

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

February 10, 1983

The meeting of the Labor Committee was called to order by Chairman Gary C. Aklestad on February 10, 1983 at 1:00 P.M. in Room 404, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 333: Senator Goodover, District #22, presented this bill to the committee. He stated that SB 333 addresses people who are not out of work but are drawing unemployment. Within the school system, at the end of the school year contract, there are people who are planning on coming back to work in September, their benefits continue - seniority, insurance - but during the summer they draw unemployment benefits. That is basically what this bill is addressed to.

PROPOSERS OF SENATE BILL NO. 333:

Jerry Hatch, Great Falls Schools, is in favor of this bill. Unemployment compensation for the Great Falls Schools has run from a low of \$90,000 to over \$158,000 in the last four years. They do in fact pay health insurance for the employees during June, July and August, which costs about \$350 per employee. He stated we have offered employment during summer months to individuals who are under our normal contract and they are reluctant to take that employment. Other employees work on a 12 month basis. There is an entire unit of employees, 118, who are eligible for unemployment but because of the work ethics they will not apply for unemployment. For these reasons he supports the bill.

Jack Copps, Helena School District #1, supports SB 333 for the same reasons outlined by Jerry Hatch. The Helena School District has experienced situations where employees were offered 12 month employment and refused but became available for unemployment benefits.

Jess Long, School Administrator of Montana, would support this legislation with particular emphasis on the fact that when a person moves from the community it seems logical he should not be eligible for unemployment benefits if he moves on his own volition. This is not a good cause related to unemployment.

OPPOSERS TO SENATE BILL NO. 333:

Dave Hunter, Department of Labor, stated the issue of drawing benefits by school employees during breaks is directly addressed by Senator Gage's bill which was heard the other day. He feels Senator Gage's bill is the correct way to assure that individuals do not draw unemployment benefits in summer months if there is

some reasonable assurance they will have a job in the fall. SB 333 would not affect school employees at all in summer months unless they were moving out of town, leaving employment for a good cause. He stated this bill will have a significant impact and requested that the committee ask for a fiscal note. He stated that financially this is the most significant piece of legislation in this committee regarding benefits. He does not feel this bill will accomplish what has been testified it will accomplish.

Don Judge, representing the AFL-CIO, stated he was testifying for Jim Murry and he is in opposition to this bill. A copy of written testimony is attached as Exhibit 1.

Mitch Mihailovich, Montana State Building Construction Trades Council, opposes SB 333. A copy of his written testimony is attached as Exhibit 2.

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 333:

Senator Goodover does not feel that Senator Gage's bill addresses the problem. He stated we have heard testimony of people working the 9 months, not wanting to accept 12 months work, but drawing unemployment benefits.

Senator Keating said he has had a couple of situations that occurred in his personal business. One secretary worked for a year and left the job to move to Idaho with her husband. He needed her on the job and was shorthanded and had to train somebody new. She went for personal reasons and signed up for unemployment compensation and got it. His rating went up and the job was still there that she did not want. Another person that came in on a part-time basis and worked for 6 weeks, was offered a full time job. She turned it down and the next day she asked me if that would hurt her unemployment benefits. Under this situation those abuses would not be available.

Mr. Hunter said Senator Keating's first example is an example of what would be affected by this bill. The second example probably would have ended up by our paying benefits regardless. We can't disqualify a person if the employer does not tell us that person refused work. If the school district offers a job and the individual refused, we can't disqualify that individual unless the employer lets us know.

Senator Goodover stated, with reference to the first situation where the gal left with her husband, she could probably get another job but will not apply because she is eligible for unemployment.

Mr. Hunter said these are issue decisions which are made in Helena in the main office. The employee and the employer both give their reasons for the employee's departure. The employer does have the opportunity to respond and give his reason for the employee's departure.

Senator Goodover asked how often they vote in favor of the employee as compared to the employer.

Mr. Hunter said in FY 82 63% of all of the issue cases were in favor of the employer. We did have the provisions that are in SB 333 in the law in FY 78 and 85% of all the issue decisions resulted in disqualifying the person filing for claim. This law would result in a 22% larger rate of disqualifying claimants in issue cases.

Senator Goodover asked Mr. Hunter if this law was in the books and then was repealed.

Mr. Hunter said yes, in 1979.

ACTION ON SB 152: Senator Lynch moved that SB 152 Do Not Pass. He then withdrew his motion.

Senator Aklestad said this is a prevailing wage bill for local projects.

