

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

February 15, 1979

The meeting of the Labor & Employment Relations Committee was called to order by Chairman Lowe in Room 404 of the State Capitol on February 15, 1979 at 12:30 p.m.

ROLL CALL: All members of the Committee were present with the exception of Senator Palmer who was absent.

The first bill placed before the Committee for consideration was House Bill #413 at the request of Representative Fabrega, sponsor of the bill. Since he had to go to another meeting, Representative Fabrega went over the bill briefly for the Committee, stating that it would have Workers' Compensation pay their share of an injured policeman's salary with the city paying the balance to a hundred percent. Mr. Fabrega told the Committee that an amendment was to be offered by P.E.R.S.

Proponents appearing before the Committee in support of House Bill #413 were: Maurice J. Mulcahy of Butte, representing the M.P.P.A., Jack Williams of Helena representing the Montana Chiefs of Police Association; Jim Campbell of the Helena Personnel Department; Doyle Williams representing the City of Great Falls and Jim Turcott of P.E.R.S.

Representative Fabrega presented a copy of the amendment offered by P.E.R.S. to the Committee and the Committee researcher was requested to work it over for the Committee.

Senator Smith moved that the amendments be adopted. Senator Dover seconded the motion which carried.

Senator Pat Ryan, District 18, sponsor of Senate Bill #418 told the Committee the bill had been given to him by representatives of private employment associations and asked that Mr. John Bell be allowed to explain the bill to the Committee.

Mr. Bell, representing Montana Private Employment Associations told the Committee that the bill would enable them to ensure fair practices among their members and, hopefully, non-members also.

Mr. Richard Kane of the Department of Labor & Industry, appearing as neither a proponent or opponent, told the Committee that they are worried about what the legal ramifications would be if someone filed a complaint against the State. He said the association should keep the department notified of employers belonging to their association. His department does not want to get into any more litigation than necessary.

After a question and answer period, it was decided that the Committee would act on this bill later.

Senator Mehrens, sponsor of Senate Bill #327, told the Committee that this bill would make the first major change in the Montana child labor law since 1907. He then turned it over to Dick Kane, representing the Labor Standards Division, Department of Labor & Industry, who presented the Committee with a written statement which he read on this bill. (See Exhibit "A")

After questions by the Committee members, Senator Smith suggested that the Chairman name a subcommittee to look at the old law and report back on Saturday. Chairman Lowe named the following to the subcommittee on this bill: Senators Mehrens, Chairman, Smith, Severson and Aklestad.

Senator Dover as sponsor of Senate Bill #437 explained this bill to the Committee and then moved that Senate Bill #437 be Tabled. Motion carried with one dissenting vote, that of Senator Nelson.

At this time, the hearings were closed and the Committee further discussed their work to be done on Saturday. It was decided that they would vote on Senate Bill #252, Senate Joint Resolution #11, House Bill #413, Senate Bill #321 and Senate Bill #327 on that day.

Senator Severson moved that Senate Bill #418 Do Not Pass and this motion carried unanimously.

Senator Nelson moved the attached amendments (See Exhibit "B") be adopted. Senator Dover seconded the motion which carried. Senator Nelson then moved that Senate Bill #258 Do Pass, As Amended. This motion carried with Senator Smith voting No.

There being no further business before the Committee, the meeting adjourned at 1:45 p.m.



Senator William R. Lowe, Chairman

Exhibit 14

Sections 1, 2, 3	Title - Purpose and definitions
Section 4	General prohibition applying to all children under 18
Section 5	Employment of apprentice under 18 in certain occupations
Section 6	Employment of a student learner in certain occupations
Section 7	Employment of children in agriculture
Section 8	Hazardous agricultural occupations for children under 16
Section 9	Employment of children under 16 years prohibited in certain occupations or under certain conditions
Section 10	Hours of work for children under 16 years of age
Section 11	Hours of work for children 16 years of age or older and under 18 years of age
Section 12	Lunch break required
Section 13	Permitted occupations in retail, food service and gasoline service establishments for children under 16 years of age
Section 14	Permitted employment in other occupations for children under 16 years of age
Section 15	Prohibited work by children under 16 years of age in retail, food service, or gasoline service establishments
Section 16	Employment of children under fourteen years of age
Section 17, 18	Children under 18 prohibited from working where required to serve alcohol or take part in games of chance
Section 19, 20, 21	Age certificates
Section 22	Enforcement
Section 23	Powers of Commissioner
Section 24	Rules making authority
Section 25	Penalty
Section 26	Effect on other laws
Section 27	Savings clause
Section 28	Severability
	Repeal of present laws

Mr. Chairman, members of the committee, for the record, I am Dick Kane, Administrator of the Labor Standards Division, Department of Labor and Industry. I am here today in support of Senate Bill 327.

