

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES  
March 3, 1983

The House Labor and Employment Relations Committee convened at 12:30 p.m. on February 3, 1983, in Room 224A of the State Capitol, with Chairman Williams presiding and all members present except Rep. Smith, who was excused. Chairman Williams opened the meeting to a hearing on SB 169.

SENATE BILL 169

SENATOR VAN VALKENBERG, District 50, chief sponsor, said the bill was at the request of the Personnel and Labor Relations Study Commission. This bill would allow the staff of the Board of Personnel Appeals to dismiss an unfair labor practice complaint if it determines there is insufficient evidence to indicate a necessity for further investigation into the matter. This dismissal could be contested.

JOYCE F. BROWN, Personnel and Labor Relations Study Commission, spoke in support and a copy of her testimony is Exhibit 1. Exhibit 2 is an information sheet listing the members of the members of the Personnel and Labor Relations Study Commission and a copy of Chapter IV of their issue area papers which deals with this area.

LEROY SCHRAMM, Montana University System, said this would end a part of the game playing and that would be good. He said right now the board can be forced to assign a hearing examiner even if there is no violation of the law even if all alleged is proven. The decision of insufficient evidence can be appealed to the full board and his day in court can still be had.

There were no opponents.

SENATOR VAN VALKENBERG closed.

There were no questions from the committee so Chairman Williams closed the hearing on this bill and opened the hearing on SB 154.

SENATE BILL 154

SENATOR TOM KEATING, District 32, chief sponsor, said this is another bill introduced for the Personnel and Labor Relations Study Commission. He said in 1973 there was an adjustment in the units and management positions in various public services, and it was held that, if a managerial position was then held by a member of a bargaining unit, it was grandfathered under the clause so that person could remain in the bargaining unit if he so wished. Senator Keating said this bill establishes that it was the individual that was grandfather and not the position.

Senator Keating said amendments added in the Senate exempted bargaining units that have private pension plans.

BRENT HUNTER, City of Billings, spoke in support. He said a grandfathered clause is one that you expect to go away but in Billings they have lived with this one for ten years. He said they are asking in this bill to change the definition to make it the employee is grandfathered and not the position. He said supervisors should not be in the same bargaining units as the employees they supervise. He said this bill brings it back to the employee and he has the option of belonging or not.

LEROY SCHRAMM, Chief Council for the University System, said he had mixed feelings on the bill as amended. He said without the amendment that exempts those involved in private pension plans, he felt the bill was absolutely a step in the right direction. Eventually then all supervisors would be out of the bargaining units. He said with the amendment you are going to build in for a few unions a class of people who will be in the union forever and their successors will be in the unit. He said he was anticipating some comments from Pat McKittrick for the Teamsters Union. He said the amendment was based on an assumption. If you are going to be in the teamsters pension plan you can't have part of the people in the unit and part of the people out of the unit. Once out of the bargaining unit the International Union of Teamsters will not allow units outside the bargaining units to belong to the pension plan. Mr. Schramm said if that is true somebody should tell a number of supervisors in Highways who are still continuing to participate in the pension plan. He said he went back and looked at the pension trust papers and found nothing that prohibited them from belonging. He said this exception should be removed and then it would be a good bill.

#### OPPONENTS

MIKE WALKER, Montana State Council of Firefighters, said something that is basic to changing law is that there should be a problem first. He said the question in Billings was if the battalion chiefs should remain with the bargaining units. He said they went to the District Court and then the Supreme Court and the decision reached by both was that these are management people but they don't present a problem of conflict of interest so can remain within the bargaining unit.

RAY BLEHM, State Firemen's Association, said he was a member of the Billings firefighters. He said the court case was decided on this test: was the employee grandfathered a supervisor and if so was there some conflict on interest in his staying in the union, and if not, that position stays with the unit. He said this also involves promotional rights as it would disrupt promotional lines. He said the available system is sufficient to handle the problems that come up.

DAVE BARNES, United Food and Commercial Workers Union, spoke in opposition and a copy of his testimony is Exhibit 3.

PAT MCKITTRICK, Teamsters, said they believe the bill should be killed and he said they also believe the bill oversteps the intended purpose for which it was drafted. He said unsolved by the court cases are pension rights especially by the units represented by the Teamsters. He said if this bill passes without the clause on the pension plans, their protection plans would be in jeopardy. He said in a collective bargaining unit the majority rules and if the plan is accepted all have to participate. With this bill one can say they don't want to be in the unit and that can wipe out the plan for all. He said Mr. Schramm's example was a different example than what this covers. He handed to the members copies of a letter from the Western Conference of Teamsters Pension Trust to Mr. Joe Rossman, Teamsters Local Union No. 2, which is Exhibit 4 of the minutes.

NADIEAN JENSEN, Exec. Director, Montana State Council #9 of the American Federation of State, County and Municipal Employees Union, AFL-CIO, spoke in opposition and a copy of her testimony is Exhibit 5.

TERRY MINOW, Montana Federation of Teachers, said they felt this was another attempt to interfere with the collective bargaining process.

JOE ROBERTS, Montana Public Employees Association, read a letter from Thomas E. Schneider and a copy of that letter is Exhibit 6.

DON JUDGE, Montana State AFL-CIO, spoke in opposition. He felt this bill would weaken the ability of the union to bargain.

SENATOR KEATING closed. He said it was the intent of the legislation to segregate these positions but in order to be fair they wanted to grandfather those people in those positions. He said the fight has been on ever since, and he couldn't see how they can say it is working. He said the intent of the legislation is to correct the law to be as the legislature intended it to be in 1973. He said management and members of the bargaining unit should be separate.

Questions were asked by the committee.

Rep. Dozier asked if Senator Keating knew of any case where a member of one of these units wanted a change.

Rep. Addy said this is an interesting piece of legislation with a long history. He said the question was originally settled solely by collective bargaining until in 1973 a statute was passed describing who was a supervisor and who was not. Then it was to be settled by administrative review by the Board of

Personnel Appeals, and now we are looking at a proposed statutory change. He said he was wondering if this could be undermining the bargaining process, the integrity of the statutes and the whole review process. He said there is a long, rich history tied up in the evolution of the definition and this bill could be throwing the whole procedure out the window.

Mr. Brent replied that he didn't think this law is changing what has been. He said it would just determine how to treat the supervisory position as he said the definition of a supervisor is almost universal.

Rep. Addy said it is a question of inherent conflict if the grandfathered clause is also not in the statute. He said something would have been given in 1973 and taken away in 1983.

Mr. Brent said they want to have the supervisory personnel exempt from the bargaining unit.

