

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Vice Chairman Pipinich, on January 29, 1991,
at 10:00 A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senators Bernie Swift and Harry Fritz

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion: Senator Vaughn is sponsoring a bill in
another committee and will return as soon as possible.

HEARING ON SENATE BILL 192

Presentation and Opening Statement by Sponsor:

Senator Bill Farrell, Senate District 31, Missoula, gave committee members a copy of the fiscal note for Senate Bill 192. In 1989 the retired highway patrolmen asked to be included in the state retirement fund for medicaid coverage. All the proponents produced a bill that put 25 cents on vehicle registration to fund that proposal. The bill was enacted and the people who might qualify for the benefits were notified. No applicants have come forward in the 2 years. The Retirement Board sees nobody eligible to receive these benefits. At the time this was enacted they thought there was 11 or 12 widows that didn't have Social Security credits big enough to cover their Medicaid payments and they would have to pay it themselves. No one has asked for those benefits. During the first year there was \$284,000 collected from vehicle registration fees. Not one cent has been paid out. This bill will repeal that legislation on July 1, 1991, although the Retirement Board will cover anyone who applies before July 1, 1991. The Board would refund the rest of the monies back to the general fund. Between \$350,000 and \$400,000 will go back to the

general fund of monies that have been collected and not used.

Proponents' Testimony:

Linda King, Assistant Administrator of the Public Employees' Retirement Division, supports Senate Bill 192 and requests approval of this legislation. She submitted written testimony. (Exhibit 1)

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock asked if they will inform everyone that they can still apply and if they don't the program will end? Linda King responded they would make another mailing after this legislation is enacted.

Chairman Pipinich asked if they had talked to the Highway Patrol, particularly those from the Kalispell, Polson area? Linda King responded that they were sent applications and they did not return them. They are aware that the Board is asking for this repeal because no one eligible has applied.

Closing by Sponsor:

Senator Farrell said this was a good faith effort to try to help those people. A Captain of the Highway Patrol, who was the former sheriff, and a retiree from the Highway Patrol were the persons spearheading the effort. We can reduce the vehicle registration fee by 25 cents.

EXECUTIVE ACTION ON SENATE BILL 192

Motion:

Senator Blaylock MOVED to DO PASS SENATE BILL 192.

Discussion:

None

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of passing Senate Bill 192.

EXECUTIVE ACTION ON SENATE BILL 76

Motion:

Senator Burnett made a MOTION to DO NOT PASS SENATE BILL 76.

Discussion:

Senator Burnett believes this bill is adding more bureaucracy and suggests that this task could be assigned to the Lieutenant Governor. He plans to oppose any increase in bureaucracy.

Senator Blaylock asked what purpose is this bill? Senator Pipinich said this would start a new agency with a Coordinator of Ethnic Affairs at its head. This is patterned after the Coordinator of Indian Affairs.

Senator Hockett said there's between 45 or 50 thousand Indians in Montana and less than 2,000 other minorities. Senator Farrell felt they could add a person in the Coordinator of Indian Affairs office more economically than starting a whole office.

Committee members discussed the different government services that are available to people who need help finding jobs, getting training, and finding homes, etc. Senator Blaylock asked if these people are being discriminated against? Senator Burnett responded that they have trouble fitting into the society.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The VOTE was UNANIMOUS to DO NOT PASS SENATE BILL 76.

EXECUTIVE ACTION ON SENATE BILL 149Motion:

Senator Farrell made a MOTION that SENATE BILL 149 DO NOT PASS.

Discussion:

Chairman Pipinich asked David Niss if he talked to Bob Lane of Fish, Wildlife and Parks as to whether they had worked with Mr. Tom Schneider about their differences with the legislation? After discussion he felt both sides were far apart on agreement.

Recommendation and Vote:

The VOTE was UNANIMOUS to DO NOT PASS SENATE BILL 149.

Vice Chairman Pipinich returned the gavel to Senator Vaughn to finish chairing the meeting.

