

MINUTES OF THE MEETING OF THE HOUSE LABOR AND INDUSTRY COMMITTEE  
January 13, 1981

The Labor and Industry Committee met at 12:30 p.m. on January 13, 1981, in Room 129 of the State Capitol, with Chairman Robert Ellerd presiding and all members present.

Chairman Ellerd said Rep. Vinger had been taken off the committee due to a time conflict. His replacement is Representative Carl Smith.

Chairman Ellerd opened the meeting to a hearing on the following bills: HB 49, 89 and 101.

HOUSE BILL 49

REPRESENTATIVE BUDD GOULD, District 98, chief sponsor, introduced the bill and said Mr. Barrett and Mr. Boles were there to answer questions and explain the bill.

FRED BARRETT, Employment Security Division, said this bill was a result of a bill passed last session which set the arbitrary date of July, 1976, from which to compute an employer's experience rating computation. This statute puts the rating system on a three year running average of the most recent years. Since this would be based upon the most current information, it should be a bona fide projection of what is needed to provide the benefit payments in the following year. He felt it was good legislation.

FORREST BOLES, Montana Chamber of Commerce, handed in a copy of an amendment. The amendment is on page 7 and would delete all the material on lines 11 through 15 following the comma on line 11. He said the bill was at the request of employers. The suggested amendment to the bill is to eliminate the April opportunity to change the rate of taxation. He said in discussing this with the Division, the time frame of this change would be impractical- hardly worth the paperwork. He urged support of the bill.

ROBERT N. HELDING, Montana Wood Products Association, said they support the bill.

ED NURSE, Small Business Council of the Chamber of Commerce, said they can support the bill as amended.

DAVE GOSS, Billings Area Chamber of Commerce, said this bill will improve a good law. He said they support the bill.

There were no opponents. Rep. Gould had no closing statement.

HOUSE BILL 89

REPRESENTATIVE JACK MOORE, District 41, chief sponsor, said this bill would make a person ineligible to receive unemployment compensation benefits for 3 months from date of unemployment if the combined income of the unemployed and his spouse in the preceding three quarters exceeds \$24,000.

Rep. Moore felt people take advantage of unemployment compensation and vacation on unemployment money. He suggested the following amendments: page 3, line 3, change "unemployed" to "employed"; line 5, insert "and" following "benefits"; line 8, strike "exceeds" and insert "does not exceed".

CHAD SMITH, Unemployment Compensation Advisers, said they support the bill but want to make sure the amendments are added so the bill will read correctly.

#### Opponents

DON JUDGE, Montana State AFL-CIO, spoke in opposition. A copy of his testimony is EXHIBIT 1 and attached to the minutes.

RANDY SIEMERS, Operating Engineers, spoke next in opposition. A copy of his testimony is EXHIBIT 2 and part of the minutes.

GREGG GROEPPER, Labor and Industry Department, opposed the bill saying it would put Montana Unemployment Insurance law out of conformity with federal law. He said similar legislation has been passed in other states and ruled out of conformity with federal law. He said Fred Barrett and Harold Kansier from the department were present to answer questions.

JOHN D. MUNN, representing self, felt the people who had contributed to the fund were entitled to its benefits. He felt the figure of \$24,000 was only a figure out of the air - continued high inflation could make this an inadequate number.

JUDY F. OLSON, Montana Nurses Association, said they questioned the fairness of this bill.

REPRESENTATIVE TOM ASAY, District 50, spoke in opposition. He said there needs to be some restrictions on drawing on the unemployment fund but he did not feel the test of dollars is the right way to do it.

RICHARD CHRISTIAN, Operating Engineers and himself, said this would work against seasonal workers like those in the wood products and construction trades. He felt it was discriminatory legislation and would encourage live-in situations so the other spouse's income would not count against the individual applying.

Questions were asked by the committee. Rep. O'Connell felt the legislation was unconstitutional. Rep. Harrington questioned how this would affect the smelter workers that were just laid off. Rep. Moore said the legislation was not pointed at people who lose their jobs like that but meant to control abuses by people who work only long enough to be covered and then don't want to work as long as they can draw \$131 a month. He feared if enough people do this they will drain the system. Rep. Seifert asked if Rep. Moore would object to raising the gross income - Rep. Moore said no objection and perhaps an inflation factor

could be tied in. Rep. Seifert felt this was a good idea so there would not be a need to come back each session and change the amount. Rep. Keedy said he was confused by the amendment added by Rep. Moore in changing "unemployed" to "employed."