Rep. Addy asked if this couldn't be bargained away by the collective bargaining unit.

Mr. Brent said a grandfather clause in effect means a sunset exists and this should be an employees' sunset clause but that is not the way the courts decided.

Rep. Hannah asked Mr. Blehm if they tried to use the collective bargaining route on this if it would put the Firefighters in a lawsuit position. The present people could stay in the unit but when they leave the position the city could have the position outside the bargaining unit.

Mr. Blehm said he couldn't see negotiating a settlement on that. This could affect promotions. He said they have not agreed to removing people from their unit but they did agree to have the Board of Personnel Appeals review it.

Rep. Dozier said he failed to see why this legislation had been brought in. Mr. Brent responded that in Billings they have a 45 to 1 management-union ratio and he did not feel they were addressing the needs of the city as adequately as they could be addressed. Rep. Dozier asked if he meant the Billings firefighters were not doing their job. Mr. Brent said they were one of the best but could be even better with a better management-union ratio and would then better serve the Billings people.

HOUSE BILL 800

REPRESENTATIVE JOHN VINCENT, District 78, chief sponsor, asked the committee for permission for David Rockwell, a staff aide, to present parts of this bill. Chairman Williams asked the committee if there was any objections and none were voiced.

He said this bill provides a change of pace and will give the committee something different to think about -something exciting. He said he was as excited about this bill as any he had carried. This bill creates a Youth Conservation Corp within State Lands. He said it was primarily due to his dad who had been a member of the old CCC group. He said his dad had talked to him almost daily in his growing up years about how hard he had worked in the CCC camps and how much value he had gained from it - a firm belief in the work ethic and the good feelings he got from contributing to the public factor.

Rep. Vincent gave a little history. He said from 1933-1942 the CCC operated 96 camps and provided 138,000 jobs for men in that region at that time (Montana, Idaho, Wyoming) and built 800 bridges, 500,000 miles of fences, 42,000,000 trees planted, 9,000,000 fish planted, hundreds of small dams, and improved dozens of parks. Nine hundred thousand men days fighting forest fires were also spent. HB 800 is introduced in that kind of spirit, he said, and a copy of his following testimony is Exhibit 7.

DAVID ROCKWELL went through the bill discussing suggested amendments (a copy is Exhibit 8).

MIKE MALES, Livingston, representing self, spoke in support and a copy of his testimony is Exhibit 9.

SUSAN COTTINGHAM, Environmental Information Center, said they were in strong support of the bill. She said there are a number of factors that make it appealing. She said the state would be getting over a dollar's worth of work for each dollar spent and there are projects that need to be done. Also youth unemployment tops 18% and so they will profit from passage of this bill. She said in 1981-85 Montana youth were assigned to work on projects. The cost was \$174,000 and it returned \$211,000 plus education and training benefits of over \$23,000. This was a \$1.21 return not considering the education and other benefits to the young people. She said those kids worked hard. They experienced increased confidence and ability to work and get along with others.

LUCIANNE BRIEGER, Action for Eastern Montana, spoke in support and a copy of the testimony she presented is Exhibit 10.

STEVE MEYER, Montana Association of Conservation Districts, spoke in support. He said there is a real lack of knowledge about soil conservation and resource management and this could help correct that.

WILBUR REYMANN, Helena, representing self, said recently a congressman has introduced a federal YCC program bill in Congress. He said clearly there is a response nation-wide for a program like this. He said even though this is not a good fiscal time, there is a possibility of a federal program and federal money becoming available if the committee gives the bill a do pass.

TOM DUBOIS, Montana Audubon Society, speaking for Janet Ellis, said they support the bill.

DENNIS HEMMER, State Lands, said they neither support or oppose the bill. He said the amount that is done would be dependent on the level of funding.

DEBBIE BERGMAN-FASSNACHT, Lincoln, representing self, spoke in support. She said she wanted to give the committee a first-hand report as she had been with a similar program for four seasons. A copy of her testimony is Exhibit 11.

DON JUDGE, Montana State AFL-CIO, spoke in support but said they wished to add some amendments. A copy of his testimony and amendments is Exhibit 12.

MARLENE HEDRICH, Bozeman, representing self, spoke in support. She said her oldest daughter had spent a summer in a YCC camp and it was a good experience for her. She said she has another daughter coming up that she would like to have enjoy the same experience.

REPRESENTATIVE BOB REAM said he wanted to go on record as favoring the bill. He said many of our graduates are in a real catch 22 situation as most employers expect them to have practical experience and this has been almost impossible to get in the past few years.

DIANE LEGG, Helena, representing self, said she spent one summer in Glacier in a similar program. She said for herself and others this was a very beneficial summer and they also got a lot done.

REPRESENTATIVE VINCENT closed. A copy of his closing statements is Exhibit 13.

Questions were asked by the committee.

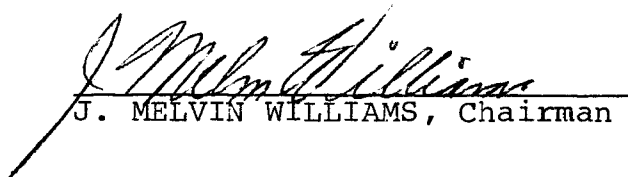
Rep. Ellerd said he planned to introduce a sales tax bill next week. Could we use this?

Rep. Vincent said this is not a sales tax but an excise tax. He said last time it was called a litter tax.

Rep. Seifert asked if students working under this would be exempt from the Child Labor Law. Rep. Addy said we never passed the Child Labor Law so the YCC would have to comply with the same thing as farmers.

Meeting adjourned at 2:15 p.m.

Respectfully submitted,

  
J. MELVIN WILLIAMS, Chairman

Emelia A. Satre, Sec.

BILL SB 169  
SPONSOR SENATOR VAN VALKENBERG

DATE 3/3

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



WITNESS STATEMENT

Name Lange F. Brown Committee On \_\_\_\_\_  
Address Helen Mt, Mitchell Buffleigh Date \_\_\_\_\_  
Representing Personal + Labor Rel Study Comm Support \_\_\_\_\_  
Bill No. SB 169 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

*See attached*

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Testimony of Joyce Brown, Project Director,  
Personnel & Labor Relations Study Commission  
in support of Senate Bill 169 before the  
House Labor and Employment Relations Committee,  
March 3, 1983.

Mr. Chairman, members of the Committee, SB169 is another bill proposed by the Personnel and Labor Relations Study Commission.

