

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

January 20, 1981

The meeting of the Labor & Employment Relations Committee was called to order by Chairman Nelson on January 20, 1981, in Room 404 of the State Capitol at 1:00 p.m.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL 128: Chairman Nelson called on Senator Bill Norman, sponsor of SB 128, to explain the bill to the Committee. This bill is an act requiring that a disability be supported by a preponderance of medical evidence; defining "impairment" and "disability". Senator Norman stated that the subject of the bill relates to the workers compensation court and relates to disability. Senator Norman explained the terms "impairment" and "disability" to the Committee.

PROPOSERS OF SENATE BILL 128: Mr. Greg Groepper, representing the Department of Labor & Industry, stated they are in support of SB 128. They feel it would make for easier administration.

Mr. George Wood from Missoula, Montana, representing Montana Self-Insurers Association, stated they support SB 128.

Mr. A. B. Pillen, representing Workers' Compensation Division, stated they support the bill.

There were no opponents present at the hearing so Chairman Nelson called on Senator Norman to make closing remarks on SB 128.

QUESTIONS ON SENATE BILL 128: Senator Aklestad wanted language clarification of "temporary" and "total". Senator Norman explained the terms to the Committee.

Senator Ryan asked about definition of "preponderance of medical evidence". Senator Norman stated that you weigh these things--one has to weigh more than the other.

There was general discussion regarding language in the bill.

Mr. Pillen stated that language clarification would aid in administration.

Since there were no further questions, the hearing was closed on SB 128.

CONSIDERATION OF HOUSE BILL 77: Chairman Nelson introduced Representative Hal Harper, sponsor of HB 77, to the Committee,

and asked Rep. Harper to explain the bill to the Committee. House Bill 77 is an act to amend Section 39-51-1301, MCA, to eliminate the penalty for late unemployment contribution reports.

PROPOSERS OF HOUSE BILL 77: Mr. Greg Groepper, representing the Department of Labor & Industry, stated they support HB 77.

Mr. Chad Smith, representing Unemployment Compensation Advisors, Inc., stated they are in support of HB 77.

There were no opponents to HB 77 present at the hearing.

QUESTIONS ON HOUSE BILL 77: Senator Aklestad wondered about abuses if there was no penalty. Rep. Harper stated they have adequate enforcement.

Senator Keating questioned the rate of one percent per month.

There being no further questions, Chairman Nelson closed the hearing on HB 77.

ACTION ON SENATE BILL 60: Senator Elliott, sponsor of SB 60, submitted an amendment to SB 60 to the Committee. This amendment is attached. Senator Norman moved that we adopt the proposed amendment. Senator Hafferman seconded the motion. The amendment to SB 60 passed unanimously.

Senator Hafferman moved that SENATE BILL 60 DO PASS AS AMENDED. Senator Keating seconded the motion. The Committee voted unanimously that SENATE BILL 60 DO PASS AS AMENDED.

ACTION ON SENATE BILL 64: Senator Norman moved that the Committee reconsider its action on SB 64. The motion was seconded by Senator Goodover. The motion was opposed only by Senator Ryan.

Chairman Nelson stated that the reason for reconsidering SB 64 is that Senator Elliott wanted to add an amendment to SB 64.

Senator Elliott, sponsor of SB 64, submitted his amendment to Senate Bill 64. This amendment is attached.

Senator Anderson questioned the language in the amendment. Senator Elliott explained the original bill and the amendment to the Committee.

Senator Keating asked about the word "temporary" in the bill. He also asked about language on line 11. He wondered whether the word "permanent" should be inserted before the word "total".

Senator Goodover made a motion that the amendment to SB 64 not be adopted. The motion was seconded by Senator Anderson. On a

Roll Call Vote the Committee voted 5-3 that the AMENDMENT NOT BE ADOPTED. This vote is attached.

There was discussion on total permanent disability. Senator Nelson stated it had nothing to do with 500 weeks.

There was more discussion on intent of the bill.

Senator Ryan moved that Senate Bill 64 be killed.

