

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION  
COMMITTEE ON LABOR & EMPLOYMENT RELATIONS**

**Call to Order:** By Senator Tom Towe, Vice Chairman, on February 21, 1991, at 3:20 p.m.

**ROLL CALL**

**Members Present:**

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

**Members Excused:** Richard Manning, Chairman (D)

**Staff Present:** Tom Gomez (Legislative Council).

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

**Announcements/Discussion:** NONE.

**HEARING ON SENATE BILL 379**

**Presentation and Opening Statement by Sponsor:**

Senator Lynch made the opening statement for sponsor Senator Fred Van Valkenburg. Senator Lynch told the Committee Senate Bill 379 would give probation/parole officers peace officer status.

**Proponents' Testimony:**

Terry Minow of the Montana Federation of State Employees spoke in support of Senate Bill 379 from prepared testimony. (Exhibit #1)

Senator Tom Keating read a statement of support from Judge Pedro Hernandez of the Yellowstone County Justice Court. (Exhibit #2)

Senator Fred Van Valkenburg told the Committee as a deputy county attorney and as a public defender in Missoula County he has had a close association with adult probation and parole

officers. He commented the work these individuals perform is similar to that of peace officers.

Mary E. Fay, a state probation/parole officer from Great Falls spoke in support of Senate Bill 379. She explained she has performed as an adult probation/parole officer for 15 years. She told the Committee during this time she has witnessed dramatic changes in the duties of probation/parole officers; and although probation/parole officers have always had the power of arrest, they recently gained the responsibility of carrying firearms when necessary. A recent Montana Supreme Court ruling gave probation/parole officers the power of search and seizure without a warrant. She stated this gives probation/parole officers more latitude than any other peace officer. More gradual changes have come from district court judges demanding closer supervision. Ms. Fay stated alcohol and drug testing has become part of the daily routine. She told the Committee the power of arrest and search and seizure are important responsibilities; but there is not adequate training in any of these areas at the present time. She recommended one to two weeks of formal training at the academy for probation/parole officers. She has been advised by the director of the Montana Law Enforcement academy a course could be designed to provide a two week training for probation/parole officers.

Sean Lyle (Billings), parole officer presented the Committee with letter of support from various local sheriffs, chiefs of police, county attorneys, justices of the peace, etc. (Exhibit #3 (a) through (h))

John E. "BoBo" Kelly spoke in support of Senate Bill 379 from prepared testimony. (Exhibit #4)

Deborah Willis (Billings), a probation/parole officer for the past eight years, presented pictures of weapons and drugs seized during legal searches from Missoula, Libby, Billings, Sidney, etc. The pictures represented new felony convictions and violations of the rules of supervision. Ms. Willis pointed out Montana adult probation/parole officers executed more felony arrests in one year than an FBI agent in a 30 year career. She told the Committee probation/parole officers need peace officer status. Through peace officer status her 4 1/2 year old son "will be taken care of".

#### Opponents' Testimony:

Dan Russell, Administrator of the Division of Corrections, spoke in opposition to Senate Bill 379, "only because of the problems with the bill" he believes neither the sponsor nor the probation/parole officers were aware of. He told the Committee he is supportive of probation/parole officers. He explained Senate Bill 379 would "bring serious harm to some of their ranks" and add costs for which there is no appropriation. He commented this designation could change the complexion of the division

Probation/parole officers' arrest authority arises when the officer believes the probationer or parolee has violated the conditions of release. Peace officers are defined in statute as "any person who by virtue of his office or public employment is vested by law with the duty to maintain public order or to make arrests for offenses while acting within the scope of the authority". He told the Committee peace officer designation "significantly broadens the scope" of the arrest authority of probation/parole officers by allowing the arrest of persons on the street or not necessarily under the department's supervision. He explained department policy would have to limit this area under Senate Bill 379. He cited Section 7-32-303, MCA, which states "it is the duty of the appointing authority to cause each peace officer appointed under its authority to attend and successfully complete within one year of the initial employment an appropriate peace officer basic course certified for the Board of Crime Control".

Mr. Russell expressed concern for the cost of such training. The director of the law enforcement academy informed the division the peace officer course is ten weeks in length at a cost of approximately \$35,000. The agency is responsible to pay a fee of \$275 per student; the student's salary; and two round trips to and from their home. He told the Committee for the academy to train the present 51 probation/parole officers and their supervisors, \$14,000 would need to be appropriated to the department for training fees including travel expenses of \$2,000. In addition, the turn over rate is five officers per year. Ongoing peace officer training would cost approximately \$1,400 per year, as well as the travel costs. He reiterated none of which is appropriated at present nor is it possible to absorb in current level funding.

He told the Committee an additional concern is the ten weeks is designed for the needs of traditional law enforcement agents much of which would be of little use to probation/parole officers. Of the 540 hour course, 154 hours has no relevance to probation/parole officers. Their role is rehabilitation and supervision.

Mr. Russell commented each officer would be absent from the office for the ten week training. He explained there can be no vacancies, particularly single person office (eleven in Montana). This would require ten replacement officers at a cost of \$19,000 each.

Peace officer status would authorize officers to carry firearms on a regular basis resulting in an additional \$42,000 in workers' compensation. He continued individuals not passing the course would be allowed a second opportunity at additional costs. If the individual does not successfully complete the course within six months, the individual would not be classified as a peace officer. He told the Committee recently three individuals failed to qualify to carry firearms.

Mr. Russell cited Section 7-32-303, MCA, which requires "individuals having committed a crime which could result in imprisonment should be excluded from peace officer status". He explained two individuals who are currently employed would have

to be terminated because of felony convictions in their past. He told the Committee \$154,000 would be necessary during the first year to implement Senate Bill 379; with \$20,000 each subsequent year.

Questions From Committee Members:

Senator Lynch asked Senator Van Valkenburg if he recommended the additional funding for the department. Senator Van Valkenburg told the Committee the department is "attempting the kill this bill". He commented the peace officer status has different meanings with respect to benefits, powers of arrest, etc. The Montana Law Academy can establish courses to give probation/parole officers peace officer status which would not entail the twelve week course of police officers. Senator Van Valkenburg commented an amendment to Senate Bill 379 could clarify this. He did not feel the fiscal impact Mr. Russell spoke of need be incurred. He expressed his hope that Mr. Russell and the others in the Department of Institutions would meet with the probation/parole officers "to work on something to that effect".

Senator Devlin asked Senator Van Valkenburg if the two officers who are convicted felons would lose their jobs. Senator Van Valkenburg told the Committee he was not aware of this situation. He commented Senate Bill 379 could be made prospective rather than retroactive in terms of its application. He explained if there is a value in employing individuals previously convicted of crimes, there may be need to include an exception in the statute defining peace officers with respect to probation/parole officers, when the department has made a determination it is in the best interest of the state to employ such a person.

Senator Devlin asked Senator Van Valkenburg if he believed two weeks training, rather than ten, would be adequate. Senator Van Valkenburg commented he did. He explained it is important probation/parole officers receive training in areas such as arrest, search, seizure, etc.

Senator Keating asked Terry Minow if these individuals were state personnel and would the training be a state financial obligation. Ms. Minow explained the probation/parole officers were state employees and this would be a state obligation. She told the Committee other current legislation being considered would transfer these employees to the supervision of the Department of Justice.

Senator Keating asked Mary Fay if the funding would be from the district court budget or possibly fines, etc. Ms. Fay told the Committee she did not think there was money in the district court budget for this. She explained the probation/parole officers are state employees with the Department of Institutions which has a training budget.

Senator Keating asked Mary Fay if the training would have to take place at the academy or if it could be done as on-the-job training. Ms. Fay told the Committee she would want a training which is specifically designed for probation/parole officers.

Senator Keating asked Dan Russell if the department had a training program for these individuals now. Mr. Russell explained probation/parole officers go through a 40 hour program which is not just a "pep talk". He explained the requirement in the law for peace officers is completion of a program approved by the Board of Crime Control. He told the Committee the only approved program is at the Montana Law Enforcement Academy in Bozeman.

Senator Keating pointed out those testifying claim they get no training. He asked Mr. Russell if the training he spoke of is appropriate for the job the probation/parole officers do. Mr. Russell told the Committee he did not "think for a second it's appropriate for the job they do". He explained his concern is all additional training monies requested over the last years has not been funded.

Senator Lynch pointed out the Board of Crime Control could devise a training program. He asked if there were a possibility of cooperative effort by local county sheriffs and police departments in providing training. Senator Van Valkenburg told the Committee this could be a possibility, but it is the state's responsibility to train its own employees.

Senator Devlin asked Mr. Russell if a request has been made this year for additional funds. Mr. Russell explained of the two training officers at the division, one was cut. He is not aware if a request was made for an additional officer this year. Senator Devlin asked how many training officers there are now. Mr. Russell explained there is one person who coordinates training for probation/parole officers, assists the women's prison, the Swan River Forest Camp, and coordinates some training of the officers at the Montana State Prison.

Senator Devlin asked if the employees had brought this issue to his attention in the past. Mr. Russell explained he had not seen Senate Bill 379 until Tuesday (February 19, 1991).

Senator Aklestad commented while peace officers have several weeks of training, Senate Bill 379 would give a probation/parole officer the same status and responsibility with a "short course". Senator Van Valkenburg explained the difference being while the probation/parole officer may have the same authority and responsibility, they do not have the same duties. Police officers, deputy sheriffs, etc. are given different duties which necessitate a greater degree of training. Probation/parole officers do not have the duty to write traffic tickets, to patrol the streets, to conduct crime scene investigations, etc.

Senator Aklestad commented Ms. Willis indicated there were different benefits under peace officer status. Ms. Willis explained two benefits. One would be death benefits in the event of death on the job, and their "career ladder" would be enhanced.

Senator Aklestad asked Mr. Russell, above the costs of training and time away from the job, what the cost of such benefits would be. Mr. Russell explained there are two benefits not afforded probation/parole officers. The federal government has a \$150,000 death benefit for those who die in the line of service where probation/parole officers are included. He explained legislation is being heard to provide a similar benefit in Montana which did not include probation/parole officers. He told the Committee the sponsor was approached to include probation/parole officers, but the idea "did not get a good reception".

Senator Blaylock asked Terry Minow about the additional cost of \$42,000 of workers' compensation. Ms. Minow told the Committee she could not address that.

Senator Keating asked why there was not a fiscal note with Senate Bill 379. Senator Van Valkenburg commented the legislative council identifies bills in which fiscal notes may be required. He explained he had been under the impression Mr. Russell was working on a fiscal note, but may have misinterpreted his (Mr. Russell's) comments. He told the Committee although the bill was not out until Tuesday, he believes Mr. Russell was aware of it because of the drafting request.

#### Closing by Sponsor:

Senator Van Valkenburg closed on Senate Bill 379. Senator Blaylock urged both sides to meet with Tom Gomez, legislative council. Mr. Gomez is willing to assist both sides regarding technical discrepancies.

### HEARING ON SENATE BILL 383

#### Presentation and Opening Statement by Sponsor:

Senator Cecil Weeding told the Committee Senate Bill 383 was introduced at the request of the state fund. He explained the request deals with clarification in the statutes. He asked Section 6 and Section 7 be struck as they are being addressed in House Bill 837. Senator Weeding proposed amendments.