This bill is the first major change in Montana's child labor laws since 1907. The changes this law proposes are from general prohibitions about employing children to specific provisions relating to the employment of children. The distinction is important.

The following law (41-2-101 MCA) is the extent of Montana's current laws relating to child labor.

"Any person, firm, company, etc...who shall knowingly employ or permit to be employed any child under the age of sixteen years, to render or perform any service or labor, in, on, or about any mine, mill, smelter, workshop, factory, steam, electric, hydraulic, or compressed-air railroad, or passenger or freight elevator, or where any machinery is operated, or for any telegraph, telephone, or messenger company, or in any occupation not herein enumerated which is known to be dangerous or unhealthful, or which may be in any way detrimental to the morals of said child, shall be guilty of a misdemeanor and punishable as hereinafter provided."

Except for a few enforcement sections, that is Montana's entire child labor law.

What is meant by the phrase "or where any machinery is operated"? This is a difficult question to answer as the law was written 72 years ago. Technological changes since that time must be considered. The proposed child labor law will address this problem and will provide for the changes that have taken place in our industrial world since the time the original law was enacted.

The present law only provides for a general prohibition against dangerous or unhealthy conditions. There isn't even a prohibition against a child working during school hours.

The law, because it is vague and general, is difficult to enforce.

On the other hand, the proposed legislation before you is quite comprehensive and specific. It is modeled after the federal law, which was passed in 1938, and has worked well for the last 40 years. Passage of this bill would bring Montana's Child Labor laws into the 20th century.

There are three basic objectives of any child labor law: 1) to protect a child from being exploited; 2) to insure each child an opportunity for an education; and 3) to protect a child's physical and moral well-being.

This new proposed law would meet all 3 objectives.

The law is clear, specific, and has a history of working well on the federal level. Also, because Montana's law would be similar to the federal law, an employer would only have to know one law, in order to be sure he is complying with the law. The purpose of this bill is not to prohibit or reduce employment for youth but to have clear safeguards for when they do work. They will be protected from dangerous machinery and unhealthy working environments but at the same time, they will be allowed to take on any number of safe jobs. If a child's health is damaged as a result of early years of hazardous employment, the employment opportunities for that child in his adult years will also be damaged. It has been said that our children are our greatest natural resource. If that is true, then this bill will allow Montanans to protect their greatest natural resource, as that resource (the youth) enters the job market.

The working hours of the youth will be regulated so that their jobs don't interfere with their need for study and rest. The purpose of restricting the number of hours a child can work per day is to allow adequate preparation time for school and enough time to adequately rest for school. It has been long observed and known, that a child who works too much is not alert, responsive or prepared in the classroom.

Additionally, the bill recognizes the need to insure that there will be a sufficient work force trained to work in hazardous occupations in the future. The bill therefore permits 16 and 17 year old persons to work in certain hazardous occupations if they work in learners or apprenticeship programs that have been approved by the Department of Labor and Industry.

Such approval will only be given by the Department of Labor and Industry when it is shown to the Department's satisfaction - according to the law - that certain safeguards have previously been established for the youth.

This bill is extremely important to protect the youth in Montana's work force. If you agree with me that our children deserve to be protected in their jobs, then I urge you to vote FOR this bill.

Thank You

(See B)
Do pass as Amended

PROPOSED AMENDMENTS

SENATE BILL NO. 258

OK
7/17

1. Page 1, line 20.
Following: "corporation"
Strike: "state treasurer"
Insert: "agency"
2. Page 2, line 8.
Following: "agency"
Strike: "or may elect to utilize any combination of plan No. 1 or plan No. 2 as determined by the governing body."
Insert: "A public corporation electing compensation plan No. 1 may purchase reinsurance. A public corporation electing compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1."
3. Page 2, line 12.
Following: "No. 1"
Strike: "in whole or in part"
4. Page 2, line 14.
Following: "Title 39,"
Strike: "chapter 71"
Insert: "chapters 71 and 72"
5. Page 2, line 17.
Following: "Title 39,"
Strike: "chapter 71"
Insert: "chapters 71 and 72"

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

46TH LEGISLATIVE SESSION -- 1979

Date 2/15/79

NAME	PRESENT	ABSENT	EXCUSE
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	✓		

H.B 413

NAME: MAURICE J. Mulcahy DATE: 2-15-75

ADDRESS: 522 NO Franklin Butte, MT

PHONE: 7928560 - Helena 442-3327 442-1152

REPRESENTING WHOM? A.F.S.C.M.F. AFL-CIO M.P.P.A

APPEARING ON WHICH PROPOSAL: H.B 413

DO YOU: SUPPORT X AMEND? _____ OPPOSE? _____

COMMENTS: We Support H.B. 413 as Amended By
The Adm. of P.E.R.S.