Senator Goodover made a substitute motion that Senate Bill 64 Do Pass (in Original) or as it now sits. The motion was defeated by a 5-3 Roll Call Vote. This vote is attached.

Senator Ryan moved that we Do Not Pass SB 64. Senator Ryan then moved that the Committee reverse the vote.

Senator Keating requested that SB 64 be held in Committee until Thursday, January 22. Senator Keating made a motion for reconsideration of SB 64, but withdrew the motion.

Chairman Nelson closed the discussion on SB 64 until Thursday, January 22, 1981.


ACTION ON SENATE BILL 52: Senator Goodover moved that we reconsider action on SB 52 and bring it back to Committee for further consideration on the basis that many bills have been introduced in the session to segregate the Human Rights Commission from the Department of Labor and wondered whether the bill should be requested in the light of that fact. The motion was seconded by Senator Keating. The motion for reconsideration of SB 52 passed by a 6-2 Roll Call Vote. This vote is attached.

Senator Anderson made a motion that Senator Nelson request of Senator Story that we transfer Senate Bill 52 to State Administration.

Senator Ryan made a substitute motion that Senate Bill 52 Do Pass As Amended. This motion was defeated by a 6-2 Roll Call Vote. This vote is attached.

There was a Roll Call Vote on Senator Anderson's motion that Senator Nelson request of Senator Story that SB 52 be transferred from Labor Committee to State Administration. The motion passed by a 6-2 vote. This vote is attached.

ADJOURN: There being no further business, the meeting adjourned at 3:04 p.m.



Senator Harold C. Nelson, Chairman

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

47 th LEGISLATIVE SESSION - - 1981

Date Jan. 20, 1981

NAME	PRESENT	ABSENT	EXCUSED
GARY C. AKLESTAD, VICE-CH.	✓		
MIKE ANDERSON	✓		
PAT M. GOODOVER	✓		
WILLIAM HAFFERMAN	✓		
THOMAS F. KEATING	✓		
BILL NORMAN	✓		
PATRICK L. RYAN	✓		
HAROLD C. NELSON, CHAIRMAN	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

January 20, 1961

MR. PRESIDENT

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 60

Respectfully report as follows: That SENATE Bill No. 60
be amended as follows:

1. Page 2, lines 3 and 4.

Following: "chapter"

Strike: "are subject to regulation by the division."

Insert: ", excluding hospital services, shall be established
by the workers compensation division based on the 90th
percentile of usual and customary charges of the medical
specialty involved based upon the most recent 6 months
data as determined in January and July of each year"

And, as so amended,
DO PASS

H.C.

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date Jan. 20, 1981 Senate Bill No. 64 Time 2:15

NAME	YES	NO
GARY C. AKLESTAD, VICE-CHAIRMAN	✓	
MIKE ANDERSON	✓	
PAT M. GOODOVER	✓	
WILLIAM HAFFERMAN		✓
THOMAS F. KEATING		✓
BILL NORMAN		✓
PATRICK L. RYAN	✓	
HAROLD C. NELSON, CHAIRMAN	✓	

Margie L. Nichols
Secretary

Harold C. Nelson
Chairman

Motion: by Senator Goodover that amendment to
SB 64 (offered by Sen. Elliott) not be adopted.
Passed 5-3 vote.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date Jan. 20 1981 Senate Bill No. 64 Time 2:20

NAME	YES	NO
GARY C. AKLESTAD, VICE-CHAIRMAN	✓	
MIKE ANDERSON		✓
PAT M. GOODOVER	✓	
WILLIAM HAFFERMAN		✓
THOMAS F. KEATING		✓
BILL NORMAN		✓
PATRICK L. RYAN		✓
HAROLD C. NELSON, CHAIRMAN	✓	

Margie L. Nichols
Secretary

Harold C. Nelson
Chairman

Motion: Substitute motion by Senator Goodover that HB 64
Do Pass (Original bill) and as it now sits.
Defeated 5-3.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date Jan. 20, 1981 Senate Bill No. 52 Time 3:00