#### Proponents' Testimony:

Pat Sweeney of the state fund spoke in support of Senate Bill 383. He requested Section 10 and 11 be stricken. He explained what they had felt was a statutory problem is being handled internally. He told the Committee changes in Section 1,

2, and 3 attempt to clarify and identify employers responsible for workers' compensation coverage; but does not expand coverage requirements under existing law. Section 4 clarifies the statute in response to a court decision. The insurer and claimant will determine the disposition of the settlement, when they agree, without department determination. The current statute requires the department to determine disposition even when parties have no dispute. The issues in Section 6 are addressed in House Bill 837 and House Bill 465. In Section 8 the state fund's role is clarified in implementing variable pricing as required by existing statute. He commented Section 9 and 12 are provisions intended to clarify provisions for cancellation of coverage under Plan 3.

Bob Jensen, an Administrator in the Montana Department of Labor and Industry spoke in support of Senate Bill 383 as amended.

Curt Lyman, Safety Director of the Montana Motor Carriers Association spoke from prepared testimony in support of Senate Bill 383. (Exhibit #5)

Opponents' Testimony:

NONE.

The Montana Hospital Association opposition to Senate Bill 383 was in reference to Section 6 which has been stricken. (Exhibit #6)

Questions From Committee Members:

NONE.

Closing by Sponsor:

Senator Weeding closed on Senate Bill 383.

HEARING ON SENATE BILL 403

Presentation and Opening Statement by Sponsor:

Senator Larry Stimatz presented written testimony in support of Senate Bill 403 from Dave Orendorff, pastor of St. Paul's United Methodist Church. (Exhibit #7)

Senator Stimatz explained Senate Bill 403 would repeal Montana's existing child labor law which is "poor, almost non-existent".

Proponents' Testimony:

Father Jerry Lowney, Associate Pastor of St. Helena's

Cathedral and Chairman of the Social Justice Committee of the Priests Council of the Diocese of Helena asked to enter two resolutions into the record. (Exhibit #8 and #9) Father Lowney told the Committee of a conversation he had recently with young people. He commented they work for a Helena business and were fearful of testifying before this Committee. Father Lowney explained they worked from 3:30 p.m. until 10:30 p.m. When inquiring about a meal break the employer told them they would eat when they got home. Many young people working long hours do not have time for homework, are tired in school, and in some cases, they drop out of school. He pointed out newspaper carriers are exempt. Senate Bill 403 would exclude dangerous occupations, but exempts domestic work, casual work for neighbors, and agriculture work. It will limit hours for children 14 or 15 years of age, except during non-school times. Sixteen and seventeen year olds can be exempted with written permission from their parents.

Gail Gray of the Office of Public Instruction told the Committee the Superintendent of Public Instruction wished to go on record in support of Senate Bill 403. She explained students school work suffers when they are tired or working during the time they should be doing homework. She requested an amendment on Page 14, Line 4 to insert "or by the Office of Public Instruction" after the word "department".

Eric Feaver of the Montana Education Association told the Committee "school is work"; all students should be working at school and on their homework after school.

Tim McCauley, a Helena parent spoke in support of Senate Bill 403. He explained as a parent of four children, two of which are teenage boys, he and his family have discussed the balance of school, family, activities, and work.

Bob Heiser of the United Food and Commercial Workers Union spoke in support of Senate Bill 403. He told the Committee many of his members are young people in grocery stores. He commented the union receives calls from parents, upset that their children are scheduled to work four or five hours on school nights.

Don Judge of the Montana State AFL-CIO spoke in support of Senate Bill 403 from prepared testimony. (Exhibit #10)

#### Opponents' Testimony:

Chuck Walk, Executive Director of the Montana Newspaper Association spoke in opposition to Senate Bill 403. He explained they are not in opposition to the concept of the child labor act as introduced. He offered three amendments which he explained. (Exhibit #11)

Mike Voeller, a lobbyist for Lee Enterprises, Inc. told the Committee he concurred with Mr. Walk's proposed amendments.



Questions From Committee Members:

Senator Lynch asked Senator Stimatz if he were aware of school policies which allow students to leave during school hours in the afternoon to work. He asked Senator Stimatz if Senate Bill 403 would prohibit this. Senator Lynch asked specifically about the restriction for baking. He questioned if working in a pizza parlor was considered baking. Senator Stimatz explained there was no intent to be too restrictive.

Father Lowney commented the intention was to restrict those below 14 years of age from hazardous duties involved with cooking.

Senator Nathe asked about a young person under 17, and out of high school. He pointed to Section 8, which prohibits this age group. Father Lowney stated on Page 13, Line 9, "a high school graduate of 16 or 17 years of age may be employed in an occupation in which he has completed training as a student-learner".

Senator Aklestad commented this did not answer the question. If the individual was not a student-learner it would be prohibited.

Senator Blaylock stated most high schools require 20 credits to graduate. Students would not be graduating at 17 years old.

Senator Stimatz told the Committee there were no objections to reasonable amendments which conform with practice.

Senator Towe asked about an individual working for their parents who operate a small business. Senator Stimatz explained an exemption is on Page 3, Line 4 and Line 9. Senator Towe stated this was his concern. What if it were the "householder's business, trade, or profession"? Senator Stimatz commented parents have been known to exploit their own children. He explained the intent of the law is to protect the children, and not to be unreasonable. Father Lowney indicated the exemptions beginning on Page 2, in which the "provisions do not apply to a minor who is:" and continuing on Page 3 "(4) employed outside school hours by a householder".

Senator Devlin asked Gail Gray to explain the reasons for the suggested amendment. Ms. Gray explained the Office of Public Instruction approves a number of work experience programs in which the school and OPI provide monies to allow students to be in school, be paid in a job outside, and receive credit or programs with children with disabilities.

Closing by Sponsor:

Senator Stimatz closed on Senate Bill 403.

HEARING ON SENATE BILL 406

Presentation and Opening Statement by Sponsor:

Senator Bob Williams told the Committee Senate Bill 406 is a "tune up" of Senate Bill 315 enacted in 1987, and at the request of the state fund. The changes are in response to various court decisions in which the interpretations may have expanded beyond the intent of Senate Bill 315. He suggested the importance of the legislature reviewing these court decisions and making necessary changes. One area is the interpretation of the words "primary cause". Senate Bill 406 defines the term as "the injury is compensable if the work related accident caused 50% of the harm". He explained a second issue relating to the calculation of temporary-total benefits. The state fund has requested striking sections relating to this issue. The final matter is in response to a series of court decisions. The outcome of which eliminates the statutory requirements which states, "all claims must be forever banned unless presented in writing to the employer, the insurer or the department as the case may be, within twelve months from the date of the happening of the accident".

Proponents' Testimony:

Pat Sweeney of the state fund spoke in support of Senate Bill 406. He requested Section 2 be struck because it does not accomplish what it intended. He explained Section 1 and Section 3 deal with definition of "primary cause" under the workers' compensation act. The legislation enacted in 1987 attempted to provide criteria for determining whether cardiovascular, respiratory, or pulmonary problems resulted from work-related injury. He told the Committee any changes in the interpretation of the existing statute (by court decision) should be brought to the attention of the Legislature. He cited a case (Gomer v. State Highway Department) in which the court interpretation of "primary cause" went beyond the intent of the Legislature. In this case the Supreme Court decided the "primary cause" (the harm) would be the "triggering event" if the claimant was exposed at the workplace. In Senate Bill 406 "primary cause" is defined as "a cause which is responsible for more than 50% of the accumulative physical harm in relation to other factors contributing to the physical harm" rather than being the "triggering effect". He told the Committee this is a medical determination, placing the interpretation back to the intent of the Legislature. He explained Section 4 amends Section 601 in response to a series of court decisions affecting the requirements of filing a claim for workers' compensation benefits. These decisions eliminate the requirement for filing a signed claim with a given time frame. Senate Bill 406 would clarify the claim for benefits must be signed by the claimant or his representative and filed within twelve months after the claimant first seeks medical attention for work-related injury.

Jacqueline Turrell representing the American Insurance Association spoke in support of Senate Bill 406.

Gene Phillips, Montana counsel to the Alliance for Medical Insurers spoke in support of Senate Bill 406.

Opponents' Testimony:

Bob Heiser of the United Food and Commercial Workers International Union presented written testimony from the Montana State AFL-CIO in opposition to Senate Bill 406. (Exhibit #12)

Norm Grosfield (Helena attorney) spoke in opposition to Senate Bill 406. Mr. Grosfield told the Committee he is primarily involved in workers' compensation litigation. He explained the state fund and the insurance industry is asking the Legislature revise reasonable interpretations from the Montana Supreme Court. He pointed to the claim filing and commented the statute goes beyond revising any interpretations issued since the 1987 revisions. He explained this would revise the latent rule he established on appeal to the Montana Supreme Court.

Ben Everett, a claimants' attorney (Anaconda) spoke in opposition to the Senate Bill 406. He told the Committee the state fund is attempting to change reasonable interpretations of the Supreme Court decision and attempting to deny many claimants of rightful benefits by changing definitions. He stated by putting in the "primary cause" language they are making "an impossible burden on the claimant through his case". He commented physicians are asked to state "this cause is the primary cause". In the Gomer case a woman was working, had a pre-existing asthmatic condition, and while at work was exposed to chemical toxin. She immediately went into distress, was taken to the emergency room, admitted to intensive care, and treated by a pulmonary specialist. She now requires oxygen 24-hours a day. The pulmonary specialist stated the chemical agent exposure caused the woman's condition and inability to work. Prior to the exposure she was able to perform the duties of employment. Mr. Everett told the Committee "the state fund and the insurance industry doesn't want people compensated". He explained this woman would receive no benefits as a result of the exposure. The Montana Supreme Court and the Workers' Compensation Court reviewed the facts of the case and determined under these circumstances, with testimony of the pulmonary specialist the woman met her burden of proof. Legislation should not be used to overturn court cases which are reasonable and based upon facts. He explained the legislation imposes another impossible burden on the claimant by requiring the claimant to present a signed claim with twelve months. If an unwary claimant fails to or neglects to sign the form they would be denied the benefits for their injury. He stressed this is not fair and is an attempt to further deteriorate the rights of the claimant.

Jan Van Riper (Helena attorney) spoke in opposition to

Senate Bill 406. At the present time claimants can have medical bills paid without filing for a claim for compensation. This (paid medical bills) leads them to believe they have filed. (Ms. Van Riper did not sign the Visitor's Register but her remarks are entered.)

Bob Heiser of the United Food and Commercial Workers spoke in opposition to Senate Bill 406.

Questions From Committee Members:

Senator Blaylock asked Ms. Van Riper if the state fund sent notices to the individuals she spoke about. Ms. Van Riper told the Committee there is a notice. Mr. Sweeney explained a letter is sent to the injured party notifying them of their rights when a new file is opened.

Senator Towe asked if this were adequate notice. Mr. Sweeney explained it was "the best we can do".

Senator Towe asked Mr. Sweeney why the claimant must sign the claim form; would they be denied benefits after completing the form and failing to sign. Mr. Sweeney explained the claimant is attesting to the facts indicated on the form. Senator Towe asked if a "printed" signature would be acceptable. Mr. Sweeney stated he did not wish "to get hung up on that technicality". Senator Towe commented he thought the system was not based on technicalities. Mr. Sweeney told the Committee he agreed; but it appears there are more technicalities in the system than ever before.

Senator Blaylock asked Jim Murphy what is contained in the letter of notification. Mr. Murphy asked to clarify the issue of the claim form. He explained the issue is not whether an individual signs a form, but rather, if a claim form is filed. He told the Committee the letter explains the fund has received notice the individual has received an industrial injury. It informs the individual they may obtain claim forms for benefits at a local job service office. He commented a claim form could be sent with each letter, but many injuries do not result in lost time. He stated there are 3,000 injuries with lost time; 15,000 which are medical only.