EXECUTIVE ACTION ON SENATE BILL 156

Motion:

Chairperson Vaughn said that Senate Bill 156 is legislation surrounding referendums and initiatives. Nancy Harte brought in a compromise amendment on the amount of time to have the signatures verified for a legal referendum. It will still allow Clerk and Recorders 4 weeks to verify signatures. They took 1 week off the initiative collector's side and a week off the Secretary of State's side. Senator Hockett MOVED to adopt the AMENDMENTS. (Exhibit 2)

Discussion:

Senator Pipinich asked should this read Attorney General "may" or "shall"? Nancy Harte thought the A. G. wanted the "may" left in.

Amendments, Discussion, and Votes:

The VOTE on the AMENDMENTS presented in exhibit 2 was UNANIMOUS IN FAVOR OF ADOPTION.

Senator Blaylock said it is almost impossible to get both sides together and that's why they want that left discretionary. The committee feels that if necessary the Attorney General will do it.

Attorney Niss presented the amendment that had been prepared at the suggestion of the Secretary of State. (Exhibit 3) Senator Pipinich MOVED to accept the AMENDMENTS presented in exhibit 3. Senator Blaylock moved to AMEND the AMENDMENT after the word "state" on the first line to delete the word "may" and add "shall upon request".

Would the word "may" enable the Secretary of State to not give the sample petition form? Nancy Harte responded that the petitioner doesn't have to use their form, just that one is available if they so desire.

The VOTE on the motion to AMEND the AMENDMENT to say the "Secretary of State shall upon request provide..." was UNANIMOUS. The VOTE on Senator Pipinich's motion to accept the AMENDMENTS AS AMENDED page 9, line 18 as outlined in exhibit 3 was UNANIMOUS.

Recommendation and Vote:

Senator Blaylock MOVED SENATE BILL 156 DO PASS AS AMENDED. The VOTE was UNANIMOUS to pass S. B. 156 as amended.

EXECUTIVE ACTION ON SENATE BILL 157

Discussion:

Chairperson Vaughn said Senate Bill 157 is legislation

SENATE STATE ADMINISTRATION COMMITTEE

January 29, 1991

Page 5 of 5

updating the election laws. One thing this will do is eliminate the pollbooks, which cost \$2.00 each and an extra judge to complete them. Now the numbering machine puts the number of the ballot next to the name of the person when they come in, then there would be a certificate at the back of the register to indicate the number who had voted. If there are paper ballots, you must have the pollbook. This eliminates the confusion in absentee balloting, also. If the county has voting machines, they don't need to provide paper ballots.

Amendments, Discussion, and Votes:

Senator Rea remembered the amendments that had been offered during the hearing. (Exhibit 4) Attorney Niss explained the amendment and that it clarifies exempting election judges from unemployment insurance coverage.

Senator Blaylock MOVED to ACCEPT THE AMENDMENT to SENATE BILL 157 as outlined in exhibit 4. The VOTE was UNANIMOUS in favor of the amendments to Senate Bill 157.

Attorney Niss presented another amendment about revising the laws relating to county water and sewer district elections and what to do with misplaced ballots. (Exhibit 5)

Senator Hockett MOVED to ACCEPT THE AMENDMENT to SENATE BILL 157 as outlined in exhibit 5. The VOTE on the AMENDMENT as outlined in exhibit 5 was UNANIMOUS.

Recommendation and Vote:


Senator Burnett MOVED to DO PASS AS AMENDED SENATE BILL 157. The VOTE was UNANIMOUS in favor of passing Senate Bill 157.

ADJOURNMENT

Adjournment At: 11:15



ELEANOR VAUGHN, Chairman



DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 1-29-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ			<i>excused</i>
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			<i>excused</i>

Each day attach to minutes.

