

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

March 20, 1979

The meeting of the Labor and Employment Relations Committee was called to order by Chairman Lowe at 11:00 a.m. on March 20, 1979, in Room 404 of the State Capitol.

ROLL CALL: Although no roll call was taken, all members were present.

Chairman Lowe reminded the Committee that at an earlier meeting the Committee had agreed to ask for a Resolution requesting that the Child Labor Laws be updated. Senator Mehrens provided the Committee with a Resolution that had been drafted which is attached as Exhibit "A". Senator Hafferman moved that the Committee present the Resolution. Chairman Lowe asked attorney Jim Oppedahl if the Resolution had to be submitted as a Joint Resolution to which he answered in the affirmative. Chairman Lowe asked the Committee for a vote on Senator Hafferman's motion and the motion carried.

Chairman Lowe then asked the members of the Committee to take executive action on House Bill #766. Chairman Lowe reminded the Committee that this bill revised the unemployment compensation laws relating to the minimum weekly benefit amount, changing the duration of benefits and disqualification of benefits. Senator Smith stated that the only way he could support the bill was by amending it so that students could qualify for unemployment benefits under certain conditions. Mr. Smith's amendment is as follows:

Page 7, line 1.

After: "occurred"

Insert: "unless he has been in regular attendance at an educational institution accredited by the state of Montana, for at least 3 months since his last employment."

Senator Severson stated that although he had no objection to the amendment, he felt that the Committee should pin it down to the following:

After: "3"

Insert: "consecutive"

After: "months"

Insert: "from date of enrollment"

Mr. Kanzier of the Employment Security Division was asked if this amendment was satisfactory with his Department, and he stated that this amendment would help his Department in establishing qualifications for unemployment benefits.

Senator Smith moved the amendment with Senator Dover seconding. The amendment carried unanimously.

Chairman Lowe asked the Committee if they had considered the amendment proposed by the Superintendent of Public Instruction at the last meeting. The proposed amendment was not correctly reported at the last meeting as it indicated that this amendment should appear on page 1, line 6. Chairman Lowe stated that this should have been page 6, line 1, following the word "cause", strike the period and insert, "or if he is a school district employee that has a written agreement to return to his employment following the summer break."

Senator Dover moved this amendment which carried with Senators Palmer and Mehrens opposing.

Chairman Lowe then asked the Committee if they had considered his amendment proposed at the last meeting wherein he had requested that on page 6, line 1, the words "attributable to the employment" be reinserted in the bill.

Senator Dover moved Senator Lowe's amendment which carried. Senator Dover then moved the bill as amended which carried with Senators Palmer, Mehrens and Hafferman voting "no".


Chairman Lowe then asked the Committee if they had had time to study all the material presented on House Bill #190 which raised the taxable wage base for employer contributions and employer classification for unemployment insurance and placed the system on the experience rating. Chairman Lowe also asked the Committee if they had considered the amendments presented to the Committee at the last meeting by Mr. Chad Smith leaving the taxable wage base at \$6,000. Mr. Kanzier then stated that if page 14, line 9 was not changed to Schedule XI, then Schedule XI would never be triggered into the system.

Senator Dover then moved the amendments submitted by Mr. Chad Smith attached as Exhibit "B" and the amendment proposed by Mr. Kanzier inserting Schedule XI. This motion carried with Senators Smith, Hafferman and Mehrens opposing.

Chairman Lowe then explained to the Committee that he felt sure that this bill would be referred to a conference committee in the Senate and since the department was in the red at the present time, some action had to be taken to alleviate this problem.

Senator Dover moved the bill as amended which carried with Senators Smith and Aklestad opposing. Senator Palmer indicated to the Chairman that the only reason he had supported the bill was that the conference committee would further investigate its merits.

There being no further business, the meeting adjourned at  
12:13 p.m.

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Senator William R. Lowe, Chairman

HOUSE BILL NO. 190  
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I move to amend the third reading copy of House Bill No. 190 as follows:

1. On page 7, by deleting lines 18 through 25, and on page 8, by deleting lines 1 and 2.

2. On page 15, line 16, by deleting the item "(.....)" and by inserting in lieu thereof the item "(.0025)".

3. On page 15, lines 14 through 25 and on page 16, lines 1 through 12 by adding a new schedule XI at the end of said lines respectively, as follows:

Page 15	14	"Sched.
	15	XI
	16	(.....)
	17	3.3
	18	-----
	19	
	20	2.1%
	21	2.4
	22	2.7
	23	3.0
	24	3.3
	25	3.6"
Page 16	1	"3.9
	2	-----
	3	
	4	4.1 %
	5	-----

SENATE RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COUNCIL OFFICE TO DO A STUDY ON THE CHILD LABOR LAWS OF MONTANA.

WHEREAS, the Legislature of the State of Montana recognizes that the children of Montana are Montana's most valuable resource and that all children must be protected from possible abuses in relation to child labor; and

WHEREAS, severe abuses can result when the state does not give proper protection to children who may work in the labor market; and

WHEREAS, the present Montana child labor laws were originally passed in 1907; and

WHEREAS, there have been substantial changes in Montana's industrial society since the passage of the present Montana labor laws and there has been substantial technical progress since 1907; and

WHEREAS, the present child labor laws do not reflect the changes that have occurred in the market place since 1907 and cannot be adequately applied to the present work environment; and

WHEREAS, the present labor laws have limited application and exclude a substantial portion of the employers in Montana which can lead to abuses because of these exclusions; and

WHEREAS, there are substantial conflicts and inconsistencies between the present Montana child labor laws and federal laws concerning child labor;

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
2 OF MONTANA:

3 That the Legislative Council initiate a study of Montana's  
4 child labor laws in relation to the present work environment  
5 and in relation to federal laws on this subject and submit a  
6 report and draft proposed legislation to update and modernize  
7 the child labor laws of Montana.

