

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Call to Order: By Chairman Russell, on March 9, 1989, at 3:15 p.m.

#### ROLL CALL

Members Present: Fifteen members.

Members Excused: One, Fred Thomas.

Members Absent: None.

Staff Present: Eddy McClure, Staff Attorney.

Announcements/Discussion: None.

#### HEARING ON SB 276

#### Presentation and Opening Statement by Sponsor:

SEN. BLAYLOCK: This bill is to provide an additional due process step on the handling of wage disputes. This would come after the hearings procedure. Now they must appeal right into district court. This would allow them a hearing before the Board of Personnel Appeals. Under the present system, any tiny error, such as a grammatical error or punctuation error, can only be cleaned up in district court. The bill would make procedure compatible with all other procedures, such as unemployment insurance, collective bargaining, classification appeals, employee grievances. This bill would bring us into compliance. It makes it possible for both claimant and employer to appear before the board without an attorney. I think we all like that idea. Rules of evidence are removed. They have an informal procedure under this and I would like you to give this bill your concurrence.

#### Testifying Proponents and Who They Represent:

BOB JENSEN, Administrator of the Employment Relations Division in the Department of Labor and Industry, and also Administrator to the five member Board of Personnel Appeals.

GENE FENDERSON, Montana State Building Construction Trade Unions.

JIM MURRY, Montana State AFL-CIO,

JAMES TUTWILER, Montana Chamber of Commerce.

Proponent Testimony:

BOB JENSEN, proponent. This bill's primary effect is to create a new system for administrative reviews of wage claims. Under current law a wage claim is filed with the department after investigation. In case of failure of the parties to settle the matter, the case is referred to a hearing examiner who conducts the hearing. The hearing officer's decision becomes the final determination of the agency. At that point the only avenue of review is to go into the district court on a judicial review case.

Under the proposed law of this bill, a wage claim would continue to be investigated and referred to a hearing officer. That officer's decision, however, would become final only if it was not appealed to the board. The board, if it was appealed to them, would review the matter and would not allow new evidence presented, except in rare circumstances. It would basically become a review board. If the parties were dissatisfied with the decision of the board, they could petition for judicial review.

This is the same process we now use in the Department of Labor and Industry for the handling of appeals involving all collective bargaining matters, classification appeals for state government employees, grievances and unemployment insurance appeals. The additional review step in the wage claim procedure serves several purposes. First, it provides additional due process for claimants and employers. Wage claims can involve quite a large amount of money at times and we feel that there should be one more element of review before they go into court. An internal appeal level would also allow for the correcting of technical errors that Sen. Blaylock mentioned in his opening.

One of the major effects of the new process would be to reduce the number of judicial reviews filed on wage and hour matters. Once an appellate review is established, the number of claims going further into the district courts should diminish.

Another effect of the legislation is to exempt wage claim hearings from the Montana Rules of Evidence. The purpose of this is to reduce the formality of the proceedings to allow better participation by lay persons and reduce the need for attorney representation.

You had a bill through this committee several weeks ago involving unemployment insurance tax appeals, removing the rules of evidence. This bill would do the same thing for wage and hour claims.

We are not creating a new board with this bill. Instead, we are expanding jurisdiction of an existing board, the Board of Personnel Appeals. This board is a five-member board

appointed by the governor which meets one day each month, usually, depending upon work load. It currently hears appeals on collective bargaining matters, classification appeals for state government employees, and grievances for employees in the Departments of Highways, Fish, Wildlife and Parks. There is a slight fiscal impact with this bill -- \$3,000 each year of the biennium to provide for a two-day meeting of this board. Currently our budget has funds for them to come in for a one day meeting. If this bill passes, we need an additional \$50 per diem for each of them for a second day meeting. This amount of money, the fiscal impact, has been tentatively approved by our budget subcommittee and the full house appropriations committee will probably deal with it this evening.

One of the reasons we bring this bill forth at this time is because of our experience with the workers' compensation mediation program. Because we are resolving about 67% of the cases in mediation, we feel that the parties are really willing to make an effort to resolve disputes at a lower level. We would appreciate a do pass recommendation for this bill.

GENE FENDERSON, proponent. We are here to support this legislation with two amendments because we believe overall the legislation being presented to you is very needed legislation to clarify the rights of employees in the state of Montana and the employers on wage claims. It also clarifies how the whole process works and makes it easier on both sides.

We believe there are two items in the bill that should be looked at. First, in Section Two, Line 14 where it says "commissioner determines," we prefer the language "the department determines." On Page 4, Section 5, I have talked to the sponsor and I have talked to the department and it is my understanding that the labor commissioner is in agreement with this also, that Section 5 could be deleted in its entirety. It is really not a necessary item and may put too much power in the commissioner. As you go through Sections 2, 3 and 4, the steps of how wage claims are going to be handled and the process are laid out. Then it gets down to Section 5 and the commissioner could actually turn around and change all those. We don't think that is necessarily good law.

With those two changes we would certainly encourage you to give a do pass to SB 276.

JIM MURRY, proponent. We support SB 276 with the amendments mentioned.

JAMES TUTWILER, proponent. We support SB 276. The bill promotes due process and informality. It should reduce litigation and attorney involvement; therefore, it should reduce cost.

It seems fair to employer and employee alike and for these reasons we recommend that the committee vote a do pass to SB 276.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

SIMPKINS: Question for Bob Jensen. Do you understand these amendments that were proposed and do you agree with these? One was to delete the word "commissioner" and say "department" on Line 14, Page 2.

JENSEN: We don't think these changes have any significant bearing on the bill.

SIMPKINS: In the definition it says the commissioner is the department, in a way, doesn't it? He is the head of the department.

JENSEN: The commissioner is the head of the department.

SIMPKINS: Why the recommendation to delete Section 5 in its entirety on page 4, starting at line 6 through line 14?

JENSEN: Section 5 was discussed when this bill went through the senate and there was a question about whether there should be continuing jurisdiction of the commissioner. This language is very similar in Section 5 to what we now have in the unemployment insurance law. There have been occasions when the commissioner has been asked to recall a case for some reason or other to make a correction in it. If Section 5 were deleted it wouldn't make that much difference because if we put the board in the process we hope those technical kinds of things could be corrected at the board level as well. I don't see it as that significant to the bill.

Closing by Sponsor:

SEN. BLAYLOCK: I close.

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HEARING ON SB 202

Presentation and Opening Statement by Sponsor:

SEN THAYER: Before the session started I was contacted by the operator of the Showdown Ski Area and he told me about this

bill that the Montana Ski Area Association was going to try to propose in this session. The purpose of this bill is to allow seasonal employees to work 56 hours a week without overtime pay at one and one-half times the hourly wage. It basically provides the same exception to the state overtime provisions for seasonal business that federal law provides to the federal overtime law. It is broader than just ski areas as it applies to other amusement, recreational, or educational enterprises operating on a seasonal basis. To qualify, they must either operate less than seven months during a calendar year or two months during any six-month period of the previous year and earned only one-third of what it earned in the other six months of that year.

An employee who works more than 56 hours in a work period must be paid overtime at one and one-half times his hourly wage. In the Senate we had a hearing where labor people came and testified against it, but we had the ski area representatives along with employees that were there to testify in favor of the bill. I understand that since then there are a lot of employees who are now here to testify against the bill.

Testifying Proponents and Who They Represent:

PAT MELBEY, Montana Skiers Association.

TERRY ABELIN, Manager of Bridger Bowl Ski Area.

KEVIN TAYLOR, Great Divide Ski Area.

GERALD SOLBERG, Showdown Ski Area.

PETER PITCHER, Discovery Ski Area.

Proponent Testimony:

PAT MELBEY, proponent. We thought this was a good bill. There are many area employees who are in favor of the bill and who would like to see it pass. As you can see, there are obviously a number of them who would like to see it killed. We do think the bill has merit and we would like you to favorably consider it.

As Sen. Thayer has explained, the exception in this bill started out being identical to the exception in the Federal Fair Labor Standards Act. There was an amendment made to it in the Senate Business Committee where religious or non-profit educational centers were deleted because nobody knew for sure what those were and we didn't have any problem with that. I know that my friend, Don Judge, was concerned about the broad nature of this bill as it referred to amusement and recreational establishments. We have never had any support for this bill from any other recreational establishments other than ski areas. We wouldn't have any

problem if the committee wanted to restrict this to that one recreational type of facility, ski areas.

There was another amendment put in by the Senate Business Committee to require the employer to advise the employee at the time of hiring about the exemption.

There are basically two exemptions at the federal level that apply to ski areas. Both of them allow employees in ski areas to work 56 hours a week without being paid overtime at time and a half. This would comport with those exemptions in the federal law and would allow the Montana ski areas to operate that way. We also want to advise the committee that most of the states surrounding us comport with the federal law and allow employees of ski areas to work extra hours without the overtime pay. Many of our ski areas are in direct competition with those ski areas in other states and we would simply like to have the same type of an exception.

If you look through the section that is being amended you will note there are all kinds of exceptions to the overtime pay for such individuals as deputy sheriffs, police officers, fire fighters and many other people who work in similar fields.

I urge the committee to give a favorable do pass to this bill.

TERRY ABELIN, proponent. Read from written text, attached hereto as Exhibit #1.

KEVIN TAYLOR, proponent. Our employees typically have summer jobs scheduled; however, there are inactive periods in the spring and fall between ski season employment and their summer employment. These people would prefer to make as much money as possible when the work is available during the short ski season. Most jobs at the ski area require a good deal of technical training. The operation of aerial chair lifts, the rescue of injured skiers, and even the setting of ski bindings, cannot be done in a casual manner and we don't want it done so. If we have to cut that work week off at 40 hours we will have to hire extra part time help to fill in those critical positions. We cannot afford to pay overtime rates. Part time help is generally only available on weekends. That is the very busiest time we have when we have to do our job with big crowds and difficult circumstances. We do not feel we want less trained, part time help doing the work during those critical times.

