

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES  
March 4, 1983

The House Labor and Employment Relations Committee convened at 4:45 p.m. on March 4, 1983, in Room 224K of the State Capitol, with Chairman Williams presiding and all members present except Reps. Ellerd, excused, Pavlovich and Seifert, absent. Chairman Williams opened the meeting to an executive session.

EXECUTIVE SESSION

HOUSE BILL 800 Chairman Williams asked the researcher, Anne Brodsky, to go through the amendments. The amendments being suggested were those from the sponsor and from the AFL-CIO. Ms. Brodsky, Mr. Rockwell and a representative of the AFL-CIO had worked through these suggested amendments. The first suggested amendment was to amend the title changing the department responsible for managing it from State Lands to the Department of Labor and Industry. Mr. Rockwell explained that it was believed by all parties involved that it would fit better here as they have handled similar programs. Jerry Curtis, Dept. of Labor, was asked to comment and he said he could foresee no problem with having it in the Department of Labor. Ms. Brodsky said the time had been changed from May 15 to June 10, and from September 15 to August 31 to keep from affecting any school times. Mr. Curtis said page 6, line 16, sets the time at 10 weeks minimum which he said was good. Another suggested change was to say have completed grade 9 but not yet begun grade 12 as the age for corpsmen. Rep. Addy moved the amendments proposed by Rep. Vincent (Exhibit 1) with the above mentioned changes. This motion carried unanimously with those present (Reps. Seifert, Pavlovich, Ellerd and Thoft gone.)

Ms. Brodsky went through the suggested union amendments, Exhibit 2. Mr. Curtis upon being asked to comment said that No. 1 of these amendments has been particularly helpful and the second one is no problem as they usually check with the union people anyway.

Rep. Driscoll moved to amend the second of these amendments by striking the word "may" and inserting "shall." This motion carried unanimously with those present (same absent).

Rep. Driscoll said they had some difficulty with the YCC federally sponsored group in Billings and requested that for jobs under the project that are covered by a collective bargaining agreement that the project leaders receive written concurrence from the appropriate labor organization. He moved this language be added to the amendments.

Mr. Rockwell on being asked to comment said Rep. Vincent is not set in concrete on these amendments and if the committee would like to accept them it is fine. He said this also includes Rep. Driscoll's amendments. The motion to adopt Rep. Driscoll's last amendment passed unanimously with those present.

Rep. Addy moved the adoption of Amendments 1 and 2 of Exhibit 2 as amended. Rep. Harper said we have protected the unions but how about the bosses. It was pointed out that the first amendment would apply to union and non-union alike and prohibit the displacement of regular employees. Mr. Curtis said the only place he could foresee a problem is perhaps in the tree thinning business and he said they wouldn't go into that. The motion to adopt these amendments passed unanimously with those present (absent now were Reps. Ellerd, Seifert and Pavlovich).

Rep. Smith said he had no trouble with the amendments but what are we going to do with these kids - they are under age so they can't handle machinery, herbicides, etc. He asked Harold Kansier to comment. Mr. Kansier said the same child labor law applies and those under 16 would not be able to handle dangerous equipment. Mr. Rockwell when asked to comment said programs like this have been started in other states with no problems. The federal YCC program had 15 year olds and conducted all kinds of work on trails. He said there are ways to get around this by having older youth to handle the equipment and the younger ones do the other work.

Ms. Brodsky passed copies of the statement of intent, Exhibit 3, to the members.

Rep. Brown asked about the appointment of the initial director. She said since he is not appointed until later in the summer of 1983, the program is not planned to start this year. Mr. Rockwell said rules will need to be formulated on a number of things and the program would start in 1984. Mr. Curtis said the supervisor would probably end up being a state employee and be on the classification plan. He said he doubted if the supervisor would qualify to be a part of the program.

Rep. Smith moved HB 800 AS AMENDED DO PASS. This motion carried unanimously with those present. Rep. Hannah had left a no vote and absent were Reps. Ellerd, Pavlovich and Seifert.

Chairman Williams mentioned the statement of intent. Rep. Harper moved it be adopted and this motion carried unanimously with those present.

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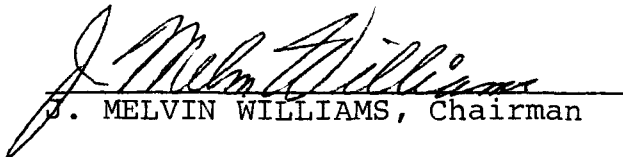
SENATE BILL 169 Rep. Harper moved BE CONCURRED IN. This motion carried unanimously with those present (absent were Reps. Ellerd, Pavlovich and Seifert). Rep. Hannah had left a yes vote.

SENATE BILL 154 Rep. Addy moved BE NOT CONCURRED IN and this motion carried unanimously with those present. Absent were Reps. Ellerd, Seifert, Pavlovich and Hannah.

SENATE BILL 143 Rep. Smith moved BE NOT CONCURRED IN. He said the bill would put nurses in a compromising position. The motion carried unanimously with those present (same absent but Rep. Hannah had left a dissenting vote to this motion).

Meeting adjourned at 5:50 p.m.

Respectfully submitted,

  
J. MELVIN WILLIAMS, Chairman

Emelia A. Satre, Sec.

PROPOSED AMENDMENTS TO HOUSE BILL 800

Ex. 1

- (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"

AFL-CIO Ex. 2  
2nd set  
of Amendments

AMENDMENTS TO HB 800

1. Page 6, line 2.

Following: line 1

Insert: "Section 5. Protection of regular employees.

A work project established under [section 3] may not:

(1) be used to reduce the number of regular hours, wages, or employment benefits of or displace an individual who is employed, either directly or under a contract with a private contractor, by the program agency;

(2) result in the replacement of a regular employee who is in a layoff status and who customarily occupies the same or a substantially equivalent job within the program agency;

(3) impair an existing contract for services."

Renumber: subsequent sections

*new amendment goes here*

~~2. Page 7, line 7.~~

Following: line 6

Insert: "Section 10. Union concurrence. Prior to commencement of a project, the program agency may *"shall"* 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."

Renumber: subsequent sections

- (12) Page 6, lines 17 through 19  
Strike: "two" on line 17 through "3" 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

Ex. 3

STATEMENT OF INTENT  
HOUSE BILL NO. 800

A statement of intent is required for this bill because, in section 3, the executive director of the Youth Conservation Corps, in cooperation with the Commissioner of State Lands, is given the responsibility of adopting rules for:

1. The recruitment and employment of corpsmembers and corpsmember leaders.
2. A corpsmember code of conduct and a corpsmember grievance procedure.

In adopting rules, the executive director must conform to the purpose of implementation of a program, through labor-intensive projects normally subject to completion in a single working session, to maintain, protect, and conserve the resources of the state's public lands (including parks, rangelands, forests, wildlife habitat, fisheries, soils, and waters) for continued economic productivity and scenic beauty while providing an earning and learning opportunity for youth of this state who might otherwise be deprived of the benefits of income and of work experience.

The rules adopted must provide for reasonable minimum mental and physical qualifications of a corpsmember to perform the required tasks without hazard to the individual or his or her co-workers and for the normal diligence and attention to duty necessary to satisfactory completion of assigned tasks within the allotted time frame.