Rep. Moore closed. He said the level of payment can be established by any state. He said it has been contested but this has never prevented the payments. He felt the bill was needed.

#### HOUSE BILL 101

REPRESENTATIVE ROBERT DOZIER, District 61, chief sponsor, said this bill came about because of complaints from people in his district of employers who issue paychecks without sufficient funds to cover them. He said most of the people affected are low income and can't afford to be without their wages and at times have had their own checks bounce as a result. This bill would prohibit an employer from knowingly issuing a bad check and then letting it float for several days, and it would list this reason as a good cause for quitting and not disqualify them from unemployment benefits.

DON JUDGE, AFL-CIO, also representing JERRY DRISCOLL, Laborers International Union of North America, Local Union 98 of Billings, (who was at another hearing) said they support the bill. Mr. Judge read Mr. Driscoll's statement and a copy of that statement is EXHIBIT 3 of the minutes.

EUGENE FENDERSON, Laborers Union, Helena, said they fully support the bill. He said they had two instances in the last two years of this - the Federal Building and Mitchell Building.

RANDY SIEMERS, Operating Engineers, said they support the bill.

#### Opponents

GREG GROEPPER, Department of Labor and Industry, said he isn't opposed to the concept but there is sufficient mechanisms existing to protect these workers. If a person quits for the reason of a bad check, the department would rule in favor of that person and not disqualify him.

HAROLD KANSIER, Labor and Industry Department, said he didn't feel there was a need for more legislation in this area.

JOHN MUNN, representing self, said he was sympathetic with the employee but felt there was sufficient legislation on the books to handle this. He said there is a stronger penalty than contained in this bill for nonpayment of payrolls. Quitting for a just cause - could open up what is a just cause.

CHAD SMITH, Unemployment Compensation Advisors, said he felt there could be a problem in establishing clearly what is a bad check. He felt section 2 gets into a criminal matter not related to unemployment matters. He felt the bill unnecessary.

REP. O'CONNELL spoke for the bill. She said a young mother in her district had a payroll check bounce and as a result all her own checks bounced and she was out more than she could afford in bank charges. She felt there was a need for this bill.

Questions were asked by the committee. Mr. Kansier responded to a question from Rep. Harper that an employer might have a good reason for a delayed deposit and with this bill you are encouraging an individual to quit without looking into good cause. Rep. Keyser asked of Mr. Groepper if the employee could collect bank charges resulting from being issued a bad check. The answer was no. Mr. Groepper said there are two parts to this bill - one dealing with disqualification for quitting because of a bad check and the other deals with penalties. He said they could deal with the first part but didn't feel the criminal penalty should be part of the unemployment insurance law. Mr. Kansier responded to a question that they handle about 20 to 25 adjudications due to a bad check. He said they do not punish the bad check writer but do not deny the individual not being paid unemployment benefits. It was brought out that a bad check charge would be handled by the County Attorney.

Rep. Dozier closed. He said the boys on the top of the department know what is going on but those bureaucrats on the bottom do only what is written in the law so they need this law. This gives the affected employees an out - unemployment compensation isn't much but it will keep them alive. He said the section on criminal charges could be stricken if the committee wishes.

Chairman Ellerd closed the meeting to the hearings and after a short break opened it to an executive session on the following bills:

#### EXECUTIVE SESSION

HOUSE BILL 75 - Rep. Harper moved to amend on page 1, lines 21 through 23, following "self-employment" to strike lines 21 through 23 in their entirety and insert "in any week during which he earns wages of less than two times his weekly benefit amount. All self-employment earnings must be reported for audit." Chairman Ellerd called for a voice vote and the amendment passed unanimously. Rep. Harrington moved the bill AS AMENDED DO PASS. This motion passed unanimously.

HOUSE BILL 79 - Rep. Seifert moved DO NOT PASS. Rep. Harper moved a substitute motion that the bill be amended. He said this bill is a workable solution to an unworkable law. Rep. Seifert said most public work contracts are required to pay the prevailing federal wage and not the state wage so this law would put an extra burden on employing contractors. Upon being requested, Ms. Brodsky, the researcher, said 18-2403 subsection 2 provides that federal laws take precedence. Rep. Seifert questioned the use of weekly payrolls as some are not paid weekly. Rep. Harper said elimination could be made of the two weekly references on page 4, line 23, and page 5, line 2. Rep. Seifert moved these two amendments and the motion carried unanimously. Rep. Harper moved the amendments listed in EXHIBIT 4 of the minutes and this motion carried unanimously. Rep. Harper moved the bill AS AMENDED DO PASS. Rep. Seifert expressed a fear that this would cause duplication. Mr. Groepper responded to a question that he felt it would not. A roll call vote was taken and the motion carried with 12 voting yes and 5 no (nos were Rep. Ellerd, Underdal, Seifert, Smith and Thoft).