DATE

January 29, 1991

COMMITTEE ON

State Administration

VISITORS' REGISTER

NAME

REPRESENTING

BILL #

Check One

Support Oppose

LINDA KING, Public Employees' Retirement Div

PERD / Board

B
192

✓

TESTIMONY

PUBLIC EMPLOYEES' RETIREMENT BOARD

Presented by Linda King, Asst Administrator
Public Employees' Retirement Division

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 1-27-91
BILL NO. SB192

On behalf of the Public Employees' Retirement Board, I am here today to ask you to end eligibility for a supplemental benefit in the Highway Patrol Retirement System for which no one has qualified and for which no qualified applicant is expected to apply. The Board further requests that the funding already collected and not needed be deposited into the State's General Fund and that the additional vehicle registration fee be reduced back to its former level prior to the time this benefit was enacted.

As you have already heard, the Legislature enacted the supplemental benefit to reimburse those highway patrol retirees (or their surviving spouses) who must self-pay Medicare Hospital Insurance. While virtually everyone in this country is eligible for this coverage, there are some without sufficient Social Security credits to have this coverage paid for them. Those few people must self-pay for this coverage.

Because Highway Patrol Officers in Montana are not covered by Social Security, it was argued that many had to self-pay this portion of Medicare. However, no documentation of the need was available.

After over 16 months since the benefit became available, no eligible retiree or spouse has applied to receive the benefit. The retirement division does not believe there will be an eligible applicant in the future. We do not believe that additional vehicle registration fees should be continue to be collected to fund a benefit no one will use. We do not believe we should continue to hold funds on deposit in our accounts which will not be needed to fund benefits in the Highway Patrol Officers' Retirement System.

It is both a pleasure and an obligation for the Board to make this request. Nothing is served, including the Highway Patrol Retirement System and its members, by collecting fees to fund a benefit that no one will ever need. The Board also expects that the approximately \$430,000 which will flow to the General Fund during FY 92 will be useful to the citizens of the state.

On behalf of the Public Employees' Retirement Board, we respectfully request your approval of this legislation.

SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 1-29-91

BILL NO. SB156

Amendments to SB 156

Amend page 9, Section 5, line 25

strike: 4

insert: 3

Add new section:

Section ____ . Section 13-27-104, MCA, is amended to read:

"13-27-104. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the ~~second~~ third Friday of the fourth month prior to the election at which they are to be voted upon by the people."

Amendments to Senate Bill No. 156
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
January 29, 19911. Page 9.

Following: line 18

Insert: "(6) The secretary of state ^{*shall upon request*} ~~may~~ provide the person submitting the petition with a sample petition form, including the text of the proposed measure, the statement of purpose, and the statements of implications, all as approved by the secretary of state and the attorney general. The petition may be circulated in the form of the sample prepared by the secretary of state."

Amendments to Senate Bill No. 157

First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss

January 29, 1991

1. Title, line 10.

Following: "TRUSTEES;"

Insert: "EXEMPTING ELECTION JUDGES FROM UNEMPLOYMENT INSURANCE
COVERAGE;"

2. Page 1, line 14.

Strike: "AND"

3. Page 1, line 15.

Following: the first comma

Insert: "AND 39-51-204,"

4. Page 8, line 2.

Following: the period

Insert: "Election judges are exempt from unemployment insurance
coverage for services performed pursuant to this chapter."

5. Page 21.

Following: line 19

Insert: "Section 1. Section 39-51-204, MCA, is amended to read:

"39-51-204. Exclusions from definition of employment. (1)

The term "employment" does not include:

(a) agricultural labor, except as provided in 39-51-203(8);

(b) domestic service in a private home, local college club,
or local chapter of a college fraternity or sorority, except as
provided in 39-51-203(9);(c) service performed as an officer or member of the crew
of a vessel on the navigable waters of the United States;(d) service performed by an individual in the employ of
that individual's son, daughter, or spouse and service performed
by a child under the age of 21 in the employ of the child's
father or mother;(e) service performed in the employ of any other state or
its political subdivisions or of the United States government or
of an instrumentality of any other state or states or their
political subdivisions or of the United States, except that

national banks organized under the national banking law shall not be entitled to exemption under this subsection and shall be subject to this chapter the same as state banks, provided that such service is excluded from employment as defined in the Federal Unemployment Tax Act by section 3306(c)(7) of that act;

