

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

March 24, 1983

The meeting of the Labor Committee was called to order by Chairman Gary C. Aklestad on March 24, 1983, at 12:30 p.m. in Room 404, State Capitol.

ROLL CALL: All members of the Committee were present.

ACTION ON HOUSE BILL NO. 309:

Senator Goodover moved that House Bill 309 Be Concurred In as Amended. On a Roll Call Vote, the Committee voted 5-3 that HOUSE BILL NO. 309 BE CONCURRED IN AS AMENDED. The Roll Call Vote is attached.

Senator Keating will carry House Bill No. 309 on the floor.

DISCUSSION OF HOUSE BILL NO. 174:

Senator Goodover told the Committee that he had requested that a Senate Joint Resolution be drafted for an interim study on unemployment benefits to try to come up with answers to give them something to work with in the future, and he would propose that the Committee leave things alone for two years.

Senator Manning asked where this would put them in two years.

Dave Hunter from the Department of Labor stated that they would be 22 million dollars in debt on June 30, 1985, plus the interest.

Senator Keating asked when they had last borrowed from the state unemployment fund.

Dave Hunter responded that it was in the 1974-75 period.

Senator Goodover stated that Elk River Concrete has taken on a lot of new business, and a lot of people were going to be put to work on highways in the state. He feels the economy will have a big effect on what we are talking about and we can stand a two-year study to come up with good background to implement a law that will reflect what will happen and we would not be doing piecemeal legislation.

Senator Lynch stated that he did not feel that they were trying to do piecemeal legislation here. He feels the bill has merit in one form or another and he would support the bill in some form.

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Senator Blaylock stated that he thinks the interest is a very substantial amount and the burden falls on the employers. He would rather not go into debt.

Senator Goodover stated that another issue that will have a positive effect on employment in the state is that in Washington, D. C., a federal airport improvement program of 13 million dollars has been earmarked for Montana for airport improvement programs. This will put a lot of people to work in the smaller counties. These are matching funds--use it or lose it.

Senator Manning stated that this was probably true, but there is still a problem in the bill whereby a certain number of individuals are paying into the fund and are carrying some of the other employers who are not paying enough into it. We should do something to make this program more equitable.

Senator Gage stated that there is even inequity within each rate schedule group, and that employers will pass this tax on to the consumer and the consumer will ultimately be the one to pay. He feels that this is a poor time to do this due to inequities.

Senator Keating stated that his correspondence had come from the broadest range of people he had ever seen and had come from retailers as well as contractors, etc. They are saying to kill House Bill 174 because it will increase the cost of doing business and they cannot afford it at this time. They would rather borrow the money now and pay the interest.

Senator Keating further stated that one thing the bill doesn't address is the uses of the fund. It is not the employers who are using the fund--it is the employees who are using the funds. A study should be done in one big package. He doesn't want to put a burden on this broad group of employers.

Senator Lynch asked Mr. Allen how many retailers he represented.

Mr. Allen stated between four and five hundred and he was unaware of any retailer who was not in support of this bill.

Senator Blaylock stated that the reason this fund is in trouble is because of a deep recession and not because of abuse. He stated that they would be faced with the same decision two years from now only we would be paying interest on the money that is in the hole.

Senator Gage asked if the Committee adopted Schedules 11 and 12 would the retailers still be in support of this bill.

George Allen stated that they would still come out in a positive way and they do not get the benefit with Schedule 10, but they are still supportive of it.

ACTION ON HOUSE BILL NO. 174:

Senator Galt moved that House Bill No. 174 Be Not Concurred In. On a Roll Call Vote, the Committee voted 5-3 that HOUSE BILL NO. 174 BE NOT CONCURRED IN. The Roll Call Vote is attached.

ACTION ON HOUSE BILL NO. 406:

Senator Gage moved that House Bill No. 406 Be Not Concurred In. On a Roll Call Vote, the Committee voted unanimously that HOUSE BILL NO. 406 BE NOT CONCURRED IN. The Roll Call Vote is attached.

DISCUSSION OF HOUSE BILL NO. 749:

Senator Keating offered some proposed amendments to House Bill No. 749 to the Committee. These amendments are attached. (Exhibit No. 1)

Senator Keating explained the proposed amendments to the Committee.

Senator Lynch stated that he was against the amendments, but the title should be amended, too.

A voice vote was taken on Senator Keating's first proposed amendment. The Committee voted to adopt the proposed amendment. The vote was 5-3 with Senators Blaylock, Lynch, and Manning voting "no".

A voice vote was taken on Senator Keating's second proposed amendment. The Committee voted 6-2 to adopt Senator Keating's second amendment. Those voting "no" were Senators Lynch and Aklestad.

ACTION ON HOUSE BILL NO. 749:

Senator Goodover moved that House Bill No. 749 Be Not Concurred In as Amended.

Senator Manning made a substitute motion that House Bill No. 749 Be Concurred In as Amended. On a Roll Call Vote, the Committee voted 7-1 that HOUSE BILL NO. 749 BE CONCURRED IN AS AMENDED. The Roll Call Vote is attached.

ACTION ON HOUSE BILL NO. 826:

Staff Attorney, John MacMaster, stated that there was a problem with some of the language in this bill.

Senator Galt moved to delete the capitalized language on page 1, lines 16 through 19. The motion passed. This took care of all problems the staff attorney had raised.

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Senator Goodover moved that House Bill No. 826 Be Concurred In as Amended. On a Roll Call Vote, the Committee voted 5-3, that HOUSE BILL NO. 826 BE CONCURRED IN AS AMENDED. The Roll Call Vote is attached.

Senator Keating will carry House Bill No. 826 on the floor.

ACTION ON HOUSE BILL NO. 850:

Senator Keating moved that House Bill No. 850 Be Not Concurred In. On a Roll Call Vote, the Committee voted 5-3 that HOUSE BILL NO. 850 BE NOT CONCURRED IN. The Roll Call Vote is attached.

Senator Lynch requested that a Minority Report be submitted as well. This report is attached.

ACTION ON HOUSE BILL NO. 281:

Senator Manning offered some amendments to House Bill 281. On a voice vote, the Committee voted unanimously to adopt Senator Manning's amendments. These amendments are attached.  
(Exhibit No. 2)

Senator Goodover stated that the Committee had already adopted amendments to House Bill 281 offered by Mae Nan Ellingson. The amendments by Mae Nan Ellingson are attached. (Exhibit No. 3)

Senator Goodover moved that House Bill 281 Be Concurred In as Amended. On a Roll Call Vote, the Committee voted unanimously that HOUSE BILL NO. 281 BE CONCURRED IN AS AMENDED. The Roll Call Vote is attached.

Senator Manning will carry House Bill No. 281 on the floor.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:00 p.m.



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Senator Gary C. Aklestad, Chairman

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## ROLL CALL

## LABOR

## COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/24/88

# STANDING COMMITTEE REPORT

March 24,

19 83

MR. **PRESIDENT:**

We, your committee on **LABOR & EMPLOYMENT RELATIONS**

having had under consideration **HOUSE** Bill No. **309**

**Bardanouve (Keating)**

Respectfully report as follows: That **HOUSE** Bill No. **309**

**third reading, be amended as follows:**

1. Page 2, line 4.

Following: "hours,"

Insert: "or"

2. Page 2, line 5.

Following: "involuntarily"

Strike: "or reprimanded in writing,"

3. Page 2, line 15.

Following: "also be"

Insert: "a"

4. Page 2, lines 18 through 22.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

~~DO NOT INDEX~~

**(Continued)**

*CHK*

Labor & Employment Relations

HOUSE BILL NO. 309

March 24,

19 83

5. Page 3, line 10.

Following: "employee"

Strike: "is" through "aggrieved" on line 11

Insert: "was terminated, demoted, suspended, or laid off for more than 40 working hours or transferred to another geographical location involuntarily and that the action was taken without just cause, in violation of law, in retaliation for filing or attempting to file a grievance appeal or in violation of state or agency rules or written policies which resulted in substantial prejudice to the rights of the employee"

6. Page 3, line 21.

Following: "court"

Strike: "--costs and fees. (1)"

Insert: ":"

7. Page 3, line 22.

Following: line 21

Strike: "board, the"

Following: "agency"

Strike: ","

8. Page 4, lines 13 and 14.

Strike: subsection (2) in its entirety

And, as so amended  
BE CONCURRED IN

# STANDING COMMITTEE REPORT

March 24, 1983

MR. **PRESIDENT:** .....

We, your committee on **LABOR & EMPLOYMENT RELATIONS** .....

having had under consideration ..... **HOUSE** ..... Bill No. **174** .....

**Harper**

Respectfully report as follows: That ..... **HOUSE** ..... Bill No. **174** .....

**BE NOT CONCURRED IN**

**XXXXX**  
DO PASS

# STANDING COMMITTEE REPORT

.....March 24,..... 19 83....

MR. ....**PRESIDENT:**.....

We, your committee on .....**LABOR & EMPLOYMENT RELATIONS**.....

having had under consideration .....**HOUSE**..... Bill No. ....**406**....

**Smith**

Respectfully report as follows: That .....**HOUSE**..... Bill No. ....**406**....

**BE NOT CONCURRED IN**  
**DO NOT SIGN**

# STANDING COMMITTEE REPORT

March 24,

19 83

MR. .... **PRESIDENT:** .....

We, your committee on ..... **LABOR & EMPLOYMENT RELATIONS** .....

having had under consideration ..... **HOUSE** ..... Bill No. .... **749**....

**Hemstad (Manning)**

Respectfully report as follows: That ..... **HOUSE** ..... Bill No. .... **749** .....  
third reading, be amended as follows:

1. Page 4, lines 15 through 17.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

2. Page 6, line 10.

Following: "state"

Insert: "permit job sharing in certain positions when it is  
considered to maintain or increase efficiency in such positions and"

And, as so amended

**BE CONCURRED IN**

XXXXXX

DO PASS

*CK* **SENATOR GARY C. AKLESTAD, Chairman.**

# STANDING COMMITTEE REPORT

March 24, 1983

MR. PRESIDENT:

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 826

Ellison (Keating)

Respectfully report as follows: That HOUSE Bill No. 826  
third reading, be amended as follows:

Page 1, line 16.

Following: "compensation"

Strike: remainder of line 16 through "BARGAINING AGREEMENT" on line 19

And, as so amended  
BE CONCURRED IN

XXXXXX

# STANDING COMMITTEE REPORT

March 24,

19 83

MR. PRESIDENT:

the Majority  
We / your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration ..... HOUSE ..... Bill No. 850

Driscoll

Respectfully report as follows: That ..... HOUSE ..... Bill No. 850

Keating

Galt

Goodover

Gage

Aklestad

BE NOT CONCURRED IN

ROXARK

# STANDING COMMITTEE REPORT

March 24,

19 83

MR. PRESIDENT:

the Minority  
We/your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 850

Respectfully report as follows: That HOUSE Bill No. 850

Blaylock

Lynch

Manning

BE CONCURRED IN  
ROXANNE

# STANDING COMMITTEE REPORT

March 24,

19 83

MR. .... **PRESIDENT:** .....

We, your committee on ..... **LABOR & EMPLOYMENT RELATIONS** .....

having had under consideration ..... **HOUSE** ..... Bill No. .... **281** .....

**Dozier (Manning)**

Respectfully report as follows: That ..... **HOUSE** ..... Bill No. .... **281** .....

third reading, be amended as follows:

1. Title, line 9.

Following: line 8

Insert: "AND BY ALLOWING EMPLOYEES OF HOSPITALS AND SIMILAR  
ESTABLISHMENTS TO AGREE TO A 14-DAY, 80-HOUR WORK PERIOD"

2. Page 6, line 15.

Following: ";"

Strike: "or"

3. Page 7, line 3.

Following: "THROUGH"

Strike: ":"

4. Page 7, line 4.

Following: line 3

Strike: "(I)" at the beginning of line 4

~~DOCKWEEZ~~

(Continued)

Labor & Employment Relations

HOUSE BILL NO. 281

March 24,

19 83

5. Page 7, line 5.  
Following: "EMPLOYEE"  
Strike: ";"

6. Page 7, line 6.  
Following: line 5  
Strike: "A" at the beginning of line 6

7. Page 7, line 7.  
Following: "NO"  
Strike: "BARGAINING UNIT IS RECOGNIZED"  
Insert: "COLLECTIVE BARGAINING AGREEMENT EXISTS OR IS IN THE PROCESS OF BEING NEGOTIATED"

8. Page 7, line 10.  
Following: "EMPLOYEE"  
Strike: ". "  
Insert: "; or"

9. Page 7.  
Following: line 10  
Insert: "(O) AN EMPLOYEE OF A HOSPITAL OR OTHER ESTABLISHMENT PRIMARILY ENGAGED IN THE CARE OF THE SICK, DISABLED, AGED, OR MENTALLY ILL OR DEFECTIVE WHO IS WORKING UNDER A WORK PERIOD NOT EXCEEDING 80 HOURS IN A 14-DAY PERIOD ESTABLISHED THROUGH EITHER A COLLECTIVE BARGAINING AGREEMENT WHEN A COLLECTIVE BARGAINING UNIT REPRESENTS THE EMPLOYEE OR BY MUTUAL AGREEMENT OF THE EMPLOYER AND EMPLOYEE WHERE NO BARGAINING UNIT IS RECOGNIZED. EMPLOYMENT IN EXCESS OF 8 HOURS PER DAY OR 80 HOURS IN A 14-DAY PERIOD MUST BE COMPENSATED FOR AT A RATE OF NOT LESS THAN 1 1/2 TIMES THE HOURLY WAGE RATE FOR THE EMPLOYEE"

10. Page 9, line 8.  
Following: "UNIT"  
Strike: "PRESENTS"  
Insert: "REPRESENTS"

11. Page 9, line 10.  
Following: "NO"  
Strike: "BARGAINING UNIT IS RECOGNIZED"  
Insert: "COLLECTIVE BARGAINING AGREEMENT EXISTS OR IS IN THE PROCESS OF BEING NEGOTIATED"

And, as so amended  
BE CONCURRED IN

**SENATE COMMITTEE      LABOR**

Date 3/24/83 House Bill No. 309 Time 12:35

NAME	YES	NO
<u>TOM KEATING, VICE-CHAIRMAN</u>	✓	
<u>JACK GALT</u>	✓	
<u>PAT GOODOVER</u>	✓	
<u>DELWYN GAGE</u>		✓
<u>CHESTER BLAYLOCK</u>	✓	
<u>JOHN LYNCH</u>		✓
<u>DICK MANNING</u>		✓
<u>GARY AKLESTAD, CHAIRMAN</u>	✓	

Marjorie Nichols  
Secretary

Gary C. Akestad  
Chairman (mn)

Motion: Senator Goodwin moved that House Bill 309  
Be Concurred in as Amended.  
Sen. Keating will carry HB 309 on the floor.  
Motion carried 5-3.

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

SENATE COMMITTEE LABORDate 3/24/83 House Bill No. 174 Time 12:45

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

Margie Nichols  
SecretaryGary C. Aklestad  
ChairmanMotion: Senator Galt moved that House Bill  
No. 174 Be Not Concurred in.Motion carried 5-3.

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

SENATE COMMITTEE LABOR

Date 3/24/83 House Bill No. 406 Time 1:00

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

Maryrie Nichols  
Secretary

Gary C. Aklestad  
Chairman

Motion: Senator Gage moved that House Bill  
No. 406 Be Not Concurred in.

Motion carried by unanimous vote.

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

SENATE COMMITTEE LABOR

Date 3/24/83 Force 7 Bill No. 749 Time 1:15

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

Mary Nichols  
Secretary

Gary C. Aklestad  
Chairman

Motion: Senator Manning made a substitute motion  
that the Bill No. 749 Be Concurred in as  
Amended  
Motion carried 7-1.

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

SENATE COMMITTEE ON LABOR

Date 3/24/83 House Bill No. 826 Time 1:20

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

Marjorie Nichols  
Secretary

Gary C. Aklestad  
Chairman

Motion: Senator Goodwin moved that House Bill  
No. 826 Be Concurred in as Amended.

Motion carried 5-3.

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

SENATE COMMITTEE LABORDate 3/24/83 House Bill No. 850 Time 1:25

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

Maryjane Nichols  
SecretaryGary C. Aklestad  
ChairmanMotion: Senator Keating moved that House Bill  
No. 850 Be Not Concurred in.Motion carried 5-3.

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

SENATE COMMITTEE LABOR

Date 3/24/83 House Bill No. 281 Time 1:40

NAME	YES	NO
<u>TOM KEATING, VICE-CHAIRMAN</u>	✓	
<u>JACK GALT</u>	✓	
<u>PAT GOODOVER</u>	✓	
<u>DELWYN GAGE</u>	✓	
<u>CHESTER BLAYLOCK</u>	✓	
<u>JOHN LYNCH</u>	✓	
<u>DICK MANNING</u>	✓	
<u>GARY AKLESTAD, CHAIRMAN</u>	✓	

Marjorie Nichols  
Secretary

Gary C. Akerstad  
Chairman

Motion: Senator Goodwin moved that House Bill  
No. 281 Be Concurred in as Amended.

Motion carried by unanimous vote.

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

EXHIBIT 1  
Submitted by Senator  
Keating

Amendments to HB 749, third reading copy, proposed by Sen. Keating 3/24/83

1. Page 4, lines 15 through 17.

Delete: subsection (c) in its entirety

Renumber: subsequent subsections

2. Page 6, line 10.

Following: "state"

Insert: "permit job sharing in certain positions when it is considered to *maintain*  
*or increase efficiency in such positions and*"

Submitted by

Senator Manning

3/24/83

1. Title, line 9.

Following: line 8

Insert: "AND BY ALLOWING EMPLOYEES OF HOSPITALS AND SIMILAR ESTABLISHMENTS  
TO AGREE TO A 14-DAY, 80-HOUR WORK PERIOD"

2. Page 6, line 15.

Following: ";"

Delete: "or"

3. Page 7, line 10.

Following: "EMPLOYEE"Delete: ".."

Insert: ";or"

4. Page 7, following line 10.

Insert: "(o) an employee of a hospital or other establishment primarily engaged  
in the care of the sick, disabled, aged, or mentally ill or defective  
who is working under a work period not exceeding 80 hours in a 14-day  
period established through either a collective bargaining agreement  
when a collective bargaining unit represents the employee or  
by mutual agreement of the employer and employee when no collective  
bargaining agreement exists or is in the process of being negotiated."

To: Senator Goodloe  
From: Mae Nan Ellingson  
Re: HB 720

EXHIBIT 3  
Submitted by Mae Nan  
Ellingson  
3/24/83

Earlier today you asked me about Chas Smith's amendment to HB 720. He has a point that should be considered, but his amendment left unanswered the question of a contract being negotiated.

I believe the following amendment would satisfy his concern, but not cause the problem, Dozier raised.

p. 9, line 10  
following "to"  
strike: "bargaining unit is recognized"  
insert: "collective bargaining agreement  
exists or is in the process of  
being negotiated."

this same amendment needs  
to be made on page 7 as  
you noted

Senate 1983

Labor and Employment Committee

3/24/83  
*Submitted by Sen. Fardover*

FOR House Bill #174

George Allen  
Executive Vice President  
Box 440  
34 West Sixth  
Helena, MT. 59624

Gerald W. Bowder, Manager  
J.C. Penney  
Great Falls, MT.

Matthew A. Casado  
General Manager  
Broadway at First Ave. No.  
Billings, MT. 59101

Irene Russell  
Box 2053  
Great Falls, MT. 59403

Mr. Roger Young  
Executive Vice President  
Box 2127  
Great Falls, MT. 59403

AGAINST House Bill #174

Eugene A. LaLonde  
United Industry Inc.  
Box 30238  
Billings, MT. 59107

Hal Edwards, Superintendent  
United Insustry Inc.  
Box 30238  
Billings, MT. 59107

Paul M. Foster, Vice President  
United Industry Inc.  
Box 30238  
Billings, MT. 59107

Timothy Barnard  
Box 362  
Bozeman, MT. 59715

J. Robert Sletten  
Sletten COnstruction  
Box 2467  
Great Falls, MT. 59403

Ingram -Clevenger Inc  
Box 5387  
Helena, MT. 59604

Sandra D. Reiter  
Empire Sand and Gravel  
Box 1215  
Billings, MT. 59103

David S. Davidson, FAIA  
Davidson and Kuhr Architects  
309 Davidson Building  
Great Falls, MT. 59401

Harold Reinke, Sr.  
2229 King Ave. W.  
Box 31113  
Billings, MT. 59107

Hilde COnstruction Co.  
Box 2287  
Great Falls, MT. 59403

Vincent S. Werner, AIA  
Page-Werner & Partners  
300 4th Street No.  
Box 3005  
Great Falls, MT. 59403

Continued

Labor and Employment Committee

Senate 1983

AGAINST House Bill #174

Morgen and Oswood Construction  
Arlton J. Oswood, President  
Box 3009  
Great Falls, MT. 59403

John L. Hansen  
Box 20913  
Billings, MT. 59104

Canyon Logging Co.,  
Shellinger COnstruction Co.  
Columbia Falls, MT.

Richard C. Lee, President  
Con'eer Engineering, Inc.  
1629 Avenue D.  
Billings, MT. 59102

Maurice E. Guay  
President  
General Engineers, Inc.  
215 South third St. West  
Missoula, MT. 59801