

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

January 18, 1983

The meeting of the Labor Committee was called to order by Chairman Gary Aklestad on January 18, 1983, at 1:00 p.m. in Room 404, State Capitol.

ROLL CALL: All members were present with the exception of Senator Blaylock who was excused.

CONSIDERATION OF SENATE BILL NO. 88: Chairman Aklestad introduced Senator Fuller, sponsor of SB 88, to the Committee, and Senator Fuller explained the bill to the Committee.

Senate Bill No. 88 is an act giving the Department of Labor and Industry discretion in whether to initiate a civil suit to collect unemployment insurance contributions.

PROPOSERS OF SENATE BILL NO. 88:

Harold Kansier, representing the Department of Labor, stated they support the bill. They would like to have the bill changed to make a civil suit discretionary so they can instead, if they choose, use the statutes allowing them to file a lien against the employer instead of having to go to court to collect.

OPPOSERS OF SENATE BILL NO. 88: None were present at the hearing.

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 88:

Senator Keating asked what procedure the Department now used.

Mr. Kansier stated that they send the lien to the sheriff's office and it goes from there to the clerk of court as a statutory judgment--it goes to the district court.

Senator Keating asked how it differed from the way it is being handled now.

Harold Kansier stated that they have always used statutory procedures. Mr. Kansier explained the procedure the Department uses to the Committee.

Senator Goodover asked how much money was involved here.

Mr. Kansier stated about 2 and 1/2 million dollars.

Senator Goodover asked how long these accounts were delinquent.

Mr. Kansier stated they ranged from one month to three or four years. The statute of limitations is five years.

Senator Goodover asked how many employers were involved.

Mr. Kansier stated about three thousand.

Senator Gage asked if those three thousand were active accounts.

Mr. Kansier stated that there are about 3,000 employers still in business who have delinquent accounts.

Senator Keating asked why it takes so long to collect.

Mr. Kansier stated that in some cases there is nothing to levy against.

Senator Goodover asked if there was a particular category of businesses that are delinquent all the time.

Mr. Kansier stated that a number of them are in the restaurant and bar area that are frequently delinquent and sometimes there are delinquencies in construction companies--mostly the smaller companies.

Chairman Aklestad called the hearing closed on Senate Bill No. 88.

CONSIDERATION OF SENATE BILL NO. 81: Chairman Aklestad introduced Senator Lynch, sponsor of Senate Bill No. 81, to the Committee, and Senator Lynch presented the bill to the Committee.

Senate Bill No. 81 is an act to increase the maximum amount that may be paid to a qualified claimant under the Volunteer Firefighters' Compensation Act.

PROPONENTS OF SENATE BILL NO. 81:

Art Korn, representing Montana State Volunteer Firemen's Assoc., stated they support Senate Bill No. 81.

Dave Fisher, representing the Montana Volunteer Firemen's Assoc., spoke in support of Senate Bill No. 81.

Clem Duaime, representing the Montana State Volunteer Firemen's Assoc., also spoke in support of Senate Bill No. 81.

OPPONENTS OF SENATE BILL NO. 81: None were present at the hearing.

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 81:

Senator Goodover asked what the actual amount was in the retirement fund at present.

Mr. Kansier stated there was \$2,700,000.

Senator Keating asked if this money was being invested.

Mr. Fisher stated that it was--in stocks and bonds.

Senator Gage asked if this applied to incorporated areas.

Mr. Korn stated that it applied only to unincorporated areas and that incorporated areas have their own firemen's retirement program.

Senator Goodover asked if this bill had anything to do with additional mill levies for firemen about two or three sessions ago.

Mr. Fisher stated that it had nothing to do with the millage.

Senator Aklestad asked how much they pay out a year.

Larry Nachtsheim, PERD, stated that in 1982 it would be about \$296,000.

Senator Aklestad asked about the amount of revenue.

Mr. Nachtsheim stated that at the beginning of 1982 there was \$2.3 million, and at the end of 1982 it was \$2.6 million. He also stated that there would be \$336,000 available for benefits in 1984.

