

## MINUTES

### MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Senator Richard E. Manning, Chair, on April 2, 1991, at 3:15 p.m.

#### ROLL CALL

##### Members Present:

Richard Manning, Chairman (D)  
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: NONE.

Staff Present: Tom Gomez (Legislative Council).

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

Announcements/Discussion: Senator Lynch welcomed Chairman Manning back.

#### HEARING ON HOUSE BILL 251

##### Presentation and Opening Statement by Sponsor:

Representative Jerry Driscoll told the Committee House Bill 251 extends the life for two more years of the select-study committee on workers' compensation. It allows the committee if it chooses to hire a consultant to assess the "old debt" of the "old fund" and/or assess the "new fund". He stated with the bills being passed through this session of the Legislature dealing with workers' compensation it is important an interim committee to assess the fund. There is an appropriation of \$70,000 from the workers' compensation fund (not the general fund) for the study. He told the Committee he did not believe it would cost that much. He asked Senator Svrcek to carry House Bill 251.

Proponents' Testimony:

Jacqueline Terrell representing the American Insurance Association spoke in support of House Bill 251. She stated the association feels the committee has been effective and can continue to be an effective tool in addressing continuing problems of the State Fund. She commented if there is a healthy State Fund in Montana there will be healthy competition for the private carriers.

James Tutwiler, representing the Montana Chamber of Commerce told the Committee it is in the best interest of those insured, the State Fund, and businesses in Montana to have an interim committee to "take a look at" workers' compensation programs between sessions.

Don Judge of the Montana State AFL-CIO spoke in support of House Bill 251.

Opponents' Testimony:

NONE.

Questions From Committee Members:

Senator Nathe asked Representative Driscoll about Section 3 and Section 4. He asked if it could be amended to say "effective upon passage and approval". Representative Driscoll told the Committee that would be possible.

Senator Blaylock asked Representative Driscoll if there were a reason the auditor (Scott Seacat) could not perform this service. Representative Driscoll explained Mr. Seacat can perform an audit, but he does not have the capability of being an actuary.

Closing by Sponsor:

Representative Driscoll closed on House Bill 251.

EXECUTIVE ACTION ON HOUSE BILL 251Amendments, Discussion, and Votes:

Senator Lynch moved to amend Page 2, Line 4 after the word "effective" strike "in July 1, 1994"; insert "passage and approval". Motion CARRIED UNANIMOUSLY.

Senator Lynch moved House Bill 251 BE CONCURRED IN as amended.

Senator Aklestad told the Committee he questioned the

funding of another study. He stated "we have studied workers' compensation to death". He stated it is important the committee remain active, and recommended Representative Driscoll serve on the committee.

Senator Blaylock commented there has been a great deal of study. He stated there is no other facet of state government in which greater amounts of money are involved, and more "agony and unhappiness" because of what has happened to the workers' compensation fund. He stated "no one was aware of how rapidly and how deeply we could go in the hole"; and it is hoped during the special session something has been set up which can work. He told the Committee he wants very close supervision.

Senator Towe stated the amount for the actuarial is for accidents which occurred before July 1, 1990. He told the Committee it makes sense to "find out where we are as we go along; and as circumstances change the actuarial study might change".

#### Recommendation and Vote:

Roll Call Vote on motion House Bill 251 BE CONCURRED IN as amended CARRIED with Senator Aklestad and Senator Devlin voting NO. Senator Svrcek will carry House Bill 251 on the Senate floor.

### HEARING ON HOUSE BILL 271

#### Presentation and Opening Statement by Sponsor:

Representative Jerry Driscoll told the Committee House Bill 271 requires railroads in mountainous areas to have a rear end telemetric device which is a radio operated breaking system. He explained there is a sending signal in the cab of the train and a breaking system on the rear of train. If the train needs to be stopped a radio signal would go from the engine to the device on the rear end which would set the breaks at one pound increments. He stated if this device would have been on the trains in 1989 the explosion in Helena could have been avoided. He told the Committee this is a safety bill. There was testimony in the House that these devices cost only \$7,000.

#### Proponents' Testimony:

James T. Mular, Regional Legislative Director of the Transportation and Communications Union and Chairman of the Montana Joint Rail Labor Legislative Council spoke in support of House Bill 271. Mr. Mular explained House Bill 271 was refined to the recommendations made by the National Transportation Safety Board relating to the mountain grade territory (Exhibit #1). He stated it was their recommendation two-way telemetry devices

should be used and suggested this to the Federal Rail Administration. He presented photographs of a recent derailling of a runaway Union Pacific train in Wyoming. This incident destroyed a diesel locomotive on its maiden voyage. He stated the engineer is present to testify. He told the Committee the bill only requires a two-way telemetric devices for emergency restraints in mountain grades and applies to carriers own book of rules and time tables.

Bob Anderson, a member of the Public Service Commission (District #3) told the Committee the PSC unanimously supports House Bill 271. The PSC is responsible for regulation of rail operations and rail safety. He explained this is a regulatory field which is largely preempted at the federal level but the states retain jurisdiction over safety that is of local or intra-state concern. He told the Committee rail safety has been compromised with the removal of cabooses from trains; and without an equivalent electronic replacement. He stated the railroads saved costs in removing the cabooses but they, the public and the insurance companies have incurred much higher costs because of this compromise in rail safety. The National Transportation Safety Board conducted a thorough investigation of the accident in Helena in 1989 and concluded this accident may have been prevented had these devices been installed. The PSC examined the National Transportation Safety Board report and concluded trains in mountain grade territory in Montana ought to be equipped with these devices. The PSC petitioned the Federal Railroad Administration to require these devices be installed. He explained the petition has "languished" before the FRA. In the interest of public safety the commission believed the Montana Legislature should enact legislation requiring installation of these devices. The PSC can take fiducial responsibility without increases staff.

Senator Bob Brown of Whitefish spoke in support of House Bill 271. He told the Committee Whitefish is a major point on the Burlington Northern railroad with trains going both east and west from Whitefish. In either direction the trains travel through mountainous country with deep snow in the cold winter. The telemetry device would make it possible for trains in this type of terrain to operate more safety, especially in the winter. He commented in the summer there is the possibility of forest fires. He stated if there is any way to make the train safer it should be done. He told the Committee trains carry explosive or hazardous cargo. Trains are 5,000 feet long in some cases and can travel up to 60 to 70 MPH. The trains should be made as safe as possible for the workers on the train, the public and the natural resources.