(f) service with respect to which unemployment insurance is payable under an unemployment insurance system established by an act of congress, provided that the department must enter into agreements with the proper agencies under such act of congress, which agreements shall become effective in the manner prescribed in the Montana Administrative Procedure Act for the adoption of rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment insurance under such act of congress or who have, after acquiring potential rights to unemployment insurance under such act of congress, acquired rights to benefits under this chapter;

(g) services performed in the delivery and distribution of newspapers or shopping news from house to house and business establishments by an individual under the age of 18 years, but not including the delivery or distribution to any point or points for subsequent delivery or distribution;

(h) services performed by real estate, securities, and insurance salespeople paid solely by commissions and without guarantee of minimum earnings;

(i) service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university or by the spouse of such a student if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university and such employment will not be covered by any program of unemployment insurance;

(j) service performed by an individual who is enrolled at a nonprofit or public educational institution, which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program taken for credit at such institution which combines academic instruction with work experience if such service is an integral part of such program and such institution has so certified to the employer, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(k) service performed in the employ of a hospital if such service is performed by a patient of the hospital;

(l) services performed by a cosmetologist who is licensed under Title 37, chapter 31, or a barber who is licensed under Title 37, chapter 30, and who has acknowledged in writing that he is not covered by unemployment insurance and workers' compensation and who contracts with a cosmetological establishment as defined in 37-31-101 or a barbershop as defined in 37-30-101, which contract shall show the cosmetologist or

barber is free from all control and direction of the owner in the contract and in fact; receives payment for services from his or her individual clientele; leases, rents, or furnishes all of his or her own equipment, skills, or knowledge; and whose contract gives rise to an action for breach of contract in the event of contract termination (the existence of a single license for the cosmetological establishment or barbershop shall not be construed as a lack of freedom from control or direction under this subsection);

(m) casual labor not in the course of an employer's trade or business performed in any calendar quarter, unless the cash remuneration paid for such service is \$50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. "Regularly employed" means the services are performed during at least 24 days in the same quarter.

(n) services performed for the installation of floor coverings if the installer:

(i) bids or negotiates a contract price based upon work performed by the yard or by the job;

(ii) is paid upon completion of an agreed upon portion of the job or after the job is completed;

(iii) may perform services for anyone without limitation;

(iv) may accept or reject any job;

(v) furnishes substantially all tools and equipment necessary to provide the services; and

(vi) works under a written contract that:

(A) gives rise to a breach of contract action if the installer or any other party fails to perform the contract obligations;

(B) states the installer is not covered by unemployment insurance; and

(C) requires the installer to provide a current workers' compensation policy or to obtain an exemption from workers' compensation requirements.

(o) service performed by an election judge pursuant to title 13, chapter 4.

(2) "Employment" does not include elected public officials.

(3) For the purposes of 39-51-203(6), the term "employment" does not apply to service performed:

(a) in the employ of a church or convention or association of churches or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(b) by a duly ordained, commissioned, or licensed minister of a church in the exercise of the church's ministry or by a member of a religious order in the exercise of duties required by such order;

(c) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be

readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work;

(d) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or any agency of a state or political subdivision thereof by an individual receiving such work relief or work training; or

(e) for a state prison or other state correctional or custodial institution by an inmate of that institution."

Amendments to Senate Bill No. 157
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
January 29, 1991

1. Title, line 6.

Following: "ELECTIONS;"

Insert: "REVISING THE LAWS RELATING TO COUNTY WATER AND SEWER
DISTRICT ELECTIONS;"

2. Page 14, line 22.

Following: the period

Insert: "Upon receiving the petition, the election administrator
shall inspect the sealed ballots to find the misplaced or
missing ballots."