Senator Towe asked Jan Van Riper if the language on Page 5, Line 16, is a change in the law. Ms. Van Riper told the Committee she had not read the Gomer decision and could not comment. Senator Towe asked Norm Grosfield to respond. Mr. Grosfield told the Committee this would specifically reverse the Gomer decision.

Senator Towe asked what the Gomer decision said in that regard. Mr. Grosfield explained the woman had an immediate onset of her existing condition, resulting in total disability, after being exposed to toxic material, which the Supreme Court said was

the "triggering event". The drafters of Senate Bill 406 intend to state the pre-existing asthmatic condition was the major condition on the part of the claimant. That condition is more than 50% of her problem. The fact the exposure to the toxin triggered the condition would not amount to more than 50%.

Senator Devlin asked Mr. Sweeney if, without Senate Bill 406, an individual could file five or six years later. Mr. Sweeney said that was correct.

Ms. Van Riper told the Committee in her opinion it could go to three years currently.

Mr. Sweeney explained the statutory language under the latent injury concept could go well beyond.

Senator Devlin asked how long beyond. Mr. Grosfield told the Committee he did not want the impression to be this is wide open. In order to open a case beyond the twelve month filing time an individual has to have a lack of knowledge of disability, has to have a latent injury, or there has to be equitable stoppel. He explained equitable stoppel is a rule adopted by case law which involves fraud on the part of the employer and the insurer which prevented the claimant from filing. Latent injury involves a condition which medically does not develop until after the year has gone by. There must be evidence establishing one of the three criteria are met to go beyond the twelve month statute.

Senator Blaylock cited an example involving a Montana truck driver who was heavily overweight, a heavy smoker, and a drinker. While driving he had a heart attack and claimed on-the-job stress was the cause. He asked Mr. Everett if the state should not protect the system against this. Mr. Everett explained the legislation as it exists now, for a heart attack to be compensable there should be an injury. He told the Committee Senator Blaylock is possibly addressing the occupational disease section.

#### Closing by Sponsor:

Senator Williams closed on Senate Bill 406.

#### HEARING ON SENATE BILL 420

#### Presentation and Opening Statement by Sponsor:

Senator Paul Svrcek reminded the Committee of legislation he sponsored in 1989 which created a medical deductibility in the workers' compensation system. He explained there has been some recalcitrance on the part of NCCI (National Commission on Compensation Insurance) to revise the rates to any appreciable amount on the basis of this legislation. Senate Bill 420 would "force the hand of NCCI". There would be a requirement of \$500 deductible in every workers' compensation case. Senator Svrcek

asked Senate Bill 420 be amended. The new language on Page 2 sub (3); Line 14 should be amended out. The bill before the Committee states if the claim were for \$500 or less the employer was allowed to pay the provider directly. He explained there is no enforcement mechanism. If the employer refused to pay; the worker would be responsible for those payments. On Page 3, strike the amended language in sub (1) and sub (2).

**Proponents' Testimony:**

Riley Johnson, representing the National Federation of Independent Business told the Committee the small business community feels Senate Bill 420 can and will save money. New Mexico implemented the \$500 deductible after being told the same figures as NCCI told Montana; there would only be 2.8% to 6% savings. After implementation (in New Mexico) NCCI was forced in. He presented the Committee with actual figures of premium reduction percentage in New Mexico (15% in some cases). (Exhibit #13) He asked, rather than amend out, on Page 1 keep in Line 12 "insurance policy"; Line 13 "provision"; Line 18 "must" and "\$500 medical"; Line 20 "must". Line 23 should be kept in.

Bob Heiser of the United Food and Commercial Workers International Union told the Committee he had originally signed in as an opponent. He explained with the portions amended he could support it.

Dan Edwards, International Representative for the Oil, Chemical and Atomic Workers asked to be noted as a proponent if Senate Bill 420 were amended.

Jim Murphy spoke in support of Senate Bill 420 as amended. He told the Committee he understands the bill to require an insurer to offer a \$500 medical deductible; the employer still has an option. He explained this is current state fund practice.

**Opponents' Testimony:**

NONE.

**Questions From Committee Members:**

Senator Aklestad asked Mr. Murphy about his statement that this is current state fund practice. Mr. Murphy explained the fund has the ability, if the employer chooses a \$500 deductible or increments up to \$2,500, to take care of this at the present time.

**Closing by Sponsor:**

Senator Svrcek closed on Senate Bill 420.

HEARING ON SENATE BILL 447Presentation and Opening Statement by Sponsor:

Senator Svrcek told the Committee Senate Bill 447 would use Occupational Safety and Health Administration (OSHA) definitions of first aid and medical treatment. He presented the Committee with OSHA guidelines for first aid and medical treatment. (Exhibit # 15) First aid would not be covered under workers' compensation. This would be a minor change in the workers' compensation law but would have significant implications. He explained a potential problem in the writing. It could require the worker to pay for medical treatment listed under first aid. Senator Svrcek stated this is not the intent of the bill. Intent is to clarify what is first aid and what is not.

Proponents' Testimony:

Mike Sherwood representing the Montana Trial Lawyers Association told the Committee the bill had "language problems" but he understood its intent. The concern was whether the worker would have to pay. He explained if the language was changed to ensure the employer is responsible the Montana Trial Lawyers Association would support Senate Bill 447.

Ben Everett (attorney) told the Committee he was in support of Senate Bill 447 with an amendment clarifying the worker would not be responsible for the medical costs of treatment.

Jacqueline N. Terrell representing the American Insurance Association spoke in support of Senate Bill 447. (Exhibit #14)

Opponents' Testimony:

NONE.

Questions From Committee Members:

Senator Towe asked Senator Svrcek if the language at the present time does not clarify who is responsible for the medical treatment. Senator Svrcek explained, as it is written, that was correct but his intent is the employer is to pay.

Senator Towe asked if it were to be part of the workers' compensation coverage or would the employer pay this separate from coverage. Senator Svrcek told the Committee it would be separate from coverage.

Mr. Murphy explained the state fund had not determined support or opposition to Senate Bill 447. He told the Committee he is concerned about the language. He commented if there is an injury on the job and the employer decides to pay for treatment; then the injury becomes something more significant, the insurer is being put on the claim before the insurer is aware of the

claim.

Senator Towe asked if it would be payable by the employer if it were not job related. Mr. Murphy stated the employer will be making the decision and is not expert in making such a decision.

Senator Nathe asked Senator Svrcek if his intent was to insure high cost specialist rates would not be charged for a simple first aid treatment. Senate Svrcek explained under the OSHA guidelines there is a difference between first aid and medical treatment. If something originally treated as first aid becomes a worsen condition it would be compensable under the current federal guidelines for workers' compensation. He told the Committee his intent was not to cover treatments for first aid.

Senator Nathe asked if his intent were to exclude such treatment. Senator Svrcek stated that was correct. It would be excluded from workers' compensation coverage, but would not exclude the employer from the responsibility to pay the costs of treatment.

Senator Towe pointed out Mr. Murphy's concern is: Would an admission be made by the employer through treatment, making it liable under the coverage the employer has with workers' compensation.

Senator Towe commented with language included about payment there is no requirement it be paid by the employer. It would state it is not part of the coverage; and if not part of the coverage there is no indication who should pay. He asked Senator Svrcek if this were his intent.

Senator Svrcek explained this was not his intent.

Closing by Sponsor:

Senator Svrcek expressed frustration regarding both bills he presented being held in the legislative council for over one month. He suggested Senate Bill 447 be tabled.

EXECUTIVE ACTION ON SENATE BILL 447

Motion:

Senator Devlin moved to TABLE Senate Bill 447.

Discussion:

NONE.

Amendments, Discussion, and Votes:



NONE.

Recommendation and Vote:

Motion to TABLE CARRIED with Senator Blaylock and Senator Aklestad voting NO. Senator Manning and Senator Lynch were not present to vote.

EXECUTIVE ACTION ON SENATE BILL 365

Motion:

Senator Keating moved to DO PASS Senate Bill 365.

Senator Blaylock proposed a substitute motion to DO NOT PASS Senate Bill 365.

Discussion:

NONE.

Amendments, Discussion, and Votes:

NONE.

Recommendation and Vote:

Blaylock motion DO NOT PASS Senate Bill 365 CARRIED with six (6) YES (Blaylock, Doherty, Lynch, Manning, Pipinich, and Towe); four (4) NO (Aklestad, Devlin, Keating, and Nathe). Senator Manning's vote received and recorded February 22, 1991.

EXECUTIVE ACTION ON SENATE BILL 403

Amendments, Discussion, and Votes:

Senator Keating commented Senate Bill 403 had merit but time constraints will not allow detailed review. He suggested waiting for thoughts, input and amendments. He suggested discussing concerns of the Committee with the drafter of the bill.

Senator Towe suggested brief discussion take place on Senate Bill 403.

Senator Nathe raised the issues of those graduating before the age 17 and dropouts. Senator Towe pointed out restrictions on ages 16 through 18 are lenient.

Senator Aklestad commented there may be a problem with the Pages.

Senator Blaylock moved to amend Senate Bill 403 on Page 14, Line 4 after "department" to insert "or the Office of Public Instruction". Motion CARRIED UNANIMOUSLY.

Senator Keating moved to amend Senate Bill 403 with proposed "newspaper's" amendments. Motion CARRIED with Senator Blaylock voting NO.

Senator Nathe pointed to Page 4, Line 23 to Line 24. He suggested this was denying 14 and 15 year olds use of power-driver mowers to cut lawns.

Senator Nathe moved to amend Page 4, Line 13, strike "but not". Motion CARRIED UNANIMOUSLY.

Senator Nathe moved to amend Page 10, Line 25, strike "other than coal". Motion CARRIED UNANIMOUSLY.

Senator Nathe stated a neighbor cannot hire a 14 or 15 year old to work on their farm (Page 7). The young person could not ride on a tractor for example. Senator Nathe pointed to other prohibitive activities.

Senator Nathe moved amendments to Page 7 and Page 8 as follows:

1. Page 7  
Strike sub (a)  
Strike sub (b)  
ReNUMBER sub (c) to sub (a)
2. Page 8  
ReNUMBER sub (d) to sub (b)
3. Line 1  
Strike "picking fruit, pruning trees, or"
4. Line 5 and 6  
ReNUMBER sub (e) to sub (c)  
Strike "or riding on a tractor as a passenger or helper"
5. Line 7  
ReNUMBER sub (f) to sub (d)
6. Strike Line 13, 14, and 15.
7. Line 16  
reNUMBER sub (g) to sub (e)
8. Line 18  
reNUMBER sub (h) to sub (f)

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

February 21, 1991

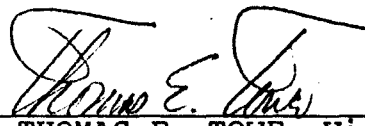
Page 19 of 19

9. Line 21  
renumber sub (i) to sub (g)

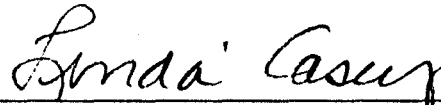
Motion to amend Page 7 and Page 8 CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 6:15 p.m.