Lawrence Mann, an attorney from Washington D.C. told the Committee "he could shed some light" on whether or not the Federal Railroad Safety Act of 1970 possibly preempts the state. He explained he participated in drafting the Federal Railroad Safety Act and particularly the state provision as it relates to

what a state can or cannot do. A state can adopt a safety measure even if the federal government has already adopted a safety matter if it meets three conditions:

- 1) It must eliminate or reduce an essentially local safety hazard. HB 271 only applies in mountain grade territory.
- 2) It cannot be incompatible with any federal law or regulation. HB 271 is not incompatible with the federal regulation which now exists. There is a federal regulation which authorizes the railroad industry to place a telemetry device on the rear of its train. HB 271 is more stringent. It permits an additional function. It permits a locomotive engineer to apply an emergency break application from the rear of the train.
- 3) It cannot create an undue burden on interstate commerce. This is a balancing test which has been established by the courts. There is not a provision which a state has adopted where a court has concluded there was a undue burden on interstate commerce where it was dealing with a local safety hazard.

He told the Committee House Bill 271 does not apply to every train in the state. He anticipated certain points may be raised by the railroad industry. One being HB 271 is violative of the Locomotive Boiler Inspection Act. He explained the Locomotive Boiler Inspection Act is an old statute which was adopted at the turn of the 1900s. The act would preempt the state were it not for the Federal Railroad Safety Act of 1970. The Federal Railroad Safety Act supplemented old existing laws. This was tested in the courts by the railroad industry and there is case law supporting the fact the Locomotive Boiler Inspection Act does not preempt it. There will be a preemption if it is a statewide law or regulations; but not in the instance of House Bill 271. This is not a locomotive device even though there is a piece of equipment on the locomotive. This is a substitute piece of equipment for a caboose which permits the application of emergency application. He continued the rail industry will use the Federal Railroad Administration to support them in anything which comes before the state. He explained he does not know of once instance where the FRA has not done everything the railroad industry wants them to do as it relates to the states promulgating a safety regulation or law. He commented the FRA opposes the state being involves in safety at every step of way. He presented the Committee with a brief on the legality of House Bill 271 (Exhibit #2).

Craig Good, a conductor with the CP Rail in Cranbrook, British Columbia, Canada told the Committee he has experience this technology which has been in operation for two years with no reported cases of any unintentional application of the breaks. It has operated as intended. A recent incident in Manitoba, Canada in which a rear portion of the train was separated from

the head end in a switching movement and started to roll away on a downward grade towards the tailend of the train. Because of the device the engineer was able to put the tailend portion of the train into emergency from the head end preventing a potential accident and severe damage. He explained he was unsure of the reliability of such a device at first. It was thoroughly tested by both national railways (CN and CP). He presented the Committee with the pamphlet, "Safe and Sound" (Exhibit #3).

Senator Fred Van Valkenburg spoke in support of House Bill 271. He pointed out he was second signer on HB 271. He told the Committee he had made the bill drafting request. After learning Representative Driscoll, as President of the Montana State AFL-CIO had participated in passage of a resolution in support of this measure at the Montana State AFL-CIO convention, Senator Van Valkenburg deferred to Representative Driscoll to introduce the bill. Senator Van Valkenburg stated the issue is of considerable import in Montana since discontinuing the requirement of cabooses on trains and there having been several rail accidents. He explained he was requested to be involved in this legislation by employees of Montana Rail Link who are concerned about safety issues. Senator Van Valkenburg told the Committee the railroads will rely most heavily on the issue of preemption in their desire to see this legislation killed in the Senate. He stated through the efforts of rail labor Mr. Mann is assisting the state in providing a strong defense to the argument of preemption. He explained with the respect to technology of rear end telemetry devices the state of Montana is in a very strong position to go to the federal courts and say there is not an undue burden being imposed on interstate commerce.

Roy Langoria from Pocatello, Idaho told the Committee he is a locomotive engineer with Union Pacific and often works as an engineer in Montana. He explained he was the engineer on the accident in the photos Mr. Mular presented to the Committee. He told the Committee if he would have had a "device of this caliber" the accident would not have happened. He commented it came close to killing four members of the crew who had less than five minutes to evacuate. There was over \$6 million of damage which could have been avoided.

Don Slaybaugh, locomotive engineer for Burlington Northern out of Whitefish told the Committee he has been with the Burlington Northern and the Great Northern Railroad for 35 years. He spoke in support of House Bill 271 from prepared testimony (Exhibit #4).

Francis Marceau representing the United Transportation Union spoke in support of House Bill 271 from prepared testimony (Exhibit #5).

Don Judge of the Montana State AFL-CIO spoke from prepared testimony in favor of House Bill 271 (Exhibit #6).

Jim Jensen of the Montana Environmental Information Center spoke in support of House Bill 271. He told the Committee rail safety is as much an environmental issue as it is any other kind of issue for Montana. The transportation corridor (since first founded by the trappers coming up the Missouri) are along Montana's major water courses. The record of railroads "operating off the track rather than on the track is shocking". He commented the safety of the railroads need to be improved and a catastrophic environmental situation must be prevented. Many trains going across Montana are rolling "Bophals".

Raymond West, State Legislative Director of the United Transportation Union spoke in support of House Bill 271 from prepared testimony (Exhibit #7).

Bill Hendershott presented the Committee with written testimony in support of House Bill 271 (Exhibit #8).

Ed Flies representing the Montana State Council of Professional Firefighters and the Montana State Firemen's Association told the Committee, from a safety standpoint, the firefighters support House Bill 271.