Unlike some of the other bills before you which made substantive changes in the Collective Bargaining for Public Employees Act and were consequently controversial, this bill only affects BPA procedures, was introduced to correct a problem identified by the Board itself and received no opposition. It was unanimously supported by all members of the Commission and interested parties.

SB169 eliminates the current requirement that all unfair labor practice charges go to hearing before the full Board. It permits the Board of Personnel Appeals to expedite adjudication of ULP actions by giving their staff the authority to investigate and dismiss unmeritorious ULPs subject to review by the full Board upon request of the charging party.

This procedure is a common administrative procedure used by other quasi-judicial boards. It protects the charging parties current right to a hearing before the full Board if the charging party feels the staff decision is unfair but allows ULPs to end with a staff determination, thereby shortening the process when the charging party finds the staff determination reasonable.

The Study Commission feels strongly that any procedural changes which permit the Board to shorten the time required to fairly resolve ULP disputes is highly desirable because in ULP proceedings, like many other administrative and legal procedures, justice delayed is justice denied.

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*Information concerning SB 169*

*J. Brown July 6 X.2*

## PERSONNEL AND LABOR RELATIONS STUDY COMMISSIONERS

### Chairman

Representative Francis Bardanouve  
Democrat from Harlem

### Legislative Commissioners

Senator Fred Van Valkenburg,  
Democrat from Missoula

Rep. Calvin Winslow  
Republican from Billings

Senator Jan Johnson Wolf,  
Republican from Missoula

### Labor Commissioners

Jerry Driscoll, President  
Montana State AFL-CIO  
Assistant Business Manager  
Laborers Local No. 98, Billings

Richard Ferderer, Secretary-Treasurer  
Teamsters Local 45, Great Falls

Tom Schneider, Executive Director  
Montana Public Employee Association,  
Helena

### Private Sector Commissioners

Percy Cline, Staff Manager  
Mountain Bell, Helena;  
resigned March, 1982

Jean Fitzsimmons, Regional  
Director of Personnel,  
Burlington Northern Inc.,  
Billings; appointed March,  
1982 to replace Percy Cline

Nancy Hanson, Vice-President  
for Human Resources, First  
Northwestern National Bank,  
Billings

Don Robinson, Attorney  
Law Firm of Poore, Roth,  
Robeschon and Robinson, Butte

### Executive Branch Commissioners

Marilyn Miller, Executive Assistant  
to the Superintendent, Office of  
Public Instruction, Helena;  
appointed March, 1982 to replace  
Ray Shackleford

Dr. LeRoy Schramm, Chief Legal  
Counsel, Office of the Commissioner  
of Higher Education, Helena

Ray Shackleford, Deputy State  
Superintendent, Office of Public  
Instruction, Helena; resigned  
March, 1982

Gary Wicks, Director  
Department of Highways, Helena

### Staff

Provided by the Personnel Division, Department of Administration

Dennis M. Taylor, Administrator  
Personnel Division

Joyce Brown, Project Director

John Balsam, Research Specialist  
Lois Lofstrom, Secretary

## CHAPTER IV

### ISSUE AREA B: OPERATIONS OF MONTANA'S COLLECTIVE BARGAINING LAWS

The Commission addressed the overall question of whether the actual operation of Montana's collective bargaining laws are workable and accomplishing their purpose by examining several aspects of public sector collective bargaining. These included: (1) operations of Montana's labor board or labor relations agency—the Board of Personnel Appeals, (2) impasse resolution procedures, (3) the collective bargaining process, and (4) incidences of confusion or duplication created by existing statutory language.

#### OPERATIONS OF THE BOARD OF PERSONNEL APPEALS ISSUE

In its examination of Board of Personnel Appeals operations, the Study Commission addressed three major issues which are typical concerns of users of any labor board or labor relations agency. These are:

1. timeliness of dispute resolution, particularly timeliness of unfair labor practice proceedings;
2. user confidence in the professionalism and neutrality of the Board and its staff; and
3. the level of discretion exercised by the Board of Personnel Appeals in decision making.

These three issues are summarized below:

1. **THE ISSUE OF TIMELINESS:** Available figures (for unfair labor practice charges filed between 10-78 and 5-81) indicated that the Board of Personnel Appeals exceeds its statutory five-month time limit for issuing a final decision after "submission of a complaint" (interpreted by the Board of Personnel Appeals to mean five months after submission of final briefs by both parties) in 55% of the cases. Proceedings average nearly eleven months from filing to issuance of a final Board of Personnel Appeals decision and some exceed a year and a half.

Some parties to unfair labor practice proceedings complain that the time required to obtain resolution is too great and frustrates justice. Agreeing that timeliness is critical, the Board of Personnel Appeals noted recently instituted changes in staff procedures which are expected to expedite proceedings. Many of the changes were recommended by an independent Public Employment Relations Service Review and Evaluation Team. The Board of Personnel Appeals also observed that unavoidable delays are caused by the precedence given mediation requests and that one possible approach to streamlining the process (staff investigation and dismissal of unmeritorious cases) is frustrated by the statutory requirement that all cases be automatically scheduled for hearing before the Board of Personnel Appeals.

2. **THE ISSUE OF CONFIDENCE IN PROFESSIONALISM AND NEUTRALITY:** While many Board of Personnel Appeals users reportedly respect the Board of Personnel Appeals and staff for its professionalism and neutrality, others report doubts about these characteristics.

3. **THE ISSUE OF LEVEL OF DISCRETION:** The Board of Personnel Appeals, like most administrative agencies, administers laws which contain ambiguities necessitating use of discretion in interpretation. This sometimes involves the use of discretion or assumption of authority that user groups feel is excessive.

The two major instances of alleged excesses examined by the Study Commission were:

- a. The Board's practice of assuming jurisdiction over contract disputes as opposed to deferring them to arbitration where the contract provides a grievance procedure ending in binding arbitration.

Opponents of this practice argue that it makes the Board a "free" grievance panel which was never intended, that it is contrary to the precedent set by national case law, and that arbitration is faster, more conclusive and places the dispute where it belongs—with the parties.

Supporters argue that national precedent is not so clear, and that the goal of balancing the rights of employees and employers is better served by Board assumption of jurisdiction since arbitration is too expensive for small unions and small employers.

- b. The Board's interpretation of the grandfather clause of the Collective Bargaining for Public Employees Act as protecting not only contracts in existence before passage of the act but also units in existence before passage of the act. This interpretation permits occupants of supervisory positions who were part of a pre-existing unit to remain in the unit even though they are ineligible under the act unless the employer can demonstrate that inclusion creates substantial conflict.