THOMAS E. TOWE, Vice Chairman



LINDA CASEY, Secretary

TET/llc

ROLL CALL

SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

DATE 2/21/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR AKLESTAD	P		
SENATOR BLAYLOCK	P		
SENATOR DEVLIN	P		
SENATOR KEATING	P		
SENATOR LYNCH	P		
SENATOR MANNING			E
SENATOR NATHE	P		
SENATOR PIPINICH	P		
SENATOR TOWE	P		

Each day attach to minutes.

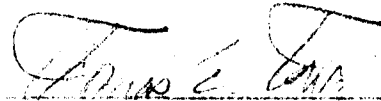
SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 22, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 365 (first reading copy -- white), respectfully report that Senate Bill No. 365 do not pass.

Signed, \_\_\_\_\_



Sen. Towe, Vice-Chairman

2-22-91  
Amd. Coord.

2-22-91  
Sec. of Senate



# MONTANA FEDERATION OF STATE EMPLOYEES

AFT, AFL-CIO

P.O. Box 1246

Helena, Montana 59624

ARTCRAFT, BUTTE

(406) 442-2123

JIM McGARVEY  
President



TESTIMONY OF MONTANA FEDERATION OF STATE EMPLOYEES IN FAVOR OF SB 379, BILL TO GRANT PEACE OFFICER STATUS TO PROBATION AND PAROLE OFFICERS, GIVEN BEFORE SENATE LABOR COMMITTEE ON FEB. 21, 1991

The Montana Federation of State Employees, AFT, AFL-CIO strongly supports SB 379, the bill to grant peace officer status to probation and parole officers. We would like to thank Senator Van Valkenburg for agreeing to sponsor this important bill.

I won't testify at length about the importance and appropriateness of SB 379. The probation and parole officers who have travelled here today will do a good job of explaining the need for the bill. I will instead respond to the concerns that will probably be raised by the Department of Institutions.

The Department of Institutions will try to kill this bill by saying it will cost an astronomical amount of money. The Department of Institutions uses this argument every time it will work to their advantage. At the same time, on other bills like SB 174, the bill to require continuing education for licensure of psychologists, the Department of Institutions testified for the bill and testified that the costs of additional training for psychologists working for the state are no problem. The key difference is that under SB 174, the Department of Institutions will require state employees to pick up the additional training costs out of their already inadequate paychecks--while this bill will require the state to pay the training costs.

We didn't attach an appropriation to this bill. There are a number of ways to pay for the training. One way is to ask the Department of Institutions to pay for the training through their existing training budget. If necessary, we could go to the full Appropriations Committee when they meet next month. A third way would be to include the training in our appropriations bill for a supervision fee and career ladder for probation and parole officers.

We urge you to listen to this bill and judge it on its merits. If additional training costs are truly a problem, the issue will be before the Senate later in the Session. We ask that you give SB 379 a "Do Pass" recommendation today.

Thank you, Mr. Chairman.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 1

DATE 2/21/91

BILL NO. SB379

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21<sup>st</sup> day of Feb., 1991.

Name: Judge Pedro R. Hernandez

Address: P.O. Box 35032

Yellowstone County Justice Court

Telephone Number: 256-2889

Representing whom?

Probation and Peace Officers

Appearing on which proposal?

SB 379

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

On behalf of the State Probation  
and Peace Officers I recommend that  
they be provided Peace Officer status.  
I feel they work as officers of the  
Court and on behalf of the courts. They  
are officers in all sense of their work.  
I hope you will this bill full con-  
sideration and support it.

Good -  
Sorry I can't  
stay for this -

Thanks

Pedro

This is up at  
3 on Thurs.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE C  
SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2

DATE 2/21/91



BUTTE-SILVER BOW  
OFFICE OF CHIEF EXECUTIVE  
COURTHOUSE  
BUTTE, MONTANA 59701

AREA CODE 406  
PHONE 723-8262

January 9, 1991

TO; The 1991 Montana Legislature  
Capitol Station  
Helena, Montana 59601

SUBJECT: Peace Officer Status for Adult Probation/Parole  
Officers

As Chief Executive of Butte-Silver Bow, I strongly urge you to pass legislation allowing the Montana Probation/Parole Officers peace officer status. I have had 17 years of experience in community corrections as a probation/parole officer and as Executive Secretary of the Board of Pardons.

The supervision of probationers and parolees is a very demanding job and peace officer status for the Probation/Parole Officers would provide better training and improve morale for the officers. The Probation/Parole Officers provide a valuable and needed service to the State of Montana, especially now with prison overcrowding and increased case loads. This legislation would greatly benefit the law abiding citizens of Montana.

Sincerely,

Jack Lynch  
Chief Executive

mp

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3(a)

DATE 2/21/91

BILL NO. SB379





# MUSSELHELL COUNTY ATTORNEY

26 MAIN STREET  
ROUNDUP, MONTANA 59072

VICKI KNUDSEN

COUNTY ATTORNEY  
TEL. (406) 323-2230

December 31, 1990

1991 Legislators  
Helena, Montana

RE: Adult Probation/Parole Officers

Honorable Legislators:

For the past five years I have worked extensively with Montana adult probation/parole officers as a deputy county attorney, defense attorney, and now as the Musselshell County Attorney. These people have a very important job to do and are doing the best they can with the resources currently available to them. There are several areas in which you, during the 1991 Legislative session, could substantially improve the ability of these men and women to perform their duties and at the same time benefit the other branches of law enforcement and county attorneys across the state.

The need to pay adult probation/parole officers salaries comparable to juvenile and federal probation officers is clear. It would allow qualified people to stay with the State of Montana in these positions, since many are forced to seek other employment because of the low salaries. Designation to peace officer status of adult probation/parole officers by the legislature would be one way to raise salaries and benefits, and standardize the firearms policies in the law enforcement area.

I realize these changes would result in the need for increased funding or an additional revenue source. A new revenue source could come directly from those placed on probation/parole, just as the Montana Legislature passed the surcharge for misdemeanor and felony criminal charges for purposes of funding our courts and county attorneys. This method of funding requires those who generate the need to expend funds directly contribute to pay for these services. Requiring a supervision fee to be paid by adults placed on probation/parole is currently a funding source in other jurisdictions and should be considered by the State of Montana.

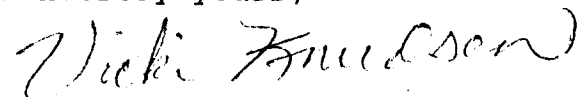
SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 3(b)  
DATE 2/21/91  
BILL NO. SB379

1991 Legislators  
December 31, 1990  
Page Two

\* \* \* \* \*

If you feel it would be helpful to contact me concerning any legislation which might be proposed during this session, please feel free to do so at any time. I would be happy to help in any way you feel is necessary.

Sincerely yours,

A handwritten signature in cursive script that reads "Vicki Knudsen". The signature is written in dark ink and is positioned above the printed name.

Vicki Knudsen

VK/ly

ROY M. DELONG  
Commissioner

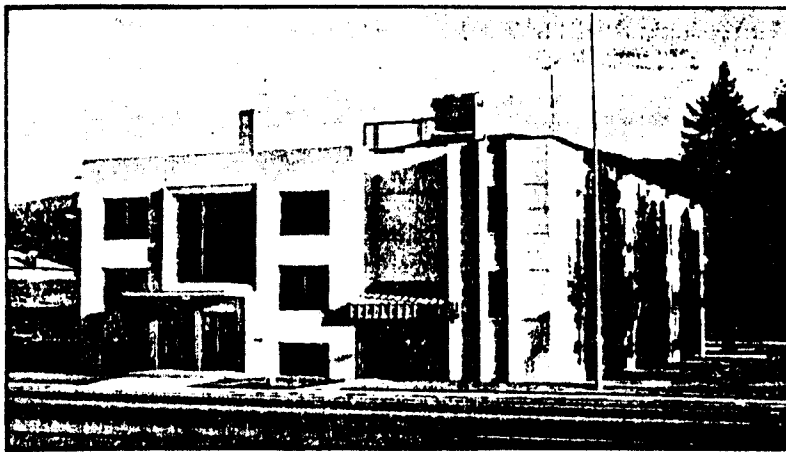
JOHN MUSTER  
Commissioner

NORMAN E. RESLER  
Commissioner

DIXIE VAUGHT  
Clerk & Recorder

JUNE M. THAYER  
Treasurer - Supt. of Schools

PATRICIA N. ELDRIDGE  
Assessor



LISA FERKOVICH  
Clerk of District Court

ROBERT SLOMSKI  
Attorney

WILLIAM J. ALEXANDER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

# COUNTY OF SANDERS

## STATE OF MONTANA

P.O. Box 519  
Thompson Falls, Montana 59873

October 29, 1990

Representative Jim Elliott  
100 Trout Creek Rd  
Trout Creek, MT 59874

NOV 01 1990

Dear Representative Elliott:

Regarding peace officer status for Probation/Parole Officers.

Although I do not know at this time who the sponsors will be or what the bill number will be, I am informed that the Montana Adult Probation and Parole Officers will be actively pursuing peace officer status this legislative session.

As I am sure you are aware, Montana Adult Probation/Parole Officers are employed by the Montana Department of Institutions to supervise convicted felons who are on probationary sentences or parole. Due to a number of factors, such as overcrowding in our state prison system, a desire to control expenses to the taxpaying public, harsher sentences being imposed by the courts, particularly in drug cases, and many other reasons, there has been a move toward more community based supervision of criminal offenders. The work load and responsibilities of our Montana Adult Probation/Parole Officers has increased accordingly. Recently, in recognition of their law enforcement authority, Montana Adult Probation/Parole Officers have been authorized to carry firearms, particularly in situations in which they assist law enforcement authorities in making searches and arrests of convicted felons under their jurisdiction.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3(c)

DATE 2/21/91

BILL NO. SB 379

*Office of The*

Sheridan County Attorney\_\_\_\_\_

COURTHOUSE BUILDING  
100 WEST LAUREL AVENUE  
PLENTYWOOD, MONTANA 59254  
(406) 765-2310

August 29, 1990

TO: THE MONTANA LEGISLATURE

FROM: STEVEN HOWARD, COUNTY ATTORNEY  
SHERIDAN COUNTY, MONTANA

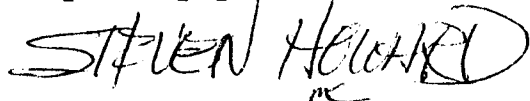
RE: PEACE OFFICER STATUS FOR ADULT PROBATION/PAROLE  
OFFICERS

I am the County Attorney in Sheridan County, Montana and deal with criminal prosecution on a daily basis.

As the county attorney, I work with members of Montana's Adult Probation and Parole Bureau. I believe that the current distinction between probation/parole officers and peace officers limits the effectiveness of our probation/parole officers. In many instances probation/parole officers perform the same functions as those performed by peace officers.

Accordingly, I urge the members of the Montana Legislature to pass whatever laws necessary to grant State probation/parole officers full status as peace officers.

