

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Senator Richard Manning, on January 17, 1991,
at 1:05 p.m.

ROLL CALL

Members Present:

Richard Manning, Chairman (D)
Thomas Towe, Vice Chairman (D)
Gary Aklestad (R)
Gerry Devlin (R)
Thomas Keating (R)
J.D. Lynch (D)
Dennis Nathe (R)
Bob Pipinich (D)

Members Excused: Chet Blaylock (D), Thomas Towe, Vice Chairman (D), temporarily excused, Gerry Devlin (R), temporarily excused.

Staff Present: Tom Gomez (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: NONE.

EXECUTIVE ACTION ON SENATE BILL 28

Motion:

Senator Aklestad moved to reconsider action on Senate Bill 28 from January 15, 1991.

Discussion:

NONE.

Amendments, Discussion, and Votes:

Motion CARRIED. Roll Call Vote was seven YEA, one NO.

Motion:

Senator Aklestad moved to strike Section 4 and Section 5.

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

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Discussion:

NONE.

Amendments, Discussion, and Votes:

Motion CARRIED.

Motion:

Senator Aklestad moved a DO PASS as amended on Senate Bill 28.

Discussion:

Senator Aklestad asked Mr. Micone to clarify if an applicant applies to be self-insured, for the most part are they already with the state fund. Mr. Micone said that there are instances in which they would be with private carriers.

Recommendation and Vote:

DO PASS as amended. Voice Vote seven, YEA; one, NO.

ADJOURNMENT

Adjournment At: 1:30 p.m. with rescheduling of Senate Bill 74 and Senate Bill 75 for Thursday, January 24, 1991, at 1:00 p.m.


RICHARD E. MANNING, Chairman


LINDA CASEY, Secretary

REM/llc

ROLL CALL

SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

DATE 11/17/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR AKLESTAD	P		
SENATOR BLAYLOCK			E
SENATOR DEVLIN	P 1:05p		temp
SENATOR KEATING	P		
SENATOR LYNCH	P		
SENATOR MANNING	P		
SENATOR NATHE	P		
SENATOR PIPINICH	P		
SENATOR TOWE			Temp

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
January 17, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 28 (first reading copy white), respectfully report that Senate Bill No. 28 be amended and as so amended do pass:

1. Title, line 5.

Strike: "STATE COMPENSATION MUTUAL INSURANCE"

Insert: "MONTANA SELF-INSURERS GUARANTY"

2. Title, line 10.

Strike: "39-71-2105, 39-71-2106,"

3. Title, line 11.

Strike: "39-71-2619"

Insert: "39-71-2611"

4. Page 1, lines 18 and 19.

Page 2, line 7.

Page 3, line 11.

Page 6, lines 9 and 10.

Strike: "state compensation mutual insurance"

Insert: "Montana self-insurers guaranty"

5. Page 1, line 24.

Page 2, line 10.

Strike: "state"

Insert: "guaranty"

6. Page 3, line 13 through page 6, line 3.

Strike: sections 4 and 5 in their entirety

Renumber: subsequent sections

7. Page 7, lines 6 through 18.

Strike: "(3)" on line 6 through "self-insurer" on line 18

Insert: "Section 6. Section 39-71-2611, HCA, is amended to read:

"39-71-2611. Duties, liabilities, and rights of fund. (1)

The fund shall assume the workers' compensation obligations of a private self-insurer that come due after the private self-insurer has been determined to be an insolvent self-insurer.

(2) The fund is not liable for the payment of any penalties or interest assessed for any act or omission of a person acting on behalf of the fund.

(3) The fund is a party in interest in all proceedings involving workers' compensation claims against an insolvent private self-insurer whose workers' compensation obligations have been paid or assumed by the fund. The fund has the same rights and defenses as the insolvent private self-insurer, including but not limited to all of the following:

(a) to appear and deny, defend, and appeal a claim; and

(b) to receive notice of, investigate, adjust, compromise, settle, and pay a claim.

(4) The fund shall concur in department decisions relating to allowing an employer to self-insure."

Signed: _____
Richard E. Manning, Chairman

191 1-17-91 4:04pm
And. Coord.

SB 1-17-91 4:05
Sec. of Senate

DATE: _____
Senate Labor

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 1/17/91 Senate Bill No. 28 Time 1:05pm

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK	EXCUSED	
SENATOR DEVLIN	X	
SENATOR KEATING	X	
SENATOR LYNCH		X
SENATOR MANNING	X	
SENATOR NATHE	X	
SENATOR PIPINICH	X	
SENATOR TOWE	X	

Linda Casuy Sen Richard E. Manning
Secretary Chairman

Motion: To Reconsider Action Taken on
SB 28 on Jan 15, 1991.

Tom Towe SB 28

Yes No reconsider SB28

Yes No strike 4+5

Yes do play as amended.

on a No Pass
motion on SB28
yes as amended
4+5
Sen Devlin

Reconsider SB28
yes
Sen Devlin