

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Senator Thomas E. Towe, Vice Chairman, on
February 23, 1991, at 8:05 a.m.

ROLL CALL

Members Present:

Thomas Towe, Vice Chairman (D)
Gary Aklestad (R)
Chet Blaylock (D)
Gerry Devlin (R)
Steve Doherty (D)
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: Senator Towe announced the appointment
of Senator Steve Doherty as a full voting member of the
Committee during Senator Manning's absence.

EXECUTIVE ACTION ON SENATE BILL 379

Motion:

Senator Blaylock moved the amendments (SB037901.ATG).

Senator Blaylock moved Senate Bill 379 DO PASS as amended.

Discussion:

Tom Gomez explained amendments (SB037901.ATG).

Senator Blaylock asked Mr. Gomez if Senator Van Valkenburg
has seen the amendments. Mr. Gomez told the Committee Senator

LA022391.SM1

Van Valkenburg, Terry Minow of MFT, and a member of the Board of Crime Control have been consulted.

Senator Nathe asked if training to carry firearms will be included.

Senator Towe told the Committee a bill passed out of the Judiciary Committee which authorizes firearms for parole/probation officers. He explained a regulation already exists authorizing parole/probation officers to carry firearms whenever an application with just cause has been made.

Senator Keating asked if Senate Bill 379 would move parole/probation officers from the authority of the Department of Institutions to the Attorney General.

Senator Towe explained a bill was killed which would have made such a move.

Senator Keating asked the reasoning for the move. Senator Towe explained the Department of Institutions already supervises these people.

Senator Keating commented through conversations with police officers he understands parole/probation officers are called upon to search; they are in contact in drug dealers and firearms; they make arrests; and the involvement is much like that of a police officer. He stated they should have protection and should be trained.

Senator Blaylock pointed to the statement by Dan Russell. There would be an additional \$42,000 cost for workers' compensation. Gene Kaiser of the Board of Crime Control, Executive Director of the Montana Peace Officers Standard and Training Program told the Committee perhaps because of the firearm issue, or the peace officer status issue individuals would be involved in additional risk. He explained the risks were there irregardless.

Senator Towe asked Mr. Kaiser what the cost would be for two weeks training. Mr. Kaiser thought perhaps it would be \$3.50 per day.

Senator Pipinich asked Mr. Kaiser if instructors from the academy could travel to Vo-Techs to offer the course. Mr. Kaiser stated this was possible and would make it more cost effective.

Senator Blaylock asked Jim Murphy of Workers' Compensation if there would be an additional \$42,000 cost for workers' compensation due to parole/probation officers being allowed to carry firearms. Mr. Murphy explained there would not be change in the rate, the classification code would change.

Senator Devlin commented other peace officers, i.e., highway

patrol, working in hazardous situations have a higher classification. He stated this could be the case with parole/probation officers.

Senator Aklestad asked for a Fiscal Note pertaining the workers' compensation, training, other insurance costs, benefits, etc. before the bill is heard on Second Reading. He explained he was not comfortable with the \$3 per day figure. He served on the special committee for moving the police academy. He told the Committee the costs discussed at that time exceeded \$3 per day.

Senator Towe told the Committee parole/probation officers work hard, take risks, and are generally overworked due to case loads. He expressed his hesitation at giving them peace officer status. Their role should be that of professional correction officers. If a law enforcement problem arises they should call upon a policeman, however, under current law probation/parole officers have the duty of arrest. He expressed concern for their safety once it is known they are carrying firearms. Senator Towe explained the Judiciary Committee passed a bill out of committee which allows probation/parole officers the right to carry firearms.

Senator Lynch reminded the Committee the parole/probation officers requested Senate Bill 379.

Senator Devlin asked if time will allow for a Fiscal Note before it reaches the floor of the Senate.

Senator Towe told the Committee he would immediately request and ask Senate Bill 379 to be held until there is a Fiscal Note.

Amendments, Discussion, and Votes:

Blaylock motion to amend CARRIED UNANIMOUSLY with Senator Manning absent.

Recommendation and Vote:

Blaylock motion to DO PASS as amended CARRIED UNANIMOUSLY with Senator Manning absent.

EXECUTIVE ACTION ON SENATE BILL 406

Motion:

Senator Aklestad moved amendments to Senate Bill 406.
(SB040601.ATG)

Senator Aklestad moved Senate Bill 406 DO PASS as amended.

Senator Blaylock moved Senate Bill 406 DO NOT PASS as

amended.

Discussion:

Senator Towe told the Committee he opposes Senate Bill 406. He commented the department is attempting to reverse a decision of the Supreme Court. He explained the department should not go to the Legislature when it receives an adverse decision.