Opponents argue that units were never intended to be protected, that the Board's interpretation frustrates legislative intent that only non-supervisory employees be eligible and that, regardless of intent, after eight years of operation, it is no longer needed and serves only to create problems and litigation.

Supporters argue that the grandfather clause was part of the original compromises struck during passage of the act, was necessary to protect existing relationships, that the Board of Personnel Appeals correctly interprets it to cover units and that it creates no significant problems.

See the Bibliography "Issue Area B" in Appendix E for a list of the staff reports and resource materials considered.

## FINDINGS

### F-2. REGARDING THE ISSUE OF TIMELINESS

Although due process requirements and the precedence given mediation precludes overnight resolution of unfair labor practice charges, justice demands the speediest possible resolution consistent with these requirements and conflicting demands. In light of recent improvements in Board of Personnel Appeals staff procedures, no specific recommendations for expediting unfair labor practice proceedings and abiding by statutory time limits are needed at this time. The time limit should be clarified and the statutory impediment to speedier resolution removed.

### F-3. REGARDING THE ISSUE OF CONFIDENCE IN PROFESSIONALISM AND NEUTRALITY

Specialists in the field of labor relations generally agree that, since public sector labor relations by its nature exists in the political world, establishing and maintaining a labor board or labor relations agency whose integrity and impartiality the parties respect is not an easy achievement but one that is central to its overall effectiveness. While the Board of Personnel Appeals and staff are generally respected for their professionalism and impartiality, a number of factors contribute to lack of confidence by some users.

These are:

- a. Assignment of the same staff person to conduct both adversarial proceedings and mediation for the same employee or employer. (The Board of Personnel Appeals has indicated that these practices are avoided whenever possible within the constraints of a small staff.)
- b. No opportunity for parties to a dispute to reject an assigned hearings officer in whom they lack confidence for whatever reason.
- c. Lack of staff training in mediation due to insufficient funds.
- d. Inaccessibility of precedent setting Board decisions resulting from insufficient funds to complete a case index.
- e. Selection and supervision of Board of Personnel Appeals staff by the Commissioner of Labor and Industry rather than by the Board, creating the potential for outside influence over staff proceedings and potential lack of confidence in the neutrality of the Board staff in cases involving the Department of Labor and Industry.

### F-4. REGARDING THE ISSUE OF LEVEL OF DISCRETION

The Board of Personnel Appeals has not clearly exceeded an appropriate level of discretion in

either of the incidents examined. With respect to deferral of contract disputes to an existing contractual arbitration process, the Board recently made two such deferrals establishing a precedent for future referrals.

With respect to its interpretation of the grandfather clause, the Montana Supreme Court in *City of Billings v. Billings Firefighters Local No. 521*, 39 St. Rep. 1844 (1982) recently upheld the Board's authority to interpret the grandfather clause to protect collective bargaining units.

However, given the uncertainty about legislative intent in enacting the grandfather clause, the general principle that management employees should be excluded from bargaining units and the practical problems created by their continued inclusion, recommendation 12 has been adopted to clarify the statutory language. The recommended language protects incumbents of grandfathered positions but not their replacements, thus permitting eventual exclusion of supervisory employees.

## RECOMMENDATIONS

**Recommendation 3:** Amend the Collective Bargaining for Public Employees statute to clarify the starting date of the five-month time limit for a final Board of Personnel Appeals decision on an unfair labor practice case as: "five months after final briefs are submitted to the hearings officer or, if no briefs are submitted, then within five months after the hearing." (Vote: passed unanimously)

See proposed implementing legislation, LC0012/01, in Appendix B.

**Recommendation 4:** Amend the Collective Bargaining for Public Employees statute to permit the Board of Personnel Appeals staff to expedite unfair labor practice proceedings by investigating an unfair labor practice complaint and dismissing the charge if it is found unmeritorious subject to review by the Board if a request for a review is made by the charging party within ten days of the staff notice of intent to dismiss. (Vote: passed unanimously)

See proposed implementing legislation, LC0013/01, in Appendix B.

**Recommendation 5:** Provide both parties to an unfair labor practice charge with the right to disqualify the person designated by the Board of Personnel Appeals to hear the complaint. (Vote: 11-yes, 1-no)

See proposed implementing legislation, LC0117/01, in Appendix B.

**Recommendation 6:** Provide funds to the Board of Personnel Appeals to provide training in mediation to its staff -\$5,000 was the projected amount needed. (Vote: passed unanimously)

**Recommendation 7:** Provide funds to the Board of Personnel Appeals to complete an index of its decisions—\$5,000 was the projected amount needed. (Vote: passed unanimously)

**Recommendation 8:** Amend the statute establishing the Board of Personnel Appeals, 2-15-1705, M.C.A., to give the Board the authority to hire its own staff. (Vote: 10-yes, 2-no)

See proposed implementing legislation, LC0044/01, in Appendix B.

## IMPASSE RESOLUTION

### ISSUE

The Collective Bargaining for Public Employees Act provides three methods for resolving an impasse in collective bargaining between an employer and labor organization: mediation—a relatively informal attempt by a neutral mediator to bring both parties to agreement; fact finding—a more formal process involving information gathering by a neutral fact finder and a written report with recommendations which must be made public if agreement is not reached; and voluntary binding arbitration—a formal process involving a hearing and a binding decision by a neutral arbitrator. Since only binding arbitration involves imposition of a solution on both parties, it is the only method which automatically ends an impasse.

BILL SB 154

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SPONSOR SENATOR KEATING

DATE 3/3

SPONSOR SENATOR KEATING

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



TESTIMONY OF DAVE BARNES  
SENATE BILL 154  
HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
MARCH 3, 1983

I am Dave Barnes and I am here on behalf of the United Food and Commercial Workers Union. We are opposed to the passage of Senate Bill 154.

We represent about 75 store managers in the state's liquor stores. Most of our store managers spend about 10% of their working hours engaged in quasi-supervisory duties and the remainder of the time they spend doing bargaining unit work.

As you might expect, we are strongly opposed to having non-union supervisors doing work that rightfully belongs to the union members. On the other hand, we recognize the need to have the manager to able to take responsibility for those supervisory tasks that arise in the stores from time to time. The obvious solution to this dilemma is to allow the store managers to have their own separate bargaining units and be union members. The present grandfather clause makes this possible.

This system has worked well for the union. It has worked well for the state and it has worked well for our store managers and our members.

Senate Bill 154 if passed would only succeed in upsetting the apple cart.

We urge the committee to recommend a "do not pass" on this bad bill.

Thank you.