I submit to the committee a petition from all our full time hourly employees requesting your support of this legislation. (Attached hereto as Exhibit #2).

JERRY SOLBERG, proponent. I work at the Showdown Ski Area as a lift operator supervisor and I also run the rental shop. I just want to emphasize everything that everybody before me has said is true. It does save on training costs if we can hire fewer employees. The problem I seem to have is that I train quite a few lift operators and hire only 12. Then I pray that eight of them can sit around and do nothing but be available in case one of my full time employees gets sick.

PETER PITCHER, proponent. I am the owner and operator of the Discovery Ski Area, which is west of Anaconda. It is a fairly small ski area. We have about 25 hourly employees and we have the same problems as both Showdown and Great Divide have. A lot of our employees don't get enough time. Their schedules end around 33 to 34 hours per week because we just can't afford to pay overtime.

One of the apparent problems is that there is an adverse relationship in some areas with their employees. I don't think we have that and I think that our employees would be in favor of this bill. They would make more money during ski season and I know I am in favor of it and I hope you can support it.

Testifying Opponents and Who They Represent:

REP. BEN COHEN, Representative from Whitefish, Montana.

JIM MURRY, Montana State AFL-CIO.

JAY PHILLIPS, Bridger Bowl Ski Area Employee.

KELLY IRVINE-FRADIANNI, Employee of the food service at Bridger Bowl.

SCOTT GILL, Assistant Patrol Director at Bridger Bowl Ski Area.

BOB HEISER, United Food and Commercial Workers.

SHELBY KUENNIG, Employee of Big Sky of Montana.

NADIEAN JENSEN, Executive Director of Montana Council #9, AFSCME.

DICK BLUM, Assistant Lead Grooming Operator at Bridger Bowl.

MICHAEL FRADIANNI, Concerned Citizen.

VELMA McMEEKIN, Member of the Board of Directors of the Bridger Bowl Ski Area.

MONICA STENZHORN, Employee at the Bridger Bowl food service.

DEAN BRANDT, Ski Patrolman at Bridger Bowl.

BRIAN STEVENS, Lift Operator at Bridger Bowl.

MARK O'KEEFE, Rep. House District 45, Central Helena and the community of Unionville.

CLARENCE SERFOSS, Ski area employee.

Opponent Testimony:

REP. BEN COHEN, Representative from Whitefish, which is the home of the Big Mountain. Big Mountain and its various lessees have well over 500 seasonal employees. I think you would be doing a great injustice to them if you were to cut their wages. I would like to point out that I have a season pass at the Big Mountain. In 1980 my season pass cost \$186 and in 1988 my season pass cost \$355. Minimum wage hasn't gone up at all in that time. They have improved the area considerably and attracted a lot more people. They are competing with Canada and the Canadians tell me they pay \$21 American for a chair lift pass, compared to the \$32 Canadian they would have to pay at Lake Louise, Banff, or Sunshine. They consider it a bargain, coming to the States. The ski area is packed. We are doing real well and I wish all the ski areas in Montana were doing as well, but this is not the way to improve the lot of the ski areas. Don't put the burden on the backs of working men and women. If I had the time I could tell you about a number of other abuses of employees and disappearance of tips and other things that go on in some of these ski areas. Please, don't pass this bill.

JIM MURRY, opponent. Read from written text attached hereto as Exhibit #3.

JAY PHILLIPS, opponent. I have been at Bridger Bowl Ski Area for six years and I am the lead operator on the grooming shift. and I represent the wishes of at least 100 employees, both middle management and people like myself who are only seasonal there, against the passing of SB 202. (Written testimony of Jay Phillips attached hereto as Exhibit #4; petitions from employees at Bridger Bowl Ski Area attached hereto as Exhibit #5.)

KELLY IRVINE-FRADIANNI, opponent. Read from written statement attached hereto as Exhibit #6.

SCOTT GILL, opponent. I am representing the majority of the ski patrol. Read from written statement attached hereto as Exhibit #7.

BOB HEISER, opponent. Most of the reasons have already be voiced as to why this is a bad bill and I ask you to oppose it.

SHELBY KEUNNIG, opponent. Read from written statement, attached hereto as Exhibit #8. Submitted petitions from employees at Big Sky Ski Area, attached hereto as Exhibit #9.



NADIEAN JENSEN, opponent. I rise in opposition to SB 202. At this point it does not touch the people I represent, but with the wrong interpretation of recreation it certainly could come in and cause disruption in city parks, city ice skating rinks, city swimming pools, our recreation people. I ask you to oppose SB 202.

DICK BLUM, opponent. I am against SB 202. As Mr. Abelin said, the machine we run cost \$150,000+, which needs experienced operators to maintain and operate. Why deny us a fair wage to handle such a responsibility?

MICHAEL FRADIANNI, opponent. Submitted written testimony, attached hereto as Exhibit #10.

VELMA McMEEKIN, opponent. I am in an in-between position. I am here as a director of the ski area and I have a responsibility to look at the bottom line. I feel as employers we have a responsibility to our employees to treat them with the respect they deserve. Our employees do not deserve to be exempted from the protection of the law which governs labor in the state of Montana. I feel they should not be exempted and do not recommend passage of SB 202.

MONICA STENZHORN, opponent. I agree with the previous testimony and am turning in my written statement. (Her written testimony attached hereto as Exhibit #11).

DEAN BRANDT, opponent. I oppose this bill very strongly. I think it is morally unjust.

BRIAN STEVENS, opponent. I agree with the previous statements and wish to add a few of my own. I am opposed to SB 202 for the following reasons: this bill would affect all seasonal and recreational employees in Montana, which is a significant portion of the employees in the state. I personally do not receive over 40 hours in a week. By eliminating overtime pay for hours worked between 40 and 56 hours, it is probable that workers such as myself would be required to work more hours each week. At the wage we make, most of the lift employees either have to rely on other income from other seasons, or they are there to ski. It is not worth it to them at \$4.50 or \$5.00 an hour to work over 40 hours a week unless overtime compensation is there.

I would also like to speak on behalf of the Bridger Patrol. I have talked personally with many of the patrolmen and their feelings about not receiving any benefits. Many of these people have families, they are trying to buy homes, and they make a career out of patrolling. They rely on overtime pay to make their jobs feasible. These people are responsible for the safety of the public in the third most prone avalanche area in the country. Special and technical knowledge is required to do that job safely. If they are

going to work more than 40 hours they need to be compensated. In fact, they do need to work more than 40 hours a week to be familiar and constantly updated with the problems in avalanche control.

(Submitted an outline of his testimony, attached hereto as Exhibit #12).

MARK O'KEEFE, opponent. I think I am the only member of the legislature who has ever worked as a ski lift operator, skied sleds and is a qualified EMT and gone through a lot of the training that these people have. I couldn't resist closing for the opponents. I do sympathize with Kevin Taylor and some of the other small operation businessmen out there, the people who are running the smaller areas who do serve the local communities. I sympathize with my constituents who signed the list supporting this bill who work in those small areas, but I really do view this bill as a real attack on the people in the seasonal industry. I have been following its progress as it went along and I noticed in the Senate that they amended page 7, lines 19 through 21 to say that this is okay that we give these people no overtime provisions if the employer advises the employee of the exemption at the time of the hiring.

I worked seasonally at Big Mountain in 1976, 1977 and 1978 and I'll tell you that at that time there were probably about 325 employees up there. We were lucky enough to be hired by Big Mountain Inc. from a pool of about 1,500 applicants at. This provision that the Senate added doesn't give these employees any protection, if the employers tell the employees that they have a choice, either work up to 56 hours with no overtime or we give the job to somebody else.

As a lift operator back in 1977, I was one of the highest paid people at Big Mountain -- I made a whopping \$4.35 an hour and worked a 48-hour week. There are people up there who were doing that job then and are still doing that job, and raise families on that money. They are being paid a little better now. They have other seasonal jobs and they count on that income during the winter. Those ski patrolmen who have been there 8, 10, 12 years and those lift operators and groomers, pay their mortgages. That is built into their way of life and any change like this would severely impact that small number of residents who are year around, but seasonal employees in that community.

CLARENCE SERFOSS, opponent. I have worked in the ski industry for 27 years at six different ski areas. (He told about work conditions, etc. from when he first started in the industry to the present).

With that I would like to express my hope that you will not exempt recreational and seasonal employees by passing this bill.

Questions From Committee Members:

RICE: Question for Mr. Melby. Just for clarification, would not this bill exempt these employees not only from the requirements regarding overtime, but also state law regarding minimum wage?

MELBY: No, it doesn't. If you look about half way through there are basically two sections Rep. Driscoll just pointed out to me, page 3, line 5, subsection (2), says the provisions of 39-3-405 do not apply to it and that is the section that deals with overtime.

KILPATRICK: Question for Melby. There seems to be a real disagreement here with employees and employers. Have you ever thought of having a collective bargaining unit and working with them. Maybe this is the answer and you guys could arrive at something that would be workable.

MELBY: I am a lawyer here in town and I lobby for the ski areas association, but I don't know if there has ever been a successful attempt to organize seasonal employees in ski areas any place in the country. That certainly is an option that any group of employees can pursue. I agree with you, there certainly is some disagreement here.

SIMPKINS: Question for Abelin. On your ski patrols are they averaging more than 40 hours a week now?

ABELIN: Normally the full time ones do, yes.

SIMPKINS: What do the full time ones average?

ABELIN: The full time employees, probably close to 48 hours.

SIMPKINS: How about your part time ski patrollers?

ABELIN: They normally work weekends and I think it is about 16 to 20 hours.

SIMPKINS: Do you know if these people take other part time jobs in addition to working for you on the weekends?

ABELIN: I think most of my part time ski patrol people have full time jobs.