51st Legislative Session

STATE ADMINISTRATION COMMITTEE

PROXY VOTE

I, Senator Bernie do hereby
grant my proxy vote to Chairman Vaughn or Secretary Harris as
follows:

BILL NUMBER SB 192

MOTION

Do Pass
Yes ✓ No

Do Not Pass
Yes No

Indefinitely Postponed
Yes No

Tabled
Yes No

Date 1/29/91

Bernie Swift
Signature

51st Legislative Session

STATE ADMINISTRATION COMMITTEE

PROXY VOTE

I, Senator Bernie Swift do hereby
grant my proxy vote to Chairman Vaughn or Secretary Harris as
follows:

BILL NUMBER SB 149

MOTION

Do Pass
Yes _____ No _____

Do Not Pass
Yes ✓ _____ No _____

Indefinitely Postponed
Yes _____ No _____

Tabled
Yes _____ No _____

Date 1/29/91

Bernie Swift
Signature

51st Legislative Session

STATE ADMINISTRATION COMMITTEE

PROXY VOTE

I, Senator Bernie Swift do hereby
grant my proxy vote to Chairman Vaughn or Secretary Harris as
follows:

BILL NUMBER SB 76

MOTION

Do Pass
Yes _____ No ✓

Do Not Pass
Yes ✓ No _____

Indefinitely Postponed
Yes ✓ No _____

Tabled
Yes ✓ No _____

Date 1/18/91

Bernie Swift
Signature

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 29, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 156 (first reading copy -- white), respectfully report that Senate Bill No. 156 be amended and as so amended do pass:

1. Title, line 8.

Following: the first comma

Insert: "13-27-104,"

2. Page 7.

Following: line 14

Insert: " Section 4. Section 13 27 104, HCA, is amended to read:

"13-27-104. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the second third Friday of the fourth month prior to the election at which they are to be voted upon by the people."

3. Renumber subsequent sections

4. Page 9.

Following: line 18

Insert: "(6) The secretary of state shall upon request provide the person submitting the petition with a sample petition form, including the text of the proposed measure, the statement of purpose, and the statements of implications, all as approved by the secretary of state and the attorney general. The petition may be circulated in the form of the sample prepared by the secretary of state."

4. Page 9, line 25.

Strike: "4"

Insert: "3"

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

JP 1-27-91
Amd. Coord.

SP 1-29 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 4
January 29, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill NO. 157 (first reading copy -- white), respectfully report that Senate Bill NO. 157 be amended and as so amended do pass:

1. Title, line 6.

Following: "ELECTIONS;"

Insert: "REVISING THE LAWS RELATING TO COUNTY WATER AND SEWER
DISTRICT ELECTIONS"

2. Title, line 10.

Following: "TRUSTEES;"

Insert: "EXEMPTING ELECTION JUDGES FROM UNEMPLOYMENT INSURANCE
COVERAGE;"

3. Page 1, line 14.

Strike: "AND"

4. Page 1, line 15.

Following: the first comma

Insert: "AND 39-51-204,"

5. Page 8, line 2.

Following: the period

Insert: "Election judges are exempt from unemployment insurance
coverage for services performed pursuant to this chapter."

6. Page 14, line 22.

Following: the period

Insert: "Upon receiving the petition, the election administrator
shall inspect the sealed ballots to find the misplaced or
missing ballots."

7. Page 21.

Following: line 19

Insert: " Section 1. Section 39-51-204, MCA, is amended to read:
"39-51-204. Exclusions from definition of employment. (1)

The term "employment" does not include:

(a) agricultural labor, except as provided in 39-51-203(8);

(b) domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in 39-51-203(9);

(c) service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(d) service performed by an individual in the employ of that individual's son, daughter, or spouse and service performed by a child under the age of 21 in the employ of the child's father or mother;

(e) service performed in the employ of any other state or its political subdivisions or of the United States government or of an instrumentality of any other state or states or their political subdivisions or of the United States, except that national banks organized under the national banking law shall not be entitled to exemption under this subsection and shall be subject to this chapter the same as state banks, provided that such service is excluded from employment as defined in the Federal Unemployment Tax Act by section 3306(c)(7) of that act;