# Western Conference of Teamsters Pension Trust

An Employer-Employee Jointly Administered Pension Plan

Northwest Administrative Office:  
2323 Eastlake Ave. E., Seattle, Wa. 98102  
(206) 329-4900

January 24, 1983

Ex. 4  
fat

Mr. Joe Rossman  
Teamsters Local Union No. 2  
c/o Jorgensons "Holiday Inn"  
Helena, Montana 59601

RE: Montana School Districts

Dear Mr. Rossman:

Mr. Jim Roberts, Secretary-Treasurer of Teamster Local Union No. 2 recently inquired as to the acceptability /unacceptability of excluding new employees performing the same bargaining unit work as other employees presently covered under labor agreements between the Montana School Districts and Teamster Local Union No. 2. In other words, Mr. Roberts has asked if those employees presently being reported can maintain their participation in the Trust while new employees are excluded. These labor agreements basically cover Administrative personnel (principals, vice-principals, assistant directors, supervisors, managers).

Please be advised that this arrangement would be unacceptable. It is the policy of the Trustees of the Western Conference of Teamsters Pension Trust Fund that pension contributions must be submitted on behalf of all employees who perform the same bargaining unit work commencing with the first hour of employment for all hours worked or compensated. There can be no selectivity.

If the labor agreements were to provide for such an exclusion, the Agreements would be deemed unacceptable. Corrections to amend the contract provisions to conform to the Trustees Policy would be pursued and if after a reasonable period of time has elapsed the corrections were not received, the following would apply:

1. The Employer account(s) would be terminated in the billing files and no further pension contributions would be accepted.
2. Contributions submitted for the period the contract became unacceptable would be deposited in a separate account. These monies held in such separate account would be disbursed to the employees involved pursuant to the Trust's policy covering a refund of contributions.
3. The discontinuance of employer contributions may also result in the Employer's being assessed employer withdrawal liability under the Trust's Employer Withdrawal Liability Rules and Procedures adopted by the Trustees in compliance with the Multiemployer Pension Plan Amendments Act of 1980.

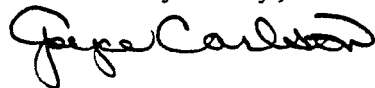
Mr. Joe Rossman  
January 24, 1983  
Page Two

4. Due to the absence of an acceptable labor agreement employees applying for benefits under the Plan would have their benefits computed in accordance with Article IV, Section 4 of the Plan which provides that employees may lose their Past Service Credits because of the discontinuance of employer contributions. (Many of the employees of the Montana School Districts have substantial Past Service Credits accrued and therefore their monthly benefits would be greatly affected).

Enclosed find the Trusts Agreement and Declaration of Trust which provides in part for the Trustees Policy on Acceptance of Employer Contributions as well as the Employer Withdrawal Liability Rules and Procedures in addition to the Western Conference of Teamsters Pension Plan.

If you have any further questions, please feel free to contact us.

Yours very truly,



Joyce Carlson  
Pension Manager



Dick Pirnke  
Pension Service Manager

JC:DP:kn  
enclosure

WITNESS STATEMENT

Name R. Nadrian Jensen Committee On Labor  
Address Helena Date 3-3-83  
Representing AFSCME Support \_\_\_\_\_  
Bill No. SB 154 Oppose X  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Testimony submitted

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

# MONTANA STATE COUNCIL No. 9

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
Affiliated With A.F.L.-C.I.O.



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International President

William E. Lucy  
International Secretary-Treasurer

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Phone: 266-3592

March 3, 1983

## TESTIMONY OF R. NADIEAN JENSEN ON SENATE BILL NO. 154 HOUSE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Mr. Chairman, Members of the Committee:

I am Nadiean Jensen, Executive Director of Montana Council #9 of the American Federation of State, County and Municipal Employees Union, AFL-CIO.

AFSCME strongly opposes Senate Bill 154, which amends the "Grandfather Clause" of the Collective Bargaining Act for Public Employees. We opposed it in the Senate Committee hearing on Business and Labor, in it's original form. The amendments, as shown, in the bill before the committee at this time are no dearer to our hearts.

The employees covered in this bill wanted to be members of an organization and have an exclusive representative in 1973. I have spoken with people who are presently in these positions, both employees of record in 1973 and employees hired into those positions after 1973. They say they still want to belong to those organizations.

Please preserve their current right to belong to those organizations and have an exclusive representative by voting against Senate Bill #154.

Respectfully submitted by,

*R. Nadiean Jensen*  
R. Nadiean Jensen, Executive Director  
Montana Council #9, AFSCME, AFL-CIO

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Office Secretary

## PUBLIC

March 3, 1983

## EMPLOYEES

## ASSOCIATION

Chairman Mel Williams  
House Labor Committee  
State Capitol  
Helena, Montana 59620

Dear Chairman Williams:

I will be unable to attend the hearing on Senate Bill 154. I would appreciate it if you could inform your committee that the Montana Public Employees Association is very strongly opposed to Senate Bill 154.

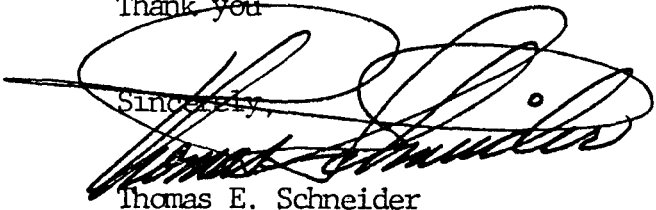
The "grandfather clause" in the present statute was the result of some very important negotiations at the time the collective bargaining law was passed in 1973 and it would be ludicrous for the legislature to delete it without looking at the rest of the compromises which were made.

As written it would negate bargaining for any unit which has grandfathered members by creating a situation of having employees doing the same work being split between union and non-union which could result in different benefits and working conditions.

There were no examples given to the Governor's Commission on Personnel and Labor Relations which back up the need for Senate Bill 154. We would respectfully ask your committee to kill SB 154.

Thank you

Sincerely,

  
Thomas E. Schneider  
Executive Director

### Eastern Region

(Mailing Address) 502 Nelson  
Billings, Montana 59102  
(Phone) (406) 652-3530

### Western Region

(Mailing Address) 1420 Jackson  
Missoula, Montana 59801  
(Phone) (406) 728-4768



VISITOR'S REGISTER  
LABOR AND  
HOUSE EMPLOYMENT RELATIONS COMMITTEE

BILL HB 800

DATE 3/3

SPONSOR REP. VINCENT

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Wilbur Rehmann	Helena	Self	✓	
Dennis Hemmer	Helena	State Bonds	—	
Steve Meyer	MT ass of Conservation District		—	
Melvin Hedrich	Bozeman	Self	✓	
Luci Brigger	Helena	Action for Eastern MT	✓	
Debbie B. Fassnacht	Lincoln, MT	myself	✓	
Diana Seag	Helena, MT	myself	✓	
Joan Cunningham	Helena, MT.	MEIC	✓	
Don Judge	Helena	MT STATE AFL-CIO	Amend	
Nate A. H. S.	Helena/Livingston	SELF	✓	
Rep. John Vincent		Dist 78, Bozeman	✓	
Janet Ellis	Helena	MT Audubon Council	✓	
Rep. Bob Ream	Missoula	H.D. - 93		
Tom Dauler	Helena	MT Audubon Council	✓	

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

TESTIMONY ON HOUSE BILL 800 BY REPRESENTATIVE JOHN VINCENT

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, House Bill 800 would establish a Youth Conservation Corps program within the Department of State Lands. The purpose of the program is to rehabilitate, protect and conserve our state's valuable natural resources by utilizing the untapped energies of the state's young people. I have a few minor amendments to the bill which I have passed out.

Teenage unemployment in Montana is now greater than 20%. While youth in Montana comprise one-fourth of the labor force, they make up over 60% of the unemployed. Unemployment is one of the greatest basic problems of our young people.

At the same time, we have heard repeated complaints this session (HB 101, HB 104, HJR 24) that the state is not adequately caring for the parks it has acquired, for its wildlife refuges, rangelands and forests. Agencies suffer a backlog of needed conservation work in reforestation, timber stand improvement, rangeland and wildlife improvement, erosion control, trail construction, campground maintenance, etc.

With federal and state cutbacks, it is clear that this backlog will only grow and the badly needed conservation work will simply not get done. House Bill 800 is a cost effective and creative way to solve this problem by providing the largest segment of the state's unemployed with meaningful public service work.

The bill would establish a work program for high school age youth between their freshmen and senior years in high school. It would be administered by an executive director within the Department of State Lands. The purpose of the bill would be to enhance, protect and



conserve valuable state resources by establishing summer, non-residential and residential work centers throughout the state. Participants would not only develop an understanding of the pride that comes with a hard day's work, but would also receive meaningful training and education. A list of the types of activities that would be carried out by YCC crews begins at the bottom of page 4 and continues to page 5. At the top of page 7, the bill requires that corps members devote a minimum of one-fourth of their work time to education and training which may include classes conducted by vo-tech centers.

The bill also allows the director of the program to enter into agreements furnishing the corps services to any federal, regional, state, or local public agency provided the agency reimburses the program for actual expenses.

This bill is modeled after states with very successful YCC programs. The states of California, Ohio, Wisconsin, Maine, Minnesota and Washington provide funds for YCC that range from summer only to substantial year-round work programs. In our correspondence with these states, we have found only enthusiastic support for the program from all quarters.

Montana has had a similar positive experience with the federal YCC program and I am sure there are people here today that will testify about their experience with that program.

PROPOSED AMENDMENTS TO HOUSE BILL 800

- (1) Page 3, line 20  
Strike: ";"  
Insert: ", these centers shall, to the extent practicable, consist of not fewer than 12 or more than 20 corps members with equal numbers of both sexes;"
- (2) Page 4, line 2  
Following: "(5)"  
Insert: "establish an application procedure and"
- (3) Page 5, line 22  
Strike: "and"  
  
Page 5, line 24  
Following: "disasters"  
Insert: "; and"  
Insert: new subsection "(d)" cleanup of litter and other debris in public recreation areas, fishing access sites and composites"
- (4) Page 5, line 25  
Strike: "May 15"  
Insert: "June 10"
- (5) Page 6, line 1  
Strike: "September 15"  
Insert: "August 31"
- (6) Page 6, line 4  
Strike: "be"
- (7) Page 6, line 5  
Following: "(a)"  
Insert: "be"
- (8) Page 6, line 6  
Following: "(b)"  
Insert: "be"
- (9) Page 6, line 7  
Strike: "not" through "age"  
Insert: "have completed his freshman year of high school but not yet begun his senior year of high school"
- (10) Page 6, line 12  
Strike: "or more than 21"
- (11) Page 6, line 16  
Strike: "10"  
Insert: "6"  
Following: "weeks"  
Insert: "or more than 12 weeks"

PAGE 2 OF PROPOSED AMENDMENTS TO HOUSE BILL 800

- (12) Page 6, lines 17 through 19  
Strike: "two" on line 17 through "1" on line 19  
Insert: "one season"
  
- (13) Page 7, following line 10  
Insert: "Section 10. Appointment of initial director.  
The governor shall appoint the first director  
under this act no later than June 30, 1983."  
Renumber: subsequent sections

3 March 1983

Ex. 9

As a board member and treasurer of Big Brothers and Big Sisters of Park County and a former Youth Conservation Corps crew leader, I'd like to express my wholehearted support for HB 800.

This bill comes at a time when teenage unemployment is around 20% and state land managers are begging for ways to maintain and improve public lands at low cost. I think you'll find the unanimous conclusion of everyone connected with Y.C.C. that it isn't another frilly make-work program. It's a hard-nosed way to reduce the cost of many necessary work projects on public lands.

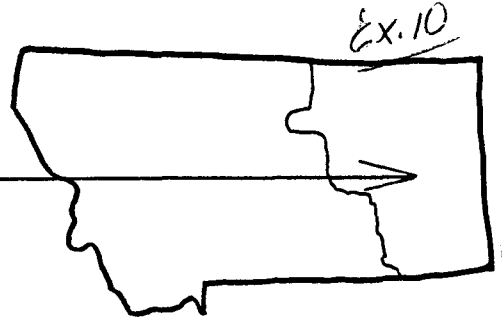
I realize that this committee has, by necessity, to look hard at the fiscal note and ask where the funds for this bill will come from. But I hope we can see that Y.C.C. is, in reality, an investment in a larger policy that will save the taxpayers of this state a considerable amount of money once Y.C.C. is integrated into public lands agencies and assigned those projects Y.C.C. does best.

But Y.C.C. is another kind of investment as well. The first year I worked as a crew leader for a dozen teenage corps members in Olympic National Park, I could see the difference several weeks of trail maintenance made in these kids' lives. When they first arrived in camp, they had little knowledge about how to work with basic outdoor tools or accomplish projects in groups. They left the program with dramatically increased job skills and confidence, and I assumed I'd been lucky enough to draw a good crew willing to work hard and learn. But my next Y.C.C. crew showed the same beneficial results, and as I talked to other crew leaders and read survey studies of Y.C.C. graduates, I realized the benefits I'd seen were typical of the Y.C.C. program. Improved grades in school and attitudes toward work were reported by parents and their kids alike. (I might add that it cost around one-third as much to complete our trail project as regular park crews would have cost.) I continued to receive letters from former Y.C.C. kids years later.