SIMPKINS: Then as far as your knowledge is concerned, we're not talking about displacing people from jobs if some of your people work more hours then?

ABELIN: No, as far as I am concerned it is not a mandatory 56 hours, I think that is an option.

Closing by Sponsor:

THAYER: After hearing all the opponents to this bill, I hope it doesn't mean that I have to quit skiing at any of the ski areas around here. I have been skiing for about 25-30 years. I guess I wouldn't have carried this bill if I had known there were a lot of people working in the ski industry who were getting overtime and were working over 40 hours. It was reported to me that the ski areas are not now paying overtime and many of the employees, particularly in the small areas, only work short shifts like four 8-hour days or three or four 8-hour days and they are using two people to fill out the whole shift. The employees themselves are the ones who requested this, so that is why I am carrying the bill.

I was not aware that there are areas that are getting all this overtime anyway. We did try to amend into the bill in the Senate that the employees would have to agree to this beforehand. We were trying to make it equitable for both parties. So my carrying the bill was to try to accommodate these people who are only getting in 20 or 30 hours a week and they would rather get in more hours.

I hope that people don't think that just because there is a bill in here that they don't like, that we are all against them. With that I will close.

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HEARING ON SB 218

Presentation and Opening Statement by Sponsor:

SEN. THAYER: This is a bill I am carrying at the request of the Division of Workers' Compensation.

This bill is intended for the Division of Workers' Compensation. They have initialed jurisdiction of requests by injured workers to extend the time allowed to file a claim. Because the workers' comp court and the supreme court have eroded this jurisdiction, the law needs to be clarified to put it back where it belongs, at the division. As it stands today, claimants have to go to both the division and the workers' compensation court to get an extension of claim filing time, thus creating unnecessary delays. SB 218 clarifies three areas where the division has jurisdiction; (1) cases where the claimant knew about the disability but didn't know it would be disabling; (2) cases where the claimant didn't know about a disability, but it manifested later than the claim filing time; and (3) cases where the claimant was misled or not otherwise given due process by his employer or insurer so the claimant failed to file a claim.

List of Testifying Proponents and What Group They Represent:

BILL PALMER, Interim Administrator at the Division of Workers' Compensation.

GEORGE WOOD, Executive Secretary of the Self Insurers Association.

MICHAEL SHERWOOD, Legislative Council for the Montana Trial Lawyers Association.

JACQUELINE TERRELL, American Insurance Association.

JIM MURRY, Executive Secretary of the Montana State AFL-CIO.

Proponent Testimony:

BILL PALMER, proponent. Read from a written statement which is attached hereto as Exhibit #13.

GEORGE WOOD, proponent. We rise in support of this legislation and ask that you give it a do pass.

MICHAEL SHERWOOD, proponent. SB 218 was part of a package of bills submitted by the division for review. I might note that the workers' comp court reviews the equitable estoppel notion and what this bill does is allows the division to make that decision rather than the court. We support this bill as a part of the package that was submitted by the division.

JACQUELINE TERRELL, proponent. The American Insurance Association supports this legislation.

JIM MURRY, proponent. We support SB 218.

List of Testifying Opponents and What Group They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

DRISCOLL: Question for Bill Palmer. What is "C?" Can you give me an example?

PALMER: Equitable estoppel is kind of a fancy legal name that means you have been prevented from doing something.

WHALEN: Question for Bill Palmer. Is the determination of whether or not the time limit is going to be waived an additional 24 months made by the workers' comp court?

PALMER: If equitable estoppel or latent injury happen to be the reasons, the division can only waive for lack of knowledge. Those three really tie together and what we would like to do is have the authority to put the other two criteria into the bill so we can go ahead and make that determination so the claimant doesn't have to go to the court to get those other two issues resolved. If it becomes an issue with them, they can still go to the court, but we feel if there is no question about it we can resolve that filing time at the division without unnecessary delays and they can go to the court.

WHALEN: That is a factual determination, I take it.

PALMER: Yes, and we would hold a hearing or something like that on it to make that determination.

WHALEN: Factual determinations before the workers' compensation court cannot be tried anew, I take it. Those things are fixed once the division makes a factual determination, is that correct? What I am getting at is, does the workers' compensation court right now have jurisdiction to alter or amend factual determinations, or are they fixed at the division level at the present time so the only thing that the workers' compensation court can review is any legal errors that occurred.

PALMER: I can't address that. I think they can determine new evidence and they don't have to go on the record.

WHALEN: Question of Mr. Sherwood. What is the factual determination as set by the division. Does that tie the hands of the workers' compensation court from disturbing that factual determination and is the workers' compensation court limited at the present time to determining issues of law or errors of law or procedures of law that were followed by the division?

SHERWOOD: When we discussed this matter, as I understand it, what would happen is if there was a need for some sort of evidenciary hearing, it would be held at the division level and would be considered a Montana Administrative Procedure hearing. Under the rules of the Montana Administrative Procedure, when a court reviews the factual determinations made by a hearings officer those facts are presumed and I don't believe that the court can go outside of the record.

Closing by Sponsor:

THAYER: If you act favorably on this bill, I would like to leave the file and maybe Rep. Driscoll would like to carry it.

HEARING ON SB 278

Presentation and Opening Statement by Sponsor:

SEN. THAYER: SB 278 is introduced at the request of the governor. It establishes a self-insurers guarantee fund to provide for payment of claims under the workers' compensation and occupational disease acts of private self-insured employers who become insolvent and fail to pay claims.

It provides for:

1. A board of directors originally appointed by the governor and subsequently elected by members of the fund to administer the fund.
2. The fund to adopt by-laws necessary to administer the fund for a mechanism for payment of claims of private insolvent self-insurers who are unable to and fail to pay claims under the workers' compensation and occupational disease acts.
3. That all private self insurers belong to the fund as a condition of self insurance.
4. Creating the fund by requiring an initial payment of \$1,000 from each private self insurer.
5. Assessment of fund members of a pro-rata share of the amount necessary to carry out the purpose of the act, not to exceed in any calendar year 5% of the compensation paid in the previous calendar year.
6. Consultation and cooperation between the fund and the division of workers' compensation in the approval of private employers for self insurance and in payment of the claims that become the responsibility of the fund.
7. The mechanism for reimbursement to the fund for payments made on behalf of a private self insurer.
8. Reports on the financial status of the fund be made to the division of workers' compensation and to fund members.
9. An effective date to allow the necessary provisions of the act to be accomplished in a timely manner.

In 1985, when Rep. Driscoll and Smith and I all served on the governor's advisory council, it came up at that time the need for creation of such a fund. This need resulted from the fact that several years ago in Billings, a company that had a self-insurance plan became insolvent. It had injured workers who were left without any means of recovery. We feel that if we are going to allow people to operate out of

the normal workers' compensation plans and provide their own coverage under a self-insurance program, that they provide this kind of protection for injured workers in the future.

List of Testifying Proponents and What Group they Represent:

GEORGE WOOD, Executive Secretary of the Self Insurers Association.

BILL PALMER, Interim Administrator of the Division of Workers' Compensation.

MICHAEL SHERWOOD, Legal Council for Montana Trial Lawyers Association.

JIM MURRY, Executive Director of the Montana State AFL-CIO.

Proponent Testimony:

GEORGE WOOD, proponent. This bill affects two groups of people: self-insured employers in Montana, and claimants, injured workers, who worked for those self-insured employers. This bill provides that in the event a self-insured employer becomes insolvent and fails to pay his claims and the surety required by the workers' compensation division is used up, the self insurers operating in Montana must assess sufficient funds to see that those benefits are paid. It was the self insurers' answer to the problem at Great Western in Billings where, though it hadn't happened before and we hadn't felt the need for the self insurance, because in the 74 years of the plan we have never had a self insurer go broke and leave people without benefits. We felt it was better if we do this and set up a fund in which we would be responsible for paying for those benefits. It sets that up in the bill and we hope that you will report a do pass.

BILL PALMER, proponent. Read from prepared statement which is attached hereto as Exhibit #14.

JIM MURRY, proponent. We support this legislation. We feel it is an important protection for workers and urge your support.

List of Testifying Opponents and What Group They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

O'KEEFE: Question of Driscoll. Are we getting in the same



situation here, Jerry, as we did with Francis Bardanouve's bill on taxation on the insurer's guarantee?

DRISCOLL: No, I checked that out very carefully. They don't pay premium tax in the first place, so there is no way they can take a deduction against premium taxes.

Closing by Sponsor:

SEN. THAYER: I just thank all of you for the good hearings you have given me on all these bills today and your courtesy.

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DISPOSITION OF SB 202

Motion:

Rep. Pavlovich moved that SB 202 be TABLED:

Vote:

Unanimous vote to TABLE SB 202.

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DISPOSITION OF SB 218

Motion:

Rep. Driscoll moved DO CONCUR in SB 218.

Vote:

Unanimous vote DO CONCUR in SB 218.

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DISPOSITION OF SB 276

Motion:

Rep. Whalen moved DO CONCUR in SB 276.

Amendments presented.

Discussion:

SIMPKINS: Question of Legal Counsel. Do we have a problem here as far as removing this section 5? By saying "continuing jurisdiction," we are expanding jurisdiction here and does

this effect the bill in any way legally by allowing the department to maintain jurisdiction?

McCLURE: Since they already have jurisdiction, you are not creating anything that they didn't have before.

Vote:

Unanimous vote to PASS the amendments.

Motion:

Rep. Whalen moved DO CONCUR SB 276 AS AMENDED.

Vote:

Unanimous vote to DO CONCUR IN SB 276 AS AMENDED.

Rep. Driscoll will carry the bill in the House.

- - - - -  
DISPOSITION OF SB 278

Motion:

Rep. Whalen moved DO CONCUR IN SB 278.

Vote:

Unanimous vote to DO CONCUR IN SB 278.