HOUSE BILL 11 - Upon the Chairman's request, Ms. Brodsky went through the bill noting the suggested amendments (each member had a bill with the suggested amendments written in). Rep. Keyser moved the first amendment on EXHIBIT 5 and this carried unanimously with those present (Reps. Pavlovich and Harrington excused to attend another meeting); Rep. Keyser moved each amendment on this exhibit and each one passed unanimously. A change was made on the sixth amendment by Rep. Keedy - "represented by" was changed to "a member of," and this was the form the amendment was moved in and accepted. Rep. Seifert moved the bill AS AMENDED DO PASS. Rep. Sivertsen questioned if the sponsor was aware of and approved of the amendments. He said since the bill was being extensively amended her approval should be sought. He moved the bill BE PASSED FOR THE DAY. The motion passed unanimously with those present.

HOUSE BILL 89 - Rep. Seifert questioned the constitutionality of the bill and requested this point be checked on by the researcher.

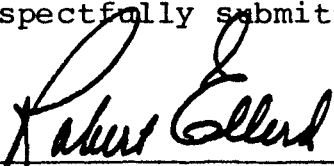
HOUSE BILL 49 - Rep. Seifert moved to amend on page 7, line 11, following the word "date" to strike the remainder of line 11 and all of lines 12 to 15. This motion carried unanimously with those present. Rep. Keyser moved a DO PASS AS AMENDED and this motion carried unanimously (Reps. Pavlovich and Harrington had left a yes vote with the Chairman).

HOUSE BILL 101 - Rep. O'Connell moved the suggested amendment which was on page 1, lines 20 and 21 to strike "bad" and "as described in 45-5-316" and insert "knowing it will not be honored at the date of issue". Rep. Seifert questioned how they will prove that it will not be honored on the date of issue.

He felt this could tie it up legally. Rep. Dozier felt that when the employer tells the employee not to cash the check for a number of days - that would be knowingly. Rep. Harper suggested striking section 4 as he felt that requesting it go to mandatory sentencing ties up the bill. Rep. Dozier said he had requested that it be a misdemeanor and he didn't care if that section were in the bill or not. Rep. Harper moved to amend the amendment by striking the words in the title on line 7 "BY REQUIRING IMPRISONMENT OF THE EMPLOYER WHEN CONVICTED" and on line 9 to strike "45-6-316" and on page 2, line 14, to strike to the end of the bill. Rep. Sivertsen said that under this bill as amended the individual would have no red tape to get unemployment insurance. He felt this could cause abuses the other way as it removes the need of proof and all that is need is the word of the individual that he was issued a bad check. Rep. Dozier said the employee would have the check marked "insufficient funds." Chairman Ellerd said since this bill still results in a lot of discussion he would hold it over until the next meeting to give the members an opportunity to study it further.

Rep. Seifert moved the meeting adjourn. Meeting adjourned at 2:55 p.m.

Respectfully submitted,



ROBERT ELLERD, CHAIRMAN

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Attached is the Visitors' Register for this day.



Ex. 1

Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59601  
406/442-1708

Room 100 "Steamboat Block"  
616 Helena Ave.

TESTIMONY OF MONTANA STATE AFL-CIO ON HOUSE BILL 89, BEFORE THE HOUSE LABOR  
AND INDUSTRY COMMITTEE, JANUARY 13, 1981

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We oppose House Bill 89 because it attacks the basic philosophy of unemployment insurance which provides benefits because a worker is unemployed entirely separate and apart from how much he earns or how much he is worth.

House Bill 89 calls for legislation which would penalize an unemployed worker from collecting unemployment benefits if the worker's earnings, singly or combined with a spouse's earnings, exceed \$24,000 or more in wages.

In 1964, South Dakota enacted legislation which denied benefits to an unemployed worker whose earnings reached or exceeded certain wage limitations.