Very truly yours,



Steven Howard

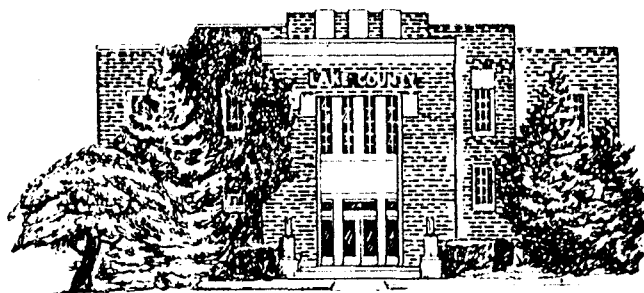
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SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 3(d)  
DATE 2/2/91  
BILL NO. SB379

COUNTY COMMISSIONERS  
DON PETERSON  
District One  
RAY HARBIN  
District Two  
GERALD L. NEWGARD  
District Three

TREASURER  
PATRICIA J. COOK

CLERK AND RECORDER  
SURVEYOR  
LORIN JACOBSON



ASSESSOR  
LENORE A. ROAT

SHERIFF AND CORONER  
JOE GELDRICH

CLERK OF COURT  
KATHERINE E. PEDERSEN

SUPERINTENDENT OF SCHOOLS  
GLENNADENE FERRELL

COUNTY ATTORNEY  
LARRY J. NISTLER

JUSTICE OF THE PEACE  
CHUCK WHITSON

# LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

October 2, 1990

1991 Legislative Assembly  
Helena MT 59620

Dear Members:

I hope you will support the proposed measure giving  
Montana Probation and Parole officers, peace officer status.

They are presently a very important part of law enforcement  
but could benefit greatly from training in such things as  
search and seizure, laws of arrest, and firearms training.

By passing this bill it would allow the Probation and Parole  
officer to legally carry firearms. This would allow them to  
better protect themselves when dealing with high risk  
individuals in their respective communities.

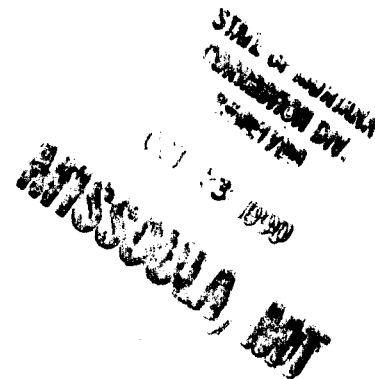
Thank you for your consideration.

Respectfully yours,

Chuck Whitson  
Justice of the Peace  
Lake County Courthouse  
Polson MT

SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 3(e)  
DATE 2/21/91  
BILL NO. SB 379

CW/gtj



**PRESIDENT**

Bob Butorovich  
Butte, MT 59701  
782-4224

**SECRETARY-TREASURER**

Tony Harbaugh, Sheriff  
1010 Main Street  
Miles City, MT 59301  
Office: 232-2237  
Home: 232-6299

**PAST PRESIDENT**

Jim Dupont, Deputy Sheriff  
Kalispell, MT 59901  
752-6161



OFFICIAL PUBLICATION  
"THE MONTANA SHERIFF AND PEACE OFFICER"

# Sheriffs and Peace Officers Association

**OFFICE OF THE SECRETARY****1st VICE PRESIDENT**

Rickard Ross  
Billings, MT 59101  
256-2927

Nov. 19, 1990

Debbie Willis  
Adult Probation and Parole Officers Assn.  
P. O. Box 1884  
Billings, Mont. 59103

**2nd VICE PRESIDENT**

Barry Michelotti  
Great Falls, MT 59401  
761-6842

**3rd VICE PRESIDENT**

Jack Barney  
Lewistown, MT 59457  
538-3415

Debbie,

**BOARD OF DIRECTORS  
SHERIFFS**

Jay Printz 363-3033  
Hamilton, MT 59840

Tim Solomon 265-2512  
Havre, MT 59501

Mike Schafer 256-2925  
Billings, MT 59101

Rick Later 683-2383  
Dillon, MT 59725

Joe Geldrich 883-4321  
Polson, MT 59860

I was advised by Les Osborne at our meeting in Billings, last week that you had not received a letter in regards to your request for support of your legislative proposal.

At our Board of Directors meeting in Great Falls, in August, a motion was made and passed to support your efforts to achieve Peace Officer status in the 1991 Legislature.

**UNDERSHERIFFS AND  
DEPUTIES**

Tom Frank 752-6161  
Kalispell, MT 59901

Jim Cashell 585-1485  
Bozeman, MT 59715

Les Osborne 323-1402  
Roundup, MT 59072

Greg Hintz 721-5700  
Missoula, MT 59801

Bill Fleiner 443-1010  
Helena, MT 59601

Sincerely,

Sheriff Tony Harbaugh

Sec.-Treas.

M. S. P. O. A.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3 (e)

DATE 2/21/91

BILL NO. SB 379



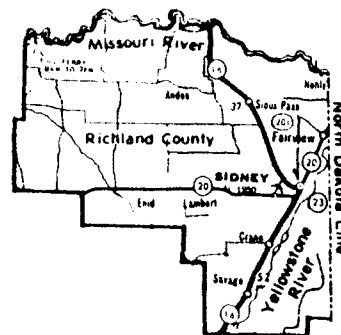
## Sheriff Donald J. Tiffany

Richland County Sheriffs' Dept.

110 2nd Ave. N.W.

Sidney, Montana 59270

Phone 482-2919



August 23, 1990

To: Montana Legislature

From: Donald J. Tiffany, Richland County Sheriff

Re: Peace Officers Status for Adult probation and Parole Officers.

I am the Sheriff of Richland County, Montana and I frequently work with officers of Montana's adult probation and parole Bureau.

Probation & parole officers perform many of the same duties as peace officers perform. I believe that there is no useful purpose in the current distinction between peace officers and adult probation and parole officers.

I urge the Montana Legislature to pass the laws that are necessary to grant full peace officer status to Montana's adult probation parole officers.

Sincerely,

A handwritten signature in cursive script that reads "Donald J. Tiffany".

Donald J. Tiffany,  
Richland County Sheriff.

DJT/lj

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3 (9)

DATE 2/21/91

BILL NO. SB 379

OFFICE OF  
COUNTY ATTORNEY

RICHLAND COUNTY  
COURTHOUSE — BOX 1587  
SIDNEY, MONTANA 58270  
(406)482-2505

Deputies:  
PHILLIP N. CARTER  
GARY BALAZ

August 22, 1990

TO: THE MONTANA LEGISLATURE

FROM: JOSEPH E. THAGGARD, DEPUTY COUNTY ATTORNEY,  
RICHLAND COUNTY

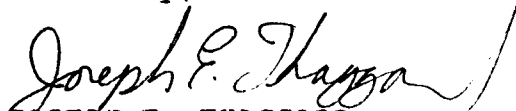
RE: PEACE OFFICER STATUS FOR ADULT PROBATION/PAROLE  
OFFICERS

I am a Deputy County Attorney in Richland County, Montana, and am heavily involved in criminal prosecution.

As a criminal prosecutor, I frequently work with members of Montana's Adult Probation and Parole Bureau. I believe that the current distinction between Probation/Parole Officers and Peace Officers serves no useful purpose. Ultimately, Probation/Parole Officers perform many of the same functions as those which Peace Officers perform.

Accordingly, I urge the members of the Montana Legislature to pass whatever laws necessary to grant State Probation/Parole Officers full status as Peace Officers.

Sincerely,



JOSEPH E. THAGGARD  
DEPUTY COUNTY ATTORNEY

JETk

SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 3(h)  
DATE 2/21/91  
BILL NO. SB 379





# SHERIFF DAVE CHRISTMAN

(406) 765-1200  
PLENTYWOOD, MONTANA 59254

August 27, 1990

TO: THE MONTANA LEGISLATURE  
FROM: DAVE CHRISTMAN, SHERIDAN COUNTY SHERIFF  
RE: PEACE OFFICERS STATUS FOR ADULT PROBATION AND PAROLE OFFICERS

As Sheriff of Sheridan County, Montana, I am considerably involved in criminal arrests.

As Sheriff, I frequently work with members of the Adult Probation and Parole Office. Probation and Parole Officers perform many of the same duties as those of Peace Officers. Therefore, I see no reason for the distinction between the two offices.

I would strongly urge the members of the Montana Legislature to pass whatever laws necessary to grant State Probation and Parole Officers full status as Peace Officers.

Sincerely,

*Dave Christman*  
Dave Christman, Sheriff  
Sheridan County  
Plentywood, Montana

SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 3 (i)  
DATE 2/21/91  
BILL NO. SB 379

**GREGORY P. MOHR**

*Richland County Justice of the Peace*

*123 West Main - Sidney, MT 59270  
(406)482-2815*

August 23, 1990

TO: THE MONTANA LEGISLATURE  
FROM: HONORABLE GREGORY P. MOHR, JUSTICE OF THE PEACE/CITY JUDGE  
RE: PEACE OFFICER STATUS FOR ADULT PROBATION/PAROLE OFFICERS

As Justice of the Peace of Richland County and City Judge for the City of Sidney, I work quite often with Montana's Department of Probation and Parole. This working relationship is a key element in the progress made in my Court. In working closely with the Adult Probation/Parole Officer, I am familiar with the problems they encounter. I see a great need for the Probation and Parole Officers to have full Peace Officer's status.

In counties such as mine, the local law enforcement officials are drastically understaffed and with current budget constraints and tax problems, the situation will not improve. A Probation and Parole Officer with full Peace Officer status would be an asset. I urge you to pass whatever legislation necessary to accomplish this task.

Sincerely,



Gregory P. Mohr  
Justice of the Peace/City Judge

GPM/bp

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3(j)

DATE 2/21/91

BILL NO. SB 379

ROY M. DELONG  
Commissioner

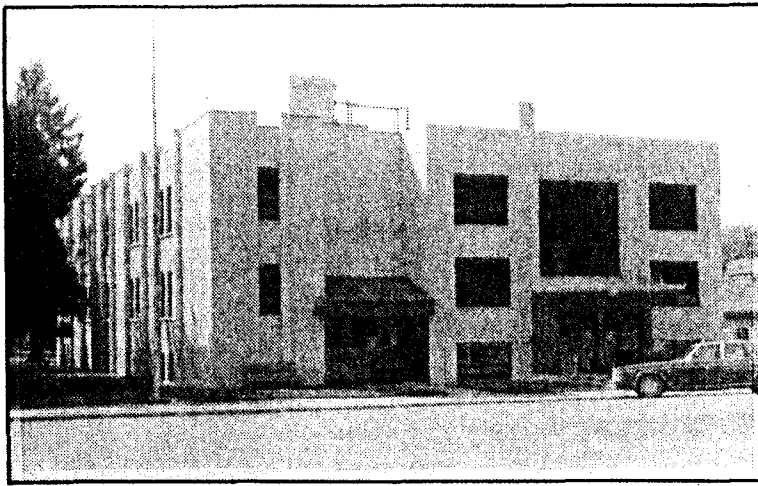
JOHN MUSTER  
Commissioner

NORMAN E. RESLER  
Commissioner

DIXIE VAUGHT  
Clerk & Recorder

JUNE M. THAYER  
Treasurer - Supt. of Schools

PATRICIA N. ELDRIDGE  
Assessor



LISA FERKOVICH  
Clerk of District Court

ROBERT SLOMSKI  
Attorney

WILLIAM J. ALEXANDER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

# COUNTY OF SANDERS

## STATE OF MONTANA

P.O. Box 519  
Thompson Falls, Montana 59873  
October 3, 1990

TO WHOM IT MAY CONCERN:

I very strongly support and encourage giving Probation and Parole Officers peace officer status for several reasons:

I believe they need this for their protection.

I also believe they should attend at least Basic law academy to see what our law officers go through to put these people away.

Peace officer status for Probation and Parole Officers has my complete support.

Sincerely,

BILL ALEXANDER, Sheriff  
Sanders County Sheriff's Dept.