I wish I could take this committee to see a Y.C.C. work project so that the reasons for my enthusiasm for this bill would be that much clearer. I ask the committee to explore any possible ways of funding this measure. Thank you.

-- Mike A. Males  
204 E. Callender, #C-A  
Livingston, MT 59047

# ACTION for Eastern Montana



TESTIMONY REGARDING HB 800

*Presented by Lucianne Brieger*  
*3/3/83*

My name is Patricia Callaghan; I am the director of Action for Eastern Montana. Our agency administered the Federally-funded Youth Conservation Corps program for six years. In those six years, we gave 120 high school students summer jobs in eleven eastern Montana communities. Those young people did an impressive amount of work: they worked in several parks, including two state parks, and built an entirely new town park in Baker, Mt. They also worked at several recreation areas, fishing access areas, fairgrounds, a pistol range, an archery range, softball fields and museums. They built nature trails in two communities. Their work included landscaping, fence-building, erosion-control, tree planting, repair of building and equipment, drainage improvement and many other tasks. In the process, they learned a great deal about conservation of natural resources, range and resource management, and the relationship between land, wildlife and people. I venture to say that none of the young people who have worked in this program will ever vandalize or litter a park or recreational area.

We found this program to be of tremendous value to eastern Montana communities, to our public lands and to our youth. I hope that the Montana Legislature will pass HB800 and that Montana will have our own state Youth Conservation Corps.

WITNESS STATEMENT

Name Janet Ellis Committee On House labor  
Address Helena Date 9/3/83  
Representing Montana Audubon Council Support ✓  
Bill No. HB 800 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The Montana Audubon Council supports HB800 because it is a good bill for Montana's citizens and natural resources.
- 2.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Debbie Bergman-Fassnacht Committee On Labor & Employment <sup>Relations</sup>  
Address Box 363, LINCOLN, MT. 59639 Date March 3, 1983  
Representing myself Support X  
Bill No. 800 - Re-establish Y.C.C. Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

HOUSE BILL 800

RE-ESTABLISH THE YOUTH CONSERVATION CORPS

Ladies and Gentlemen of the House Labor and Employment Relations Committee:

I have worked with the Y.C.C. program for a total of four seasons. My first season I was a "corpsmember", the following seasons I worked as a "corpsmember leader" or group leader. At that time there was no age set specifically for the group leaders and many were from 22 to 50 years of age.

During my experiences with Y.C.C., I worked together with approximately 30 corpsmembers and 5 group leaders on a variety of resource work projects including: bridge-building in remote trail areas, back-country trail maintenance - erosion bars, clearing trails, litter patrol; reconstructing old cabin structures for new uses, fence fixing and fence building - both wire and pole type fences; thinning trees, planting trees, shrubs and grasses along road cuts and stream banks to control erosion, property maintenance - painting buildings, cleaning up campgrounds, repaving road areas, and paved trails, sign building and painting, revamping campgrounds, picnic areas to accommodate handicapped people, visitor information, create nature paths and trails with information signs, stream clearing for fisheries purposes and the ever-popular relocating or removing outhouses.

All the projects had two things in common: 1) the work needed to be done - not always today, but someday someone would have to come in and do the work we accomplished - and everyone took pride in that accomplishment. This type of "up-keep" work will continue to be generated as long as people utilize resources. 2) the work somehow benefitted people and/or the resource and tying the two together gave the work more purpose. The "why" questions had to be answered - it's more than just because it needs to be done; for example, why are we building this fence? How does it benefit wildlife? How does it help cattle grazing? These types of projects pull together the work ideal and the Y.C.C. ideal of environmental education. Discussing as the fence is built what effect is created on a previously unfenced area - good and bad.

As for economics, this work in our State resources is out there waiting right now. Currently, it is dealt with in a typical manner expected during hard economic times: it is ignored, not considered feasible, done by volunteers or by persons paid anywhere from \$5.00 to \$7.00 an hour, who don't actually get much accomplished, due to the lack of funds.

So why Y.C.C.? Legislation could be introduced to have chain-gangs from our State Prison out doing this resource work - IF all that we are concerned with is the actual work. However, our State-wide



unemployed youth. Ah, there's the rub-BUT, This idle resource can be "invested" in Montana's future with two returns on the investment:

- 1) Immediate gains on investment by work accomplished, improving our State resources - for both resource longevity and human enjoyment.
- 2) Training State youth in a "work ethic" and an "environmental ethic" to be carried with them through life and benefit society later as productive, hard-working, environmentally aware citizens

From a representative's perspective, I imagine the "environmental education" is the most difficult portion of the Bill to justify. Justifying work is simple, hiring youth over family-age people, a little more difficult; but providing environmental education as part of the job...that's getting sticky.

The University of Michigan's School of Natural Resources defines the environmental education goal: ( a Nation-wide objective)

"The ultimate goal of environmental education is the development and maintenance of a high quality system in which man interacts through culture on the biophysical environment to advance human welfare."

"Culture, in this context, incorporates organizational strategies, technological processes, and social arrangements (political, legal, managerial, educational, etc.) through which man interacts with the biophysical environment. The Biophysical environment designates both the natural and man-made components of the environment."

This type of awareness of our place in the environment and how we effect and interact with our resources is attempted by Environmental Education (E.E.) in Y.C.C. programs. Topics as scientific as how to best expand properly (environmentally and economically) sewer and water facilities in urban Gillette, Wyoming, water testing and sampling procedures - to topics as plainly ecological as animal tracks, bird identification, plant identification and uses. Projects done by groups of Y.C.C. corpsmembers to reinforce the role we play controlling resources and the use of them - such as: food chains, tree growth and timber uses, mineral extraction and wildlife populations. Simple land use planning projects, such as R.V. sites or directing urban sprawl are very effective educators.

The success of the Y.C.C. program - doing the job right, awareness of the cause/effect and cost/benefit of each resource project depends on: 1) the corpsmember leader's knowledge and enthusiasm, 2) the group of individuals themselves, their values, judgements and interests 3) how well E.E. topics can be incorporated into resource work projects

In closing, I encourage the support for this bill befitting Montana's two precious commodities: our valued resources and our dynamic, eager youth.