In September of 1964, then Secretary of Labor Willard Wirtz upheld a decision that such limitation was not in conformity with the federal law, under the definition of the Federal Unemployment Compensation Law.

According to the decision, a worker laid off by his or her employer whose wage base earnings were more than \$6,000, was no less unemployed than the laid off worker whose base period earnings were less than \$6,000.

In that case, the Secretary of Labor upheld that the intent of Congress for the Unemployment Compensation Law is "to create an insurance system clearly distinguishable from a relief or other public assistance program, under which benefits would be paid to the involuntarily unemployed as a matter of right, one of the most important aspects, if not the very crux, of the intended system".

This means that any delay or postponement of an unemployed worker's benefits because of the amount of the worker's earnings, is a clear denial of the unemployed worker's rights, according to federal law and Congressional intent.

Because of this, South Dakota was compelled to withdraw that disputed unemployment insurance law from its books, and I am convinced that should this bill become law, Montana would also have to withdraw it.

House Bill 89 is identical to House Bill 426 of the 1979 session except that the earnings cutoff has increased from \$20,000 to \$24,000. No matter what the amount, this earnings requirement or "means" test is contrary to the Federal Unemployment Tax Act, and thus would not be approved by the U.S. Secretary of Labor.

House Bill 89 would unfairly punish an unemployed worker for three months on the basis of the worker's earnings either alone or combined with a spouse.

If any one of the members of this committee purchased insurance of any kind, I am sure you would find it unjust if legitimate payments from that insurance were withheld from you for a period of time because of the amount of money you earn. The principle is the same for unemployment compensation paid to an unemployed worker.

While it is the principle which is important, I would also like to point out that \$24,000 in 1981 is not considered a great sum of money, when a rapidly increasing inflation rate daily depreciates a worker's purchasing power. In effect, House Bill 89 would discriminate most against the middle class white males, as that is who generally earns more than \$24,000 per year.

Unemployment hits every walk of life, and the unemployed worker with high salary, with comparable financial burdens, is just as likely to need interim benefits as is the unemployed worker earning a low salary.

The recent closure of the Anaconda Company's facilities at Anaconda and Great Falls is an excellent example of this. Many of those workers had worked



long years to achieve a level of decent wages. They had established a certain kind of life style and contributed a great deal to the financial stability of their communities and our state. They are innocent victims of the callous actions of a multinational corporation, and to deny them their rightful unemployment benefits at a time they are most needed would be unconscionable. Let me remind you that the unemployment insurance they are receiving benefits the community as a whole, from Main Street businessmen to the City-County tax base.

The burden of unemployment is just as crushing to the middle income family as it is to the low or moderate income family. I am sure I do not need to remind you that the intended purpose of the Montana Unemployment Compensation Law is to lighten this burden.

We oppose House Bill 89. Thank you.

Testimony presented to the House Labor Committee  
By Randy Siemers - Operating Engineers - in opposition to HB 89

Mr. Chairman and Members of the Committee:

In expressing opposition to this bill, I might add that the Operating Engineers are deeply concerned with any proposed legislation that might have an unsettling or limiting effect on benefits earned and paid on behalf of the seasonal construction worker. Especially the seasonal construction worker.

Unemployment benefits in many cases are all that allows our members to stay in the construction industry from year to year. We are opposed to House Bill 89 since we feel it discriminates against the lower middle income and middle income family and will inflict a damaging monetary blow to the seasonal construction worker. A blow we cannot afford. We find it discriminatory against the American family and married individuals and that it violates the declaration of state public policy as contained in Section 39-51-102 of the Montana Code Annotated. (Read from law).

I also question whether this legislation violates the U. S. Constitution and the Constitution of Montana for it asks you to discriminate against a person on the basis of actions by another person - his spouse. The benefits covered under unemployment are based on the individual's employment and the contributions made by his employer. The contributions are not made on the basis of the spouse - so why should a person be eliminated from eligibility on the basis of his spouse.

I would also point out that in this day and age \$24,000 is not a tremendous amount of money. A person with that income would still have a great deal of difficulty caring for his family if he had to go three to four months with absolutely no income. And that again violates the stated public policy of the unemployment laws of Montana.

If this bill is allowed to pass, to avoid such a glaring conflict I suggest the state public policy be repealed.

## Part 1

## General Provisions

**39-51-101. Short title.** This chapter shall be known and may be cited as the "Unemployment Insurance Law".

History: En. Sec. 1, Ch. 137, L. 1937; R.C.M. 1947, 87-101; amd. Sec. 1, Ch. 57, L. 1979.