#### Opponents' Testimony:

Leo Berry, attorney for the Burlington Northern Railroad spoke in opposition to House Bill 271. He told the Committee House Bill 271 is not a labor issue but a business, a safety, or a legal issue. He commented the bill should have been heard in Business and Industry or in Judiciary. He explained the Committee is being asked how best to safely operate trains. There are few who have the expertise to do this but there are regulatory agencies who do have this expertise. Into the hands of state and federal regulatory agencies are entrusted Montana laws to administer on issues of safe operation of railroads. He told the Committee Burlington Northern did not decide not to use the cabooses. The Ninth Circuit Court of Appeals decided Montana did not have the authority to require that. The decision was made based on rules adopted by the Federal Railroad Administration which found the operation of trains with or without cabooses was a labor issue and not a rail safety issue. The rail union tried to regulate the sale of shortlines with legislation in 1987. He commented the unions brought attorneys from out of state who told the Legislature "you could do it ... they had done the research on it". Mr. Berry stated the Ninth Circuit Court of Appeals said the state of Montana did not have the authority. He commented an industry is put in an untenable position. He stated the railroad is being told, by law, to utilize a device which has not been approved by the Federal Railroad Administration. No business should be placed in a position of violating a state or federal law. If the FRA acts in a particular area the state cannot act with few exception. Those exceptions are, that a rule or a law in an area the FRA has already considered must address solely a local safety hazard, and

must not contradict or be in conflict with federal law. Mr. Berry presented the Committee with written testimony (Exhibit #9). He pointed to a highlighted area which is a portion of an FRA rule making proceeding act. He commented the FRA has acted in this area. He asked if this was dealing with a local safety hazard and a law or a rule which does not conflict with or contradict federal law. He explained a second attachment to his testimony, a letter from the Chief Council for the Federal Railroad Administration in which are set out standards the state law must meet. On Page 3 of the letter House Bill 271 is considered. On Page 4 the two tests are applied to House Bill 271 and states "the bill addresses no localized safety hazard and by its terms would apply statewide". Mr. Berry stated HB 271 does not survive the first test (local safety hazard). The FRA council indicates because of the technical nature of these devices, the type of devices being required by this bill (HB 271) does not comply with or meet the federal rules. Mr. Berry told the Committee House Bill 271 is requiring a type of device which the FRA does not approve. He explained these devices are being tested on the Pacific division and in Montana. He commented once these devices are perfected the "proper forum for the rail unions" is to ask the FRA to change the rules to allow or mandate such devices. He pointed to Page 5 of the FRA letter in which the council believes House Bill 271 is preempted by federal regulation. He stated the unions are claiming because HB 271 only applies to mountain grades it is a local safety hazard. He directed the Committee's attention to his handout in which there is listed 18 states which have mountain grades. In Montana alone there are six mountain grades. He commented House Bill 271 does not address a particular local safety hazard as envisioned by the federal law. He stated this is not a Montana issue. These bills have been introduced in Nebraska and West Virginia. He commented "it is a concerted effort by the rail unions nation-wide to require these types of devices". He told the Committee the point is not whether these devices should or should not be used. "No one benefits more from the safe operations than the railroad itself". When these devices are perfected to be utilized safely and the FRA approves them there would be enormous financial incentive to do so. He pointed to Page 2, Line 13 of the bill where it is required on all trains both originating and terminating in Montana. This legislation does not apply only to trains operating on mountain grades.

Pat Keim, Director of Governmental Affairs for Burlington Northern spoke from prepared testimony in opposition to House Bill 271 (Exhibit #10); and presented the Committee with a copy of the findings of National Transportation Safety Board's accident investigation of the Helena derailment (Exhibit #11).

Carla Allen representing Central Montana Rail spoke in opposition to House Bill 271. She explained Central Montana Rail is a small short line which serves two rural communities in Central Montana and operates over 87 miles of main line track. The maximum speed of operation is 25 MPH. Central Montana Rail



hauls approximately 1,200 to 1,500 cars annually. All loads are hauled primarily uphill. She told the Committee in the House Committee hearing they were told HB 271 did not pertain to Central Montana Rail because they did not operate over a mountain grade. She commented the bill does clearly state it applies to all trains which originate and terminate in Montana. She expressed concern that House Bill 271 could be interpreted to apply to Central Montana Rail. This would impose a large financial burden to Central Montana Rail. She stated the cost is estimated to be \$20,000 to \$25,000 to comply.

Questions From Committee Members:

Senator Lynch asked about the preemption issue. He asked Mr. Mann to respond to Mr. Berry's comments. Mr. Mann told the Committee "the Federal Railroad Administration will do anything the railroads want them do". He asked to comment in regards to the rail unions filing petitions with the Federal Railroad Administration. He told the Committee in representing rail labor he has filed 99% of all petitions the rail unions have initiated. He told the Committee "never in the history of the Federal Railroad Administration have they adopted one yet". If the rail industry wanted to "put in on they could put it on". He explained it can be done. Regulations do not prohibit it because there are minimum standards set in the federal regulations and the device which would permit an application at the rear end does not conflict in any way with that federal regulation. He expressed concern over another aspect of the preemption issue in which the opponents claim there are mountain grades in other states, therefore because another state has a local safety hazard does not mean Montana cannot address it. He told the Committee that is not the intent of the Federal Railroad Safety Act; each state has its own types of unique standards, as well as common standards. Each state can deal with the local safety hazard as it deems it should. He stated the West Virginia case is "clearly distinguishable". He explained he was involved in that litigation which was a statewide piece of legislation which applied to every railroad and every bit of territory in the state.

Senator Lynch asked Craig Good about Mr. Keim's statement that this device might be unsafe and it may cause unnecessary breakage. Mr. Good explained in the two years previous and up to and including February 20, 1991, there is no report of incident this end-of-train unit has caused an undesired experience in Canada.

Senator Devlin asked Mr. Good if anyone has ever failed to turn on the device. Mr. Good explained whenever it is turned on the emergency features are always on.

Senator Towe asked Leo Berry if he recognized the telemetry device to be a helpful safety device. Mr. Berry told the Committee if the device is tested and perfected such that it does

not cause the type of situation Mr. Keim referred to, it is unquestionable the device would be a helpful safety device. He explained this is not the point.

Senator Towe asked Mr. Berry if he recognized with regards to mountainous grade territory that would be a local safety hazard area. Mr. Berry told the Committee he did not because of the federal system of regulating railroads. He suggested reading the letter from the FRA which it explains this. The "scheme" of the Federal Railroad Safety Act is to insure that there is a uniform set of standards throughout the country. He explained Congress allowed an exception if there was a "particular local issue" or safety concern. Congress allowed the states to address that. He commented when 18 states with numerous mountain grades it has moved from a particular local safety hazard into a general regulation of railroads that goes far beyond what was intended by the safety act.

Senator Towe asked Mr. Berry if he did not consider the hill outside of Helena up through McDonald Pass a local situation. Mr. Berry told the Committee if it were the only one in the state of Montana or if it were the only one in the Rocky Mountain region. He explained if when looking at Colorado, Idaho, Washington, Arizona, New Mexico, etc., it cannot be reasonably argued McDonald Pass is a particular local safety hazard when House Bill 271 applies to mountainous grades. Mountainous grades are "scattered all throughout the Rocky Mountain region, all throughout the Appalachian region".