Senator Lynch does not believe a non-union employer will tell an employee when we get a certain contract that your wages will go up for that two weeks and then will go back down. If they do this he does not think the employee is benefiting from that bidding. He questions whether there was mischief in that testimony.

Senator Blaylock said he has worked for non-union contractors in the summer time and he is almost certain the bid was at union scale but they were paid a non-union wage. He feels the union helps keep the bids fair and square for the job. If you do away with this then North Dakota contractors can come in and under bid people because North Dakota has non-union people. North Dakota has the right to work law.

Senator Lynch reinstated his motion that SB 152 Do Not Pass.

Senator Keating said there is no limit as to the price of the job or anything like that. He feels this would involve the local government and businesses and the jobs would be small. He does not think people from North Dakota will come over to bid on these type of jobs. Taxpayers can get something done less expensively. We should have the opportunity to do the job on a contract basis and save our taxpayers some money.

Senator Lynch asked if there was any particular reason for the absence of the Montana Contractors Association at the hearing. He felt their absence was conspicuous.

Senator Goodover suggested we might try this for two years and see what happens. We do not know how it will affect anything. The counties say it will help. Big contractors aren't going to be involved.

Senator Aklestad feels if the committee thinks the bill is good we should make it effective May 1st instead of July 1st so it will begin in the spring.

Senator Galt moved that page 4, line 15 be amended to May instead of July. A Roll Call Vote was taken. It passed with a vote of 5-3.

A Roll Call Vote was taken on Senator Lynch's motion that SB 152 Do Not Pass. The motion failed with a vote of 5-3. Therefore, the bill went out Do Pass As Amended, reversing the original motion.

ACTION ON SENATE BILL NO. 210: Senator Aklestad said the .2% permits the use of funds for administration and every .1% raises the fund \$4 million.

Mr. Hunter said .2% raises the funds \$4 million per year.

Senator Aklestad said he had gotten letters stating they only want enough to keep the job service open. Four million dollars will do this and keep the current level of employees 5 days a week. We should consider reducing that to .1% and have only the money that is actually needed to keep the job services open.

Senator Keating said this bill permits the Department to use benefit money for administrative purposes. This doesn't raise or lower the rates, another bill that is going through the process will raise the rate of the employer. This merely permits the Department to use a portion of the benefit fund for administrative purposes and if amended to .1% should be enough to keep the job services open. The balance of the fund will remain in the benefit fund.

Senator Lynch said in other words if I were an employer my rates wouldn't go up.

Senator Aklestad said your rate will not go up but when the fund drops down then your rates will automatically go up.

Mr. Hunter said the rate is declared each year on January 1. There will be no tax rate increase now but it will have that effect in the long run.

Senator Lynch said you are cutting the pay to the employer one half of what was originally intended.

Senator Aklestad said we are leaving more money in the fund.

Senator Blaylock asked Mr. Hunter if we do amend this bill will that leave enough money.

Mr. Hunter said for 1984 it would be enough but not enough in 1985. He thinks .1% would be enough this biennium as long as we keep it biennium instead of fiscal year.

Senator Gage does not think the Department is going to use any more of those funds for administration whether it is .1% or .2%.

Senator Keating made a motion that SB 210 be amended on page 1, line 12, to strike .2% and insert .1%. The motion passed with a vote of 7-1, Senator Lynch opposed the motion.

Senator Aklestad asked Mr. Hunter to explain the problem on page 1, line 13 of .1%.

Mr. Hunter would suggest for consistency to have the bill amended to .05% on line 13.

Senator Keating made a motion that line 13 be amended to .05%. The motion passed with a vote of 6-1, Senator Lynch opposed the motion and Senator Goodover was excused from the meeting shortly before the vote.

Senator Keating made a motion that SB 210 Do Pass as Amended. The motion passed unanimously.

ACTION ON SENATE BILL NO. 215: Senator Keating moved that SB 215 Do Pass. He said there would be a one week delay in benefits. He realizes that the money will be missed for that one week but the time is not shortened. The person is still going to ultimately get the same amount of benefits. This one week exemption will save the state a considerable amount of money.

Mr. Hunter said, according to the fiscal note, \$900,000 will be saved over the course of the biennium. We would have saved \$562,000 in 1982 had SB 215 been in effect.

Senator Keating said it is a hardship to go without money for a week. If we know the week is coming and we budget for it, we can get through it rather than take money from the fund in order to get some of our money back from the Feds.

Mr. Hunter said he did not think he explained the bill as well as he could have. People who have to wait that additional waiting

week are those people who are on decisional claims. Those people who are going into the second benefit year serve a waiting week at the start of the benefit year. On the 53rd week they would be required to serve a waiting week. The numbers given on the fiscal note are correct, 2900 individuals would have to serve that waiting week.

Senator Blaylock questioned Senator Keating's comment that people on unemployment should budget. He does not think you can budget on unemployment because there just is not enough.

A Roll Call Vote was taken on SB 215. The motion passed with a vote of 5-3. The Roll Call Vote is attached.

ACTION ON SENATE BILL NO. 136: Senator Keating made a motion that SB 136 Do Pass as Amended.

Senator Gage said that he had spoken with Senator Keating several times since the last meeting and his feeling is that he will support this bill in committee to get it on the floor but he is not sure whether he will support it on the floor.

A Roll Call Vote was taken on SB 136. The motion passed with a vote of 5-3. The Roll Call Vote is attached.

ADJOURNMENT: The meeting adjourned at 2:25 P.M.

  
GARY E. AKLESTAD, Chairman

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STANDING COMMITTEE REPORT

February 10, 19 83

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 136

Respectfully report as follows: That SENATE Bill No. 136 introduced bill be amended as follows:

- 1. Title, line 6.  
Following: "LABOR DISPUTE"  
Insert: "ONLY"  
Following: "THE DISPUTE"  
Insert: "DOES NOT RESULT IN A WORK STOPPAGE AND"
- 2. Title, line 7.  
Following: "WEEKS"  
Insert: "OR THE DISPUTE RESULTS IN A WORK STOPPAGE THAT THE CLAIMANTS ARE NOT DIRECTLY INVOLVED IN"
- 3. Page 1, line 18.  
Following: "dispute"  
Insert: "that does not result in a work stoppage"

DOXPSXX

(cont.)

4. Page 1, lines 19 and 20.

Following: "employed"

Strike: ", "

Insert: ". "

Strike: remainder of line 19 through "if" on line 20

Insert: "(2) An individual shall be disqualified for benefits for any week of unemployment that is due to a labor dispute that results in a work stoppage at the factory, establishment, or other premises at which he is or was last employed unless"

Renumber: subsequent subsections

5. Page 2, line 2

Following: "stoppage"

Strike: "labor dispute"

Insert: "stoppage"

And, as so amended  
DO PASS

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STANDING COMMITTEE REPORT

February 10, 19 83

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 152

Respectfully report as follows: That SENATE Bill No. 152 introduced bill be amended as follows:

- 1. Page 4, line 15
- Following: "effective"
- Strike: "July"
- Insert: "May"

And, as so amended

DO PASS

GARY C. AKLESTAD, Chairman.

Handwritten initials

STANDING COMMITTEE REPORT

February 10, 1983

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 210

Respectfully report as follows: That SENATE Bill No. 210 introduced bill be amended as follows:

1. Page 1, line 12
Following: "1983,"
Strike: ".24"
Insert: ".14"

2. Page 1, line 13
Following: "and"
Strike: ".14"
Insert: ".054"

And, as so amended

DO PASS

STANDING COMMITTEE REPORT

February 10, 19 83

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 215

Respectfully report as follows: That SENATE Bill No. 215 introduced bill

DO PASS

4 C.

SENATE COMMITTEE LABOR

Date February 10, 1983 Bill No. SB 152 Time 2:08 P.M.

NAME	YES	NO
TOM KEATING, VICE-CHAIRMAN	✓	
JACK GALT	✓	
PAT GOODOVER	✓	
DELWYN GAGE	✓	
CHET BLAYLOCK		✓
JOHN LYNCH		✓
DICK MANNING		✓
GARY AKLESTAD, CHAIRMAN	✓	

Agnes Hamilton  
Secretary

Gary C. Aklestad  
Chairman

Motion: Adopt amendment on page 4, line 15, to strike May and  
insert July on Senate Bill No. 152.

The motion passed.

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

SENATE COMMITTEE LABOR

Date February 10, 1983 Bill No. SB 152 Time 2:11 P.M.

NAME	YES	NO
TOM KEATING, VICE-CHAIRMAN		✓
JACK GALT		✓
PAT GOODOVER		✓
DELWYN GAGE		✓
CHET BLAYLOCK	✓	
JOHN LYNCH	✓	
DICK MANNING	✓	
GARY AKLESTAD, CHAIRMAN		✓

Agnes Hamilton  
Secretary

Gary C. Aklestad  
Chairman

Motion: Senate Bill No. 152 DO NOT PASS.

The motion failed. The committee reversed the vote.

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

SENATE COMMITTEE LABOR

Date February 10, 1983 Bill No. SB 215 Time 2:13 P.M.

NAME	YES	NO
TOM KEATING, VICE-CHAIRMAN	✓	
JACK GALT	✓	
PAT GOODOVER	✓	
DELWYN GAGE	✓	
CHET BLAYLOCK		✓
JOHN LYNCH		✓
DICK MANNING		✓
GARY AKLESTAD, CHAIRMAN	✓	

Agnes Hamilton  
Secretary

Gary C. Aklestad  
Chairman

Motion: Senate Bill No. 215 DO PASS

The motion passed.

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

SENATE COMMITTEE LABOR

Date February 10, 1983 Bill No. SB 136 Time 2:16 P.M.

NAME	YES	NO
TOM KEATING, VICE-CHAIRMAN	✓	
JACK GALT	✓	
PAT GOODOVER	✓	
DELWYN GAGE	✓	
CHET BLAYLOCK		✓
JOHN LYNCH		✓
DICK MANNING		✓
GARY AKLESTAD, CHAIRMAN	✓	

Agnes Hamilton  
Secretary

Gary C. Aklestad  
Chairman

Motion: Senate Bill No. 136 DO PASS AS AMENDED.

The motion passed.

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



(This sheet to be used by those testifying on a bill.)

NAME: Mitch Mikhalovich DATE: 2-10-83

ADDRESS: 1900 ELM BUTTE

PHONE: 494-3051

REPRESENTING WHOM? MT. STATE Bldg Trades

APPEARING ON WHICH PROPOSAL: SB 333

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

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF JIM MURRY ON SENATE BILL 333, HEARINGS BEFORE THE SENATE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE, FEBRUARY 10, 1983

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I am Jim Murry, representing the Montana State AFL-CIO. We oppose Senate Bill 333.

Under the present law, a person is denied unemployment insurance if that person quits the job without a good reason, or in the language of the law, "good cause."

The purpose of that section is clear. If the person chooses to become unemployed and there is not "good cause", personal or otherwise, then they are not eligible for unemployment insurance benefits while they look for another job. But if they are forced to quit for a good reason, then they deserve unemployment insurance benefits while they seek new employment. We strongly believe that a worker should be allowed to terminate his or her employment for good personal cause, as well as for reasons attributable to their employment.

In today's recession, people do not leave any job frivolously, because they can never be assured when or if they will work again. But when there is some overwhelming reason to leave a job, then it is a matter of simple fairness for that person to remain eligible.

We ask you to give Senate Bill 333 a "do not pass" recommendation.

Thank you.



**MONTANA STATE BUILDING & CONSTRUCTION TRADES COUNCIL**

IN AFFILIATION WITH

**THE NATIONAL BUILDING & CONSTRUCTION TRADES DEPARTMENT**

AMERICAN FEDERATION OF LABOR — CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mitch Mihailovich

President

Dan Jones

Secretary-Treasurer

Mitch Mihailovich, Montana State Building and Construction Trades Council  
Opposing SB333, Before the Senate Labor Committee, February 10, 1983

My name is Mitch Mihailovich, and I am president of the Montana State Building and Construction Trades Council.

I am here to oppose Senate Bill 333.

This bill changes the definition of "good cause" to make it apply only to reasons for leaving work which are related to the work itself.

In the construction industry, jobs are often short-term, of a few weeks or months in many cases. With the economy the way it is, a worker has to take work anywhere it is. That often means traveling considerable distances to a job, and leaving your family behind.

As the UI law is now written, a person who quits work for a good cause can still draw UI benefits while looking for another job. Nobody gives up a good job, in this economy, to draw unemployment insurance. There is never a guarantee of when the next job will come along. But there are some good reasons for leaving a job, even when you don't have another one lined up. Some of those reasons relate to the job itself, and some don't.

For example, suppose a plumber from my local in Butte goes over to Colstrip to work on construction there. He leaves his family in Butte and sends money home as long as the job lasts. If his kid or his wife gets very ill, and he only has another week before his job runs out, he is going to come home to Butte, if he is any kind of father. I call that good cause. But under this bill, he would be ineligible to receive UI benefits while looking for a job in Butte. And he wouldn't be ineligible for just one week, which was all the time on work which he missed -- he would be permanently ineligible, until he goes back to work and earns enough wage credits again to qualify.

I call that unfair. This bill encourages construction workers to be irresponsible family members and not ever make a decision to leave a job based on very good, but non-work-related reasons.

We ask you to vote no on SB333.

(Union label removed for duplication)

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

February 15, 1983

The meeting of the Labor Committee was called to order by Chairman Gary C. Aklestad on February 15, 1983 at 1:00 p.m. in Room 404, State Capitol.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF HOUSE BILL NO. 225:

Chairman Aklestad introduced Representative Asay, sponsor of House Bill No. 225, to the Committee, and Representative Asay presented the bill to the Committee.

House Bill No. 225 is an act granting the Division of Workers' Compensation the authority to employ an adequate number of qualified coal mine inspectors and to prescribe their duties.

Rep. Asay stated that the biggest difficulty with the present law is that it called for a mine foreman's certificate, and the inspectors are more highly paid than the state can afford.

The intent of the bill is to have ongoing safety inspectors. Rep. Asay stated that it is necessary because of federal withdrawal from much of this area due to economic conditions.

PROPOSERS OF HOUSE BILL NO. 225:

Jim Murry, representing Montana State AFL-CIO, stated they support House Bill 225. Mr. Murry's printed testimony is attached. (Exhibit No. 1)

Craig Nik from Forsyth, Montana, representing United Mine Workers Association, stated they support House Bill 225 with the amendment. Mr. Nik stated that first year mine workers have more accidents than workers with more experience and he doesn't feel it is fair to put inspectors out with only one year of experience. Mr. Nik told the Committee that if a work stoppage occurs, one hour costs \$3,000 in lost severance taxes and \$1,750 in coal royalties.

Representative Asay submitted an amendment to House Bill 225. This proposed amendment is attached. (Exhibit No. 2)

Terry Benson from Forsyth, Montana, representing the United Mine Workers' Association, stated they support House Bill 225 and its amendment. He stated it is important to have a person in this position with good qualifications and experience.

OPPONENTS OF HOUSE BILL NO. 225:

Gary Blewett, representing the Division of Workers' Compensation, stated they are someplace between a proponent and an opponent. He further stated that this bill does not accomplish the issue that they had come to the legislature for.

Mr. Blewett told the Committee that they have been unable to maintain a properly qualified coal mine inspector on the staff of Worker's Compensation.

Mr. Blewett presented an outline of Coal Mine Inspector Qualifications to the Committee. This outline is attached. (Exhibit No. 3)

Mr. Blewett went over the outline with the Committee. He stated that the ability of the state to attract someone with 5 years of experience isn't compatible with the state payroll classification system. He feels experience and education should be balanced.

QUESTIONS FROM THE COMMITTEE ON HOUSE BILL NO. 225:

Senator Lynch: Who teaches mine inspection courses?

Gary Blewett: It would be taught by our staff.

Senator Goodover: What are the requirements for federally qualified inspectors?

Terry Benson: Five years of experience working in a mine, I believe.

Senator Goodover: If this bill were left to die in this Committee, would this legislation still remain?

Representative Asay: That is true.

Senator Gage: What kind of safety inspection do the mine owners provide?

Terry Benson: They have a safety director and the foremen take courses from the safety director. Our position is to look after the workers' safety.

Senator Lynch: How does a person get a mine inspector's certificate from the state?

Gary Blewett: If they pass a test, they can get the certificate.

Senator Lynch: Your biggest concern is that you don't feel the inspectors who are qualified will take jobs for the state because they can do better elsewhere?

Representative Asay: That is correct.

Senator Galt: How many federal mine inspectors are there?

Terry Benson: One out of the Billings office.

Senator Goodover: Regarding this amendment--who gives this course?

Gary Blewett: There is no requirement in the present law as to how this should be done. Presently they send them to a two or three week course in West Virginia.

Senator Keating: Your interests are with the union workers that are at the mine. Why don't the unions have a mine inspector for the protection of their members?

Terry Benson: We used to have it, but as a union safety representative they have no power of enforcement.

Senator Keating: Are there any physical requirements of the mine inspector?

Gary Blewett: There are no restrictions in the current law.

Senator Goodover: Couldn't you go to Mr. Blewett's office if you have a complaint?

Gary Blewett: That does occur.

Representative Asay made closing comments in support of House Bill No. 225.

Senators Blaylock and Lynch wondered why they don't have a Mine Inspector's Course at Montana Tech.

Chairman Akelstad called the hearing closed on House Bill No. 225.

#### CONSIDERATION OF HOUSE BILL NO. 226:

Chairman Aklestad called on Representative Asay, sponsor of House Bill No. 226, and Representative Asay presented the bill to the Committee.

House Bill No. 226 is an act granting the Division of Workers' Compensation the authority to employ an adequate number of qualified boiler inspectors and to prescribe their duties and reducing the prerequisite time of experience and licensure.

#### PROPOSERS OF HOUSE BILL NO. 226:

Jim Murry, representing Montana State AFL-CIO, stated they support House Bill 226. Mr. Murry's printed testimony is

attached. (Exhibit No. 4)

Gary Blewett, representing the Division of Workers' Compensation stated they support this bill. He stated that if the law is passed they could maintain adequate staffing.

OPPONENTS OF HOUSE BILL NO. 226:

Elton J. Ahlgren, from Billings, Montana, representing Conoco Inc., stated they oppose House Bill 226. Mr. Ahlgren's printed testimony is attached. (Exhibit No. 5)

Don Allen, representing the Montana Petroleum Association, stated they oppose House Bill 226. Mr. Allen distributed a letter to the Committee from Cenex at Laurel, Montana. This letter is attached. (Exhibit No. 6)

Mr. Don Gradle, from Billings, Montana, representing Conoco Refinery, stated they oppose House Bill 226.

QUESTIONS FROM THE COMMITTEE ON HOUSE BILL NO. 226:

Senator Keating: How many boiler inspectors do we have now?

Gary Blewett: Two.

Senator Keating: Does this bill change the number of inspectors in any way?

Gary Blewett: No, it does not. It just changes the qualifications.

Senator Keating: We have such a good accident record in the state it might be a shame to lower the qualifications.

Gary Blewett: I believe 5 years experience is adequate.

Representative Asay made closing comments in support of House Bill No. 226.

Chairman Aklestad called the hearing closed on House Bill No. 226.

ACTION ON SENATE BILL NO. 315:

Senator Gage submitted an amendment to Senate Bill 315 and he asked Harold Kansier from the Department of Labor to explain the amendment to the Committee. This amendment is attached. (Exhibit No. 7)

Senator Gage asked that "or reasonable assurance from the employer" be inserted on the second amendment.

Senator Goodover moved that the proposed amendments to Senate Bill 315 Do Pass. The Committee voted unanimously to pass the

proposed amendments to Senate Bill 315.

Senator Gage moved that Senate Bill 315 Do Pass as Amended. On a Roll Call Vote, the Committee voted 5-3 that SENATE BILL NO. 315 DO PASS AS AMENDED. The Roll Call Vote is attached.

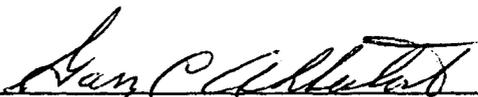
ACTION ON SENATE BILL NO. 199:

Senator Keating moved that Senate Bill 199 Do Pass.

Senator Lynch made a substitute motion that Senate Bill 199 Do Not Pass. On a Roll Call Vote, the Committee voted 4-3 that SENATE BILL NO. 199 DO NOT PASS. The Roll Call Vote is attached.

The Committee deferred any action on Senate Bill No. 333 at this meeting.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:25 p.m.

  
\_\_\_\_\_  
Senator Gary C. Aklestad, Chairman

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STANDING COMMITTEE REPORT

February 15, 19 83

MR. PRESIDENT:

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration SENATE Bill No. 199

Respectfully report as follows: That SENATE Bill No. 199

DO NOT PASS

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STANDING COMMITTEE REPORT

February 15, 19 83

PRESIDENT:

MR. ....

LABOR & EMPLOYMENT RELATIONS

We, your committee on .....

SENATE

having had under consideration ..... Bill No. 315

SENATE

Respectfully report as follows: That ..... Bill No. 315

Introduced bill be amended as follows:

1. Page 1, line 22.

Following: "in"

Strike: "a noncertified"

Insert: "any other"

2. Page 2, line 11.

Following: "contract"

Insert: "or reasonable assurance from the employer"

3. Page 2, line 12.

Following: "any"

Insert: "such"

XXXXXX  
DE 4488

(Continued)

*J.E.*

February 15, 1983

Senate Bill No. 315

4. Page 2

Following: line 13

Insert: "(3) If any school employee is denied benefits and such employee is not offered an opportunity to be reemployed for the next succeeding school year or term, such individual shall be entitled to retroactive payment for each week for which the individual filed a timely claim for benefits and for which compensation was denied solely because of this section."

And, as so amended

DO PASS





Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF JIM MURRY ON HOUSE BILL 225, HEARINGS OF THE SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE, FEBRUARY 15, 1983

The Montana State AFL-CIO supports House Bill 225, as amended.

As originally introduced, this bill removed the qualifications currently required for coal mine inspectors. As amended by the House, the requirement that a coal mine inspector hold a mine foreman's certificate has been removed, and conflict of interest provisions have been left in. Amendments also retained the five-year experience requirement.

I want to make it clear that we appreciate the position of the Department of Labor and Industry; we realize the difficulty they have had in finding people with all the required qualifications to fill the position at the salary the state is willing to pay, which is \$17,475 (grade 13-1). A qualified person can make much more than that elsewhere.

Our preference would be for salaries to be high enough to attract and retain coal mine inspectors who meet the current standards. However, we do support this bill, as it has been amended, as the next best solution.

HB #225

Submitted by Rep. Aray  
2/15/83  
Exhibit No. 2

New Line 6 - (3) Before assuming the duties and responsibilities of a mine inspector a person must have satisfactorily completed the state mine inspector course.



**DIVISION OF  
WORKERS'  
COMPENSATION**



TED SCHWINDEN, GOVERNOR

815 FRONT STREET

STATE OF MONTANA

HELENA, MONTANA 59604

CONCERNING HB 225  
Coal Mine Inspector Qualifications

Division Hiring Experience During Past 16 years

Oct 1, 1966 - Mar 31, 1977	Position filled (employee #1, 10 years, 6 months).
Apr 1, 1977 - Jan 30, 1981	Position filled (employee #2, 3 years, 7 months).
Feb 1, 1981 - Mar 1, 1981	One-month hiring gap --one advertisement: 2 applicants.
Mar 2, 1981 - Jul 15, 1981	Position filled (employee #3, 4 1/2 months).
Jul 12, 1981 - Sep 26, 1982	One year plus hiring gap --1st advertisement: no applicants.  --2nd advertisement; union assistance: 7 applicants, none qualified.  --3rd advertisement; Job Service intensive recruitment: 6 applicants.
Sep 27, 1982 - Oct 22, 1982	Position filled (employee #4, 1 month).
Oct 23, 1982 - Dec 12, 1982	Two-month hiring gap-- prior advertisement: 4 applicants remaining.
Dec 13, 1982 - present	Position filled (employee #5).



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Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF JIM MURRY ON HOUSE BILL 226, HEARINGS OF THE SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE, FEBRUARY 15, 1983

The Montana State AFL-CIO supports House Bill 226, as amended. House Bill 226 changed some requirements for boiler inspectors. Amendments have changed the required years of experience in the operation of steam engines, steam boiler and steam machinery from ten to five years; and changes the three-year requirement for having held a first-class stationary engineer's license to one year. Conflict of interest provisions are included.

The Department of Labor and Industry has found it very difficult to attract and retain qualified boiler inspectors.

Having qualified boiler inspectors is a matter of safety. Knowledge and practical experience is necessary to insure safety, but at the salary offered, it would be difficult to accept the position of boiler inspector because a higher salary can be made elsewhere.

It would be best if salaries were raised to a level that would make it easier for highly qualified applicants to be hired. As a substitute solution, we support House Bill 226.



Refining Department

Conoco Inc.  
P.O. Box 2548  
Billings, Montana 59103  
(406) 252-3841

February 14, 1983

The Honorable Gary Aklestad, Chairman  
Senate Labor and Employment Relations Committee  
Room 404  
Montana State Capitol  
Helena, Montana 59601

Dear Senator Aklestad:

House Bill 226 is an act granting the Division of Workers Compensation the authority to employ an adequate number of qualified Boiler Inspectors and to prescribe their duties and reduce the prerequisite time of experience and licensure; amending Section 50-74-201 and 50-74-203, MCA.

I would like to present a few points for you to consider in your judgment of the validity of this Bill.

1. The Division shall employ an adequate number of qualified Boiler Inspectors necessary for the enforcement of this Chapter and shall prescribe their duties. (How many is adequate?)
2. No person is eligible to hold the office of Inspector of Boilers and Steam Engines who has not had at least five years (reduced from ten years) of actual experience in the operation of steam engines, steam boilers, and steam machinery and who has not held for at least one year (reduced from three years) immediately preceding his appointment a First-Class Stationary Engineer's License of the state of Montana. (We have been informed it takes three years to adequately train an Inspector with three years' experience.) (How can a one year man be qualified without training?)

This seems to be a "make work" bill and will only add to operating and maintenance costs. Added costs should be paramount in everyone's eyes.

Public safety depends on competent inspection by qualified personnel. Please keep the requirements high.

I oppose this Bill, both as a taxpayer and as a member associated with industry.

Very truly yours,

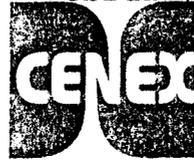
A handwritten signature in cursive script, appearing to read "Elton J. Ahlgren".

Elton J. Ahlgren  
Mechanical Superintendent  
Billings Refinery

bjc

Exhibit No. 6  
Submitted by Don Allen  
February 15, 1983

FARMERS UNION CENTRAL EXCHANGE, INC.



Where the customer is the company

**Montana Offices:** Post Office Box 126  
Laurel, Mont. 59044 • (406) 252-9326

February 14, 1983

Senate Labor and Employee Relations Committee  
Room 404  
Montana State Capitol  
Helena, Montana 59601

ATTENTION: Honorable Gary Aklestad, Chairman

SUBJECT: Senate Bill Amending 50-74-201 and 50-74-203 MCA  
(Known as House Bill #226)

Honorable Chairman:

CENEX Respectfully Opposes This Senate Bill. CENEX Laurel Refinery Management finds absolutely no benefit to be gained in either safety or in state services by the passage of this Senate Bill.

The administration of existing law by the Bureau of Safety has provided adequate protection and convenient service toward that protection so far as this refinery is concerned.

We know of no accidents in Montana for many years which could be construed to be in the scope of 50-74-201 or 50-74-203. Since this safe operation is the basic intent of the whole section of law, it would follow that the law is working very well. There is no need to change the law.

CENEX Refinery is opposed to the specific changes in HB 226-02 as reported in the House. We can assign no possible intent to these changes which would foster "Safety", which, again, is the intent of the body of this section of law.

For these reasons, CENEX opposes the bill, and respectfully urges that it receive a negative vote.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Roger H. Briggs".

Roger Briggs  
Maintenance Superintendent

A handwritten signature in cursive script, appearing to read "Patrick B. Kimmet".

Patrick B. Kimmet  
Support Systems Engineer

RB/PBK/rn

SB 315 - Suggested Amendments by Senator Gage

1. Page 1, line 22.

Following: "in"

Strike: "a noncertified"

Insert: "any other"

2. Page 2, line 11.

Following: "contract"

Insert: "or reasonable assurance" *from the employer*

3. Page 2, line 12.

Following: "any"

Insert: "such"

4. Page 2.

Following: line 13

Insert: "(3) If any school employee is denied benefits and such employee is not offered an opportunity to be reemployed for the next succeeding school year or term, such individual shall be entitled to retroactive payment for each week for which the individual filed a timely claim for benefits and for which compensation was denied solely because of this section."

NAME: Jim Murry DATE: 2-15-83

ADDRESS: Helena

PHONE: 442-1708

REPRESENTING WHOM? Mont. AFL-CIO

APPEARING ON WHICH PROPOSAL: HB 225

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Conroy, John DATE: 2/15/82

ADDRESS: RR2 Forsyth Mont

PHONE: 356 - 2465

REPRESENTING WHOM? U M W A

APPEARING ON WHICH PROPOSAL: HB225

DO YOU: SUPPORT? X AMEND? X OPPOSE?       

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Terry Benson DATE: 2-15-85

ADDRESS: Box 1079 Forsyth MT 59527

PHONE: 556-2407

REPRESENTING WHOM? UMWA

APPEARING ON WHICH PROPOSAL: HR 225

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: In the amendment it was supposed  
to read -- shall be licensed -- not --  
complete a course!

For information a MSHA inspector  
earns approximately \$8,000 a year

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gary Blewett DATE: 2/12/83

ADDRESS: Helena

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Division of Workers' Compensation

APPEARING ON WHICH PROPOSAL: HB 225 HB 226

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

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Murry DATE: 2-15-83

ADDRESS: Helena

PHONE: 402-1708

REPRESENTING WHOM? Mont. AFL-CIO

APPEARING ON WHICH PROPOSAL: HB 226

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

*Elton Johnson*

DATE:

*2-15-88*

ADDRESS:

*2203 Sunnyview - Billings, Montana 59102*

PHONE:

*652-3641*

REPRESENTING WHOM?

*Conoco Inc.*

APPEARING ON WHICH PROPOSAL:

*HB-226*

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

*See attached*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Don L. Allen DATE: 2/15/83

ADDRESS: Helena

PHONE: 402-7582

REPRESENTING WHOM? MT Petroleum Assoc.

APPEARING ON WHICH PROPOSAL: HB 226

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

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.