Senator Goodover asked about the annual cost of administration of the fund.

Mr. Nachtsheim stated that he thought about \$1,000; that that is what they pay.

Chairman Aklestad called the hearing closed on Senate Bill No. 81.

ACTION ON SENATE BILL NO. 69:

The proposed amendment to Senate Bill No. 69 was distributed to the Committee (Exhibit No. 1) and explained by Staff Attorney, John MacMaster.

Senator Lynch moved that Senate Bill No. 69 Do Pass without the amendment. Senator Dick Manning seconded the motion.

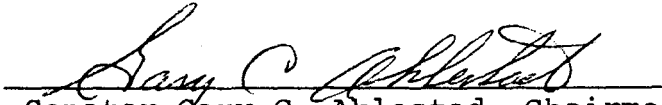
The Committee voted that SENATE BILL NO. 69 DO PASS. The vote was unanimous by voice vote.

ACTION ON SENATE BILL NO. 70

Senator Lynch moved that the amendment to Senate Bill No. 70 be adopted. Senator Dick Manning seconded the motion. The Committee voted unanimously to adopt the proposed amendment. (Exhibit No. 2)

Senator Lynch then moved that Senate Bill No. 70 Do Pass as Amended. Senator Keating seconded the motion. The Committee voted unanimously by voice vote that SENATE BILL NO. 70 DO PASS AS AMENDED.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 1:30 p.m.

  
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Senator Gary C. Aklestad, Chairman

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ROLL CALL

LABOR

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 1/18/83

[illegible]

# STANDING COMMITTEE REPORT

January 18, 19 83

MR. PRESIDENT:

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 69

Respectfully report as follows: That SENATE Bill No. 69

DO PASS

# STANDING COMMITTEE REPORT

January 19, 19 83

MR. PRESIDENT:

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 70

Respectfully report as follows: That SENATE Bill No. 70

Introduced bill be amended as follows:

1. Page 1, line 19.  
Strike: "(including nurse practitioner, nurse-midwife, or  
nurse-anesthetist)"  
Insert: "as specifically listed in 37-8-202,"

And, as so amended,  
DO PASS

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1/18/83

## Labor Employment

## NAME \_\_\_\_\_

BILL #

Support	Oppose
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Arthur Plummer

COMBAT LOGS # 239

Tim Dwyer

CONCRETE WORKERS 739

Melody Braune

ALA

Benny Stoddard

1411617

Ann Gould

# U C Advisors

SB 88

Larry Nachtsheim

PERIOD (information)

SB8



Amendment proposed to Senate Bill No. 69 offered by Jim Sewell:

1. On page 2, lines 1 through 5 inclusive, by deleting lines 1 through 5 inclusive.

2. Adding the following: "(2) a penalty of \$25.00 shall be assessed whenever, as the result of a willful refusal of an employer to furnish wage information or pay contributions on time, the department makes a summary or jeopardy assessment pursuant to 39-51-1302 or issues a subpoena to obtain wage information."

Amendment to Senate Bill 70 (Introduced Copy by Senator Eck):

1. Page 1, line 19.

Following: "specialist"

Strike: "(including nurse practitioner, nurse-midwife, or  
nurse-anesthetist)"

Insert: "as specifically listed in 37-8-202,"

DATE: 1-18-83

ADDRESS: 1914 SHERMAN DUTCH

PHONE: 723 4691

REPRESENTING WHOM? MONT STATE VOL FIREMEN'S ASSOC

APPEARING ON WHICH PROPOSAL: 5 B 81

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Faye Fisher DATE: 1-18-52

ADDRESS: 1908 S Washington St. Butte, Mont

PHONE: 782-8858

REPRESENTING WHOM? Mont. Vol. Freedom Assoc

APPEARING ON WHICH PROPOSAL: S.B. - 81

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

Will testify in committee

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Clem Duane DATE: 1-13-61

ADDRESS: 3510 Alameda North Road

PHONE: 474-4614

REPRESENTING WHOM? Mont. State Nat. Monument Assoc.

APPEARING ON WHICH PROPOSAL: S.B. 51

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.