Senator Towe asked Mr. Berry why he felt it was not compatible with existing federal regulations. Mr. Berry explained the rule adopted by the Federal Railroad Administration allows (does not require) end train devices. It sets certain standards. Part three states it must be designed so an internal failure will not cause an undesired emergency break application. He asked Mr. Keim be allowed to explain why the devices currently available do not meet that standard.

Senator Towe stated testimony has been the device has been used at least one year with no indication of failure of any kind. Mr. Berry told the Committee they were speaking of a Canadian system. He explained this is about a federal administration rule which is "unconcerned about what Canada does". The Federal Railroad Administration has adopted a rule which says the device cannot be used unless it is designed such that an internal failure will not cause an undesired emergency break application. The device available does not meet that standard.

Senator Towe asked Mr. Keim to comment. Mr. Keim explained there are two types of break application which can be obtained on a train line. It does not matter whether it is at the tail end or the head end. One is called "the service rate of application" which is a very controlled application of the breaks normally handled by the engineer. The engineer moves the break

valve and opens the valve to allow air to flow out of the train line at a regulated rate. This is a slower rate of application. The other is called "an emergency rate of application" which is a very rapid discharge of the train break system. He told the Committee of an example of an inflated balloon. If a small amount of air is let out of the balloon by pinching the opening this can be compared to a service rate of application. If the balloon were released and it flew off; this would be an emergency rate. The difference between the two is the size of the opening at which the air is let out. He explained on the devices allowed for use, because of the piping arrangement in those devices, if a pipe failed it would be a failure of a small pipe. The service rate of application is a slower, more gradual rate of application to the train line; and will allow only a certain amount of poundage on the break system. An emergency application is more rapid, more violent type of application to the breaks. It will increase the maximum allowable poundage of the break shoes on the wheels by about 25% over what it would on the service rate of application. The stop would be quicker, but more violent. The train could break in two, jackknife, or cars could lift off the track, etc. He told the Committee this is what the FRA is trying to avoid. In the Mississippi accident he cited the National Transportation Safety Board found the accident was caused by a rupture of the train line; "an undesired emergency break application". The board recommended the FRA pass rules which would limit or reduce the amount of exposure to an undesired emergency break application. The FRA considered this recommendation when determining the authorization of that type of device because it would "run counter" to the NTSB recommendation.

Senator Towe asked if there were an emergency break operation at the present time. Mr. Keim stated there is. Senator Towe asked if that possibility was already there. Mr. Keim told the Committee that is correct. He explained the FRA is concerned about one more potential mechanical failure.

Senator Blaylock asked Leo Berry if the FRA could say they permit BN to use these. Mr. Berry explained the rule adopted after the rule making proceeding in 1986, says "an end of train device shall be comprised of a rear-of-train unit located at the rear car of the train; and a front-of-train unit located in the cab of the train controlling the train". He continued "the rear unit shall be capable of determining the rear car break type pressure ... the rear unit shall be" followed by five requirements that rear unit must meet. Number three is "it must be designed so that internal failure will not cause accidental application". If these devices are used they must meet certain criteria. The concern is the type of devices House Bill 271 requires cannot meet Part Three.

Senator Towe asked Mr. Slaybaugh how the emergency break situation works. Mr. Slaybaugh explained breaks are applied on a train in two ways. One is a control rate of break pressure activated by an engineer on the train. The second is break

application by the emergency application. He explained this could come about in two ways; either the engineer or any other member of the crew can do it; or if there is a failure in the break system. The failure in the break system can mean the air hoses between the cars can become uncoupled, the gaskets in the couplings can be blown, or the piping on the cars can break. He commented on Mr. Keim's statement of "undesired emergency break applications". He told the Committee "it sound terrible". He explained Burlington Northern has approximately 750 train starts every 24 hours. He stated "undesired emergency break applications are just a part of railroading". He estimated in a shift of 12 hours he hears of two trains in his immediate area which have had emergency break applications. He stated it is "not a horrendous thing; its something that just happens; it calls for an emergency break application on the train and the equipment works that way". He commented there are remote instances in which there has been derailment or damage caused by emergency break applications but is not always the case. He told the Committee any device the railroad workers can have to work with to protect the workers, and to improve the safety record of company should be available.

#### Closing by Sponsor:

Representative Driscoll closed on House Bill 271. Representative Driscoll explained the reason the bill is before this Committee instead of the Business and Industry Committee is because House Bill 271 is a safety bill. It deals with the safety of the crew and the public. The Senate Labor Committee's expertise is safety. He commented in 1983 he carried legislation which required operating companies to have a caboose on each train. The bill passed and was taken to court. During the testimony of the hearings the companies stated if there was no caboose there will be a rear-end device. He told the Committee every time he has sponsored a bill for the railroad workers BN has taken them to court. He stated the National Transportation Safety Board recommended these devices in mountain grades and the Federal Railroad Administration has ignored that recommendation. He told the Committee this is a local safety issue and is not preempted by federal law.

#### HEARING ON HOUSE BILL 836

#### Presentation and Opening Statement by Sponsor:

Representative Jerry Driscoll told the Committee House Bill 836 changes the method for determining what the prevailing rate of wages is from the weighted average to the rate most commonly paid in the area. He stated it reflects more what is happening now. When determining the wage rate cannot be the union rate or the non-union rate. He submitted an amendment (HB083606.AEM). In rural Montana the rate would go down and in the more

industrial areas of the state, the rate would go up.