Rep. Smith will carry the bill in the House.

- - - - -  
ADJOURNMENT

Adjournment At: 4:50 P.M.

  
REP. ANGELA RUSSELL, Chairman

AR/MO  
5509.MIN

# DAILY ROLL CALL

## LABOR AND EMPLOYMENT RELATIONS COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 3-9-89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Angela Russell, Chairman	✓		
Rep. Lloyd "Mac" McCormick, VC	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Duane Compton	✓		
Rep. Jerry Driscoll	✓		
Rep. Bob Pavlovich	✓		
Rep. Bill Glaser			
Rep. Tom Kilpatrick	✓		
Rep. Thomas Lee	✓		
Rep. Mark O'Keefe	✓		
Rep. Jim Rice	✓		
Rep. Richard Simpkins	✓		
Rep. Clyde Smith	✓		
Rep. Carolyn Squires	✓		
Rep. Fred Thomas			✓
Rep. Timothy Whalen	✓		

STANDING COMMITTEE REPORT

March 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Labor and Employment Relations report that Senate Bill 218 (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_  
Angela Russell, Chairman

[REP. DRISCOLL WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 13, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Labor and Employment Relations report that SENATE BILL 276 (third reading copy -- blue) be concurred in as amended .

Signed: \_\_\_\_\_  
Angela Russell, Chairman

[REP. DRISCOLL WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 2, line 14.  
Strike: "commissioner"  
Insert: "department"
2. Page 2, line 14 and line 15.  
Strike: "he" in both instances  
Insert: "it" in both instances
3. Page 4, lines 6 through 14.  
Strike: section 5 in its entirety  
Renumber: subsequent sections
4. Page 5, lines 15 and 18.  
Following: "2"  
Strike: ", "  
Insert: "and"  
Following: "3"  
Strike: ", and 5"

STANDING COMMITTEE REPORT

3/10/89  
1:58 PM  
2 A

March 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Labor and Employment Relations report that SENATE BILL 278 (third reading copy -- blue) be concurred in.

Signed: Angela Russell  
Angela Russell, Chairman

[REP. SMITH WILL CARRY THIS BILL ON THE HOUSE FLOOR]



EXHIBIT 1  
DATE 3-9-89  
HB SB 202

1042

LABOR AND EMPLOYMENT RELATIONS COMMITTEE TESTIMONY 3/9/89

All but one of Montana's ski areas are located on National Forest lands. Federal law allows seasonal recreational facilities with a federal contract (permit) the option of not paying overtime for up to 56 hours per week.

No summer services are offered at all but two Montana ski areas. All income must be generated during the three to four month operating season.

Our customers are mostly Montanans looking for enjoyment, one of the reasons they have elected to stay in Montana.

We all operate on the most cost effective basis we can in order to offer skiing at reasonable prices. Montana would be in better shape financially if we were the only industry effected by increased insurance costs and related operational cost increases, but I know you have all had the same problems.

When operating a seasonal business we must do so in a financially sound manner during that period of time, as it's the only season we have.

Labor is a major portion of our service related business. Control of labor costs is an important factor to employees and management as well.

Because we operate seven days a week, holidays included, we have a constant struggle with keeping employees at 40 hours per week.

Why don't we accept the problem and pay the extra money earned and not complain? Every extra dollar we pay in overtime translates to higher ticket prices.

The legislature is attempting to control costs, and so are we. Our business does not operate from 8:00 AM to 5:00 PM, but in most cases 20 hours per day.

Employees' scheduled days of work are often 9 hours or more. A four day work week is common in order to avoid overtime. If given the opportunity

they would often rather work five or six days per week.

Seasonal employment is difficult at best. The opportunity for these employees to work only one job and make the best living they can in Montana is up to you.

2 of 2

As costs continue to rise, overtime is going to become a thing of the past.

At this time we have two departments, ski patrol and grooming that normally get overtime. Bridger Bowl has an avalanche problem which causes longer than normal patrol working hours.

Grooming machines cost \$150,000 and it is cost effective to have qualified operators.

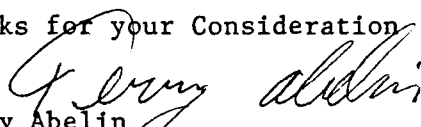
Of our 190 plus employees, about 25 will lose overtime pay, and 150 will have the opportunity to make a better living.

The bill copies federal law. Our concern is only with qualifying ski areas. If there is a concern about other businesses taking advantage, then let's change it to only address ski areas.

We are small potatoes compared to Colorado and Utah resorts, but skiing is an important winter recreation for thousands of Montanans, and a large economic factor during the winter tourism season.

We are affordable and typically Montanan in nature. Let's keep it that way as long as possible.

Thanks for your Consideration

  
Terry Abelin  
General Manager

TA:so





EXHIBIT 2  
DATE 3-9-89  
HB SB202

## Skiing Company, Inc.

February 10, 1989

TO: Helena Area Legislators: Ms. Jan Brown, Mr. Ed Grady, Mr. Hal Harper, Mr. Bob Marks,  
Mr. Mark O'Keefe, Mr. Jim Rice.

FROM: Hourly Wage Employees of Great Divide Ski Area

SUBJECT: SB 202

Federal law exempts ski areas from overtime pay provisions up to a limit of 56 hours per week. SB202 requests that that exemption be allowed under Montana law.

The ski season is short here; generally 12 to 15 weeks. Most employees have summer jobs arranged, but there are "shoulder seasons" in the spring and fall when work is not available. We want to work as much as possible when the work is offered.

Our jobs require a significant degree of technical training. You don't just start rescuing injured skiers, operating aerial chairlifts, or adjusting ski bindings right away; you've got to take time and training to do it exactly right. We would prefer to cover our positions rather than have part-timers fill in....especially because part-timers are generally only available to work on weekends, and that is when we have our biggest crowds, including lots of kids, and we must do our jobs the very best.

We understand that under the provisions of SB202 we cannot be forced into working more than 40 hours per week, but that we may enter into voluntary agreements with management to be scheduled for more work up to a limit of 56 hours per week at straight time pay scale.

The longer work week will allow us to earn more money during the ski season and provide a more efficient ski area operation to the public. We urge your support of SB 202. THANK YOU!

NAME	POSITION	SIGNATURE
Cindi Mundt	Restaurant	Cindi Mundt
Patty Grady	Restuarant	Patty Grady
T. H. Hult	SKI technician	T. H. Hult
Moris Thomas	Chair operator	Moris Thomas
Peggy Stewart	" "	Peggy Stewart
Chas. E. Benjamin	SKIER SERVICES MANAGER	Chas. E. Benjamin
Mike Williams	Lift operator	Mike Williams
Clarence Hummel	LIFT OPERATOR	CLARENCE HUMEHAND
Orville A. Johnson	Lift Operator	Orville A. Johnson
Charles A. Benjamin	LIFT OPERATOR	Charles A. Benjamin
Dr. J. B. Johnson	LIFT OPERATOR	Dr. J. B. Johnson

P.O. Box SKI • Marysville, Montana 59640 • (406) 449-3746



EXHIBIT 3  
DATE 3-9-89  
HB SB 202

Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

Testimony of Jim Murry before the House Labor and Employment Relations Committee on Senate Bill 202, March 9, 1989

Madam Chair and members of the Committee, for the record, I am Jim Murry, Executive Secretary of the Montana State AFL-CIO, and am here today to oppose Senate Bill 202 which would exclude employees of amusement and recreational establishments from overtime compensation.

This bill purports to be a simple amendment to bring Montana law into line with federal wage and hour law. However, it goes far beyond. This legislation could force certain employees to work up to 16 more hours a week before they are eligible for overtime pay. Although this bill would seem to limit its application to amusement and recreational establishments, the definitions contained in it are unclear and could be broadly construed. A broad construction of the definitions would threaten the potential earnings of literally thousands of Montana workers. The bill defines seasonal as any recreational or amusement business that operates for seven or fewer months yearly or whose revenues in one six month period are no more than one third of its revenues in the other six month period. This could be applied to hotels, restaurants, recreational equipment sales and service, novelty stores, RV sales and service, boat and marine equipment and the like.

As we read this bill, we believe that it's provisions could apply to employees of just about any business engaged in tourism which could be deemed recreational. Such a broad definition would establish an enormous overtime exemption for one of Montana's largest industries, an industry to which the state has made a strong financial commitment through travel promotion expenses and the bed tax.

We are also concerned that this bill could affect students who are already allowed to work up to 48 hours per week at amusement and recreational businesses which provide them with room and board. If Senate Bill 202 is enacted, those students would be required to work up to eight more hours per week, and they could also lose their room and board.

The greatest effect of this legislation likely will be on workers who can least afford it -- men and women employed in the service and trade sectors of our economy. Those workers are the lowest paid and the most likely to receive no health insurance or other benefits. These sectors of our economy are also predicted to provide two-thirds of the job growth anticipated by 1995.

Statistics show that personal income in Montana is far below the national average, that hourly wages and weekly paychecks are decreasing in some sectors and that Montana workers in almost all sectors of the economy are losing ground to inflation. Forcing them to work longer hours without adequate compensation is not going to improve Montana's gloomy economic picture. Simply adding more workers to the class of the working poor, which this bill would do, is a step in the wrong direction.

Significant economic growth that will benefit working men and women is simply not going to happen if we continue to make more and more people work for low wages that are not keeping pace with inflation. Longer hours will not benefit workers or stimulate the economy.

The 40 hour work week was established in part as a safety measure. Eight hour shifts five days a week have been determined to be a safe work schedule for employees who sometimes are required to operate dangerous equipment. Seasonal employees forced to work up to 16 hours per week over that established safe level may be jeopardizing their own safety, the safety of their fellow employees and the public's safety.

When workers are asked to give even more of themselves and their time, they have a right to expect that sacrifice to be recognized in their paychecks. We strongly urge you to vote against Senate Bill 202.

Thank you.

MADAM CHAIRPERSON & MEMBERS OF THE  
~~SENATE AND COMMITTEE~~ OF THE COMMITTEE, MY NAME IS JAY  
PHILLIPS, AND I AM A SEASONAL EMPLOYEE OF BRIDGET BOWL  
SKI AREA NORTH OF BOZEMAN, MONTANA. I HAVE BEEN THERE  
FOR SIX YEARS, AND REPRESENT THE WISHES OF AT LEAST 10  
EMPLOYEES THERE (PETITIONS) WHO ARE AGAINST THE PASSING  
OF BILL #202.

AS A SEASONAL WORKER, WE ENJOY NO BENEFITS.

- 1) NO INSURANCE, MEDICAL OR OTHERWISE
- 2) NO COMP TIME OR SICK LEAVE
- 3) NO PAID VACATIONS
- 4) NO INCENTIVE PAY OR PROFIT SHARING PLAN
- 5) NO SHOWUP PAY FOR RETURNING YEAR AFTER YEAR
- 6) NO STANDBY PAY WHILE WAITING ON WEATHER OR OTHER SITUATIONS.

THE OVERTIME WE EARN IS THE ONLY WAY WE CAN SEE  
OUR WAY THROUGH THE FINANCIAL GAPS THAT NOT RECEIVING  
THESE BENEFITS CAUSES. AGAIN, WE HAVE TO WORK OVER  
A NORMAL 40 HR. WEEK TO EVEN RECEIVE IT.

EXHIBIT 4  
DATE 3-9-89  
HB SB 202

pg 1 of 4

①

IT IS ALSO A BUTTKRESS AGAINST THE DRAWSACKS OF BEING A SEASONAL WORKER.

1) SINCE WE RECEIVE NO INSURANCE, WE PAY IT PRIVATELY. AS YOU FOLKS KNOW, THAT COST IS CONSIDERABLE THESE DAYS, ESPECIALLY ~~FOR~~ FOR A FAMILY

2) SINCE WE RECEIVE NO COMP TIME OR SICK LEAVE, IF WE BECOME ILL, OR ARE HURT WHILE NOT ON THE JOB, ALL OF THE EXPENSE COMES OUT OF OUR OWN ROCKETS, OF COURSE INCLUDING NO PAYCHECK BECAUSE WE'RE NOT THERE TO WORK.

<sup>x</sup>  
3) MANY SEASONAL JOBS ARE DEPENDENT UPON THE CLIMATE. MANY TIMES WE SIT AND WAIT FOR IT TO SNOW OR THE WIND TO DIE DOWN, OR THE COLD TO LET UP. WE SIMPLY DON'T WORK, HAVE NO STANDBY PAY, AND ARE EXPECTED TO BE THERE PROMPTLY WHEN CONDITIONS ARE FAVORABLE AGAIN. THIS OF COURSE PRECLUDES HAVING ANY OTHER JOBS TO TIDE US OVER IN THE INTERIM.

TO SUMMARIZE THESE LAST TWO POINTS, ALL <sup>THE</sup> ~~THE~~ WOULD ADVERSELY AFFECT OUR LIFESTYLES PERHAPS TO THE POINT OF LEAVING MONTANA TO SEEK OUT A MORE DESIRABLE WORK AND HOME ENVIRONMENT.

EXHIBIT 4  
DATE 3-9-89  
HB SB 202

2 of 4

I ALSO BELIEVE OUR MORALE SUFFERS WHEN FACED WITH SUCH AN EXTENDED WORKWEEK WITH NO EXTRA COMPENSATION. I SYMPATHISE WITH BUSINESSMAN WHO MUST LOOK AT THE BOTTOM LINE OF A BALANCE, HOWEVER I BELIEVE THERE MUST BE A BETTER WAY THAN ABUSING WORKER'S TIME TO OBTAIN FAVORABLE NUMBERS ON IT. THERE ARE MANY SEASONAL WORKERS IN MONTANA, MANY OF THEM RESIDENTS. BY IMPOSING THIS BILL ON THEM, I BELIEVE WE COULD SEE:

- 1) A MUCH HIGHER TURNOVER RATE IN THE WORK FORCE THEREFORE,
- 2) A LESS EXPERIENCED WORK FORCE. COMBINED WITH THE FATIGUE OF HAVING MANY MORE HOURS LAID ON FEWER EMPLOYEES, WE COULD EXPECT TO SEE THE
- 3) LEVEL OF COMPETENCE GO DOWN
- 4) LEVEL OF SAFETY COMPROMISED, AND
- 5) DEGREE AND QUALITY OF EXPERIENCE WE CAN CONVEY TO OUR GUESTS DROP.

IN SHORT, WE WOULD AGAIN HAVE LESS INCENTIVE TO STAY HERE, AS ALL OF US CARE HOW WELL WE DO OUR JOB, AND HOW IT REFLECTS ON OUR PLACE OF EMPLOYMENT.

EXHIBIT 4  
DATE 3-9-89  
HB SB 202

3044

WE WORK SEASONALLY BECAUSE WE ENJOY A CHANGE OF  
PACE DURING THE YEAR, AND PREFER TO WORK IN HARMONY  
WITH MONTANA'S CLIMATE. MOST OF THESE POSITIONS ARE  
NO MORE THAN A SURVIVAL, NO- SAVINGS TYPE WAGE IN THE  
FIRST PLACE, AND NOW WE ARE CONFRONTED WITH HAVING TO  
WORK A WEEK THAT IS EXTENDED NEARLY TWO DAYS BEFORE  
THE LOSS OF OUR PERSONAL TIME IS COMPENSATED FOR. WE  
IN THE INDUSTRY DON'T FEEL THAT WE SHOULD HAVE TO PAY  
SUCH A PENALTY TO KEEP OUR HOMES AND FAMILIES HERE.  
IF WE START HAVING LOTS OF TURNOVER, MONTANA WILL  
SUFFER A CERTAIN LOSS OF REVENUE FROM RESIDENTS  
LEAVING AND TRANSIENT WORKERS TAKING THEIR MONEY  
HOME WITH THEM. WE ARE PROFESSIONAL PEOPLE, MANY  
WITH DEMANDING POSITIONS THAT REQUIRE A HIGH LEVEL OF  
COMPETENCE. WE'RE SERIOUS ABOUT HOW WE PERFORM TH  
TASKS AND WISH TO BE TREATED AS SUCH. MYSELF, AND TH  
PEOPLE WHOSE SIGNATURES APPEAR HERE, FEEL BILL #20  
IS AN INJUSTICE AND AN ABUSE OF WORKER'S RIGHTS. AND  
WE ARE THE ONES WHO MUST BEAR THE FINANCIAL AND  
MENTAL STRESS THAT BILL #202 WOULD INSIST ON.

THANK YOU.

JAY PHILLIPS  
Box 4045  
BOZEMAN, MT 59772

EXHIBIT 4  
DATE 3-9-89  
HB SB 202

4044

pg 1 of 9

[illegible]



2049

Signature / Print Name

Jay Moore Jay Moore

611 Company Ltr #3 <sup>Born</sup> <sub>not</sub>

Ceki Williamson

1304 SO BLACK

TOO ANDERSON

BRIDGET BONE

Paul Swenson / Paul Swenson

405 N Grand Bozeman, MT 59715

Donna L. Hacker

4/15 S. 12<sup>th</sup> BOZEMAN MT.



We, the employees of Bridger Bowl are strongly opposed to Bill # 202. We recommend the bill not be passed for reasons of: financial stress on employees, and lack of compensation for work done beyond the call of duty. Forty hours is normal work load in the other 49 states.

[illegible]

We, the employees of Bridger Bowl are strongly opposed to Bill # 202. We recommend the bill not be passed for reasons of: financial stress on employees, and lack of compensation for work done beyond the call of duty. Forty hours is normal work load in the other 49 states.

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[illegible]

6 of 9

We, the employees of Bridger Bowl are strongly opposed to Bill # 202. We recommend the bill not be passed for reasons of: financial stress on employees, and lack of compensation for work done beyond the call of duty. Forty hours is normal work load in the other 49 states.

Jeannie Eckhardt	
Tom Bay Tom Bay —	411 S. Church Bozeman, MT. 59
Kristina Kezar	411 S. Church Bozeman MT. 59
MARY SPOONER My G. L. L. L.	423 N. BLACK BOZEMAN, MT 597
Delna A. Foster	609 S. Black Bozeman MT 597
Joshua Marcus Cohen	11 West College St. Bozeman MT
Gayle Phillips	Box 4045 Bozeman, MT 59722
Ray L. Phillips	

EXHIBIT 6  
 DATE 3-9-89  
 HB SB202  
 70f9

We, the employees of Bridger Bowl are strongly opposed to Bill # 202. We recommend the bill not be passed for reasons of: financial stress on employees, and lack of compensation for work done beyond the call of duty. Forty hours is normal work load in the other 49 states.

Signature / Print Name	Address
Margaret Ayers / Margaret Ayers	1105 W. Story, Bozeman, MT 59715
<del>Jan Serfoss</del> Jean Serfoss	11260 Bridger Cyn, Bozeman, MT.
<del>David Schneider</del> DAVID I SCHNEIDER JR	210 S. 16TH APT. C. BOZEMAN, MT.
<del>Jan Willyerd</del> Jan Willyerd	309 S. 2 <sup>nd</sup> Apt B Livingston, MT.
<del>Charley Staker</del> - <del>GC Staker</del>	1233 Bear Canyon Rd Bozeman, MT
<del>Lyle Cigler</del> <del>Lyle Cigler</del>	4007 1/2 S. BLACK Bozeman MT
<del>Jim Harold</del> / Jim Harold	325 N 10 <sup>th</sup> Boz MT
<del>Dana Dugal</del> / DANA DUGAL	1212 S. WILSON Boz. MT
<del>Larry Campbell</del> / LARRY CAMPBELL	4432 JACKSON CK. RD., Boz., MT. 59715
<del>Richard Stoltzhus</del> / Richard Stoltzhus	5740 Bridger Cyn Rd, Boz. MT. 59711
<del>Steven Coffey</del> / STEVEN COFFEY	116 E. STORY, BOZEMAN, MT. 59711
<del>Paul B. Brock</del> / PAUL B. BROCK	1920 S. Rouse Bozeman MT 59715
<del>Charles E. Reiff</del> / CHARLES E. REIFF	7501 NASH ROAD - BOZEMAN MT 59715
<del>Debra Brant</del>	3621 Airport Rd, Belgrade, MT.
<del>Richard Blum</del> / Richard Blum	P.O. 3872; Bozeman, MT. 59712
<del>John VanHouten</del> / John VanHouten	P.O. Box 4453 Bozeman MT 59712
<del>Brad T. Moyel</del> / Brad T. Moyel	15796 Bridger Canyon, Bozeman, MT. 59715
<del>Darryl N. Razzano</del> / DARRYL N. RAZZANO	191 WEDELEN DRIVE BOZEMAN MT 59715
<del>Dan Roberts</del> / Dan Roberts	15795 Bridge-Cyn. Rd. Bozeman 59715
<del>Rosemarie Salazar</del> / Rosemarie Salazar	P.O. Box 4633 Boz. MT 59712
<del>Linda Mann</del> / Linda Mann	P.O. 3094 Bozeman 59712
<del>Skip Knapp</del> SKIP KNAPP	13200 Skunk Creek Rd, Bozeman MT 59715
<del>Teri Kjellsen</del> Teri Kjellsen	100 Lower Rainbow Rd #2, Bozeman

EXHIBIT 5  
 DATE 3-9-89  
 HB SB 202

8 of 9

We, the employees of Bridger Bowl are strongly opposed to Bill # 202. We recommend the bill not be passed for reasons of: financial stress on employees, and lack of compensation for work done beyond the call of duty. Forty hours is normal work load in the other 49 states.

sign & print name	address
Kelly Irvine Kelly Irvine	707 N. Wallace Bozeman MT 597
Monica Stenzhorn Monica Stenzhorn	410 N. Brady Bozeman MT 59711
Susan Johnson Susan Johnson	Box 127 Clyde Park, MT 5901
Debbie Raynor Debbie Raynor	316 Lindley Pl. Bozeman MT
JOHN B. Carroll	407 S BRACK BOZEMAN MT
Myrtice Frederick	812 So. 8th Ave. Bozeman MT
David W. Hueston	217 West Koch #201
Christine Wirtman	Box 722 Bozeman MT
Doug Chabot - Doug Chabot	P.O. Box 6154 Bozeman MT
Gina Gillette Gina GILLETTE	P.O. Box 6361 BOZEMAN, MT
Mary Schuch	15233 BRACKET CR RD, BOZEMAN, MT
Cary J. Hamblen	P.O. Box 5246 Bozeman MT 59717-5
NANCY E. DYER - Nancy E. Dyer	116 W. MAIN #10 BOZEMAN, MT
Paul Clements - PAUL CLEMENTS	Box 442 BOZEMAN, MT 59711
Dan Santos - Dan Santos	1621 W. College, #33 Bozeman, MT
Mary Jane Fay Mary Jane Fay	34297 Frontage Rd. Bozeman, MT 59715
Paul Nussbaum Paul Nussbaum	1763 Moffitt Gulch Rd. Bozeman
BORNTON BECKWITH Bornton Beckwith	611 H. GRAND BOZEMAN
TODD R. BURKE Todd R. Burke	504 S 22
Paul FEDERSPIEL Paul Federspiel	702 W. BARCOCK BOZEMAN,
Ryan Stover	610 North Grams Bozeman
Thatt Honey	302 Yenger Br. Bozeman
OK Isaac	1412 So Bozeman

5

3-9-89

9079

9079

18



(Madam Chairperson  
(members of the committee

Name: Kelly Irvine Fradham  
Home town: Bozeman  
Occupation: Food Service Employee

HB 50202  
1995

My name is Kelly Irvine Fradham,  
an employee of the Bridger Bowl food  
service. I feel the need to expose  
the unfairness of bill #202. Bill #  
202 blatantly discriminates against <sup>seasonal</sup> employees.  
A large segment of the Montana workforce.  
A segment already discriminated against  
by employers who do not provide any  
benefits of insurances, or vacation time.

Apparently discrimination is no longer  
an ugly word. Proponents of this bill  
must agree, if they support such a  
bill that denies seasonal workers  
overtime. (PAUSE) That's seasonal  
workers performing the same work as  
their nonseasonal counterparts.

After my initial anger of this injustice  
subsided, I questioned why such a  
bill ~~that~~ would be proposed. It  
became evident that this bill is the  
quick solution, the bandaid, to  
the problem of labor cost. Bill #  
202 is proposed by those wanting to  
make a quick buck off the rights of  
the working class.

The fact that this bill has already passed  
the senate makes it painfully clear  
who the legislators of this state are  
representing — and it's not the working  
class.

(5)

EXHIBIT 6  
DATE 3-9-89  
HB 38202

With this bill enforced, I would be at the mercy of an employer. 515

I am here representing my co-workers and their families. I am here to testify to the value we place on our time - ~~the time~~ we spend with families & friends.

I am not here for myself as I must leave Montana this summer to find work in my field.

I am here for the future working class. Hopefully they will receive the benefits they earn and deserve.

(2)

DATE 3-9-89  
HB SB 202  
2015

The working class in this state is having a tougher time than ever getting by. **A** Two income families are the rule rather than the exception. It's <sup>nearly</sup> impossible to get by on 2 minimum wage incomes. ~~The minimum wage has not kept up with inflation. Now our state government has plans to take over our overtime pay. If government~~

If government feels no interest or desire to defend the rights of labor - that's one thing. But when government uses it's power to pass legislation against the right of the working class citizen to earn a fair wage - then it becomes painfully obvious that government is happier in bed with buisness, and that's a sad statement.

Proponents of bill # 202 have forgotten their employees are human, people with families. If we must work over 40 hours a week we sacrifice our personal lives. We are willing to do this if we are fairly compensated. They have overlooked the stress experienced that would be experienced in working a 56 hour work week. They have forgotten that the workers good morale is reflected in satisfied customers. And satisfied customers are the ones who will return.

I am here for the future working  
class. Hopefully they receive the  
benefits they earn and deserve.

DATE 3-9-89

HB 58202

3015

(5)  
I came here to remind them that we are ~~intelligent peop~~ Montanans trying to eek out a living. At \$4.00 an hour it's a wonder they have the nerve to take away our overtime. One of my co-workers has five children, One is a single mother of one with no other income. Our average income is \$124.00 a week that's approx. 500.00 a month. Try to feed a family and pay bills with that. This bill is demeaning not to mention a slap in the face to the seasonal workers of MT.

~~For one summer season I wa~~  
~~I worked in forced labor over the~~  
~~normal 40 hour work load for one~~  
I worked a summer in the state of S.D at MT Rushmore. Federal laws allows the concessinaire to work their employees 48 hours w/o overtime. 48 hours was exactly ~~at~~ the hours we worked no more, no less. 6 days a week 8 hours a day.

HB 513 20-2  
4 of 5

This experience proved to me beyond any doubt that employee morale is integral for the success of tourist related industry. Long hours with no overtime wages resulted in; low self esteem in employees, and hard feelings between staff and management. What I witnessed there were indifferent clerks and storewide theft.

We were not appreciated and there was no incentive to go beyond ordinary courtesy with customers.

My point here is this bill gives employers ~~the~~ free license to abuse the seasonal worker. At MT. Rushmore a 48 hour week meant 6 days a week, 8 hours a day. Will a 56 hour work week mean 7 days a week, 8 hours a day?? I think we know the answer to that.

(Pause)

I grew up in this state and I would like to remain here. To do this I must take jobs paying minimum wage. It's not that I'm not otherwise qualified. I spent five years in the Montana University system and obtain 2 bachelors degrees. STILL, I must take jobs that give no benefits. ~~Except for a ski pass that about 1/2 of the employees never use. I must take what I can get to survive.~~

(5)

DATE 3-9-89

HB 38202

515

With this bill enforced, I would be at the mercy of an employer.

I am here representing my co-workers and their families. I am here to testify to the value we place on our time - the time we spend with families & friends.

I am not here for myself as I must leave Montana this summer to find work in my field.

I am here for the future working class. Hopefully they will receive the benefits they earn and deserve.

WITNESS STATEMENT

NAME Scott Gill BILL NO. 202

ADDRESS 429 N Black

WHOM DO YOU REPRESENT? Bridger Bowl Ski Area employees

SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

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

This bill represents <sup>a form of</sup> class discrimination. I work between ~~48~~ 45-55 hrs a week, as a ski patrolman responsible for safety of skiing public i.e. Avalanche (explosive) control, medical assistance and search and rescue. I feel 40 hrs is a ~~reasonable~~ <sup>safe</sup> solid number of hours to work anything after that I am sacrificing my quality of life. I am accepting a compensation to work over 40 hrs in the form of time and 1/2. We are professionals with <sup>an average of</sup> ~~2~~ <sup>between</sup> 8-10 years of experience for each patrolman. ~~but~~ The safety of our work will be effected if this bill passes due to loss of morale, loss of one of the only benefits we receive (overtime) <sup>and potential for 36hrs</sup>. As professionals there would be no incentive to work more than 40hrs, ~~there~~ there would be a quality loss ~~of~~ in employees, willing to do a good job and cause a rapid loss of returning employees.

This bill represents a method for business to decrease costs at the expense of the Montana employee

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Lived in Montana 7 years



WITNESS STATEMENT

NAME Shelby Kuenning BILL NO. Senate Bill #202  
ADDRESS P.O. Box 401, Big Sky, MT 59716  
WHOM DO YOU REPRESENT? Employees of Big Sky of Montana  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

COMMENTS: As implied or stated in other testimony  
before this committee, employee morale and job  
performance will most likely be affected adversely  
if this bill passes. This will, in turn, result in  
a deteriorated quality of service to customers  
which will ~~be~~ cause a long term loss of revenue  
to both the industry and hence to the state, as  
well as ~~a resultant~~ a resultant retardation of future  
developments. (People do not return to places which  
offer poor ~~service~~ or inadequate services, they  
instead seek what they desire elsewhere, probably  
in Colorado or Utah, in the case of the ski industry.)  
I have consulted several supervisors at  
Big Sky (lifts, ski patrol, house keeping) and one private  
business owner, and they all feel this <sup>bill</sup> would be  
detrimental to the performance of their particular  
services. Most employees are overworked now and  
this bill would remove a major incentive for them  
to continue working. I feel that since Big Sky  
is one of the largest employers in the state, and  
for the reasons given above, this bill should be rejected.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DATE 3-9-89

HB #202, SB 202

p91051

WE, THE UNDERSIGNED, OPPOSE PASSAGE OF SENATE BILL ENTITLED "THE AMUSEMENT AND RECREATION BILL" AND SPONSORED BY SENATOR GENE THAYER OF GREAT FALLS. WE FEEL THAT RAISING THE CEILING ON OVERTIME PAY TO 56 HOURS WOULD SERIOUSLY HAMPER OUR INCOME IN OUR RECREATION RELATED CAPACITIES.

NAME	ADDRESS	PHONE #
1. Nyla Swenson	Box 501 Big Sky MT	Housekeeping
2. Bob Alvarado	Box 1 - 41/2 Big Sky MT	Housekeeping
3. Bob Alvarado	Box 501 Big Sky MT	HOUSEKEEPING.
4. Gary Van Lan	box 1 big sky mt	Laundry
5. Roger Bowell	Box 1 Big Sky MT	Laundry
6. Bob Fleming	Box 1 Big Sky MT	Housekeeping
7. John Mitchell	C/O Henry Lodge	Laundry
8. Tonda Harrison	Box 83 Gallatin Gateway	Housekeeping
9. Lisa Monahan	Box 201 Big Sky MT	Housekeeping
10. Marlene Misgrau		
11. William C. ...	Box 93 Brownish Mt. 947	Housekeeping are you kidding
12. Cheryl Miller	Box 1 Big Sky	Housekeeping (have yagers)
13. Martin Fletcher	191 Farm to Market Rd.	Housekeeping
14. Terry Spease	Box 484 Big Sky	Housekeeping
15. Jerry Spease	515 Verde rd. Half Moon Bay CA	Housekeeping
16. ...	816 1/2 Forest at Butte MT	Housekeeping
17. Edward R. Smith	Box 1 Big Sky MT	Laundry
18. Wanda R. Emergy		
19. Robert Chamberlain	Box 1 Big Sky	Housekeeping
20. Camille Elstrom	407 - 1st Ave NE CARLETON ND 58540	HOUSEKEEPING
21. Adam Martinez	Box 1 Big Sky	Housekeeping
22. Sam ...	Box 1 Big Sky	Housekeeping
23. C. Glynnis Fox	Box 1 Big Sky	Housekeeping
24. Stephen Belcher	Box 1 Big Sky MT	Housekeeping
25. Jeff Perry	Box 1 Big Sky MT	Housekeeping
26. Walter VanDer	Box 1 Big Sky MT	Housekeeping
27. John ...	Box 1 Big Sky	Housekeeping
28. ...		
29. ...	Box 1 Big Sky	Housekeeping
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WE, THE UNDERSIGNED, OPPOSE PASSAGE OF SENATE BILL #202,  
ENTITLED "THE AMUSEMENT AND RECREATION BILL" AND SPONSORED  
BY SENATOR GENE THAYER OF GREAT FALLS. WE FEEL THAT RAISING  
THE CEILING ON OVERTIME PAY TO 56 HOURS WOULD SERIOUSLY  
HAMPER OUR INCOME IN OUR RECREATION RELATED CAPACITIES.

NAME	ADDRESS	PHONE #
1. <u>Troy Lashbrook</u>	<u>Big Sky</u>	<u>995-4074</u>
2. <u>Ann Hughes</u>	<u>Big Sky</u>	<u>995-2265</u>
3. <u>Brent Busey</u>	<u>Big Sky</u>	<u>995-4032</u>
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EXHIBIT 9  
 DATE 3-9-89  
SB202  
3084

WE, THE UNDERSIGNED, OPPOSE PASSAGE OF SENATE BILL #202B ENTITLED "THE AMUSEMENT AND RECREATION BILL" AND SPONSORED BY SENATOR GENE THAYER OF GREAT FALLS. WE FEEL THAT RAISING THE CEILING ON OVERTIME PAY TO 56 HOURS WOULD SERIOUSLY HAMPER OUR INCOME IN OUR RECREATION RELATED CAPACITIES.

NAME	ADDRESS	PHONE #
1. Nathan Anderson	65 Pier Ln. Gallatin Gate	763-4460
2. <del>Haughtt, Peter</del>	Box 452 Big Sky MT	995-4079
3. <del>John J. Shurt</del>	PO Box 1 Big Sky MT	995-4217
4. Karl Conner	Box 1 Big Sky MT	995-4211 ext 2465
5. <del>Ken Don</del>	" "	995-4218
6. Tim Tyndal	PO-Box 1 Big Sky MT	995-2902
7. <del>Ross R. R. R.</del>	23 HUNTER WHITEHALL MT	
8. Chancey Johnson	157 Glacier Condo	995-2292
9. <del>Cherie Talbot</del>	3324 N Bobcock <sup>BOZEMAN</sup> MT	587-3956
10. Barry Spencer	PO Box 1 Big Sky MT	
11. Chris Bush	223 S 16th Apt	6-4649
12. <del>John J. Shurt</del>	Box 1 Big Sky MT	
13. Mrs. Norman	418 Marshall Dr. Pgh, Pa. 152	412 (751-1786)
14. Mark A. B. L.	PO Box 1 Big Sky MT	
15. <del>John J. Shurt</del>	P.O. Box 1 Big Sky MT	
16. <del>John J. Shurt</del>	P.O. Box Big Sky MT	
17. Todd Edward Adkins	P.O. Box 1 Big Sky MT	995-2130
18. <del>John J. Shurt</del>	PO Box 506 Big Sky MT	995-2190
19. <del>John J. Shurt</del>	P.O. Box 321 Gateway MT	763-4539
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WE, THE UNDERSIGNED, OPPOSE PASSAGE OF SENATE BILL #202B ENTITLED "THE AMUSEMENT AND RECREATION BILL" AND SPONSORED BY SENATOR GENE THAYER OF GREAT FALLS. WE FEEL THAT RAISING THE CEILING ON OVERTIME PAY TO 56 HOURS WOULD SERIOUSLY HAMPER OUR INCOME IN OUR RECREATION RELATED CAPACITIES.

NAME	ADDRESS	PHONE #
1. <u>Michael J. Pige</u>	<u>Box 474 Big Sky, MT 59716</u>	<u>995-4388</u>
2. <u>Bill Moore</u>	<u>Gau Del Big Sky MT 59716</u>	<u>995-4211 ext. 2174</u>
3. <u>Don Blackstone</u>	<u>Box 413 Big Sky MT 59716</u>	<u>995-4820</u>
4. <u>Harold W. Sample</u>	<u>P.O. Box 221 Big Sky MT 59716</u>	<u>995-4388</u>
5. <u>Tom Anderson</u>	<u>39 SUNDANCE TR BOZEMAN MT 59717</u>	<u>586 2426</u>
6. <u>Jon Veland</u>	<u>Box 31 Big Sky MT</u>	<u>995-4492</u>
7. <u>Robert J. -</u>	<u>P.O. 525 Big Sky MT</u>	<u>995-4959</u>
8. <u>Shelley Thompson</u>	<u>P.O. Box 401, Big Sky</u>	<u>995-2265</u>
9. <u>Edna Anderson</u>	<u>Box 31 Big Sky</u>	<u>995-4492</u>
10. <u>Jim Huff</u>	<u>Gau Del Big Sky MT 59716</u>	<u>---</u>
11. <u>Sean T. Moosa</u>	<u>P.O. 201 Big Sky MT 59716</u>	<u>995-4315</u>
12. <u>Tim Coulter</u>	<u>Box 267 Big Sky MT 59716</u>	<u>995-2271</u>
13. <u>Wayne Thomas</u>	<u>Box 267, Big Sky, MT 59716</u>	<u>995-2271</u>
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WITNESS STATEMENT

NAME MICHAEL FRADIANNI BILL NO. SB 202

ADDRESS 707 N. WALLACE, BOZEMAN MT

WHOM DO YOU REPRESENT? \_\_\_\_\_

SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

COMMENTS: IT SEEMS TO ME THAT THE PASSAGE OF THIS BILL  
WOULD BE A SLAP IN THE FACE OF MONTANA'S SEASONAL  
EMPLOYEES, NO SMALL SEGMENT OF THE VOTING PUBLIC. THE IDEA  
BEHIND THIS BILL IS A THROWBACK TO THE "SWEATSHOP"  
MENTALITY.

IN MY EXPERIENCE IN THE JOB FORCE, THERE ARE A  
GREAT DEAL OF EMPLOYERS WHO WOULD PAY THEIR EMPLOYEES  
NOTHING IF ONLY THEY COULD GET AWAY WITH IT. IF THIS BILL  
PASSED, WHERE WOULD THE LINE BE DRAWN TO PREVENT  
OTHER SEGMENTS OF THIS SOCIETY FROM BEING SACRIFICED  
TO BIG BUSINESS INTERESTS? IT WOULD SET A DANGEROUS  
PRECEDENT.

CURIOUSLY - A LOT EMPHASIS IS BEING PLACED LATELY ON  
JAPAN + THEIR MANAGEMENT-LABOR RELATIONS. WE SEEM TO  
ADMIRE THE WAY THE WORKERS<sup>ACTUALLY</sup> LIKE THEIR JOBS. JAPANESE  
GOVERNMENT SPONSORS COMMERCIALS ON T.V. TO URGE THEIR  
WORKERS TO USE THEIR VACATION DAYS. I AM SURE THIS  
IS A RESULT OF WORKERS FEELING SIGNIFICANT IN THEIR  
JOBS, AND NOT AS DISPOSABLE, REPLACEABLE DRONES.

WORKERS DESERVE RESPECT, AND WILL PERFORM THEIR JOBS  
BETTER IF THEY FEEL IMPORTANT - I.E. COMPENSATED FOR THEIR ~~TIME~~

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Monica Stenzhorn BILL NO. 202  
ADDRESS 410 No Brady Bozeman, MT 59715  
WHOM DO YOU REPRESENT? Bridger Bowl Ski Area  
SUPPORT                      OPPOSE ✓ AMEND                     

COMMENTS: As a present employee at Bridger Bowl Ski Resort I oppose bill #202. To make a living on minimum wage (currently \$3<sup>35</sup>) in a 2-man household is nearly impossible. Bills to pay, doctor bills because you have insufficient insurance coverage because it is a seasonal<sup>job</sup> leaves one barely with enough money to put food on the table. The list goes on... Now, to take our<sup>over</sup> hour-time pay (minimal at that) is unheard of! To a seasonal employee this takes away self-esteem, and ~~what~~ the means to survive in our unstable world. Isn't it friendliness, the will to work, education and experience of seasonal workers to even keep our parks, and resort areas open. If you take it "all" away that leaves tourism out of business hurting only the State. ~~what~~

I speak for my fellow co-workers who honor and ~~the~~ respect ~~the~~ families and friends and the time to spend with them. How will that continue if 96 hour work weeks pass, isn't that 7-days a week 8-hours a day, No time for stress release and a bit of enjoyment.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

AND

- LET'S LOOK AT EXAMPLE OF BRIDGEE'S PRO PATEOL  
EXHIBIT 12  
DATE 3-9-89  
PAY SB202  
p91 of 2
- NO BENEFITS ALREADY
  - FAMILIES
  - HOUSE PAYMENTS
  - CAREER PATROLMEN WHO RELY ON OVERTIME TO MAKE THEIR JOBS FEASIBLE
  - RESPONSIBLE FOR SAFETY OF THE PUBLIC IN 3RD MOST PRONE AVALANCHE AREAS IN THE COUNTRY
  - SPECIAL, TECHNICAL KNOWLEDGE IS REQUIRED
  - IN THE EVENT ZOZ PASSES THESE PEOPLE WILL HAVE TO SEEK ALTERNATE EMPLOYMENT OR RISK ~~THE~~ MAINTAINING THEIR LIFESTYLES
  - THIS WILL JEOPARDIZE PUBLIC SAFETY AS NEW PEOPLE ARE HIRED FOR THESE POSITIONS WHO LACK A FULL UNDERSTANDING OF DANGERS SPECIFIC TO THE TERRAIN AND SNOW CONDITIONS OF BRIDGEE BOWL.

~~PAT~~

(I AM A LIFT OPERATOR

BY ELIMINATING OVERTIME PAY FOR HOURS WORKED BETWEEN 40-56 IT IS ~~BE~~ PROBABLE THAT WORKERS SUCH AS MYSELF (I AM A LIFT OPERATOR AT BRIDGEE BOWL SKI AREA) WOULD BE REQUIRED TO WORK MORE HRS EACH WORK WEEK. MORE HRS. / EMPLOYEE MEANS LESS ~~EMP~~ ~~JOBS~~ PEOPLE WILL BE EMPLOYED. THIS IS BENEFICIAL TO EMPLOYERS IN CUTTING LABOR TRAINING COSTS, ETC. BUT INCREASES STATE WIDE UNEMPLOYMENT,



OPPOSED TO BILL <sup>SENATE BILL</sup> 202 FOR FOLLOWING REASONS 2 of 2

- AS THIS BILL AFFECTS ALL SEASONAL EMPLOYEES IN MONTANA IT AFFECTS A HIGH PERCENTAGE OF THE WORKERS IN THIS STATE
- FARM LABORERS
- RECREATIONAL WORKERS (SKI AREA EMPLOYEES, SUMMER RESORT SERVICES, ETC.)
-

DIVISION TESTIMONY  
SB 218

EXHIBIT 13  
DATE 3-9-89  
HB SB 218

Waiver of Filing Time--Equitable Estoppel--Latent Injury


Under current law, the Division can only waive the 12 month time for filing a claim if the claimant can demonstrate a reasonable lack of knowledge of the disability. It should allow the Division to consider cases where the disability is not immediately apparent or where the claimant has been prevented for some reason from filing a claim.

SB 218 gives the Division the authority to consider the possibilities of latent injury or equitable estoppel, thus relieving the injured worker from having to make these arguments only to the Workers' Compensation Court.

The Division believes this amendment is necessary in order to decrease the lag time a claimant may encounter when a waiver of the filing time is requested.

This section of law only affects the filing of a claim. It is still up to the insurer to accept or deny liability.

We ask that you pass a concur recommendation.

  
WILLIAM R. PALMER  
Interim Administrator  
3/9/89

DEPARTMENT OF LABOR & INDUSTRY  
DIVISION OF WORKERS' COMPENSATION

TED SCHWINDEN, GOVERNOR

MARGARET "PEG" CONDON BLDG.  
5 SO. LAST CHANCE GULCH

STATE OF MONTANA

HELENA, MONTANA 59601

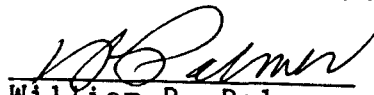
DIVISION TESTIMONY  
SB 278Create a SELF-INSURERS Guarantee Fund

This legislation will establish a means by which Plan I self insurers will bind themselves in order to guarantee payment to injured workers in the event a Fund member is unable to meet its workers' compensation obligations.

This bill is not a substitute for current law governing self insurers. Only those employers who meet the current financial requirements are allowed to self insure. Hopefully, there will never be a need to use the Fund. However, as we have seen, self insurers occasionally become insolvent and unable to meet their workers' compensation obligations.

The provisions of this bill generally meet the model legislation provisions to establish a guarantee fund by the National Council of Self-Insurers and the International Association of Industrial Accident Boards & Commissions.

The Division and Department of Labor support his bill.

  
William R. Palmer  
Interim Administrator  
Division of Workers' Compensation  
2/14/89

3/9/89

HOUSE LABOR & EMPLOYMENT RELATIONS COMMITTEE

DATE 3/9/89

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

## HOUSE LABOR &amp; EMPLOYMENT RELATIONS COMMITTEE

BILL NO. SB 202

DATE 3/9/89

SPONSOR Thayer

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Dick Blum	501 So. 3 <sup>rd</sup> , Bozeman, MT.		X
Jay Phillips	Box 4045 Bozeman, MT		X
Paul Brock	1920 S. ROUSE BOZ MT		X
SHEREEN BROCK	1920 S. ROUSE BOZ, MT		X
Peter Pitcher	505 Hickory Unadoma MT	X	
Gerald M. Solberg	SHOEDOWN ST. AREA HC83 Box 6341 Martinsdale	X	
Pat Melby	Helena, MT 59601	X	
Benny Benhart	Bozeman		X
Shelby Kuening	Box 401, Big Sky, MT		X
Scott Gill	429 N Black Bozeman, MT		X
MICHAEL FRADIANNI	707 N. WALLACE BOZEMAN		X
Kelly Irvine-Fradianni	707 W. Wallace Bozeman		X
Monica Stenzhorn	410 No. Brady Ben, MT		X
Lehard Huestis	217 West Rock 1320 TH		X
L. DENE BRANDT	3421 Airport Rd. Belgrat		X
VELMA McMEEKIN	425E. COTTONWOOD, BOZEMAN		X
Terry Abelts	1612 W. Olive Bozeman	X	
Nadreen Senger	A FSC ME		X
Bob Heiser	UFCW		X

Kevin Taylor  
IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

BRIAN STEVENSON  
CLARENCE SEARS  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. 59715

Eugene Fenderson.

CS-Jim Murry

3rd State Bldg Teacher  
Adm.  
mont. AFL-CIO

X  
IX

## VISITORS' REGISTER

## HOUSE LABOR &amp; EMPLOYMENT RELATIONS COMMITTEE

BILL NO. SB 276DATE 3/9/89SPONSOR Blaylock

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bob Jensen	Dept. of Labor and Industry	X	
Eugen Fendler	MT State Bldg Trade	X	
<del>William A. Smith</del>	<del>Mont. State At-Large</del>		
JIM TUTWILER	MT CHAMBER COM	X	
Jim Murray	Mont. State At-Large	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEEBILL NO. SB 278DATE 3/9/89SPONSOR Thayer

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Bill Palmer</i>	<i>Air Work Comp</i>	✓	
<i>Michael Sherwood</i>	<i>MTLR</i>	✓	
<i>George Wood</i>	<i>Int. Self Insur. Assoc.</i>	✓	
<i>Jacqueline Gerrell</i>	<i>Am. Ins. Assoc.</i>	✓ w/amdt	
<i>John Murry</i>	<i>Mont. AFL-CIO</i>	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.