8 BE IT FURTHER RESOLVED that copies of this resolution shall  
9 be sent to the Secretary of State, the Commissioner of Labor  
10 and Industry, and the Legislative Council.

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14 -End-  
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6	
7	4.28
8	4.4
9	4.6
10	4.6
11	4.6
12	4.6"

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

46TH LEGISLATIVE SESSION - - 1979

Date March 20, 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	✓		

Attach to minutes each day.



# STANDING COMMITTEE REPORT

March 28

1970

MR. PRESIDENT:

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 190

Harper (Lowe)

Respectfully report as follows: That HOUSE Bill No. 190  
third reading bill, be amended as follows:

1. Page 7, line 18 through line 2 on page 8.  
Following: line 18 on page 7  
Strike: subsection 4 in its entirety

2. Page 14, line 9.  
Following: "SCHEDULE"  
Strike: "X"  
Insert: "XI"

3. Page 15, line 14.  
Following: sixth "Sched."  
Insert: "Sched."

4. Page 15, line 15.  
Following: "X"  
Insert: "XI"

DO PASS

(CONTINUED)

5. Page 15, line 16.  
Following: "~~(.0125 .0075)~~"  
Strike: "(....)"  
Insert: "(.0025) (....)"

6. Page 15, line 17.  
Following: "3.1"  
Insert: "3.3"

7. Page 15, line 20.  
Following: "1.9%"  
Insert: "2.1%"

8. Page 15, line 21.  
Following: "2.2"  
Insert: "2.4"

9. Page 15, line 22.  
Following: "2.5"  
Insert: "2.7"

10. Page 15, line 23.  
Following: "2.8"  
Insert: "3.0"

11. Page 15, line 24.  
Following: "3.1"  
Insert: "3.3"

12. Page 15, line 25.  
Following: "3.4"  
Insert: "3.6"

13. Page 16, line 1.  
Following: "3.7"  
Insert: "3.9"

14. Page 16, line 4.  
Following: "3.9%"  
Insert: "4.1%"

15. Page 16, line 7.  
Following: "4.0%"  
Insert: "4.2%"

16. Page 16, line 8.  
Following: "4.2"  
Insert: "4.4"

17. Page 16, line 9.  
Following: "4.4"  
Insert: "4.6"

(CONTINUED)

18. Page 16, line 10.

Following: "4.4"

Insert: "4.6"

19. Page 16, line 11.

Following: "4.4"

Insert: "4.6"

20. Page 16, line 12.

Following: "4.4"

Insert: "4.6"

And, as so amended  
BE CONCURRED IN

# STANDING COMMITTEE REPORT

March 20

19 79

MR. PRESIDENT:

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 766

Porter (Nelson)

Respectfully report as follows: That HOUSE Bill No. 766  
third reading bill, be amended as follows:

1. Page 5, line 24.

Following: "(1)"

Strike: "Effective April 1,"

Following: "1977"

Strike: "1979, an"

Insert: "An"

2. Page 6, line 1.

Following: "employment:"

Insert: "attributable to the employment or if he is a school district  
employee who has a written agreement to return to his employment  
following the summer break"

DO PASSEK

(CONTINUED)

3. Page 7, line 1.

Following: "occurred"

Insert: "unless he has been in regular attendance at an educational institution accredited by the state of Montana for at least 3 consecutive months from the date of his enrollment"

4. Page 7, line 5.

Following: "misconduct."

Strike: "Effective April 1,"

Following: "1977"

Strike: "1979, an"

Insert: "An"

And, as so amended  
BE CONCURRED IN

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

March 23, 1979

A special meeting of the Labor and Employment Relations Committee was called by Chairman William R. Lowe for March 23, 1979, to consider Senate Joint Resolution No. 35.

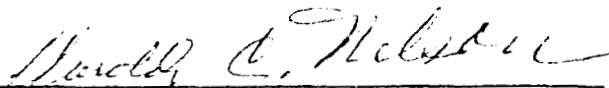
The meeting was called to order by Vice-Chairman Nelson at 11:45 a.m., on March 23, 1979, in Room 404 of the State Capitol.

ROLL CALL: All members were present with the exception of Senator Lowe who was excused.

Vice-Chairman Nelson called the meeting to order to discuss Senate Joint Resolution No. 35 regarding the updating of the Child Labor Laws of the State of Montana. After some discussion, Senator Dover moved the Resolution to pass which motion carried unanimously.

Senator Dover also moved that Senator Mehrens carry the Resolution on the floor which also passed unanimously.

There being no further business, the meeting was adjourned at 11:47 a.m.

  
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Senator Harold C. Nelson,  
Vice-Chairman

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

46TH LEGISLATIVE SESSION - - 1979

Date *March 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			✓

Attach to minutes each day.

# STANDING COMMITTEE REPORT

March 23

79

..... 19.....

MR. .... **PRESIDENT:**.....

We, your committee on .... **LABOR & EMPLOYMENT RELATIONS**.....

having had under consideration .... **SENATE JOINT RESOLUTION**..... **SEN** No. .... **35**.....

Respectfully report as follows: That .... **SENATE JOINT RESOLUTION**..... **SEN** No. .... **35**.....

BE CONCURRED IN  
UNANIMOUSLY