### Proponents' Testimony:

Gene Fenderson of the Montana State Building and Construction Trades Council told the Committee House Bill 836 will attempt to "straighten out some of the problems in the construction industry". He stated "the de-regulation of the construction industry has created one of the biggest monsters this state has ever seen in the last eight years". He pointed to Page 1, Lines 21 and 22. He explained this is a clarification; all public works over \$25,000 are now covered in the state. He explained the 30% rule on Page 3 is a rule used by the federal government for many years. This will lower rates in rural Montana "drastically" (\$2 or \$3); rates in urban areas will be raised (50 to 75 cents) but not as drastically. On Page 4, Line 12 the penalties are addressed. He explained this is not an unusual formula used in the construction industry; contractors understand it. On Page 5 certified payrolls are added to the Montana Little Davis-Bacon Act. He explained the federal Davis-Bacon Act has required certified payroll for over 50 years. Contractors are not opposed to them because they are accustomed to it on federal projects. The certified payroll is given to the contract lending agency (not the Department of Labor and Industry). The lending agency keeps the certified payrolls on record for three years. He explained when there is a question now, the department asks for the payrolls. It gives some contractors the opportunity to re-do payroll records. He stated this will not create much more paperwork. He explained many cities and counties include in their bid document the certified payroll requirement. He pointed to Page 6, Lines 12 - Lines 25. He stated this is a problem which can be addressed. After a contractor who is in violation two or more times should have their license revoked. The Department of Labor and Industry shall direct the Department of Commerce to revoke the license. Mr. Fenderson stated wage claims have been going to the Board of Personnel Appeals. House Bill 836 would have such wage claims go before a hearings officer; and if either side disagrees with the hearings officer they have the right to go to court. He commented the Board of Personnel Appeals does not "understand what a wage claim is, let alone the Little Davis-Bacon Act".

Christian McKay representing the Montana State AFL-CIO told the Committee the Montana State AFL-CIO wishes to go on record in support of the House Bill 836 as amended and in support of the position taken by the Montana State Building and Construction Trades.

### Opponents' Testimony:

Mike Micone, Commissioner of the Montana Department of Labor and Industry told the Committee House Bill 836 is "ill conceived". He commented HB 836 will cause problems for Mr. Fenderson's members. He stated the department pointed out, by

implementing the section, that the wage rate which is most commonly paid is the wage rate that will be used. He explained out of 10 regions the wage rates would have dropped in four of those regions; it would have remained relatively stable or increased in other regions. The Committee in the House added the amendment of the 30% rule where 30% or more of the work in a district is not the prevailing wage for the craft being performed the rate is weighted based on hours worked. He told the Committee the department performed an analysis on that amendment. One of the regions dropped out. There are still three regions which will be at a lower wage than the federal system. He presented the Committee with a schedule (Exhibit #12). He commented the results are not what he believes Representative Driscoll desired. He told the Committee a methodology which does not consider a weighted number of hours will result in large fluctuations in the prevailing wage rates between districts and between sample years. He commented the rates would not be easily defensible if not determined in a scientific way. At the present time there is only one prevailing wage rate. Mr. Micone pointed to Section 5 in which it states "the Commissioner shall direct the Department of Commerce to initiate proceedings to suspend the license". He told the Committee "the director of one department does not direct the director of another department to do anything". He suggested that any violations be reported to the Department of Commerce because the DOC issues the licenses. He told the Committee the department opposes the section which deletes the Board of Personnel Appeals. He stated the board has operated well with decisions based on unanimous or four-to-one votes. He commented Mr. Fenderson had introduced legislation which would more narrowly define who would be on the board.

Lloyd Lockram of the Montana Contractors Association Trust spoke in opposition to House Bill 836. He told the Committee he is in support of the amendments. He presented the Committee with Judge Battin's decision which prompted the amendments (Exhibit #13). He explained the amendments are the same as Senate Bill 103 (1987) which was vetoed by Governor Schwinden; and amendments are identical to Senate 235 (1989). He pointed out the areas which may jeopardize the amendments which were agreed to by Mr. Fenderson, Commissioner Micone, Representative Driscoll, and the Montana Contractors Association. On Page 1, Lines 20 and 21 the jurisdiction of the prevailing wage bill is expanded to all political sub-divisions which would even encompass soil conservation districts. He commented on the penalty provision. He stated there is no comparison of enforcement of the Federal Davis-Bacon and the Montana Davis-Bacon Act. The Federal Davis-Bacon Act and those projects where a certified payroll is filed; that contracting agencies either has the enforcement responsibilities or an enforcement agency behind them. The Montana prevailing wage act the enforcement is only on a complaint basis. The penalty provision of \$25 per day plus back wages can be extremely severe. The funding provisions for enforcement are a "bounty system". He pointed to the submission of certified payroll. He stated when the Commissioner receives a

complaint from a worker he requests a copy of a certified payroll from the employer and has subpoena power to receive it. He told the Committee the certified payrolls will now be in every school district, county, city, soil conservation district, etc. He explained the Montana Contractors Licensing Law is a "revenue measure". It does nothing to regulate the industry. If a contractor's license is revoked he can purchase another license. There has never been a license revoked. He told the Committee House Bill 836, in its present form will not be supported by the Administration. He presented the Committee with amendments (Exhibit #14). He explained "it is virtually identical to Representative Driscoll's except it is in the form of a substitute bill". He told the Committee there should be a state law which prohibits breaking of the pre-determined base wage. The federal law allows the contractor to make contributions to a pension fund of up to 25% of total compensation. He explained if the pre-determined hourly wage is \$10 an hour and the fringe benefits are \$2, there would be a total compensation of \$12. 25% of which is \$3. ARISA requires a contractor cannot contribute more than the cost of benefits.

#### Questions From Committee Members:

Senator Pipinich asked Mr. Fenderson if he had seen the numbers presented by the Department of Labor (Exhibit #12). Mr. Fenderson told the Committee the numbers were developed by the department. Mr. Fenderson stated Montana does not have a prevailing wage law; there is an average wage. He explained the word "prevailing" is the wage which prevails in the area. He stated he understands it will be lower in some areas and higher than other. If there is a true prevailing rate "we have to take the bad with good".

Senator Towe asked Representative Driscoll about the terms "heavy" and "highway"; why is there an "and". Representative Driscoll asked Mr. Fenderson to explain. Mr. Fenderson explained the term in construction is "heavy and highway". He told the Committee through the course of drafting the legislation the word "and" as left out. He explained "heavy" means industrial plants, water plants, sewage plants, etc., and has nothing to do with highway.

Senator Towe asked if it other sections should be "cleaned up" also. Mr. Fenderson told the Committee he agreed to that and would not oppose it.

#### Closing by Sponsor:

Representative Driscoll told the Committee there are many laws on the books where one division is to tell another division what to do. He stated SRS tells revenue, DOLI and workers' compensation, when someone is not paying their child support, to withhold the money. He pointed to the handout from Commissioner Micone. He told the Committee some of the figures are wrong

because if there is not enough data the area next to it is used. The data sent into the department through contractors or anyone with evidence is concentrated into urban area. In most of the rural area no data is sent in. He commented Mr. Lockram is correct about the licensing in Montana; but if the contractor continually violates they would have to go through the expense. He stated there are contractors who continually violate. Most of Mr. Lockram's members are sending certified payrolls now. He told the Committee this section was put in at the request of three of Mr. Lockram's members. He commented the bill clarifies the law. The paperwork is filed until there is a complaint.

