONE: 449-5600

REPRESENTING WHOM? Labor Standards Division

APPEARING ON WHICH PROPOSAL: S.B. 111

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Will submit written comment

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: R. L. Thompson DATE: 1-23-29

ADDRESS: Halley Dr Helena Mont

PHONE: 442-2770

REPRESENTING WHOM? Operating Engineers & Steamfitters Union

APPEARING ON WHICH PROPOSAL: SB 111

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: Montana has a good law of determining
penalties rates to be paid in its statutes
know.

The cost of putting SB 111 in effect would
be many fold to administer from the present
law.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Joe Messner

DATE: 1-23-75

ADDRESS: 3314 Humboldt St Butte Montana 59701

PHONE: 484-4445

REPRESENTING WHOM? Montana Nat. & Co. of Teachers

APPEARING ON WHICH PROPOSAL: SB-111

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: This bill would produce a loss of living wages for teachers
in Montana schools, it would also cause a loss of living wages for
teachers in other states.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.