

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
February 19, 1981

The House Labor and Employment Relations Committee convened on February 19, 1981, in Room 129 of the State Capitol, at 12:30 p.m., with Chairman Robert Ellerd presiding and all members present except Rep. Keedy, who was excused.

Chairman Ellerd opened the meeting to a hearing on HBs 750 and 751.

HOUSE BILL 750

REPRESENTATIVE DARRYL MEYER, District 42, chief sponsor, said this is a bill to require insurers to notify employers, on an annual basis, of workers' compensation benefits that are ongoing. This might enable the employer at a later date to hire back the injured worker in a lighter or different job.

JAN DOLAN, Administrator, City of Great Falls, spoke in support of the bill.

LARRY HUSS, Montana Contractors Association, said this would be an important tool as it would give them a chance to review the amount being paid to see if there are any malingerers and would help assure a strong fund.

KEITH OLSON, Executive Director of the Logging Industry, said this would help them institute a back to work program. He felt it would significantly help them.

GREG GROEPPER, Labor and Industry Department, said they would like an amendment: page 1, line 18, following "insurer" to insert "upon the request of the employer". This would give the material to people that will use it. He said with this amendment the department would have no trouble with the legislation.

Questions were asked by the committee. Rep. Thoft asked if Rep. Meyer had any problem with the amendment and Rep. Meyer said no. Rep. Dozier asked if this information isn't available now. Mr. Groepper said he thought it was, but private insurance companies may not have been willing to let go of the information.

HOUSE BILL 751

REPRESENTATIVE DARRYL MEYER, District 42, chief sponsor, said this is the exact same bill as Rep. Spilker had before the committee except hers was for city and county employees and this is for state employees, and this one has 120 hours that the comp hours are not to exceed.

R. NADIEAN JENSEN, AFSCME, spoke in support with a wish to amend out all references to 120 hours. She wanted them changed to 80 hours so it would be in line with HB 11.

TOM SCHNEIDER, Montana Public Employees Association, said that HB 11 was in the Senate Labor Committee being held to see what will happen to this bill. He said they really don't care if the hours are 120 or 80 but they should be the same for both bills. He said they support the bill for their state employees. It is a good tool for management to produce better government for the same money or less.

JERRY DRISCOLL, Laborers' Union, said they are a proponent of the amendment. It should be consistent.

In closing, Rep. Meyer said he had no problem with the amendment.

Chairman Ellerd closed the hearing and opened the meeting to a consideration of the following bills. Rep. Keedy had left his vote with the Chairman on certain bills.

HOUSE BILL 332 - Rep. Keyser moved to TABLE the bill. Rep. Schultz said he feels this needs to be addressed in the next session. The question was called and the motion carried unanimously with those present. Absent at the moment were Reps. Keedy, Seifert, Harrington and Hanson.

SENATE BILL 32 - Rep. O'Connell moved DO PASS. Rep. Harper made a substitution motion of DO NOT PASS. He said this bill just eliminates some irresponsible insurance adjustors. Any intentional acts of fraud with this bill could only be tried by the Workman's Comp Court and they don't have the ability for those kind of cases. This bill prevents the cases being taken to district court so there are no safeguards against abuses by an adjustor. He moved a motion for all motions pending to amend on page 1 by striking line 3 in its entirety. The motion to amend carried unanimously with those present. Question was called on the motion of DO NOT PASS AS AMENDED. The motion carried with 11 voting aye, 5 no (Reps. Ellerd, Underdal, Sivertsen, Seifert and Briggs), 1 absent (Hanson).

SENATE BILL 128 - Rep. Menahan moved DO PASS and the motion carried with 15 voting aye, 1 no (Keedy) and 1 absent (Hanson).

HOUSE BILL 750 - Rep. O'Connell moved to amend on line 18 after "insurer" to insert "upon request of the employer." Ms. Brodsy said she had drafted the bill for Rep. Meyer. Presently this information is available upon request of the employer.

Rep. Dozier said if the information is available upon the request of the employer, we are mandating a bunch of people to hand out a bunch of paper and what is the bill doing here.

Rep. Menahan said they could put on two more FTEs - since I'm for employment let's pass the bill without the amendment!

Rep. O'Connell asked why the bill was requested. Ms. Brodsky said the City of Great Falls requested the bill.

Mr. Groepper said it will be expensive to mail out. The fiscal note being prepared places it at \$80,000 a year. Rep. Harper asked if the information is provided by a private insurer upon request. The answer was that whether state or private it is available upon request.

Rep. Keyser moved to kill the bill. After further discussion he withdrew that motion and moved to TABLE the bill. This motion carried unanimously with those present. Recorded absent on this bill were Reps. Hanson, Thoft and Keedy.

HOUSE BILL 751 - Rep. Keyser moved to amend 120 hours every place it occurs to 80 hours and then that the bill AS AMENDED DO PASS. The motion carried unanimously with those present. (Hanson, absent).

Rep. Harrington moved the meeting adjourn. Meeting adjourned at 1:20 p.m.

Respectfully submitted,



ROBERT ELLERD, CHAIRMAN

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