Senator Aklestad told the Committee Workers' Compensation will move to increase premiums. He explained due to cases pending in the courts there could be another significant impact on the fund.

Senator Towe commented this addresses the latent injury which does not or cannot appear within the time frame set forth.

Amendments, Discussion, and Votes:

Aklestad motion to amend CARRIED UNANIMOUSLY.

Recommendation and Vote:

Roll Call Vote on Aklestad DO PASS as amended motion FAILED with four (4) YES (Aklestad, Devlin, Keating and, Nathe); and six (6) NO (Blaylock, Doherty, Lynch, Manning, Pipinich, and Towe).

Vote on Blaylock motion to DO NOT PASS as amended CARRIED with six (6) YES (Blaylock, Doherty, Lynch, Manning, Pipinich, Towe); and four (4) NO (Aklestad, Devlin, Keating, and Nathe).

EXECUTIVE ACTION ON SENATE BILL 383

Senator Blaylock moved amendments to Senate Bill 383.
(SB038301.ATG)

Senator Blaylock moved Senate Bill 383 DO PASS as amended.

Motion:

Tom Gomez explained amendments to Senate Bill 383.

Recommendation and Vote:

Blaylock motion to amend CARRIED UNANIMOUSLY.

Blaylock motion to DO PASS as amended CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 420

Motion:

Senator Devlin moved to amend Senate Bill 420.
(SB042001.ATG)

Senator Blaylock moved Senate Bill 420 as amended.

Discussion:

Tom Gomez explained the amendments to Senate Bill 420.

Recommendation and Vote:

Devlin motion to amend CARRIED UNANIMOUSLY.

Blaylock motion to DO PASS as amended CARRIED with Senator Manning voting NO. The record will show Senator Manning's vote as NO until he can be made aware of amendments.

EXECUTIVE ACTION ON SENATE BILL 403

Discussion:

Tom Gomez explained amendments to Senate Bill 403.

Senator Towe explained the dropout issue is addressed. For most occupations a training or apprenticeship status can be obtained for sixteen and seventeen year olds.

Senator Blaylock moved to amend Page 15, Line 22 by adding sub (6) "not withstanding the provision of sub (4), a minor between sixteen and eighteen years of age engaged in delivering newspapers to a consumer may work before 6:00 a.m. and after 6:00 p.m. but not for more than four (4) hours on any school day or more than 28 hours in any one week when school is in session; or more than eight (8) hours any day when school is not in session." Motion CARRIED UNANIMOUSLY.

Senator Towe asked Father Jerry Lowney to explain amendments on Page 6, Lines 19 and 20. He told the Committee he reviewed various state laws. What appears in the original bill is consistent. He explained the intent was to exclude those tasks which are hazardous for those under sixteen years of age. (Exhibit #1) Senator Towe directed the Committee to Page 6, Lines 22 through 25, in which the protection for power-driven machines is addressed.

Senator Devlin asked about Page 5, Line 21 which would prohibit 14 and 15 year olds from "cracking nuts". Senator Towe suggested taking this out as there are no "cracking nuts" occupations in Montana.

Senator Nathe pointed to Page 5, Lines 23 through 25. He cited a situation in an activity center for developmentally disabled where a fifteen year old individual working on an aluminum can crusher. He questioned the intent. Senator Towe commented aluminum cans are not "goods". Father Lowney explained this wording was of Iowa and Ohio laws.

Senator Devlin explained federal laws cover much of this. He asked if Senate Bill 403 was changing any federal law. Father Lowney explained no federal law was changed. He told the Committee federal regulations were used, which have been adopted in other states for those occupations under sixteen. The federal law covers up to sixteen. Over sixteen, any hazardous employment is excluded.

Senator Aklestad told the Committee Montana has child labor laws (41-2-101 through 121). He expressed his concern over making major changes to the statutes. He asked Father Lowney what is not adequate and why the current law cannot be amended for improvement. Father Lowney explained the basis is federal law and regulations with the addition of addressing specific hazards and hours worked for sixteen and seventeen year olds.

Senator Towe commented testimony indicated Montana law does not cover many areas and is quite antiquated.

Senator Aklestad asked why the hours, etc. could not have been addressed in "three paragraphs" of amendments rather than "completely write a bill" which is being "torn apart".

Bob Jensen of the Department of Labor and Industry told the Committee a division with DOLI administers and attempts to enforce the statute Senate Aklestad referred to. He explained the DOLI considered asking for revision to child labor law. The US Department of Labor is preparing a model child labor law proposals. Mr. Jensen stated the single most important area in enforcement of child labor laws involves children in candy sales. Car loads of children sell candy door-to-door. These candy sales are not sanctioned by charity.

Senator Aklestad moved to strike Lines 19 and 20 from Page 6. Motion CARRIED UNANIMOUSLY.

Senator Keating asked if Line 21, Page 6 (baking) would be struck. He explained under current federal law a 14 or 15 year old cannot be hired; but under Senate Bill 403 they may be working around baking ovens (in a pizza parlor, for example).

Senator Towe commented baking is different than cooking.

Senator Keating expressed concern about changes being made. Under the general law many things are covered with "loopholes". He commented when "getting into detail of accepting some and imposing others"; something may be forgotten or too much may be

added. Fines are connected with the violation of the law. He pointed out the parental control law (41-2-111) would be repealed. He commented parents should be "required to pay more attention to their kids".

Senator Devlin asked if there were a time frame for the US DOL model law. Bob Jensen explained before the session the US DOL could not offer a time frame. He told the Committee the Montana DOLI was reluctant to offer legislation in anticipation of the federal model.

Senator Devlin pointed out microwave ovens are not included.

Senator Towe pointed to Page 6, Lines 17 and 18. He explained many young people paint.

Senator Keating commented this section refers to 14 and 15 year olds; and who hires 14 and 15 year olds. Parents should supervising these work activities and determining if it is in the best interest of their child. He stated "It is not the obligation of the state to raise that child."

Senator Pipinich asked if the issue of "steady" v. "temporary" work is addressed. Senator Towe commented there were no distinctions in that area.

Senator Aklestad told the Committee he was concerned with the lateness of Senate Bill 403. His concern is for legislation which will address the problems of child labor and not cause more problems.

Senator Aklestad moved Senate Bill 403 DO NOT PASS as amended.

Roll Call Vote on the Aklestad motion to DO NOT PASS as amended FAILED with four (4) YES (Aklestad, Devlin, Keating, and Nathe); and six (6) NO (Blaylock, Doherty, Lynch, Manning, Pipinich, and Towe).

Senator Nathe pointed to Page 6, Line 3 where 14 and 15 year olds are prohibited from the operation of motor vehicles. He asked the definition of motor vehicle.

Senator Towe commented a motor vehicle is driven on a road and the operator must be licensed.

Senator Nathe moved to strike Line 3, Page 6. Motion CARRIED UNANIMOUSLY.

Senator Nathe pointed to Page 6, Line 9. He asked if communications were defined as working around a radio station. He cited an example of 14 and 15 year olds in Plentywood who announce news.

Senator Aklestad pointed to Page 6, Line 10. He cited an example of a 14 or 15 year old being prohibited from repairing a screen door for a neighbor. He commented construction is not qualified as heavy construction; and repair is not defined.

Senator Aklestad moved to strike Line 10, on Page 6. He expressed his reluctance at making such a motion due to the volume of amendments being made. He commented the Committee was not "acting responsible on this bill". The Chair did not recognize the motion.

Senator Towe explained casual employment in the home is excluded. Senator Aklestad pointed out this would be outside the home and his interpretation of the language in Senate Bill 403 to be the minor's home not someone else's home.

Senator Towe pointed to Page 3, Line 9. He explained the provisions of these sections do not apply to a minor who is "(4) employed outside school hours by a householder in casual work usual to the home of the householder and not in connection with the householders business trade or profession". He explained if the minor is employed by the parent (no matter where) he is exempt.

Senator Pipinich told the Committee after speaking with Father Lowney and the department. They have agreed to work on and present a workable bill to the House.

Senator Nathe pointed to Page 15, Line 22. He asked if the Office of Public Instruction has been contacted because minors will not be permitted employment without permission (certificate) from the superintendent.

Senator Towe told the Committee Gail Gray from OPI had spoke in favor of Senate Bill 403.

Senator Devlin commented Ms. Gray had asked for an amendment.

Senator Lynch suggested the Senate not accept the amendments from the House until a Conference Committee.

Senator Towe suggested consistency be made to amendments made previously. He pointed to Page 8 and 9, Section 7 (1) should be deleted. On Page 8, Line 25, in which reference is made to Section 6(10), which has been deleted.

Senator Lynch moved to strike sub (1), Section 7 with corrections to the "catch" line accordingly. Motion CARRIED UNANIMOUSLY.

Senator Towe suggested on Page 6, Line 17 and 18 in which it states "all work requiring the use of ladders, scaffolds and their substitutes" should be stricken or a 20-foot limit added.

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

February 23, 1991

Page 9 of 11

Senator Pipinich moved to strike on Line 17, all language after "window sills" through "substitutes" on Line 18 on Page 6. Motion CARRIED UNANIMOUSLY.

Senator Towe pointed to Page 11, Lines 11 and 12. He explained 16 and 17 year olds may not be employed in or in connection with any of the following occupations "(14) roofing operations, and (15) excavation operations."

Senator Aklestad told the Committee it was acting irresponsibly to send a bill to the House in which they (the Committee) are aware of errors.

Senator Pipinich moved to strike Lines 10 and 12 on Page 11.

Senator Aklestad moved a substitute motion to strike Line 10, 11 and 12 on Page 11. Motion CARRIED UNANIMOUSLY.

Senator Towe told the Committee the Senate would be in direct violation with the Pages in the Senate.

Senator Aklestad pointed to Page 7, Line 4; "loading and unloading goods to and from trucks, railroad cars or conveyors;". He cited an example of a 14 and 15 year old being excluded from working at the oven of a pizza parlor; but being allowed to unload a delivery.

Senator Lynch moved to strike Lines 4 and 5, Page 7. Motion CARRIED UNANIMOUSLY.

Senator Aklestad pointed to Page 13, Line 9 through Line 11. He asked if through previous amendments the minors must comply under this portion.

Senator Towe told the Committee this was not the case. He pointed to Page 11, Line 13 in which the Section is started. He explained this is an exemption from all prohibitions.

Senator Aklestad pointed out if the minor is not a student-learner all restrictions would apply.

Senator Aklestad moved to amend on Page 3, following Line 12 insert (5) employed as a Page and Legislative Aid during a session of the Legislature. Also renumber Line 14 (5) to (6). Motion CARRIED UNANIMOUSLY.

Senator Lynch pointed to Page 14, Lines 17 and 18. He explained many high schools allow students to leave school at 2:00 p.m. for an early work release.

Senator Lynch moved to amend Page 14, Line 18 following "session;" by inserting "unless specifically released by their school;". Motion CARRIED with Senator Keating voting NO.

Senator Keating expressed concern. He pointed out an individual cannot be employed until 16 years of age. He explained that restriction would be repealed and 15 year olds would be allowed to work. He pointed out child labor laws are being "opened up" rather than protecting the child. He told the Committee overall 14 and 15 year olds are being allowed to be hired.

Senator Aklestad told the Committee at the present time hiring someone under the age of sixteen exposes the employer to liability. He asked how much conflict has been created with Senate Bill 403 pertaining to liability laws pertaining to those under sixteen.

Senator Towe pointed to Section 41-2-101, a law which would be repealed by Senate Bill 403. "Any person, company, firm, association, or corporation engaged in business in this state or any agent, officer, foreman, or other employee having control or management of employees; or having the power to hire or discharge employees, who shall knowingly employ or permit to be employed any child under the age of 16 years to render or perform any service or labor, whether under contract of employment or otherwise, in, on, or about any mine, mill, smelter, workshop, factory, steam, electric, hydraulic, or compressed-air railroad, or passenger or freight elevator, or where any machinery is operated, or for any telegraph, telephone, or messenger company, or in any occupation not herein enumerated which is known to be dangerous, or unhealthful, or which may be in any way detrimental to the morals of said child, shall be guilty of a misdemeanor and punishable herein after applied."

Senator Towe commented the repeal is for hazardous employment by a business, not by an individual in their home. He explained 14 and 15 year olds can work in certain areas but cannot be employed in any manufacturing, mining, processing, or any occupation that requires a performance of any duties in the workplace where goods are manufactured.

Recommendation and Vote:

Senator Lynch moved Senate Bill 403 DO PASS as amended.

Senator Devlin moved a substitute motion to TABLE Senate Bill 403.

Roll Call Vote on Devlin motion to TABLE FAILED with four (4) YES (Aklestad, Devlin, Keating, and Nathe); and six (6) NO (Blaylock, Doherty, Lynch, Manning, Pipinich, and Towe).

Vote on Lynch motion to DO PASS as amended CARRIED with six

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

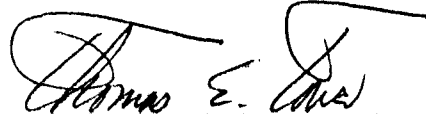
February 23, 1991

Page 11 of 11

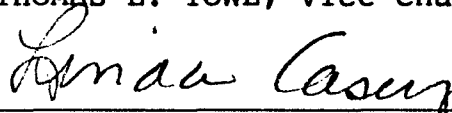
(6) YES (Blaylock, Doherty, Lynch, Manning, Pipinich, and Towe);
and four (4) NO (Aklestad, Devlin, Keating, and Nathe).

ADJOURNMENT

Adjournment At: 10:00 a.m.



THOMAS E. TOWE, Vice Chairman



LINDA CASEY, Secretary

TET/llc

ROLL CALL

SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

DATE 2/23/91

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		
Senator Doherty	P		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 23, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 379 (first reading copy -- white), respectfully report that Senate Bill No. 379 be amended and as so amended do pass:

1. Title, line 9.

Following: "FIREARMS;"

Insert: "AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH
MINIMUM STANDARDS OF TRAINING FOR PROBATION AND PAROLE
OFFICERS;"

2. Title, line 10.

Following: "SECTIONS"

Insert: "44-4-301,"

Following: "46-1-201,"

Strike: "AND"

Following: "46-23-1002,"

Insert: "AND 46-23-1003,"

3. Page 1, line 12.

Following: line 11

Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 5] grants the board of crime control authority to adopt minimum standards for training of probation and parole officers.

It is the intent of the legislature that standards for training provide 2 weeks of training for probation and parole officers. Training should include courses in subjects relating to investigations and arrests performed by probation and parole officers within the scope of their duties under Title 46, chapter 23, part 10."

4. Page 1, line 15.

Following: "shall"

Insert: ", within the scope of their duties under this part,"

5. Page 4, line 20.

Following: line 19

Insert: "Section 5. Section 44-4-301, HCA, is amended to read:

"44-4-301. Functions. (1) As designated by the governor as the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board of crime control shall perform the functions assigned to it under that act. The board shall also provide to criminal justice agencies technical assistance and supportive services that are approved by the board or assigned by the governor or legislature.

(2) The board shall have the authority to establish minimum qualifying standards for employment of peace officers, as defined in 7-32-303, detention officers, and detention center administrators.

(3) The board shall have the authority to require basic training for officers, establish minimum standards for equipment and procedures and for advanced in-service training for officers, and establish minimum standards for law enforcement and detention officer training schools administered by the state or any of its political subdivisions or agencies, to insure the public health, welfare, and safety.

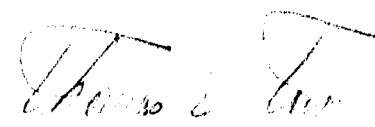
(4) The board may waive the minimum qualification standard provided in subsection (2) for good cause shown.

(5) The board may establish minimum standards for training of probation and parole officers, pursuant to 46-23-1003."

Section 6. Section 46-23-1003, HCA, is amended to read:

"46-23-1003. Qualifications of probation and parole officers. (1) Probation and parole officers shall have at least a college degree and some formal training in behavioral sciences. Exceptions to this rule must be approved by the department. Related work experience in the areas listed in 2-15-2302(2) may be substituted for educational requirements at the rate of 1 year of experience for 9 months formal education if approved by the department. All present employees will be exempt from this requirement but are encouraged to further their education at the earliest opportunity.

(2) Each probation and parole officer must, through a source approved by his employer, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers. In addition, each probation and parole officer must receive training in accordance with standards adopted by the board of crime control, as provided in 44-4-301."
Renumber: subsequent section

Signed: 

Thomas E. Towe, Vice Chairman

ML 2-23-91
Awd. Coord.

3/3 3-23-91 12:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 23, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 383 (first reading copy -- white), respectfully report that Senate Bill No. 383 be amended and as so amended do pass:

1. Title, line 8.

Following: "39-71-431,"

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

Following: "39-71-2311,"

Insert: "AND"

2. Title, line 9.

Strike: "39-72-601, AND 39-72-602,"

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

Strike: "temporary"

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

Strike: sections 6 and 7 in their entirety

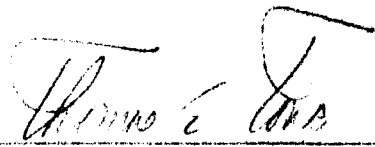
Renumber: subsequent sections

5. Page 26, line 13 through page 29, line 2.

Strike: sections 10 and 11 in their entirety

Renumber: subsequent sections

Signed:



Thomas E. Towe, Vice Chairman

1991 2-23-91
And. Coord.

51-2-23-91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
February 25, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 403 (first reading copy -- white), respectfully report that Senate Bill No. 403 be amended and as so amended do pass:

1. Page 3, line 12.

Strike: "or"

2. Page 3, line 14.

Following: "[sections 1 through 14]"

Insert: "; or

(6) employed by the legislature as a legislative aide or page"

3. Page 3, line 21.

Strike: subsection (a) in its entirety

Insert: "(a) in the distribution or sale of or in the collection for newspapers, periodicals, or circulars;"

4. Page 4, line 8.

Following: "of"

Insert: "or in the collection for"

5. Page 4, line 23.

Strike: "but not"

6. Page 6, line 3.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

7. Page 6, line 18.

Following: "substitutes"

Strike: "at a height of over 20 feet"

8. Page 6, lines 19 and 20.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

9. Page 7, lines 12 through 23.

Strike: subsections (a) and (b) in their entirety

Renumber: subsequent subsections

10. Page 8, line 1.

Strike: "picking fruit, pruning trees, or"

11. Page 8, lines 4 and 5.

Following: "(e)" on line 4

Strike: remainder of line 4 through "or" on line 5

12. Page 8, line 9.

Following: "atmosphere"

Insert: "or"

13. Page 8, lines 13 through 15.

Strike: subsections (iii) and (iv) in their entirety

14. Page 8, line 25.

Page 9, line 24.

Strike: "(10)"

Insert: "(9)"

15. Page 9, line 2.

Strike: "through"

Insert: "and"

Strike: "(10)(d)"

Insert: "(10)(b)"

16. Page 10, lines 24 and 25.

Following: "mining" on line 24

Strike: ", other than coal"

17. Page 11, line 7.

Following: "products;"

Insert: "and"

18. Page 11, line 9.

Strike: ";

Insert: "."

19. Page 11, lines 10 through 13.

Strike: subsections (13), (14), and (15) in their entirety

20. Page 11, line 15.

Following: "(10),"

Insert: "and"

Following: "(12)"

Strike: ", (14), and (15)"

21. Page 14, line 4.

Following: "department"

Insert: "or the office of public instruction"

22. Page 14, line 9.

Following: "work"

Strike: "starting at various hours"

Insert: "before 7 a.m. and after 7 p.m."

23. Page 14, lines 12 through 14.

Following: "session" on line 12

Strike: remainder of line 12 through "(1)" on line 14

24. Page 14, line 18.

Following: "session"

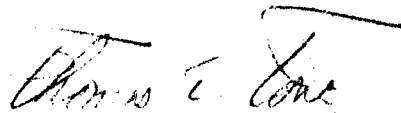
Insert: ", unless specifically released by the school"

25. Page 15.

Following: line 21

Insert: "(6) Notwithstanding the provisions of subsection (4), a minor 16 or 17 years of age engaged in delivering newspapers to a consumer may work before 6 a.m. and after 10 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 8 hours on any day when school is not in session."

Signed



Thomas E. Towe, Vice Chairman

1991 2-25-91
And. Coord.

SP-2-25 0:20
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

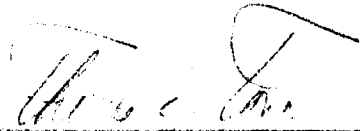
Page 1 of 1
February 23, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 406 (first reading copy -- white), respectfully report that Senate Bill No. 406 be amended and as so amended do not pass.

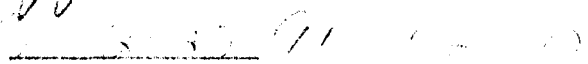
1. Title, line 6.
Strike: "39-71-123,"

2. Page 2, line 15 through page 4, line 21.
Strike: section 2 in its entirety
Renumber: subsequent sections

Signed: 

Thomas E. Towe, Vice Chairman


Am. Coord.


Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 23, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 420 (first reading copy -- white), respectfully report that Senate Bill No. 420 be amended and as so amended do pass:

1. Title, line 5.

Strike: "\$500"

Insert: "MEDICAL"

2. Title, line 7.

Strike: "SECTIONS 39 71-307 AND"

Insert: "SECTION"

3. Page 1, line 18.

Strike: "\$500 medical"

4. Page 1, lines 20 through 22.

Following: "~~must~~" on line 20

Strike: remainder of line 20 through "amount" on line 22

Insert: "must be offered in amounts of \$500 increments, up to a total of \$2,500 per claim"

5. Page 1, line 24.

Following: "~~the~~"

Strike: "The"

Insert: "If the insured employer chooses to accept a medical deductible, the"

6. Page 2, lines 3 through 11.

Following: "(3)" on line 3

Strike: remainder of line 3 through "paid."

7. Page 2, line 14.

Strike: "if the entire cost exceeds \$500"

8. Page 2, line 20.

Following: "~~deductible~~"

Insert: "who has contracted with an insurer for a medical deductible"

9. Page 2, line 25 through page 3, line 25.
Strike: section 2 in its entirety
Renumber: subsequent sections

Signed: _____
Thomas E. Towe, Vice Chairman

196 2-27-91

And. Coord,
10 5:33-41 12-20

Sec. of Senate

Amendments to Senate Bill No. 379
First Reading Copy

Requested by Senator Van Valkenburg
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez
February 22, 1991

1. Title, line 9.

Following: "FIREARMS;"

Insert: "AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH
MINIMUM STANDARDS OF TRAINING FOR PROBATION AND PAROLE
OFFICERS;"

2. Title, line 10.

Following: "SECTIONS"

Insert: "44-4-301,"

Following: "46-1-201,"

Strike: "AND"

Following: "46-23-1002,"

Insert: "AND 46-23-1003,"

3. Page 1, line 12.

Following: line 11

Insert: " STATEMENT OF INTENT

A statement of intent is required for this bill because [section 5] grants the board of crime control authority to adopt minimum standards for training of probation and parole officers.

It is the intent of the legislature that standards for training provide 2 weeks of training for probation and parole officers. Training should include courses in subjects relating to investigations and arrests performed by probation and parole officers within the scope of their duties under Title 46, chapter 23, part 10."

4. Page 1, line 15.

Following: "shall"

Insert: ", within the scope of their duties under this part,"

5. Page 4, line 20.

Following: line 19

Insert: "Section 5. Section 44-4-301, MCA, is amended to read:

"44-4-301. Functions. (1) As designated by the governor as the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board of crime control shall perform the functions assigned to it under that act. The board shall also provide to criminal justice agencies technical assistance and supportive services that are approved by the board or assigned by the governor or legislature.

(2) The board shall have the authority to establish minimum

qualifying standards for employment of peace officers, as defined in 7-32-303, detention officers, and detention center administrators.

(3) The board shall have the authority to require basic training for officers, establish minimum standards for equipment and procedures and for advanced in-service training for officers, and establish minimum standards for law enforcement and detention officer training schools administered by the state or any of its political subdivisions or agencies, to insure the public health, welfare, and safety.

(4) The board may waive the minimum qualification standard provided in subsection (2) for good cause shown.

(5) The board may establish minimum standards for training of probation and parole officers, pursuant to 46-23-1003."

Section 6. Section 46-23-1003, MCA, is amended to read:

"46-23-1003. Qualifications of probation and parole officers. (1) Probation and parole officers shall have at least a college degree and some formal training in behavioral sciences. Exceptions to this rule must be approved by the department. Related work experience in the areas listed in 2-15-2302(2) may be substituted for educational requirements at the rate of 1 year of experience for 9 months formal education if approved by the department. All present employees will be exempt from this requirement but are encouraged to further their education at the earliest opportunity.

(2) Each probation and parole officer must, through a source approved by his employer, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers. In addition, each probation and parole officer must receive training in accordance with standards adopted by the board of crime control, as provided in 44-4-301."
Renumber: subsequent section

Amendments to Senate Bill No. 383
First Reading Copy

Requested by Senator Cecil Weeding
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez
February 22, 1991

1. Title, line 8.

Following: "39-71-431,"

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

Following: "39-71-2311,"

Insert: "AND"

2. Title, line 9.

Strike: "39-72-601, AND 39-72-602,"

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

Strike: "temporary"

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

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

5. Page 26, line 13 through page 29, line 2.

Strike: sections 10 and 11 in their entirety

Renumber: subsequent sections

SB # 463

- 1) Accept amendments proposed by
Montana Newspaper Association
Line 21 Page 3

Line 8, Page 4

Page 14, Lines 7 to 12

- 2) Accept O. P. I. proposed amendment
regarding student-leaver.

- 3) No need to amend to exempt
high school graduates or those
dropped out of school who are
16 or 17

see P. 14 Line 15 + 16

" A minor 16 or 17 years of age
~~enrolled in school~~ may not be
employed : "

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 1

DATE 2/23/91

FILE NO. SB 403

4) Amend to add!

P. 15
subsection (6)

Notwithstanding The provisions of subsection (4), a ~~minor~~ Minor between 16 and 18 years of age engaged in delivering newspapers to a consumer may work before 6 A.M. and after ^{10 P.M.} ~~midnight~~, 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 8 hours on any day when school is not in session

5) Amend Lines 19 + 20
Page 6

d) cooking which involves
operating power-driven Food
slicers and grinders, food choppers
and cutters and bakery-type
mixers ~~and hazardous~~ or

any work which involves
working with hazardous chemicals,
oils, or steam

Nothing in this section
shall prevent the employment
of a minor 14 or 15 years of
age from working at soda
fountains, lunch counters, snack
bars, cafeteria serving counters,
dine-in restaurants, or fast-food
restaurants that do not involve

operating the above-mentioned
equipment or ~~the above mentioned~~
~~hazardous~~ working with
hazardous chemicals, oils or
steam

Amendments to Senate Bill No. 406
First Reading Copy

Requested by Senator Bob Williams
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez
February 22, 1991

1. Title, line 6.

Strike: "39-71-123,"

2. Page 2, line 15 through page 4, line 21.

Strike: section 2 in its entirety

Renumber: subsequent sections

Amendments to Senate Bill No. 420
First Reading Copy

Requested by Senator Paul Svrcek
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez
February 22, 1991

1. Title, line 5.

Strike: "\$500"

Insert: "MEDICAL"

2. Title, line 7.

Strike: "SECTIONS 39-71-307 AND"

Insert: "SECTION"

3. Page 1, line 18.

Strike: "\$500 medical"

4. Page 1, lines 20 through 22.

Following: "~~must~~" on line 20

Strike: remainder of line 20 through "amount" on line 22

Insert: "must be offered in amounts of \$500 increments, up to a total of \$2,500 per claim"

5. Page 1, line 24.

Following: "~~the~~"

Strike: "The"

Insert: "If the insured employer chooses to accept a medical deductible, the"

6. Page 2, lines 3 through 11.

Following: "(3)" on line 3

Strike: remainder of line 3 through "paid."

7. Page 2, line 14.

Strike: "if the entire cost exceeds \$500"

8. Page 2, line 20.

Following: "~~deductible~~"

Insert: "who has contracted with an insurer for a medical deductible"

9. Page 2, line 25 through page 3, line 25.

Strike: section 2 in its entirety

Renumber: subsequent sections

DATE

2/23/91

COMMITTEE ON

Senate Labor

Executive Session

VISITORS' REGISTER

NAME

REPRESENTING

BILL #

Check One

Support Oppose

St. Helens Cathedral
+ Diocese of HelmsSB
703

X

NFIB

SB 420

X

MFSE

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 2/23/91 SB Bill No. 406 Time 8:30am

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK		X
SENATOR DEVLIN	X	
SENATOR KEATING	X	
SENATOR LYNCH	11c X	X
SENATOR MANNING		X
SENATOR NATHE	X	
SENATOR PIPINICH		X
SENATOR TOWE		X
Senator Doherty		X

Secretary _____

Chairman _____

Motion: _____

DO PASS 406 as amended

MOTION FAILED

Reverse Vote for
DO NOT PASS MOTION

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 2/23/91 SB Bill No. 403 Time 9:25 am

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK		X
SENATOR DEVLIN	X	
SENATOR KEATING	X	
SENATOR LYNCH	PASS	
SENATOR MANNING		X
SENATOR NATHE	X	
SENATOR PIPINICH		X
SENATOR TOWE		X
Senator Doherty		X

Secretary

Chairman

Motion:

SB 403 as amended
DO NOT PASS

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 2/23/91 SB Bill No. 403 Time 9:55am

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

Secretary

Chairman

Motion:

Table SB 403

motion Fails

SENATE LABOR AND EMPLOYMENT RELATIONS

MEETING AGENDA AS OF 2/21/91

TIME: 3:00 p.m.

PLACE: Room 413 - 415 (unless otherwise noted)

* indicates Fiscal Note

BILLS BEING HEARD THURSDAY - FEBRUARY 21, 1991

<i>yes</i>	ASB 379	Van Valkenburg	Peace officer status for probation and parole officers
<i>yes</i>	ASB 383*	Weeding	Revise certain provisions of the Workers' Compensation Act
<i>yes as amended</i>	SB 403	Stimatz	Revise child labor laws.
<i>No</i>	SB 406	Williams	General revision of Workers' Compensation laws.
<i>No</i>	ASB 420*	Svrcek	Mandatory \$500 workers' compensation medical insurance deductible.
<i>TABLED</i>	SB 447	Svrcek	Revise reasonable medical treatment under workers' compensation.

BILLS HEARD BUT NOT ACTED UPON

<i>Do not Pass</i>	SB 365*	Keating DNP	Abolish State Compensation Mutual Insurance Fund.
<i>yes</i>	HB 68*	Whalen	Revise eligibility and disqualification for unemployment insurance benefits.
<i>note with Lynch</i>	HB 28*	Hanson, S.	Remove prevailing wage requirements from public contracts.
<i>note with Lynch</i>	HB 60*	Harrington	Exclude meal allowance from minimum wage paid to Montana employees.
<i>note with Lynch</i>	HB 152*	Harrington	Revise state minimum wage law to conform with federal law.
<i>OK</i>	HB 204	Rice, S.	Revise overtime compensation periods in construction industry.
<i>OK</i>	HB 256*	Driscoll	Revise criteria used to determine eligibility and payment of UI benefits.

BILLS HEARD BUT TABLED

SB 103	Noble	Excluding cafeteria plan benefits from wages. (TABLED 1/31)
--------	-------	--

Richard E. Manning