BA:df

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3(K)

DATE 2/21/91

BILL NO. SB 379

ROY M. DELONG  
Commissioner

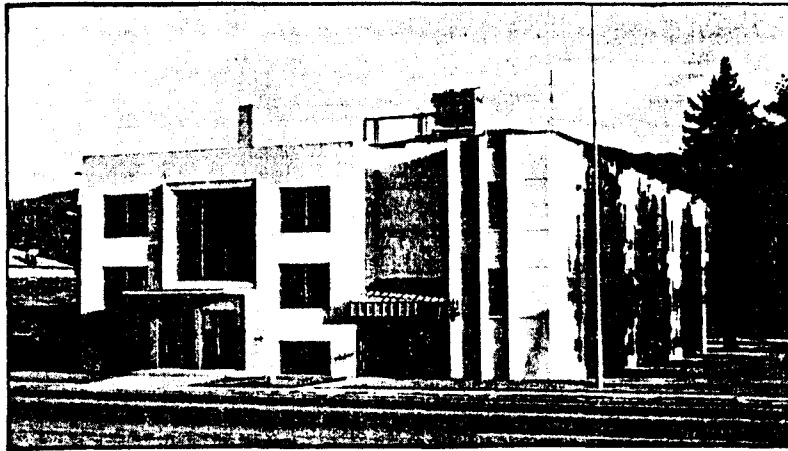
JOHN MUSTER  
Commissioner

NORMAN E. RESLER  
Commissioner

DIXIE VAUGHT  
Clerk & Recorder

JUNE M. THAYER  
Treasurer - Supt. of Schools

PATRICIA N. ELDRIDGE  
Assessor



LISA FERKOVICH  
Clerk of District Court

ROBERT SLOMSKI  
Attorney

WILLIAM J. ALEXANDER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

# COUNTY OF SANDERS

## STATE OF MONTANA

P.O. Box 519  
Thompson Falls, Montana 59873

October 29, 1990

Senator Paul Svreck  
PO Box 1392  
Thompson Falls, MT 59873

NOV 01 1990

Dear Senator Svreck:

Regarding peace officer status for Probation/Parole Officers.

Although I do not know at this time who the sponsors will be or what the bill number will be, I am informed that the Montana Adult Probation and Parole Officers will be actively pursuing peace officer status this legislative session.

As I am sure you are aware, Montana Adult Probation/Parole Officers are employed by the Montana Department of Institutions to supervise convicted felons who are on probationary sentences or parole. Due to a number of factors, such as overcrowding in our state prison system, a desire to control expenses to the taxpaying public, harsher sentences being imposed by the courts, particularly in drug cases, and many other reasons, there has been a move toward more community based supervision of criminal offenders. The work load and responsibilities of our Montana Adult Probation/Parole Officers has increased accordingly. Recently, in recognition of their law enforcement authority, Montana Adult Probation/Parole Officers have been authorized to carry firearms, particularly in situations in which they assist law enforcement authorities in making searches and arrests of convicted felons under their jurisdiction.

SENATE LABOR & EMPLOYMENT


EXHIBIT NO. 3(1)

DATE 2/21/91

BILL NO. SB 379

For a number of reasons, the Montana Adult Probation/Parole Officers are seeking peace officer status thorough legislation which will proposed in the coming legislative session. Peace officer status would mean additional training for Adult Probation/Parole Officers, as well as additional benefits to the Probation/Parole Officers. The benefits to the people of the State of Montana, and to the citizens of Sanders County in particular, of peace officer status for Montana Adult Probation/Parole Officers, would be having additional trained law enforcement personnel with full law enforcement authority to supervise convicted criminal offenders in our community. As Sanders County Attorney, I support full peace officer status for our Montana Adult Probation/Parole Officers, and I urge you to support legislation in the coming session to that end.

Very truly yours,

  
Robert Slomski  
Sanders County Attorney

/ss

ROY M. DELONG  
Commissioner

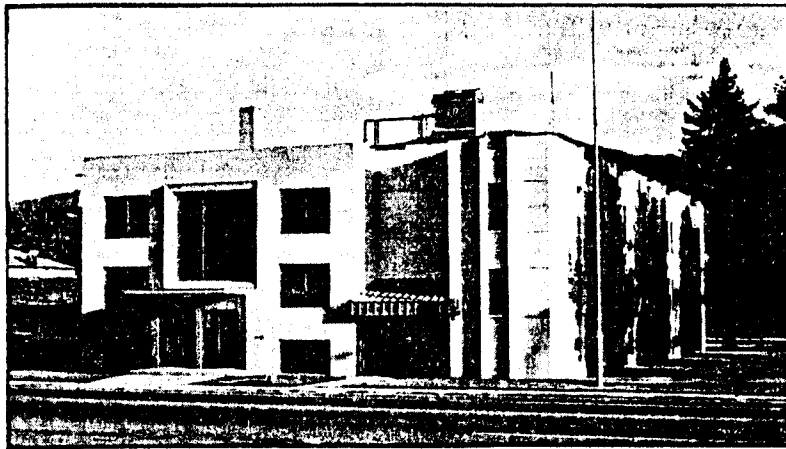
JOHN MUSTER  
Commissioner

NORMAN E. RESLER  
Commissioner

DIXIE VAUGHT  
Clerk & Recorder

JUNE M. THAYER  
Treasurer - Supt. of Schools

PATRICIA N. ELDRIDGE  
Assessor



LISA FERKOVICH  
Clerk of District Court

ROBERT SLOMSKI  
Attorney

WILLIAM J. ALEXANDER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

# COUNTY OF SANDERS

## STATE OF MONTANA

P.O. Box 519  
Thompson Falls, Montana 59873

October 29, 1990

Representative Jim Elliott  
100 Trout Creek Rd  
Trout Creek, MT 59874

NOV 6 1990

Dear Representative Elliott:

Regarding peace officer status for Probation/Parole Officers.

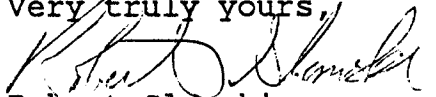
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SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 3(m)  
DATE 2/21/91  
BILL NO. SB 379

For a number of reasons, the Montana Adult Probation/Parole Officers are seeking peace officer status thorough legislation which will proposed in the coming legislative session. Peace officer status would mean additional training for Adult Probation/Parole Officers, as well as additional benefits to the Probation/Parole Officers. The benefits to the people of the State of Montana, and to the citizens of Sanders County in particular, of peace officer status for Montana Adult Probation/Parole Officers, would be having additional trained law enforcement personnel with full law enforcement authority to supervise convicted criminal offenders in our community. As Sanders County Attorney, I support full peace officer status for our Montana Adult Probation/Parole Officers, and I urge you to support legislation in the coming session to that end.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert Slomski".

Robert Slomski  
Sanders County Attorney

/ss

ROY M. DELONG  
Commissioner

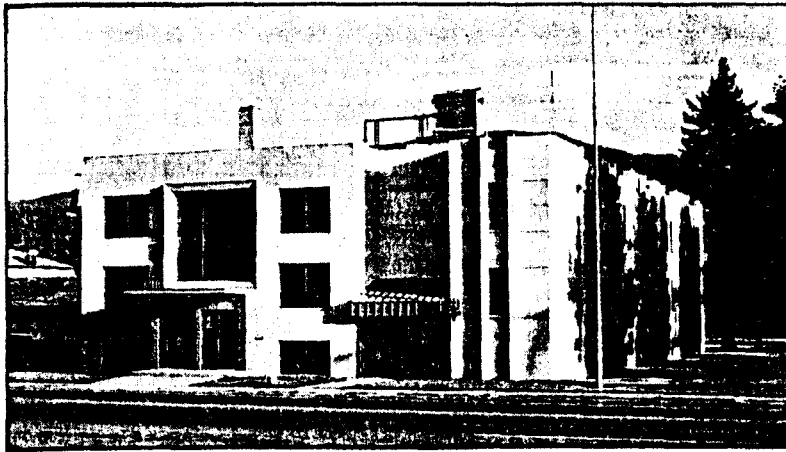
JOHN MUSTER  
Commissioner

NORMAN E. RESLER  
Commissioner

DIXIE VAUGHT  
Clerk & Recorder

JUNE M. THAYER  
Treasurer - Supt. of Schools

PATRICIA N. ELDRIDGE  
Assessor



LISA FERKOVICH  
Clerk of District Court

ROBERT SLOMSKI  
Attorney

WILLIAM J. ALEXANDER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

# COUNTY OF SANDERS

## STATE OF MONTANA

P.O. Box 519  
Thompson Falls, Montana 59873

October 29, 1990

Representative Barry "Spook" Stang  
142 Hwy 135  
St. Regis, MT 59866

NOV 01 1990

Dear Representative Stang:

Regarding peace officer status for Probation/Parole Officers.

Although I do not know at this time who the sponsors will be or what the bill number will be, I am informed that the Montana Adult Probation and Parole Officers will be actively pursuing peace officer status this legislative session.

As I am sure you are aware, Montana Adult Probation/Parole Officers are employed by the Montana Department of Institutions to supervise convicted felons who are on probationary sentences or parole. Due to a number of factors, such as overcrowding in our state prison system, a desire to control expenses to the taxpaying public, harsher sentences being imposed by the courts, particularly in drug cases, and many other reasons, there has been a move toward more community based supervision of criminal offenders. The work load and responsibilities of our Montana Adult Probation/Parole Officers has increased accordingly. Recently, in recognition of their law enforcement authority, Montana Adult Probation/Parole Officers have been authorized to carry firearms, particularly in situations in which they assist law enforcement authorities in making searches and arrests of convicted felons under their jurisdiction.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3(n)

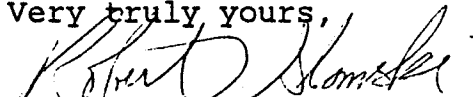
DATE 2/21/91

BILL NO. SB 379



For a number of reasons, the Montana Adult Probation/Parole Officers are seeking peace officer status thorough legislation which will proposed in the coming legislative session. Peace officer status would mean additional training for Adult Probation/Parole Officers, as well as additional benefits to the Probation/Parole Officers. The benefits to the people of the State of Montana, and to the citizens of Sanders County in particular, of peace officer status for Montana Adult Probation/Parole Officers, would be having additional trained law enforcement personnel with full law enforcement authority to supervise convicted criminal offenders in our community. As Sanders County Attorney, I support full peace officer status for our Montana Adult Probation/Parole Officers, and I urge you to support legislation in the coming session to that end.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert Slomski".

Robert Slomski  
Sanders County Attorney

/ss

## WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21 day of February, 1991.

Name: Sean Kyle

Address: 1123 Sunnyside Lane #206F  
Billings MT

Telephone Number: 245-7917

## Representing whom?

## Adult Probation & Parole

Appearing on which proposal?

5B 379

Do you: Support? ✓ Amend?        Oppose?       

**Comments:**

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

February 21, 1991

1991 Montana Legislature  
Senate Labor Committee  
State Capitol Building  
Helena, MT

Re: SB 379

Honorable Committee Members:

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 4

DATE 2/21/91

BILL NO. SB 379

Probation/Parole Officers provide services that greatly benefit the law-abiding citizens of Montana. Officers supervise adults who have committed felonies and are either placed on supervised probation by a district court judge or granted parole from prison by the parole board. Officers have the authority to arrest, conduct searches of clients, their automobile and residence, do investigations, carry firearms, and many other duties. There are currently over 4,000 people being supervised by 48 officers.