#### HEARING ON HOUSE BILL 857

Senator Manning extended time to Mr. Charles Brooks to testify on House Bill 857. During the initial hearing time ran out and Mr. Brooks' time to testify was shortened.

#### Opponents' Testimony:

Charles Brooks, Executive Vice President of the Montana Retail Association and affiliates, Montana Hardware Implement Association and Montana Tire Dealers spoke in opposition to House Bill 857. He told the Committee his office has received more calls this session concerning a number of issues. One being the continued expansion and growth into private lives and private business. He commented he had a broad base constituency from a two-chair barber shop to a large major retailer. His industry contributes \$5 billion in sales within Montana according to the sales and marketing magazine survey of retail sales in Montana. He told the Committee he represents a substantial portion of that industry. He quoted from a telephone conversation he had recently with a businessman in the northwestern portion of Montana in which the businessman said: "We cannot continue to increase taxes and expand the state government ... I assure you if I were voting on CI55 today, I would for it in order to send a message to the Legislature to change the way state government is being run. I fully realize the problem this legislation would create for the state and state government." Mr. Brooks told the Committee he was hearing this from many quarters. He presented the Committee with handouts (Exhibit #15, Exhibit #16, and Exhibit #17). He explained he has been interested in "how we control the growth of both state and federal government enterprises". He recommended a book entitled "When Government Goes Private" to the Committee; and read a quote from the book. He told the Committee he recently hired an individual who had left service with the SRS, taking a 50 cent an hour cut in pay including benefit cuts. He commented she was "very disturbed because of the lack of efficiency in the division she was working in, and in finding work to keep people on the payroll". He



stated he understand this happens at all types of enterprises. House Bill 857 is trying to impede the privatization issue. He commented, after having read the bill, if he were a department head he "did not believe he would go through all the hoops and loops in order to privatize certain functions within the division". Privatization is an issue which should involve everyone. It is not a labor issue; it is not a management issue; it is not a Democratic issue; it is not a Republican issue; it is an issue of cost effectiveness as to how to render service to our constituents.

#### EXECUTIVE ACTION ON HOUSE BILL 836

##### Amendments, Discussion, and Votes:

Senator Blaylock moved to amend House Bill 836 (HB083606.AEM). Motion CARRIED UNANIMOUSLY.

Senator Towe moved to amend Page 4, Line 16 by deleting the word "forfeit" and inserting the word "pay". Motion FAILED in Roll Call Vote with three (3) YES (Senator Blaylock, Senator Nathe, and Senator Towe); six (6) NO (Senator Aklestad, Senator Devlin, Senator Keating, Senator Lynch, Senator Manning, and Senator Pipinich). Senator Doherty was absent.

Senator Manning asked Mr. Fenderson if he had a problem with the heavy and highway language. Mr. Fenderson stated it did not matter.

Senator Towe asked if it were left alone would it cause problems later. Mr. Fenderson told the Committee it is well established and there would be no problem.

##### Recommendation and Vote:

Senator Pipinich moved House Bill 836 BE CONCURRED IN as amended. Motion CARRIED by Roll Call Vote with five (5) YES (Senator Blaylock, Senator Lynch, Senator Pipinich, Senator Manning, and Senator Towe); four (4) NO (Senator Aklestad, Senator Devlin, Senator Keating and Senator Nathe). Senator Doherty was absent.

#### EXECUTIVE ACTION ON HOUSE BILL 271

##### Amendments, Discussion, and Votes:

Senator Lynch moved to amend House Bill 271 (HB027103.AEM). He asked it be made clear the bill is not intended for every railroad in Montana; but only the mountainous areas. Motion CARRIED UNANIMOUSLY.

Senator Lynch moved amendments for coordination instruction. Motion CARRIED UNANIMOUSLY.

Recommendation and Vote:

Senator Lynch moved House Bill 271 BE CONCURRED IN as amended.

Senator Keating made a substitute motion to TABLE House Bill 271. Motion FAILED with three (3) YES (Senator Aklestad, Senator Devlin, and Senator Keating); six (6) NO (Senator Blaylock, Senator Lynch, Senator Manning, Senator Nathe, Senator Pipinich, and Senator Towe). Senator Doherty was absent.

Senator Keating told the Committee it seems the labor organization is claiming HB 271 is in the interest of safety but this has not been proven. He stated it will increase the cost of doing business on the railroad. He commented "it would seem they would want to retain jobs rather than destroy jobs". In the past when the legislature has added to the cost of doing business for the railroad, the railroad has "packed up and left" and taken the jobs with them. The only way the railroad can recover the cost of doing business is through rates or reducing overhead. He commented "what the unions are trying to do is counter-productive. It is not going to increase safety; it may cost them some jobs".

Senator Lynch commented if one accident is prevented the "railroad ahead of money already". The experience factor in Canada indicates it working well. Safety should be a factor. This is not "feather-bedding; this isn't a railroader trying to get more jobs for themselves, or less work for themselves". The safety factor is not only for the railroaders but for the public.

Senator Towe stated the railroaders have to ride on the trains and their concern is about their own safety. He told the Committee "he was not impressed with the evidence presented". He stated Leo Berry acknowledged the device has some safety benefit.

The Lynch motion House Bill 271 BE CONCURRED IN as amended CARRIED with Senator Aklestad and Senator Keating voting NO. Senator Doherty was absent.

EXECUTIVE ACTION ON HOUSE BILL 28

Amendments, Discussion, and Votes:

Senator Towe moved House Bill 28 BE CONCURRED IN.

Senator Devlin moved to amend House Bill 28 on Page 3 by deleting Lines 15 through Lines 20. He explained the sponsor did not approve of this language which was inserted by the House

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

April 2, 1991

Page 19 of 20

Labor Committee. Senator Towe told the Committee House Bill 836 does exactly the same thing with certified payrolls. Motion CARRIED with five (5) YES (Senator Aklestad, Senator Blaylock, Senator Devlin, Senator Keating, and Senator Nathe); four (4) NO (Senator Lynch, Senator Manning, Senator Pipinich, and Senator Towe).