**Compiler's Comments**

*Instructions to code commissioner.* Sec. 2, Ch. 57, L. 1979, provided: "The code commissioner is authorized and instructed to change

any reference in the Montana code annotated from "unemployment compensation" to "unemployment insurance" except in 7-1-111, 39-51-2306, and 39-51-2301."

**39-51-102. Declaration of state public policy.** As a guide to the interpretation and application of this chapter, the public policy of this state is declared to be as follows:

(1) Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. *what do you do with*

(2) Involuntary unemployment is, therefore, a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. The achievement of social security requires protection against this greatest hazard of our economic life. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. *he do*

(3) The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state require the enactment of this measure under the police powers of the state for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own.

History: En. Sec. 2, Ch. 137, L. 1937; R.C.M. 1947, 87-102.

**39-51-103. Nonliability of state — right to benefits subject to provisions of chapter and extent of available funds.** (1) Benefits shall be deemed to be due and payable under this chapter only to the extent provided in this chapter and to the extent that moneys are available therefor to the credit of the unemployment insurance fund, and neither the state nor the division shall be liable for any amount in excess of such sums.

(2) The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

History: (1) En. Sec. 18, Ch. 137, L. 1937; amd. Sec. 32, Ch. 368, L. 1975; Sec. 87-147, R.C.M. 1947; (2) En. Sec. 20, Ch. 137, L. 1937; Sec. 87-150, R.C.M. 1947; R.C.M. 1947, 87-147, 87-150; amd. Sec. 2, Ch. 57, L. 1979.

**39-51-104. Chapter to become inoperative if federal act becomes inoperative.** If Title III or Title IX of the federal Social Security

NAME Gregg L. Lepper BILL No. 89  
ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT LABOR & INDUSTRY  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: HB 89 - oppose

*Would put Montana UI law out of conformity with Federal law.*

*Similar legislation was tried in other states and ruled out of conformity with Federal law.*

*HB 101 support concept of legislation, have some problems with the way it is written. Think present mechanism would take care of this situation, should it come up.*

NAME John D. Munn BILL No. 89  
ADDRESS P.O. Box 5242 Helena DATE Jan 13, 1981  
WHOM DO YOU REPRESENT Self  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: - oppose -

89 - They have contributed to it  
thus, they are entitled to its benefits.  
The figure of \$24,000 can not be  
anything more than a figure out  
of the air, it seems a high  
figure now, but with continued  
inflation it could be inadequate.  
Basically it is not sound legislation.

H.B. 161 - oppose - ~~Walter~~

When an employer issues a  
bad check as payment in wages  
the employee hasn't been paid.  
There is an existing law which  
penalizes an employer at the  
rate of 5% per day for 30 days  
for not paying an employee as agreed.  
as for leaving work without  
just cause - The term just cause  
is to broad - furthermore the right  
to withhold ones services for any  
reason is a right.

## VISITORS' REGISTER

HOUSE LABOR AND INDUSTRY COMMITTEE

LL HBs 49, 89 and 101

Date Jan. 13, 1980

SPONSOR

Specify which bill

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
my Driscoll	Billings	Laborers Union	101 X	X 89
John Smith	Helena	Self		101 89
A. Murry	Billings/Helena	Self	101	89
W.B. Adams	Helena	Self		89
CHARL CHRISTIAN	HELENA	OPERATING ENG.		89
Robert A. Kinn	Helena	oper. Eng.		89
John Smith	Helena	Self		89
Madison	Helena	ATSCHE		89
H. Boles	Helena	MT Chamber of Commerce	X	49
Joe Henderson	Helena	Laborers Union		X
Smith	Helena	unemp. Comp. Admin.	89 amend	101
John Kinn	Cascade	Painters Union	X 101	89
John Smith	HELENA	OPER. ENG.		89
John Smith	Helena	MPEB		89
Don Cook - Rep.				89
Don Judge	Helena	AFL-CIO	101	89
Paul Kinn	Helena	Rep. Boles	<del>101</del>	101
N. Michaelovich	Butte	MT State Bldg Trades Council		89

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Ex. 3

# LABORERS INTERNATIONAL UNION OF NORTH AMERICA

Local Union No. 98



Bill McColley  
Secretary-Treasurer  
and Business Manager  
345 Calhoun Lane  
Telephone 259-4471

BILLINGS, MONTANA 59101,

## TESTIMONY OF JERRY DRISCOLL ON HOUSE BILL 101, JANUARY 13, 1981, BEFORE THE HOUSE LABOR AND INDUSTRY COMMITTEE

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I am Jerry Driscoll, representing Laborers Union Local 98, Billings.

I am here in favor of House Bill 101.

This bill would make a person eligible for unemployment compensation if that person left their employment because an employer wrote them a bad check.

Here's the problem. Suppose your employer writes you a bum check. You stick it in your bank and start paying your bills. Now every check you are writing is bogus. For each of those bad checks, you have to pay \$5 to the bank and \$5 or so to the merchant you wrote it to. At \$10 per check, you can run up quite a bill. And there is a lot of time involved in calling people to explain that you aren't trying to cheat them and you'll make it good.

If this bill passes, you're not going to see every person who gets a bad check quit his or her job. If you have a good job and your employer has made a legitimate mistake, you hang on to that job. This bill will only affect employers who don't pay their bills! Why should a person continue to work for an employer who doesn't pay him? Why shouldn't a working person have a chance to go look for a better job if their old employer sticks them with a bad check? Writing bad checks is a serious thing. The victim of the bad check shouldn't be penalized. We support House Bill 101.



HOUSE BILL NO. 79 (Proposed Amendments)

1. Page 4, lines 5 through 10.  
Following: "Notice." on line 5  
Strike: the following material in its entirety
2. Page 4, line 11.  
Following: line 10  
Strike: "(1)"  
Following: "When"  
Strike: "the"  
Insert: "a"  
Following: "project"  
Insert: "that exceeds \$50,000 in cost is completed and"
3. Page 4, line 12.  
Following: "contracting"  
Strike: "authority"  
Insert: "agency"
4. Page 4, line 14.  
Following: "department."  
Insert: "In the case of projects that amount to \$50,000 or less  
in cost, the department may request such information on an  
individual contract basis."
5. Page 4, line 18.  
Following: "Section 4."  
Strike: "Bid"  
Insert: "Contract"
6. Page 4, line 19.  
Following: "All"  
Strike: "bids"  
Insert: "contracts"
7. Page 4, line 24.  
Following: line 23  
Strike: "to contracting authority"  
Following: "by the"  
Strike: "commissioner"  
Insert: "department"

Ex. 5

HOUSE BILL 11 (Amendments already moved on and passed by Committee  
on January 9, 1981)

1. Page 1, line 18.  
Following: "employee"  
Strike: "workweek"  
Insert: "workperiod"
2. Page 1, line 19.  
Following: "and"  
Strike: "the"  
Insert: "a"
3. Page 2, lines 2, 3 and 4.  
Following: "must be"  
Strike: "paid overtime at a rate of not less than 1 1/2 times the  
hourly rate at which he is employed"  
Insert: "compensated for those hours at a rate of not less than 1 1/2  
times the hourly rate at which he is employed, or in accordance with  
any compensating time off provisions of the agreement"
- 8 1/2. Page 3, line 1.  
Following: "off"  
Strike: "is"  
Insert: "are"

HOUSE BILL 11 (Proposed Amendments as of January 13, 1981)

- 4 1. Amend page 2, line 8.  
Following: "provided for"  
Strike: "working"  
Insert: "hours worked"
- 5 2. Page 2, line 9.  
Following: "hours"  
Strike: "worked"
- 6 3. Page 2, line 14.  
Following: "employees"  
Insert: "who are non-bargaining"
- 7 4. Page 2, line 18.  
Following: "compensation."  
Insert: "Compensatory time off may be accumulated and expended  
beyond the workweek."
- 9 1/2. Page 3, line 2.  
Following: line 1.  
Strike: "(3) Compensatory time off may be accumulated and  
expended beyond the work week. The"  
Insert: "NEW SECTION Section 3. Compensatory time not to exceed  
eighty hours--compensation upon termination. (1) An"
- 10 6 1/2. Page 3, line 3.  
Following: "employee" a number of  
Insert: ", whether ~~represented by~~ a collective bargaining unit or not,

HOUSE BILL 11 (Continued)

11. Page 3, line 8.  
Following: line 7  
Strike: "(4)"  
Insert: "(2)"

12. Page 3, line 9.  
Following: "cause,"  
Strike: "the employee" *a member of*  
Insert: "an employee, whether ~~represented by~~ a collective  
bargaining unit or not,"

Renumber: following section