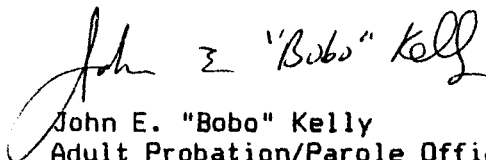
Of the 48 officers, located around the state, over one-third of them have, like myself, less than two years experience as a Probation/Parole Officer. Morale among the officers is extremely low and many are considering leaving the field. Peace Officer status would be a great morale booster and help retain experienced, qualified officers.

Prior to becoming a Probation/Parole Officer, I was employed at Montana State Prison for six and a half years as a Correctional Officer, a Correctional Technician, and as a Correctional Treatment Specialist. I find it very ironic that before one can work at Montana State Prison, one must complete 120 hours of basic training. A Probation/Parole Officer, on the other hand, receives 12 hours of "training" at the Central office in Helena and given a tour of Montana State Prison in Deer Lodge. The "training" consisted of completing payroll and tax forms, watching several videos, a tour of the Central Office, and a pep talk by the head of the Department of Corrections to enroll in the deferred compensation payroll plan. With all of the duties and responsibilities entrusted to a Probation/Parole Officer, the lack of training is unsettling, to say the least. Peace Officer Designation

would enable the officers to receive the training they need.

I urge you to support SB 379. The cost of this bill is minimal and the advantages to the State of Montana are great.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John E. 'Bobo' Kelly". The signature is stylized with a large, sweeping initial "J" and a cursive "E".

John E. "Bobo" Kelly  
Adult Probation/Parole Officer II  
51 West Granite Street  
Butte, Montana 59701  
Phone: 723-8911

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21 day of February, 1991.

Name: John E. "Bobo" Kelly

Address: 821 W 5th ANAconda, MT

Telephone Number: 563-3081

Representing whom?

MONTANA FEDERAL STATE PROBATION / PAROLE OFFICES

Appearing on which proposal?

SB 379

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21st day of February, 1991.

Name: Debbie Willis

Address: 201 N. 25th St. Billings, MT

Telephone Number: 657-2146

Representing whom?

MT Federation of ~~Teachers~~ Probation/Parole Officers

Appearing on which proposal?

SB 379

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:



PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21 day of February, 1991.

Name: Mary D. Jay

Address: 1916 West Hill Place  
Great Falls, MT 59404

Telephone Number: 737-7516

Representing whom?

Montana Federation of Probation & Parole Officers

Appearing on which proposal?

SB 379 Peace Officers Status for Prob & Parole Officers

Do you: Support? X Amend? \_\_\_\_\_ Oppose? \_\_\_\_\_

Comments:

Gave oral testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Amendments to Senate Bill No. 383  
First Reading Copy

Requested by Sen. Weeding  
For the Senate Committee on Labor and Employment Relations

Prepared by Eddye McClure  
February 18, 1991

1. Title, line 8.

Following: "39-71-431,"

Strike: "39-71-704, 39-71-741,"

2. Page 7, lines 5, 14, and 20.

Strike: "temporary"

3. Page 15, line 18 through page 24, line 6

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections



2/21/91

Curt Laingen

SB 383

Montana Motor Carriers Association

Mr. Chairman, members of the committee, for the record my name is Curt Laingen, Director of Safety for the Montana Motor Carriers Association. I am before you today to speak in support of Senate Bill 383.

Having owned and operated trucks for a number of years as well as making payroll for employees, I have always believed that the day I would support a Workers Compensation/State Fund bill would be a cold day in Helena. It isn't a cold day, and I and the Montana Motor Carriers Association believe this is a good bill.

An ongoing problem Montana truckers and carriers have faced for many years dealing with Work Comp has been a lack of clear definition in State Statute. In other words, who exactly must be covered by Work. Comp., who must provide coverage, and what type of coverage must be provided. This bill, SB 383, clarifies those answers in Section 2 Paragraph 4.

That language will serve as an aid to our Association as it endeavors to counsel our members in their concern for compliance with state law. The Montana trucking industry desires clear and concise rules as well as a fair and uniform regulation; HB 383 is a means to that goal.

I strongly urge DO PASS for HB 383.

Thank You.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 5

DATE 2/21/91

BILL NO. SB 383

100 NINTH AVE.  
P.O. BOX 5119  
HELENA, MT  
59604  
(406) 442-1911  
FAX 443-3894

## Testimony of the

### Montana Hospital Association

#### Senate Bill 383

The Montana Hospital Association opposes Senate Bill 383. We do so because Section 6 of the bill (on page 18) unfairly limits hospital rates. Limiting increases in hospital rates to the percentage increase in the state's average weekly wage is arbitrary and capricious.

Hospitals in Montana have borne a disproportionate share of the burden in resolving the Workers' Compensation funding problem. Hospital rates have been frozen since 1988 and are currently discounted by as much as 33 percent. Montana's rural hospitals simply cannot afford to indefinitely subsidize the state insurance fund.

At the same time Montana underpays its own hospitals, hospitals located outside of Montana are paid full charges.

Discounts required by Workers' Compensation are made up by other insurers and people who pay their expenses out of their own pocket. Hospitals unable to raise money from other payors must utilize capital reserves or increase county tax subsidies.

Workers' Compensation is creating a hidden tax on employers and other Montanans by not paying their fair share of health care costs.

At the same time hospital payment rates have been frozen the cost of workers' compensation insurance has risen by 57 percent. During a two year period since hospital rates have been frozen the state has collected \$530 thousand in excess insurance premiums from hospitals. (Source: State Mutual Compensation Insurance Fund: Class Code Experience Inquiry 3/07/90)

MHA has worked cooperatively with the State to develop a reasonable hospital rate plan. This cooperative spirit between the state and the private sector will be greatly impaired by the passage of Senate Bill 383.

MHA urges this committee to delete the amendments to section 6 of Senate Bill 383.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 6

DATE 2/21/91

BILL NO. SB 383

#### OFFICERS

Chairman  
John Solheim  
Glendive

Chairman-Elect  
John A. Guy  
Helena

Immediate  
Past Chairman  
William J.  
Downer, Jr.  
Great Falls

Treasurer  
Grant Winn  
Missoula

President  
James F. Ahrens  
Helena

#### TRUSTEES

Madelyn Faller  
Superior

Gerald Bibo  
Havre

Kyle Hopstad  
Glasgow

Gary Kenner  
Bozeman

Tim Russell  
Columbus

William T. Tash  
Dillon

James Paquette  
Billings

Lane Basso  
Billings

Lawrence White  
Missoula

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21 day of February, 1991.

Name: David Orendorff

Address: 536 N Warren  
Helena, MT 59601

Telephone Number: 442-1440

Representing whom?

~~St. Paul's~~ Pastor of ST. Paul's United Methodist Church

Appearing on which proposal?

SB403

Do you: Support? X Amend?        Oppose?       

Comments:

My thanks to the Chair and Committee for this  
opportunity. I am a pastor of ST PAUL'S United Methodist  
Church, I encourage you to thoroughly Montana's need  
for Child Labor Laws, and pass I support this effort  
to protect our child from possible labor abuses

Dave Orendorff

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 7

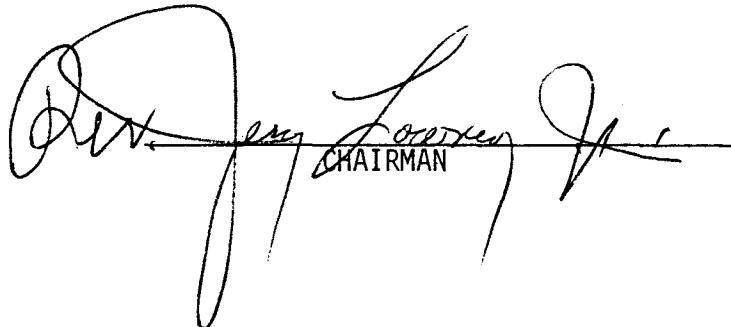
DATE 2/21/91

BILL NO SB 403

**priests' council • p.o. box 1729 • helena, mt 59624**

February 21, 1991

We, the Social Justice Committee of the Priests. Council  
hereby support Senate Bill No. 403.

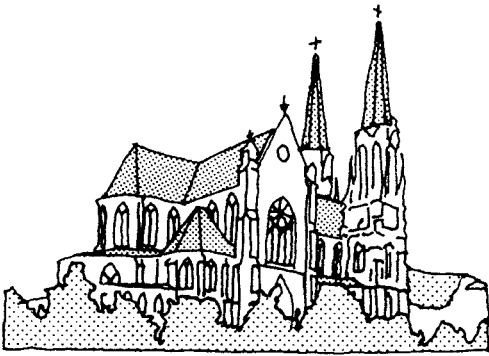
  
CHAIRMAN

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 8

DATE 2/21/91

BILL NO. 513403



# ST. HELENA CATHEDRAL

530 NORTH EWING  
HELENA, MONTANA  
442-5825 59601

February 11, 1991

We the Christian Concerns Committee have unanimously endorsed Senate Bill 403, Child Labor Act and urge our parishioners to support this important social justice legislation.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 9

DATE 2/21/91

BILL NO. SB403

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21st day of February, 1991.

Name: Fr. Jerry Lounney

Address: St. Helen's Cathedral  
530 W. Ewing  
Helen, MI

Telephone Number: 442-5805

Representing whom? Christian Concerns Comm. - The

Social Justice Comm. Priests Council - Diocese of Helen St. Helen's Cathedral

Appearing on which proposal?

SB 403

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



DONALD R. JUDGE  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

Testimony of Don Judge before the Senate Labor Committee on Senate Bill 403,  
February 21, 1991.

-----

Mr. Chairman, members of the committee, for the record my name is Don Judge, representing the Montana State AFL-CIO, and I'm here today to testify in favor of Senate Bill 403.

As you might expect, the Montana State AFL-CIO has carefully reviewed this proposed legislation because of our acute interest and concern for the safety and well-being of Montana's young people.

I would just preface my remarks with a quote from a widely circulated article by Bruce Butterfield of the Boston Globe in the Spring of last year. A time when child labor investigations were capturing the attention of the American public.

"America's children are among the nation's most widely exploited workers...they are often scalded and burned, sliced up by food machines...they fall and fracture their backs, and break their arms and hands...they are left badly maimed and disfigured for life...nearly all the time they get tired, miss school and are ignored...records show that tens of thousands are seriously injured and hundreds are killed every year as the nation's work force shrinks and young children and teenagers are pressed into jobs that are often unsafe."

Those statements are very powerful and thought provoking. In Montana, we are compelled to address a problem that, here at home, and nation-wide has seen a decade of neglect and rampant workplace abuse.

More and more children are entering the job market. I see that myself when I speak to High School groups. Five years ago when I asked how many students were working, only a handful raised their hands. Now, over half of the class raise their hands.

These young people are working because they may need to bring in extra income for the family. They might come from a broken home and work as a means of support. Or, working may be their only avenue to a college education. In extreme cases, they may be homeless children seeking only to survive.

SENATE LABOR & EMPLOYMENT

EXHIBIT IN 10 \_\_\_\_\_

DATE 2/21/91 \_\_\_\_\_

BILL NO. SB 403 \_\_\_\_\_

Testimony of Don Judge, SB 403  
Page Two  
February 21, 1991

Whatever the reason, more and more young Montanans are entering the workforce, and for all practical purposes, there are no restrictions on hours of work; no restrictions that speak of work interfering with school; and no real provisions for active enforcement. Under present law our young people can work 40 hours a week, they can start work before 6:00 a.m. or work after midnight. Senate Bill 403 corrects this glaring inequity along with providing other constructive restrictions, definitions, and limitations. All designed to begin to provide needed protections for the "most widely exploited workers" in America and in Montana.