Thank you for the opportunity to comment:

Respectfully, *Debbie Bergman-Fassnacht*  
Box 363, Lincoln, Montana



Ex. 12

Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 800, HEARINGS OF THE HOUSE LABOR AND  
EMPLOYMENT RELATIONS COMMITTEE, MARCH 3, 1983

I am Don Judge, representing the Montana State AFL-CIO. We support House Bill 800, but only with certain amendments to protect people who are already at work.

We support the concept of creating a youth employment program which provides youth with a job which performs some useful work for society, and gives the kids work experience. However, we would like to propose some amendments to make the act conform to what we perceive to be the intention of this legislation.

First, on page 3, line 4, this project is placed under the Department of State Lands. I do not know whether State Lands has ever run such a project before. I do know that the Department of Natural Resources has administered a youth conservation program, which seemed to be run smoothly. The Department of Labor and Industry, however, has run a multitude of youth and other jobs programs, and has the experience to do the job properly. Perhaps the program could be assigned to the Labor Department in cooperation with either Natural Resources or Lands.

We also have serious questions about the subsection 2, which begins on page 4, line 23. Permitted projects include historical and cultural site preservation and maintenance, road maintenance and improvement, strip mine reclamation and so on. These are jobs which are already performed. During the Public Service Employment program of CETA, public service workers were sometimes used by financially strapped cities and towns to displace people who were already employed, either by the local government body or

by contractors who normally performed the work. Local governments are far more strapped now than they were then, so the temptation to abuse is greater.

We suggest that a new section be added on page 6, after line 1, to read:

"Section 5. Protection of Regular Employees. The executive director of the Youth Conservation Corps shall certify that no projects under this act will (1) result in the displacement of any individual currently employed (either directly or under contract with any private contractor) by the program agency concerned. There shall be no partial displacement through reduction of non-overtime hours, wages, or employment benefits for those already employed, (2) Result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the program agency concerned, or (3) Impair existing contracts for services."

Another defect of this bill is that no grievance procedure is provided. Were this a Department of Labor and Industry program, that defect would be remedied. When no system is provided, as was the case under the national Young Adult Conservation Corps program administered by the U.S. Department of Interior, abuses run rampant. In Billings, YACC members did such projects as paint the airport, with the direct result that regularly employed individuals lost part of their regular work. But because there was no grievance procedure, it took two years to get a decision about who should hear a grievance, even with the active help of the Montana congressional delegation. That makes a farce of the program.

We would like you to consider another new section, on page 6, after line 1, to read:

"Section 6. Grievance Procedure. Any affected individual, labor organization or business, has access to the grievance procedure contained in section 144 of the Job Training Partnership Act (Public Law 97-300)."

That is the grievance procedure which will replace the CETA procedure. Although it is not yet fully defined, it will be soon.

A third problem is that there is no provision for input on behalf of regular employees before the program begins. Under current CETA law, the union which handles the particular occupation covered by the project must be allowed to comment on the project, on behalf of regular workers and the trainees. This has saved numerous projects from wasting public funds. However, 95% of all current CETA On-the-Job Training programs are given a clean bill of health by the unions, with the result that the programs work better for the trainees and those already employed.

We suggest one more amendment, on page 7, after line 6. It would read:

"Section 10. Union Concurrence and Consultation. Prior to commencement of a project, the program agency shall: (1) Consult with appropriate labor organizations representing the same occupation in the geographical area in the planning, design and content of the youth project with respect to job descriptions, training standards and arrangements, safety requirements, and protection of all current employees in the public and private sector.

(2) Receive written concurrence from the appropriate labor organization if the job performed is covered by a collective bargaining agreement."

Under CETA law, there are two levels of union involvement. When the job is created to expand the same work which is currently done by employees covered by a collective bargaining agreement, those employees have the right to say yes or no to the project, through their union representative.

When the project is not doing the same work as that performed by a

collective bargaining unit, then the appropriate union's opinion must be asked. The union which covers the same occupation in the same general geographic area gives its opinion on the job description, training standards and arrangements, safety requirements and protection of current employees. This process of seeking the opinion of someone knowledgeable in the field has saved the Department of Labor and Industry tens of thousands of dollars over the past few years by avoiding projects which violate portions of CETA or other laws or any collective bargaining agreement.

While these amendments are substantive, we believe they are within the intent of this act. We support House Bill 800 as amended, because youth need jobs, particularly at the present time, and there is much useful public service which could be performed without harming those already employed.

CLOSING TESTIMONY BY REPRESENTATIVE JOHN VINCENT ON HOUSE BILL 800

In the summer of 1981, 85 Montana youths ages 15-18 were assigned to work on federal YCC projects around the state, including timber management, recreation development and maintenance, visitor services, range management, wildlife, engineering and construction, water and soil conservation, and other programs. The program cost \$174,275 and returned appraised benefits of \$211,250 as well as providing educational and training benefits to the youths appraised at over \$23,000.

That's a benefit/cost ratio of \$1.21, even without considering education and other advantages to youths. Young people who participated in the federal YCC program have demonstrated an improved work ethic, responsibility and financial independence.

In short, the program works. It returns more than it costs and it provides at least a partial solution to two very serious chronic problems - youth unemployment and our deteriorating natural resources.

I realize it is going to be very difficult to find funding for this program. I might just suggest some ideas.

Perhaps a portion of the coal tax fund interest currently used for park acquisition, operation and maintenance could be used to fund one or two centers at state parks acquired with those dollars. These centers could be responsible for operation and maintenance and site improvements. \$164,000 was budgeted for operations and maintenance of these sites in 1982 and \$210,000 was appropriated for site improvements in '82-'83.

Another creative suggestion is a \$1.00 voluntary check-off on hunting and fishing licenses. This money could fund YCC work on wildlife habitat improvement, stream and lake improvement and pollution control, fish culture and habitat improvement.

While it is probably too late for this session, another possibility might be a grant from the Renewable Resource Development Program. Grants may be provided through this fund for purposes of conservation, management, utilization, development, or preservation of the land, fish, wildlife, recreational and other renewable resources of the state.

A fourth, and very promising, means of generating revenue would be to resurrect the litter assessment proposed by the food, beverage and packaging industries last session. That assessment, which the industry supported in 1981, would raise \$300,000 to \$500,000 per year at a negligible annual cost of only approximately 30 cents to each consumer.

The program could be funded at a number of different levels and the committee may want to try a trial program of one work center with 20 young people, perhaps at one of the state parks, for the first biennium.

Whatever the committee decides, I hope you will give some creative thought to ways that this program could be funded. It is a positive approach to two serious problems and it deserves serious consideration.

Thank you.