(f) service with respect to which unemployment insurance is payable under an unemployment insurance system established by an act of congress, provided that the department must enter into agreements with the proper agencies under such act of congress, which agreements shall become effective in the manner prescribed in the Montana Administrative Procedure Act for the adoption of rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment insurance under such act of congress or who have, after acquiring potential rights to unemployment insurance under such act of congress, acquired rights to benefits under this chapter;

(g) services performed in the delivery and distribution of newspapers or shopping news from house to house and business establishments by an individual under the age of 18 years, but not including the delivery or distribution to any point or points for subsequent delivery or distribution;

(h) services performed by real estate, securities, and insurance salespeople paid solely by commissions and without guarantee of minimum earnings;

(i) service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university or by the spouse of such a student if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university and such employment will not be covered by any program of unemployment insurance;

(j) service performed by an individual who is enrolled at a nonprofit or public educational institution, which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program taken for credit at such institution which combines academic instruction with work experience if such service is an integral part of such program and such institution has so certified to the employer, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(k) service performed in the employ of a hospital if such service is performed by a patient of the hospital;

(l) services performed by a cosmetologist who is licensed under Title 37, chapter 31, or a barber who is licensed under Title 37, chapter 30, and who has acknowledged in writing that he is not covered by unemployment insurance and workers' compensation and who contracts with a cosmetological establishment as defined in 37-31-101 or a barbershop as defined in 37-30-101, which contract shall show the cosmetologist or barber is free from all control and direction of the owner in the contract and in fact; receives payment for services from his or her individual clientele; leases, rents, or furnishes all of his or her own equipment, skills, or knowledge; and whose contract gives rise to an action for breach of contract in the event of contract termination (the existence of a single license for the cosmetological establishment or barbershop shall not be construed as a lack of freedom from control or direction under this subsection);

(m) casual labor not in the course of an employer's trade or business performed in any calendar quarter, unless the cash remuneration paid for such service is \$50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. "Regularly employed" means the services are performed during at least 24 days in the same quarter.

(n) services performed for the installation of floor coverings if the installer:

(i) bids or negotiates a contract price based upon work performed by the yard or by the job;

(ii) is paid upon completion of an agreed upon portion of the job or after the job is completed;

(iii) may perform services for anyone without limitation;

(iv) may accept or reject any job;

(v) furnishes substantially all tools and equipment necessary to provide the services; and

(vi) works under a written contract that:

(A) gives rise to a breach of contract action if the installer or any other party fails to perform the contract obligations;

(B) states the installer is not covered by unemployment insurance; and

(C) requires the installer to provide a current workers' compensation policy or to obtain an exemption from workers' compensation requirements.

(c) service performed by an election judge pursuant to title 13, chapter 4.

(2) "Employment" does not include elected public officials.

(3) For the purposes of 39 51-203(6), the term "employment" does not apply to service performed:

(a) in the employ of a church or convention or association of churches or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(b) by a duly ordained, commissioned, or licensed minister of a church in the exercise of the church's ministry or by a member of a religious order in the exercise of duties required by such order;

(c) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work;

(d) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or any agency of a state or political subdivision thereof by an individual receiving such work relief or work training; or

(e) for a state prison or other state correctional or custodial institution by an inmate of that institution."

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

1/29/91
And. Coord.

SR 129 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 29, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 192 (first reading copy -- white), respectfully report that Senate Bill No. 192 do pass.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

AM 1-27-91
Am. Coord.

SP 1-29
Sec. of Senate

1:30

201132SC.Sjl

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 29, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 76 (first reading copy -- white), respectfully report that Senate Bill No. 76 do not pass.

Signed: *Eleanor Vaughn*
Eleanor Vaughn, Chairman

101 1-29-91
And. Coord.

50 1-29 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 29, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 149 (first reading copy -- white), respectfully report that Senate Bill No. 149 do not pass.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

Jan 1-29-91
And. Coord.

SK 1-29-2:50
Sec. of Senate

201128SC.SJ1