Senate Bill 403 gives you an opportunity -- an opportunity for this Legislature to signal it's commitment to the youth of our state -- an opportunity for Montana to come into line with a number of other states which have recognized that unless we address ourselves to the problems involved with children at work, we will continue to maim and kill our young people at an alarming rate.

The Montana State AFL-CIO, it's affiliated local unions, and rank and file working men and women of the state of Montana urge you to seize this opportunity -- send the signal -- take a decisive step to protect Montana's children -- please give Senate Bill 403 a "do pass" recommendation.

Thank you.



February 21, 1991

Ladies and Gentlemen:

These are amendments that we believe should be made to SB 403.

Line 21, Page 3

(a) In the distribution, sale or collection for newspapers, magazines, periodicals or circulars;

Line 8, Page 4

(a) the distribution, sale or collection for newspapers, magazines, periodicals or circulars; and

Page 14, Lines 7 to 12

(3) Notwithstanding the provisions of subsection (1)<sup>mg</sup>, a minor between 12 and 16 years of age engaged in delivering newspapers to a consumer may work before 7 a.m. and after 7 p.m., but not for more than 4 hours on any school day or more than 28 hours in any 1 week when school is in session or more than 5 hours on any day when school is not in session. (delete remainder of lines 12, 13 and 14)

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11

DATE 2/21/91

BILL NO. SB 403



DONALD R. JUDGE  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

Testimony of Don Judge on Senate Bill 406, hearings before the Senate Labor Committee, February 21, 1991

-----

Mr. Chairman, members of the committee, for the record, I am Don Judge, Executive Secretary of the Montana State AFL-CIO, here today to testify in opposition to Senate Bill 406.

The Montana State AFL-CIO reaffirms its strong support for a fair workers' compensation system -- a system that meets the needs of workers and their families at one of the most trying times of their lives - the aftermath of an on-the-job accident.

It's this guiding principle that compels us to point out the problems with this bill.

Senate Bill 406 attempts to change case law and make it more restrictive. In 1987, the Supreme Court extensively considered and gave a reasonable interpretation to statutes dealing with pre-existing conditions. The Supreme Court decision was fair and correct. Senate Bill 406 would undermine that decision and add unfair restrictions to the law.

Senate Bill 406 would also wreak havoc with the concept of latent injury. Because of the myriad number of medical problems that can arise as the result of an on-the-job accident, some of which are not readily apparent and do not manifest themselves for a number of months or years, this bill would apply a substantial restriction.

For these reasons, and because Senate Bill 406 would not serve the interests of injured workers -- and in some cases would only add to the hardship of any job related injury -- we urge you to give this bill a "do not pass" recommendation. Limiting a workers' right to file a claim for an on-the-job injury is like ignoring the injury entirely, and placing full responsibility on the workers themselves.

Thank you.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 12

DATE 2/21/91

BILL NO. SB406

# PREMIUM REDUCTION PERCENTAGES

	Hazard Group			
	I	II	III	IV
Percentage Premium Reduction for employers electing \$500 deductible	4.9%	4.2%	3.2%	2.8%
Percentage Premium Reduction for employers electing \$1,000 deductible	8.1%	7.2%	5.5%	4.8%
Percentage Premium Reduction for employers electing \$1,500 deductible	10.7%	9.4%	7.4%	6.5%
Percentage Premium Reduction for employers electing \$2,000 deductible	13.0%	11.4%	9.1%	8.0%
Percentage Premium Reduction for employers electing \$2,500 deductible	14.9%	13.2%	10.6%	9.3%

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 13

DATE 2/21/91

BILL NO. SB 420

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 2-21-91 day of \_\_\_\_\_, 1991.

Name: Garguline N. Terrell

Address: [Signature]

Telephone Number: \_\_\_\_\_

Representing whom?

American Insurance Assoc.

Appearing on which proposal?

SB 420

Do you: Support? \_\_\_\_\_ Amend? \_\_\_\_\_ Oppose? ☒

Comments:

This bill, even as amended, has the effect of requiring the offer of a policy with a deductible provision. It is the position of AIA that the deductible should be a matter of negotiation by both parties and not only the employer. We find the cost savings under such a plan to be negligible. Further, under the payment/reimbursement provisions, it places the insurer in the position of "loaning" that deductible to the employer until collection.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY  
SENATE LABOR & EMPLOYMENT

EAH BIT NO. 14

DATE 2/21/91

BILL NO. SB 420

3.2

OSHA

## GUIDELINES FOR DISTINGUISHING BETWEEN RECORDABLE (MEDICAL TREATMENT) AND NON-RECORDABLE (FIRST AID CASES)

The following will assist to differentiate between medical treatment (recordable and first aid (non-recordable) cases to be entered on OSHA Form 200.

### FIRST AID (Non-Recordable)

Any one-time treatment, and any follow-up visit for the purpose of observation, of minor scratches, cuts, burns, splinters and so forth, which do not ordinarily require professional medical care. Such one-time treatment, and follow-up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.

### MEDICAL TREATMENT (Recordable)

Treatment administered by a physician or registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though administered by a physician.

Since the definitions are general in nature, the following additional information is provided to help clarify the distinction between first aid and medical treatment for the types of injuries commonly experienced.

#### -Prescription Medication

Any use of a prescription medication normally constitutes medical treatment. However, it shall be considered first aid when a single dose or application of a prescription medication is given on the first visit merely as preventive treatment for a minor injury (tetanus toxoid, for instance). This situation can occur at facilities having dispensaries attended by a physician or nurse and stocked with prescription medications frequently used for preventive treatment. This provision is included to assure that preventive treatment on minor injuries is not discouraged to prevent an overstatement of recordable incidents.

#### -Cuts and Lacerations

First Aid: Treatment limited to cleaning wound, soaking, applying antiseptic and/or non-prescription medication (see above), and bandaging on first visit. Follow-up visits limited to observation including changing dressing and bandage. Additional cleaning and application of antiseptic permissible as first aid where required by exposure to dirty environment.

Medical Treatment: Injury requires butterfly closure, sutures (stitches), surgical debridement (cutting away dead skin), treatment of infection, or other professional treatment.

SENATE LABOR &amp; EMPLOYMENT

EXHIBIT NO. 15DATE 2/21/91BILL NO. SB447

SB447

2.

MEDICAL TREATMENT GUIDELINES (continued)-Abrasions

First Aid: Same as for cuts and lacerations except ointments can be added on follow-up visits to prevent drying and cracking.

Medical Treatment: Injury requires careful examination for removal of imbedded foreign material, multiple soakings, whirlpool treatment, treatment of infection, or other professional treatment. Any incident involving more than a minor, spot-type injury.

-Bruises

First Aid: Treatment limited to a single soaking or application of cold compresses on a minor bruise. Follow-up visits limited to observation.

Medical Treatment: Injury requires multiple soakings or other extended care beyond mere observation.

-Splinters and Puncture Wounds

First Aid: Treatment limited to cleaning wound, removal of foreign objects(s) by tweezers or other simple techniques, application of antiseptics and non-prescription medications (see previous), and bandaging on first visit. Follow-up visits limited to observation including changing bandage. Additional cleaning and application of antiseptic permissible as first aid where required by exposure to dirty environment. Tetanus booster injections are considered as a preventive treatment and are included under first aid.

Medical Treatment: Injury requires removal of foreign objects(s) by a physician due to depth of imbedment, size or shape of objects(s) or location of wound. Also, injuries requiring treatment for infection, treatment of a reaction to tetanus booster, or other professional treatment.

-Burns, Thermal and Chemical

First Aid: Treatment limited to cleaning or flushing surface, soaking, applying cold compresses, antiseptics and/or non-prescription medication (see previous) and bandaging on first visit. Follow-up visits restricted to observation including changing bandage or possibly additional cleaning. Usually minor first degree burns.

Medical Treatment: Injury requires a series of treatments including soaks, whirlpool, surgical debridement (cutting away dead skin), and application of medications. Usually all second and third degree burns and extensive first degree burns.

3.

MEDICAL TREATMENT GUIDELINES (continued)-Sprains and Strains

First Aid: Treatment limited to soaking, application of cold compresses and use of elastic bandage on first visit. Follow-up visits for observation possibly including re-applying bandage.

Medical Treatment: Injury requires series of hot and cold soaks, use of whirlpools, diathermy treatment, or other professional treatment.

-Fractures

First Aid: Treatment considered as a first aid when X-ray examination is made as a precaution and results are negative.

Medical Treatment: Incident where X-ray results are positive or other professional treatment is administered.

-Eye Injuries

First Aid: Treatment limited to irrigation, removal of foreign material not imbedded in eye, and application of non-prescription medications (see previous). Precautionary visit to doctor is still considered as first aid if treatment is limited to above items. Follow-up visits for observation only.

Medical Treatment: Cases involving removal of imbedded foreign objects, use of prescription medication (see previous), or other professional treatment.

February 21, 1991

Ladies and Gentlemen:

These are amendments that we believe should be made to SB 403.

Line 21, Page 3

(a) In the distribution, sale or collection for newspapers, magazines, periodicals or circulars;

Line 8, Page 4

(a) the distribution, sale or collection for newspapers, magazines, periodicals or circulars; and

Page 14, Lines 7 to 12

(3) Notwithstanding the provisions of subsection (1)<sup>ing</sup>, a minor between 12 and 16 years of age engaged in delivering newspapers to a consumer may work before 7 a.m. and after 7 p.m., but not for more than 4 hours on any school day or more than 28 hours in any 1 week when school is in session or more than 5 hours on any day when school is not in session. (delete remainder of lines 12, 13 and 14)

Lynch

Yes

on

Do Not Pass

Motion on SB 365

*[Signature]*

Lynch

YES - 403

NO - 406



DATE

2/21/91

COMMITTEE ON

Senate Labor

Hearing: SB 379-383-403-406-420-447

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mary Kay Jay	MT Fed of Prob + Parole	379	✓	
John E. "Bob" Kelly	Probation/Parole Off. II	379	✓	
Sean R. Lyle	Probation & Parole Officer III	379	✓	
Debbie Willis	Probation/Parole Off. III	379	✓	
Terry M. W. W.	MFS E	379	✓	
BEN EVERETT	Self	406		✓
Dan Edwards	OCBW	383	X	
Dan Edwards	OCBW	403	X	
Dan Edwards	OCBW	406		X
Dan Edwards	OCBW	420	X as amended	<del>FE</del>
Fr. Jimmy Laurney	St. Helena Catholic + Priests Council	403	✓	
Bob Heiser	UFCW	420	X as amended	<del>FE</del>
Don Judge	MT STATE AFF-LIO	SB 403	X	
" "	" "	SB 420 SB 406		X
Dave Orendorff	St. Paul's United Methodist	SB 403	X	
Bob Heiser	UFCW	403	X	
Bob Jensen	Dept. of Labor	383	X	
Laila Jay	OPD	403	✓	
JAY REEDON	USWA LOCAL 72	SB 420 SB 406		X
Norm Grosfield	Attorney	406		X
CURT LAINGEN	MT Motor Carrier's Assn	383	✓	
PAT Sweeney	STATE FUND	383	✓	
" "	" "	406	✓	
Robert Olsen	MT Hospital Assn.	383		X
Chuck Waller	MNA	403		X
Tickie Orendorff		403	✓	

DATE 2/21/91 (cont'd)

## Senate Labor

# VISITORS' REGISTER

[illegible]