Recommendation and Vote:

Senator Lynch moved a substitute motion for House Bill 28 BE NOT CONCURRED IN as amended. Motion CARRIED with five (5) YES (Senator Blaylock, Senator Lynch, Senator Manning, Senator Pipinich, and Senator Towe); four (4) NO (Senator Aklestad, Senator Devlin, Senator Keating, and Senator Nathe). Senator Doherty was absent.

EXECUTIVE ACTION ON HOUSE BILL 846

Amendments, Discussion, and Votes:

Senator Towe moved House Bill 846 be amended on Page 3, Line 16 to delete the word "may" and insert the word "must". Motion CARRIED with Senator Keating voting NO.

Senator Lynch moved House Bill 846 BE CONCURRED IN as amended.

Senator Aklestad told the Committee his notes indicate removing "proposals" from the Title on Line 5. He explained proposals have nothing to do with the bids.

Senator Towe commented there would be inconsistency in Section 3 without the word "proposal" in the Title. Section 3 deals with requests for proposals.

Recommendation and Vote:

Lynch motion for House Bill 846 BE CONCURRED IN as amended with five (5) YES (Senator Blaylock, Senator Lynch, Senator Manning, Senator Pipinich, and Senator Towe); four (4) NO (Senator Aklestad, Senator Devlin, Senator Keating, and Senator Nathe). Senator Doherty was absent.

EXECUTIVE ACTION ON HOUSE BILL 857

Amendments, Discussion, and Votes:

Senator Lynch moved suggested amendments to House Bill 857 on Page 4, Line 22 after the word "public," insert "and elected bargaining agents or employee representatives". Motion CARRIED

LA040291.SM1

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

April 2, 1991

Page 20 of 20

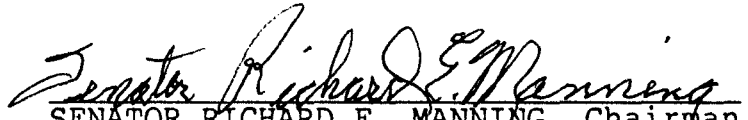
with five (5) YES (Senator Blaylock, Senator Lynch, Senator Manning, Senator Pipinich, and Senator Towe); four (4) NO (Senator Aklestad, Senator Devlin, Senator Keating, and Senator Nathe). Senator Doherty was absent.

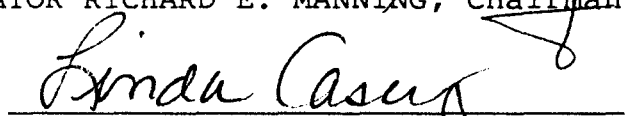
Recommendation and Vote:

Lynch motion for House Bill 857 BE CONCURRED IN as amended with five (5) YES (Senator Blaylock, Senator Lynch, Senator Manning, Senator Pipinich, and Senator Towe); four (4) NO (Senator Aklestad, Senator Devlin, Senator Keating, and Senator Nathe). Senator Doherty was absent.

ADJOURNMENT

Adjournment At: 6:10 p.m.

  
SENATOR RICHARD E. MANNING, Chairman

  
LINDA CASEY, Secretary

REM/llc

ROLL CALL

SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

DATE 4/2/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR AKLESTAD	P		
SENATOR BLAYLOCK	P		
SENATOR DEVLIN	P		
SENATOR KEATING	P		
SENATOR LYNCH	P		
SENATOR MANNING	P		
SENATOR NATHE	P		
SENATOR PIPINICH	P		
SENATOR TOWE	P		
Senator Doherty	P x		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 3, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 28 (third reading copy -- blue), respectfully report that House Bill No. 28 be amended and as so amended be not concurred in.

1. Page 3, lines 15 through 18.

Following: "records." on line 15

Strike: remainder of line 15 through "PROJECT." on line 18

2. Page 3, line 20.

Strike: "18-2-403(1) THROUGH (3) OR"

3. Page 3, line 23.

Following: "project"

Strike: "CONTRACTING AGENCY"

Insert: "the contractor"

Signed: \_\_\_\_\_  
Richard E. Manning, Chairman

*4-3-91*  
Ad. Coord.

*314-3 4:45*  
Sec. of Senate

701501SC.Sj1

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 3, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 251 (third reading copy -- blue), respectfully report that House Bill No. 251 be amended and as so amended be concurred in:

1. Title, line 8.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 2, line 24.

Following: "effective"

Strike: "July 1, 1991"

Insert: "on passage and approval"

Signed: \_\_\_\_\_  
Richard E. Manning, Chairman

*Jan 4-3-91*  
And. Coord.

*SP 4-2 1:50*  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 3, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 271 (third reading copy -- blue), respectfully report that House Bill No. 271 be amended and as so amended be concurred in:

1. Page 2, line 8.  
Following: "system"  
Strike: "i"

2. Page 2, line 9.  
Strike: "(1)"

3. Page 2, line 12.  
Following: "commission"  
Strike: "i and"  
Insert: "."

4. Page 2, lines 13 and 14.  
Strike: subsection (ii) in its entirety

5. Page 4, line 12.  
Insert: "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 220 is passed and approved and if it includes a section that amends 69-14-116(1)(a) and (1)(b), then the language in [section 1 of this act], amending 69-14-116(1)(a) and (1)(b), must read as follows:  
"(1) The commission has full authority:  
(a) after notice and hearing, to adopt and enforce rules providing for the installation on and equipment of trains, cars, or engines with safety appliances and providing for sanitation and adequate shelter as it affects the health of all railroad employees; and  
(b) to conduct inspections necessary to implement subsection (1)(a).""  
Renumber: subsequent section

Signed: \_\_\_\_\_  
Richard E. Manning, Chairman

*4-3-91*  
And. Coord.

*SP 4-2 1:50*  
Sec. of Senate

701335SC.Sj1



## SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
April 3, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 836 (third reading copy -- blue), respectfully report that House Bill No. 836 be amended and as so amended be concurred in:

1. Title, line 9.

Following: "DETERMINING"

Insert: "AND PAYING"

2. Title, line 12.

Following: "~~MCA~~,"

Insert: "REPEALING SECTION 18-2-405, MCA;"

3. Title, line 13.

Following: first "AN"

Insert: "IMMEDIATE"

4. Page 1, line 16.

Insert: "NEW SECTION. Section 1. Method for payment of standard prevailing wage. (1) To fulfil his obligation to pay the standard prevailing rate of wages under 18-2-403, a contractor or subcontractor may:

(a) pay directly to workers or employees in cash the amount of fringe benefits and the basic hourly rate of pay that is part of the standard prevailing rate of wages;

(b) make an irrevocable contribution to a trustee or a third person pursuant to a fringe benefit fund, plan, or program that meets the requirements of the Employee Retirement Income Security Act of 1974; or

(c) make payments using any combination of methods set forth in subsections (1)(a) and (1)(b) so that the aggregate of payments in cash and contributions is not less than the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions, in effect and applicable to the district for the particular type of work being performed.

(2) The fringe benefit fund, plan, or program described in subsection (1)(b) must provide benefits to workers or employees for health care, pensions on retirement or death, life insurance, disability and sickness insurance, or other bona fide fringe benefits as selected by the contractor or subcontractor.

(3) Nothing in this section relieves a contractor or subcontractor from paying workers or employees in cash the basic hourly rate of pay as determined by the commissioner pursuant to 18-2-402."

Renumber: subsequent sections

5. Page 9, line 9.

Insert: "NEW SECTION. Section 8. Repealer. Section 18-2-405,  
MCA, is repealed."

Renumber: subsequent sections

6. Page 9, line 10.

Following: line 9

Strike: "[SECTION 8] IS"

Insert: "[Sections 1 and 7] are"

7. Page 9, line 12.

Following: "TO"

Strike: "[SECTION 8]"

Insert: "[sections 1 and 7]"

8. Page 9, line 17.

Following: "effective"

Strike: "July 1, 1991"

Insert: "on passage and approval"

Signed: \_\_\_\_\_  
Richard E. Manning, Chairman

LB 4/3/91  
Amd. Cobrd.

ER 4/3 1:50  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 3, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 846 (third reading copy -- blue), respectfully report that House Bill No. 846 be amended and as so amended be concurred in:

1. Page 3, line 16.  
Following: "Notice"  
Strike: "may"  
Insert: "must"

Signed: \_\_\_\_\_  
Richard E. Manning, Chairman

LB 4/3/91  
Amd. Coord.

SP 4/3 1:50  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 3, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 857 (third reading copy -- blue), respectfully report that House Bill No. 857 be amended and as so amended be concurred in:

1. Page 3, line 25.

Following: "privatization"

Insert: " and the costs incurred in the discontinuation of such a contract"

2. Page 4, line 11.

Following: "privatization"

Insert: ", which shall remain comparable to existing state rates"

3. Page 4, line 22.

Following: "public,"

Insert: "elected bargaining agents or employee representatives,"

Signed: Richard E. Manning  
Richard E. Manning, Chairman

*191 4-3-91*  
And. Coord.

*SP 4-3 1:50*  
Sec. of Senate

Senate Labor and Employment Relations Committee

April 2, 1991

DUE TO THE VOLUME OF EXHIBITS

FOR TESTIMONY PRESENTED

APRIL 2, 1991 THE ORIGINAL EXHIBITS

ARE WITH THE ORIGINAL MINUTES.

DATE

4/2/91

COMMITTEE ON

Senate Labor

HB 251-271-836

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
D.B. DITZEL	BRO. OF LOCOMOTIVE ENGR Montana State Legis. Bd	271	X	
<del>F. J. Mancoske</del>	UTU	271	X	
<del>M. G. Groll</del>	UTU - Canada	271	X	
W.S. HENDERSHOT	UTU	271	X	
J.H. JEFFERIES	UTU - CANADA.	271	X	
C.R. Allen	Central Montana Rail	271		X
Pat King	BN	271		X
DJ Boen	BN	271		X
Don Slaybaugh	BLE BN ENGINEERS	271	X	
JAMES T. MULAR	CHAMMONT RAIL LABOR COUNCIL	271	X	
LARRY MANN	COUNSEL FOR RAIL LABOR EXEC. ASSOC. WASH D.C.	271	X	
MARK LANGDORF	AFSCME	271	X	
Raymond West	UTU	271	X	
Matt Pepus	BMW E	271	X	
Mrs. Nicole	DLI	836		X
Ed Hayens	BLE	271	X	
JAMES Tutwiler	UT CHAMBER	251	✓	
Jacqueline N. Verrell	Am. Bus. Assoc	251	✓	
D.V.J. Dean	BLE Loc 262 Leg Rep	271	X	
Don Judge	MT STATE AFL-CIO	271 HB 271 HB 836	X	
Joe Brand	SELF	271	X	
Mike Sherwood	MTLA	251	X	
Jim Jensen	MT. ENVIRONMENTAL INFO. CENTER	271	X	
Edward L. Ellis	MT. STATE COUNCIL OF PROF. FEDERATION	271	X	
Bob Anderson	PSC	271	X	
Rogelio P. Longoria	UTU-E	271	X	

(Please leave prepared statement with Secretary)

4/2/91

DATE \_\_\_\_\_  
Senate Labor

COMMITTEE ON Senate Labor  
HB 251 - 271 - 836 cont'd

836

Cont'd

HB 836

(Please leave prepared statement with Secretary)

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 251 Time 3:25pm

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		

Secretary

Chairman

Motion:

Be Concurred in  
As Amended

CARRIED



ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 836 Time 5:36pm

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		

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: Towe motion to amend

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date \_\_\_\_\_ House Bill No. 836 Time 5:40pm

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 Donerty		

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: \_\_\_\_\_

Be Concurred in  
As Amended

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 271 Time 5:45 pm

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK	He <del>X</del>	X
SENATOR DEVLIN	X	
SENATOR KEATING	X	
SENATOR LYNCH		X
SENATOR MANNING		X
SENATOR NATHE		X
SENATOR PIPINICH		X
SENATOR TOWE		X
Senator Doherty		

Secretary

Chairman

Motion:

TABLE 271

FAILED

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 271 Time 5:48pm

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		

Secretary

Chairman

Motion:

Be Concurred in  
as amended

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 28 Time 5:55pm

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		

Secretary

Chairman

Motion: Devlin Amend HB 28

Motion Carried

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 28 Time 6:00 pm

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		

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: \_\_\_\_\_

Be ~~Not~~ Concurred  
in as amended

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 846 Time 6:04 AM

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		

Secretary

Chairman

Motion:

Be Concurred as  
amended

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 4/2/91 House Bill No. 857 Time 6:08 pm

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		

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: \_\_\_\_\_

Be Concurred in  
as amended