NAME: Viv Campbell DATE: 2/15/29

ADDRESS: Heleaa

PHONE: _____

REPRESENTING WHOM? City of Helena

APPEARING ON WHICH PROPOSAL: HB 413

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

NAME: Deeksha DATE: 1/1/09

ADDRESS: 35 S 6th Ave, Salt Lake

PHONE: 449-5760

REPRESENTING WHOM? John Starkweather, the wife of John C. Starkweather

APPEARING ON WHICH PROPOSAL: SB 327

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

5B437

NAME: Russell Miller DATE: 1/25/69

ADDRESS: 202 Franklin

PHONE: 563-6925

REPRESENTING WHOM? F.U.O.E Local 4927

APPEARING ON WHICH PROPOSAL: _____

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

COMMENTS: _____

S.B. 4-37

NAME: Bill m. Pott DATE: 3-15-79

ADDRESS: 1627 S. 9th Street Milwaukee

PHONE: 549-0453

REPRESENTING WHOM? UPIV 885 + miserably, taken (by) ^{the} court

APPEARING ON WHICH PROPOSAL: SB 437

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

COMMENTS: _____

NAME: Joe Cormakite DATE: 1-15-79

ADDRESS: Cal Kells, Mont.

PHONE: 892-5055

REPRESENTING WHOM? Oper. Engineers Union

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____

OPPOSE?

COMMENTS: _____

43c

NAME: Charles W. Tracy DATE: 7-15-79

ADDRESS: 1543 35 Street NW, Calgary, Alberta

PHONE: 549-6233

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: 55 437

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

COMMENTS: _____

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Perry DATE: 1-15-79

ADDRESS: P.O. Box 1176 Delta, Mont.

PHONE: 462-1708

PHONE: 9 • REPRESENTING WHOM? *Mont. State AFL-CIO*

APPEARING ON WHICH PROPOSAL:

SB 437

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

NAME: Robert Vojtaski DATE: 3/15/79
ADDRESS: 1340 Blaine Dr.
PHONE: 442-8848

REPRESENTING WHOM? International Union of Operating Engineers Local 1400

APPEARING ON WHICH PROPOSAL: Smith Bull 437

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tom Decker DATE: 2/15/29

ADDRESS: 3030 N. Hunter Ave

PHONE: 442-7500

REPRESENTING WHOM? Mr. R. R. Allen

APPEARING ON WHICH PROPOSAL: S. B. 457

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

SENATE Senate Engagements COMMITTEE

BILL

VISITORS' REGISTER

DATE 2-15-79

STANDING COMMITTEE REPORT

February 15, 1979

MR. President:

We, your committee on Labor & Employment Relations

having had under consideration Senate Bill No. 258

Respectfully report as follows: That Senate Bill No. 258, introduced bill, be amended as follows:

1. Page 1, line 20

Following: "corporation"
Strike: "state treasurer"
Insert: "agency"

2. Page 2, line 8.

Following: "agency"
Strike: ", or may elect to utilize any combination of plan No. 1 or plan No. 2 as determined by the governing body."
Insert: ". A public corporation electing compensation plan No. 1 may purchase reinsurance. A public corporation electing compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1."

3. Page 2, line 12.

Strike: "in whole or in part"

4. Page 2, line 14.

Following: "Title 39,"
Strike: "chapter 71"
Insert: "chapters 71 and 72"

... (continued) ...

February 15, 1979

5. Page 2, line 17.
Following: "Title 39,"
Strike: "chapter 71"
Insert: "chapters 71 and 72"

And, as so amended,
DO PASS

90.

From 407
Dreyfus

STANDING COMMITTEE REPORT

February 15, 1979

MR. President:

We, your committee on Labor & Employment Relations,

having had under consideration Senate Bill No. 418,

Respectfully report as follows: That Senate Bill No. 418,

DO NOT PASS

DO NOT PASS P.Q.