NAME	YES	NO
GARY C. AKLESTAD, VICE-CHAIRMAN	✓	
MIKE ANDERSON	✓	
PAT M. GOODOVER	✓	
WILLIAM HAFFERMAN	✓	
THOMAS F. KEATING	✓	
BILL NORMAN		✓
PATRICK L. RYAN		✓
HAROLD C. NELSON, CHAIRMAN	✓	

Maureen L. Nichols
Secretary

Harold C. Nelson
Chairman

Motion: for Reconsideration of AB52 by Sen. Goodover
Passed 6-2 vote.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date Jan 20, 1981 Senate Bill No. 52 Time 3:02

NAME	YES	NO
GARY C. AKLESTAD, VICE-CHAIRMAN		✓
MIKE ANDERSON		✓
PAT M. GOODOVER		✓
WILLIAM HAFFERMAN		✓
THOMAS F. KEATING		✓
BILL NORMAN	✓	
PATRICK L. RYAN	✓	
HAROLD C. NELSON, CHAIRMAN		✓

Margaret L. Nichols
Secretary

Harold C. Nelson
Chairman

Motion: Substitute Motion by Sen. Ryan that SB 52
Do Pass As Amended
Defeated by a 6-2 vote.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR & EMPLOYMENT RELATIONS

Date Jan. 20, 1981 Senate Bill No. 52 Time 3:03

NAME	YES	NO
GARY C. AKLESTAD, VICE-CHAIRMAN	✓	
MIKE ANDERSON	✓	
PAT M. GOODOVER	✓	
WILLIAM HAFFERMAN	✓	
THOMAS F. KEATING	✓	
BILL NORMAN		✓
PATRICK L. RYAN		✓
HAROLD C. NELSON, CHAIRMAN	✓	

Marjorie L. Nichols
Secretary

Harold C. Nelson
Chairman

Motion: by Sen. Anderson that Senator Nelson request
of Sen. Story that SB 52 be transferred from
Labor Committee to State Administration.
Passed by a 6-2 vote.

(include enough information on motion--put with yellow copy of committee report.)

Amendment to Senate Bill 60

1. Page 2, lines 3 and 4.

Following: "chapter"

Strike: "are subject to regulation by the division"

Insert: ",excluding hospital services, shall be established
by the workers compensation division based on the 90th
percentile of usual and customary charges of the medical
specialty involved based upon the most recent 6 months
data as determined in January and July of each year"

Amendment to Senate Bill No. 64

Title, line 4.

Following: "PROVIDE THAT"

Insert: "PERMANENT"

Page 1, line 12

Following: "is receiving"

Insert: "permanent"

Page 1, line 20

Following: "not apply to"

Insert: "temporary total or"

NAME: Lenny Lopez

DATE: 1/20

ADDRESS: Rm 412 ESD Bldg

PHONE: 449-2621

REPRESENTING WHOM? *LABOR & INDUSTRY*

APPEARING ON WHICH PROPOSAL: SB 128 HB 77

SUPPORT?

4

AMEND?

OPPOSE?

COMMENTS:

NAME: George Wood DATE: 1/20/81

ADDRESS: Box 2899 Missoula, MT 59801

PHONE: 543-7195

REPRESENTING WHOM? Montana Self Insurers Assoc.

APPEARING ON WHICH PROPOSAL: SB 128

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

NAME: J. D. Kullen DATE: 1-20-81

DATE: 1-20-81

ADDRESS: 815 Grant St - Helena

PHONE: 449-2047

REPRESENTING WHOM? Warner Corporation Bureau

APPEARING ON WHICH PROPOSAL: Senate Bill 128

SUPPORT? ☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: CHAD SMITH

DATE: 1-21-57

ADDRESS: Box 609 Hilo HI

PHONE: 492 756

REPRESENTING WHOM? James C. ...

APPEARING ON WHICH PROPOSAL: H377

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

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Fred Barrett

1/20/81

P. O. Box 1728

449 - 3662

Employ. Sec. Div., Dept. Labor & Ind.

H. B. 77

DO YOU:

SUPPORT?

✓

AMEND?

OPPOSE?

COMMENTS: