MINUTES OF THE MEETING LABOR AND EMPLOYMENT COMMITTEE MONTANA STATE SENATE

February 22, 1985

The seventeenth meeting of the Labor and Employment Committee was called to order at 2:40 p.m. on February 22, 1985, by Chairman J. D. Lynch in Room 413/415 of the Capitol.

ROLL CALL: All members were present.

EXECUTIVE ACTION ON SENATE BILL 402: Senator Manning made a motion to accept the amendments to Senate Bill 402. (Exhibit No. 1) On a voice vote the amendments passed unanimously.

Senator Keating made a motion that Senate Bill 402 Do Pass As Amended. On a voice vote, the Committee voted unanimously to accept that <u>Senate Bill 402 DO PASS AS</u> AMENDED.

EXECUTIVE ACTION ON SENATE BILL 409: Chairman Lynch offered amendments to Senate Bill 409. (Exhibit No. 2) On a voice vote the Committee voted unanimously to accept the amendments.

Chairman Lynch asked Gary Blewett if these amendments were fine with the Department of Labor. Gary Blewett answered yes.

Senator Keating offered amendments to Senate Bill 409. (Exhibit No. 2).

Chairman Lynch ruled that the amendments include "fees" instead of "charges."

On a voice vote, the Committee voted unanimously to accept Senator Keating's amendments.

Senator Keating made a motion that Senate Bill 409 Do Pass As Amended. On a voice vote, the Committee voted that Senate Bill 409 DO PASS AS AMENDED.

Senator Keating moved that the Statement of Intent be adopted and attached. (Exhibit No. 3) On the Statement of Intent, "fees" was changed to "charges." On a voice vote, the Statement of Intent was adopted and attached.

EXECUTIVE ACTION ON SENATE BILL 440: Senator Manning made a motion to accept the amendments offered by the committee. (Exhibit No. 4) On a voice vote the Committee voted to accept the amendments.

Page 2

Senator Manning made a motion that Senate Bill 400 Do Pass As Amended. On a voice vote, the Committee voted unanimously that Senate Bill 440 DO PASS AS AMENDED.

Senator Manning made a motion that the Statement of Intent be adopted and attached. (Exhibit No. 5) On a voice vote, the Committee voted unanimously that the <u>Statement of Intent</u> be adopted and attached with Senate Bill 440.

EXECUTIVE ACTION ON SENATE BILL 452: Senator Keating offered amendments to Senate Bill 452. (Exhibit No. 6) Senator Keating moved the amendments. On a voice vote, the Committee accepted the amendments.

Chairman Lynch offered amendments to Senate Bill 452. (Exhibit No. 7)

Senator Keating moved Chairman Lynch's amendments. On a voice vote, the Committee voted unanimously to accept the amendments.

Senator Eck offered amendments to Senate Bill 452. (Exhibit No. 8) On a voice vote, the Committee voted unanimously to accept the amendments.

Senator Aklestad asked if the fire departments are going to have access to these records.

Mike Walker said that is up to the fire department.

Senator Manning made a motion that Senate Bill 452 Do Pass As Amended. On a voice vote, the Committee voted unanimously that Senate Bill 452 DO PASS AS AMENDED.

EXECUTIVE ACTION ON SENATE BILL 430: John MacMaster offered suggestions to the Statement of Intent on Senate Bill 430. (Exhibit No. 9)

Senator Keating moved the amendments to the Statement of Intent. On a voice vote, the Committee voted unanimously to accept the amendments.

Senator Keating made a motion that Senate Bill 430 Do Not Pass. On a roll call vote, 5 Senators voted yes 3 voted no. (See attached sheet, Fxhibit No. 10)

Senator Manning moved the Statement of Intent be adopted and attached. On a voice vote, the Statement of Intent was adopted and attached.

EXECUTIVE ACTION ON SENATE BILL 356: Chairman Lynch offered amendments to Senate Bill 356. (Exhibit No. 11)

Senator Keating moved the amendments to Senate Bill 356. On a voice vote, the Committee voted unanimously to accept the amendments, except for Senator Aklestad who voted no.

Senator Keating made a motion that Senate Bill 356 Do Pass As Amended. On a voice vote the Committee voted unanimously, except for Senator Aklestad voting no, that Senate Bill 356 DO PASS AS AMENDED.

ADJOURNMENT: The Committee, having no further business, adjourned at 3:22 p.m.

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		Page 1 of 2	
MR. PRESIDENT		and an and a star start of the start of the	
We, your committee on	ABOR AND EMPLO	MENT RELATIONS	
having had under consideration	SENA	re Bill	393
	py (white)		
louding oo	color		
Abolishing labor a Benefits provision		ISING UNEMPLOYMENT	COKP.
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Respectfully report as follows: That	5	enate BILL	No. 393
be amended as foll	Lows:		
Following: "39-51 Strike: "39-51-22 3. Title, line 17 Following: line 1 Strike: "39-51-22 4. Title, lines 1 Following: "DATE: Strike: remainde	105," 7. 16 201, 39-51-2302 19 and 20. 5" on line 19	,* hrough "DATB" on 11	ne 20
5. Page 9, line 3 Strike: Sections Renumber: subsequ	2 through line 4 through 6 in	10, page 12.	
6. Page 18, line Following: "1 th: Strike: "3, 7 th Insert: "9"	rough"		
ADXASXAMENDED		(continued)	
DUPASS			

Page 2 of 2

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Pebruary 22 19.85

7. Page 18, line 24. Following: line 23 Strike: *14" Insert: *11*

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AND AS AMENDED

DO PASS

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February 22 19.85

AUTHORIZE CERTAIN WORKERS' COMPENSATION LUPH-SUM SETTLEMENTS

be amended as follows:

1. Page 1, lines 19 and 20.
Following: "partial" on line 19
Strike: "or" on line 19 through "disability" on line 20
Insert: "indemnity"

And as amended

DO PASS

T

DO NOT PASS

2. Page 2, line 8. Following: "<u>Rewspaper</u>" Insert: "as a newspaper carrier or part-time correspondent

3. Page 2, line 23. Pollowing: "<u>newspaper</u>" Insert: "as a newspaper carrier or part-time correspondent"

and as amended

DO PASS

DO NOT PASS

		3	ebruary 22?	
MR. PRESIDENT				
We, your committee	on LABOR AND	employment reli	NTIONS	
having had under consid	deration	BILL		No
	reading copy(
WORKERS' CO	MPENSATION ME	DICAL BXAMS AND	XPENSES	
Respectfully report as f	ollows: That	TR BILL		No. 409
1. Page 3, 1 Following: " Strike: "hos	chiropractic,	*		
2. Page 3, 1 Following: 1 Insert: ", e	ine 17	ital services,	1	
3. Page 3, 1 Following: Strike: <u>hor</u>	chiropractic,	\$ 2		
	specialties" medical charg	es" ust be based of	h the median	fcos*
(continued)				

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..... Chairman.

SB 402

5. Page 4, line 3. Following: "schedule."

Insert: "The division shall adopt rules astablishing relative unit values, groups of specialties, the procedures insurers must use to pay for services under the schedule, and the method of determining the median of billed medical fees. These rules shall be modeled on the 1974 revision of the 1969 California Relative Value Studies."

AND AS AMENDED

DO PASS

TATEMENT OF INTERT ADOPTED AND ATTACHED

SENATOR J.D. T.VMCH

MR. PRESIDENT,

WE, YOUR COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS HAVING UNDER CONSIDERATION SENATE BILL NO. 409, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

SENATE BILL 409

It is the intention of the legislature that the workers' compensation division publish an annual fee schedule which insurers must use to pay for medical, chiropractic, and paramedical services provided for in the Workers' Compensation and Occupational Disease Acts. The fee schedule is to be modeled on the 1974 revision of the 1969 California Relative Value Studies. The rules must establish the relative unit values, groups of specialties, and the payment procedures used in the California study unless the division has information and data that will allow a reliable adaptation of the California study to current Montana practice related to the care of occupationally injured or diseased workers. The rules should also define the method the division will use to annually determine the median of billed fees.

February 22 19.85

MR. PRESIDENT

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 We, your committee on
 LABOR AND EXPLOYMENT RELATIONS

 having had under consideration
 SENATE BILL
 No. 430

 first
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MONTANA COAL MINE ACT OF 1985

Respectfully report as follows: That... SEMATE BILL No. 430

DOPASS

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DO NOT PASS

STATEMENT OF INTENT ADOPTED AND ATTACHED

SENATOR J.D. LYNCH

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Chairman.

February 22, 1985

MR. PRESIDENT,

WE, YOUR COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS HAVING UNDER CONSIDERATION SENATE BILL NO. 430, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

SENATE BILL 430

A statement of intent is required for this bill because section 2 requires the workers' compensation division to adopt rules for safety standards.

It is the intent of the legislature that the division provide a procedure for certifying shot firers that outlines the minimum qualifications for certification; the test procedure and administering authority, if other than the division, or recognized certification programs or authorities, if other than a state agency; and requirements for periodic recertification. The division may set appropriate certification fees and prescribe and issue certification.

It is the intent of the legislature that the division require foremen to have a basic knowledge of blasting material. The division should outline the extent to which such knowledge will be incorporated in the foreman's test and procedures and time frames for bringing existing foremen into compliance with the division's rules.

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MR. PRESIDENT			
We, your com	mittee on LABOR AN	d Employment relations	
aving had under	consideration	Senate Bill	No
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		e as self-insured under worke	RS'
Compensation	FION ACT:		
		SENATE BILL	No. 440
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be amende	ed as follows:		
	3, lines 3 and 4		
Polloving	: "employer" on	line 3	
Following Strike:	: "employer" on remainder of line	line 3 e 3 through "of" on line 4	o pay"
Following Strike: Insert:	g: "employer" on remainder of line "has lost his so	line 3	o pay"
Following Strike: Insert: 2. Page	y: "employer" on remainder of line "has lost his so 3, line 13.	line 3 e 3 through "of" on line 4	o pay"
Following Strike: Insert:	g: "employer" on remainder of line "has lost his so 3, line 13. g: "for"	line 3 e 3 through "of" on line 4	o pay"
Following Strike: Insert: 2. Page Following Strike: Insert:	g: "employer" on remainder of line "has lost his so 3, lina 13. g: "for" "such" "the"	line 3 e 3 through "of" on line 4	5 pay"
Following Strike: Insert: 2. Page Following Strike: Insert: Following	g: "employer" on remainder of line "has lost his so 3, line 13. g: "for" "such"	line 3 e 3 through "of" on line 4 lvency or financial ability to	o pay"

AND AS AMENDED DO PASS بيوديد بالوراجومة بوادا بلو

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DO NOT PASS

SENATOR J. D. LYDCB, Chairman.

Chairman.

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49th Legislature

LC 1700

STATEMENT OF INTENT

A statement of intent is required for this bill because it requires the adoption of rules by the division of workers' $d(v) \le dv$ compensation of the department of labor and industry.

The legislature intends that the division adopt only those rules required by section 4 of this bill.

The rules adopted by the division to implement section 4 should require the submission of information regarding the following:

(1) the requirements for formation and certification of an association, corporation, or organization of employers to operate as a group self-insured employer, including provisions for the addition of new members and the withdrawal of existing members;

(2) requirements for proof of solvency of the group self-insurer and to maintain security to insure payment of obligations under the act;

(3) requirements for an indemnity agreement and power of attorney between the individual employers within the group,

including the requirement that all members of the group remain jointly and severally liable;

(4) requirements for and confirmation of excessliability insurance;

(5) requirements for management of the association and annual reports to the division;

(6) requirements for auditing the group self-insurer to determine that it is meeting its obligations under the Workers' Compensation Act;

(7) provisions for the termination of group self-insurance by the group on request and for termination by the division upon determination that the group no longer meets the requirements for certification as self-insured and for determining responsibility for pending claims.

The legislature intends that all group self-insured employers must comply with the provisions of the act and rules enacted thereunder. In developing rules, the legislature intends that employees of the group self-insurer have as much assurance as reasonably possible of the benefits to which they are entitled under the act.

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Page 1 of 2

PEBRUARY 22 1985

MR. PRESIDENT

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We, your committee on	r and Emplo	DINERT	RELATIONS	
having had under consideration	SENATE	BILL		
				NO

first _____ reading copy (________

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ENPLOYEE AND COMMUNITY HAZARDOUS CHEMICAL INFORMATION ACT

be amended as follows:

1. Page 5, line 12. Pollowing: line 11 Strike: "or"

2. Page 5, line 16. Following: *75-3-202* Strike: *.* Insert: *; or*

2. Page 5, line 17. Following: line 16 Insert: "(e) sealed containers of hazardous chemicals during transportation or while in storage at transportation terminals, so long as existing labels are not removed or defaced and the employer complies with state and federal regulations relating to the transportation of hazardous chemicals."

4. Page 5, line 25, and lines 2, 4, and 5 on page 6. Redesignate: subsections (i), (ii), (iii), and (iv) as (s), (b), (c), and (d)

5. Page 8, line 12. Following: "located." Insert: "Each employer shall maintain a copy of any correspondence sent or received by the amployer in an effort to obtain a material safety data sheat for a hazardous chemical when none was provided by the chemical manufacturer or distributor." NEXAMPLES

Chairman.

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Page 2 of 2

PEBRUARY 22 19.85

6. Page 9, lines 5 through 9. Pollowing: line 5 Strike: subsection (b) in its entirety Renumber: subsequent subsections

7. Page 9, line 20. Pollowing: line 19 Strike: "informed by" Following: "employer" Insert: "records notice"

8. Page 9, lines 21 through 25. Following: "workplace." on line 21 Strike: remainder of lines 21 through 25 Insert: "The county clerk and recorder shall index the information provided under subsection (1) by workplace name and all entries for a workplace must be grouped together in the index. The index must not be combined with any other type of index."

9. Page 16, line 18. Following: "violated" Strike: "and will continue to violate"

10. Page 16, line 19.
Pollowing: "[this ect]"
Insert: "and the health officer does not receive a
corrective response within 10 days of notifying the employer
of the violation"

11. Page 17, line 6.
Pollowing: "occurred"
Insert: "and the county attorney does not receive a
corrective response within 10 days of notifying the employer
of the violation"

12. Page 17, line 14. Following: "to be" Insert: "knowingly"

and as amended

do pass

ROLL CALL

Labor and Employment COMMITTEE

ÍJATE AT	48th LEGISLATIVE SES	SION 1985 		Date <u>2/22/</u>
ł	NAME	PRESENT	ABSENT	EXCUSED
	Senator Aklestad	X		
T	Senator Blaylock	<u>x</u>		
	Senator Haffey	X		
	Senator Keating	X		
	Senator Manning	<u> </u>		
	Senator Thayer	X		
.*	Sentor Towe	x		
	Chairman Lynch	x		
		-		

Each day attach to minutes.

ROLL CALL VOTE

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SENATE COMMITTEE LABOR AND EMP	LOYMENT RELATIONS			
DATE February 22 1985	BILL NO. SB 430 TIME			
NAME	YES NO			
SENATOR AKLESTAD	X			
SENATOR BLAYLOCK	x			
SENATOR HAFFEY	x			
SENATOR KEATING	x	<u> </u>		
SENATOR MANNING	X			
SENATOR THAYER	x			
SENATOR TOWE	X			
CHAIRMAN LYNCH	X			
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Bet Dally SECRETARY	CALLING -			
SECRETARY ()	J.D. LYNCH			
Motion: Do Not Pass, with Statement of Intent Attached.				

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Amend SB 402

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STANDING COMMITTEE REPORT

February 22 19.85

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

WORKERS' COMPENSATION MEDICAL EXAMS AND EXPENSES

(continued)

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Chairman. SE J

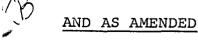
Page 2 or 2

.....February 22...... 19...85...

SB 409

5. Page 4, line 3. Following: "schedule." Insert: "The division shall adopt rules establishing relative unit values, groups of specialties, the procedures insurers must use to pay for services under the schedule, and the method of determining the median of billed medical fees. These rules shall be modeled on the 1974 revision of the 1969 California Relative Value Studies."

Chairman Lynch amend Ments



DO PASS

TEMENT OF INTENT ADOPTED AND ATTACHED

SENATOR J.D. LYNCH

February 22, 1985

MR. PRESIDENT,

WE, YOUR COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS HAVING UNDER CONSIDERATION SENATE BILL NO. 409, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

SENATE BILL 409

It is the intention of the legislature that the workers' compensation division publish an annual fee schedule which insurers must use to pay for medical, chiropractic, and paramedical services provided for in the Workers' Compensation and Occupational Disease Acts. The fee schedule is to be modeled on the 1974 revision of the 1969 California Relative Value Studies. The rules must establish the relative unit values, groups of specialties, and the payment procedures used in the California study unless the division has information and data that will allow a reliable adaptation of the California study to current Montana practice related to the care of occupationally injured or diseased workers. The rules should also define the method the division will use to annually determine the median of billed fees.

Exhibit 4 2/22/85

Proposed amendments to SB 440, introduced copy.

1. Page 3, lines 3 and 4.
Following: "employer" on line 3
Strike: "does" through "of" on line 4
Insert: "has lost his solvency or financial ability to pay"

2. Page 3, line 13.
Following: "for"
Strike: "such"
Insert: "the"
Following: "payment"
Insert: "of compensation"

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February 22, 1985

MR. PRESIDENT,

WE, YOUR COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS HAVING HAD UNDER CONSIDERATION SENATE BILL NO. 440, ATTACH THE FOLLOWING STATEMENT OF INTENT:

49th Legislature

LC 1700

STATEMENT OF INTENT

SENATE BILL NO. 440

A statement of intent is required for this bill because it requires the adoption of rules by the workers' compensation division of the department of labor and industry.

The legislature intends that the division adopt only those rules required by section 4 of this bill.

The rules adopted by the division to implement section 4 should require the submission of information regarding the following:

(1) the requirements for formation and certification of an association, corporation, or organization of employers to operate as a group self-insured employer, including provisions for the addition of new members and the withdrawal of existing members;

(2) requirements for proof of solvency of the group selfinsurer and to maintain security to insure payment of obligations under the act;

(3) requirements for an indemnity agreement and power of attorney between the individual employers within the group, including the requirement that all members of the group remain jointly and severally liable;

PAGE 1 of 2

(4) requirements for and confirmation of excess liability insurance;

(5) requirements for management of the association and annual reports to the division;

(6) requirements for auditing the group self-insurer to determine that it is meeting its obligations under the Workers' Compensation Act;

(7) provisions for the termination of group self-insurance by the group on request and for termination by the division upon determination that the group no longer meets the requirements for certification as self-insured and for determining responsibility for pending claims.

The legislature intends that all group self-insured employers must comply with the provisions of the act and rules enacted thereunder. In developing rules, the legislature intends that employees of the group self-insurer have as much assurance as reasonably possible of the benefits to which they are entitled under the act. Proposed amendments to SB 452, introduced bill.

9. Page 16, line 18. Following: "violated" Strike: "and will continue to violate"

1. Page 17, line 6.

Following: "occurred;

Insert: "and the county attorney does not receive a corrective response within 10 days of notifying the employer of the violation"

12. Following: "to be" Insert: "Ir nowingly"

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2/22/85

Proposed- amendments to SB 452, introduced bill.

1. Page 5, line 12
Following: line 11
Strike: "or"

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2. Page 5, line 16.
Following: "75-3-202"
Strike: "."
Insert: "; or"

3. Page 5, line 17. Following: line 16

Insert: "(e) sealed containers of hazardous chemicals during transportation or while in storage at transportation terminals, so long as existing labels are not removed or defaced and the employer complies with state and federal regulations relating to the transportation of hazardous chemicals."

4. Page 5, line 25, and lines 2, 4, and 5 on page 6. Redesignate: subsections (i), (ii), (iii), and (iv) as (a), (b), (c), and (d)

cterks and recorders Exhibit 8 2/22/85

Proposed amendments to SB 452, first reading white copy.

J. Page 8, line 12. Following: "located."

Insert: "Each employer shall maintain a copy of any correspondence sent or received by the employer in an effort to obtain a material safety data sheet for a hazardous chemical when none was provided by the chemical manufacturer or distributor."

6. Page 9, lines 6 through 9. Following: line 5 Strike: subsection (b) in its entirety Reletter: subsequent subsections

7. Page 9, line 20. Following: line 19 Strike: "informed by" Following: "employer" Insert: "records notice"

g. Page 9, lines 21 through 25.
Following: "workplace." on line 21
Strike: remainder of lines 21 through 25

Insert: "The county clerk and recorder shall index the information provided under subsection (1) by workplace name and all entries for a workplace must be grouped together in the index. The index must not be combined with any other type of index."

Exhibit 4 Plaal 85

49th Legislature

LC 1314

STATEMENT OF INTENT

A statement of intent is required for this bill because section 2 requires the division of workers' compensation to sagety standards. adopt rules, requiring certification of shot firers involved in _____ coal mining and requiring mine foremen to have a basic ______ knowledge of blasting material.

It is the intent of the legislature that the division provide a procedure for certifying shot firers that outlines certification; the minimum qualifications for the test procedure and administering authority, if other than the division, or recognized certification programs or authorities, if other than a state agency; and requirements for periodic recertification. The division set appropriate may certification fees and prescribe and issue certification.

It is the intent of the legislature that the division require foremen to have a basic knowledge of blasting material. The division should outline the extent to which such knowledge will be incorporated in the foreman's test and time grames procedures and timeframes for bringing existing foremen into compliance with the division's rules.

ROLL CALL VOTE

Exhibit 10

2/22/85

SENATE COMMITTEE LABOR AND EMPLOYM	ENT RELATION	15			
DATE February 22 1985 B	ILL NO. <u>SB 4</u>	30 TIME 3:15			
NAME	YES	NO			
SENATOR ALKESTAD	x				
SENATOR BLAYLOCK	x				
SENATOR HAFFEY	x				
SENATOR KEATING	x				
SENATOR MANNING		X			
SENATOR THAYER	x				
SENATOR TOWE		X			
CHAIRMAN LYNCH		X			
SECRETARY J J.D. LYNCH					
SECRETARY J J.D. LYNCH					
Motion: The motion made by Senator Keating that Senate					
Bill 430 DO NOT PASS.		·····			

1985

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Amendments to SB 356 Amendments to SB 356 Real Real 85

1. Title line 5. Following: "NEWSPAPER" Insert: "AS A NEWSPAPER CARRIER OR PART-TIME @ CORRESPONDENT"

2. Page 2, lines 8. and 23. Following', "newspaper" an earth line Insert: "as a newspaper carrier or part-tome correspondent"

E. E. C. Martin Martin Martin C. Martin Martin Martin C. Martin C. Martin C. M. C.