

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Chairman Tom Nelson, on February 11, 1993, at 3:30.

ROLL CALL

Members Present:

Rep. Tom Nelson, Chair (R)
Rep. Gary Feland, Vice Chair (R)
Rep. Steve Benedict (R)
Rep. Vicki Cocchiarella (D)
Rep. Jerry Driscoll (D)
Rep. Alvin Ellis (R)
Rep. Pat Galvin (D)
Rep. Sonny Hanson (R)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carolyn Squires (D)
Rep. Bill Tash (R)
Rep. Rolph Tunby (R)
Rep. Carley Tuss (D)
Rep. Tim Whalen (D)

Members Excused: none

Members Absent: none

Staff Present: Susan Fox, Legislative Council
Cherri Schmaus, Committee Secretary

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

Committee Business Summary:

Hearing: HB 526 (BRANDEWIE) & SB 33 (DOHERTY)
Executive Action: HB 526 (BRANDEWIE) Motion to DO PASS AS
AMENDED carried 13 to 3.
SB 33 (DOHERTY) Motion to DO PASS
carried unanimously.
HB 472 (WALLIN) Motion to DO PASS AS
AMENDED carried 14 to 2.
HB 458 (DRISCOLL) Motion to DO PASS AS
AMENDED failed 8 to 8.
HB 208 (DRISCOLL) Motion to DO PASS AS
AMENDED carried unanimously.
HB 287 (WISEMAN) Motion to DO PASS AS

AMENDED carried 14 to 2.

HEARING ON HB 526

Opening Statement by Sponsor:

REP. RAY BRANDEWIE, HD 49, Flathead, sponsor, opened on HB 526 by addressing the problem of the underground economy in Montana. He stated that this bill will help catch those who hire employees and dodge paying Workers' Compensation, social security and other benefits. All employees are entitled to these benefits. Furthermore, he stated that it is a felony not to pay workers compensation benefits to employees. These employers are able to hide their identity through confidentiality act. He stated that the passage of this bill will bring justice to Montana.

Proponents' Testimony: None

Opponents' Testimony:

Jeff Miller, Department of Revenue, stated that he is opposed to HB 526 because it does not preserve the taxpayers' right of privacy that was established prior to 1985. In 1985, amendments from the SRS began opening up the privacy process slightly. Passing this bill would allow the Department of Labor to give information about individual tax records.

Questions From Committee Members and Responses:

REP. TASH, asked REP. BRANDEWIE if he checked with the legal council before drafting this bill.

REP. BRANDEWIE stated that he had requested, during caucus, for extensive studies to be done. David Niss, SRS, conducted this extensive research. He stated that the bill was drafted according to federal laws.

REP. DRISCOLL asked Joan Finsted, Department of Labor, if workers compensation has access to these records now.

Joan Finsted stated that workers compensation can get these records on their screen and the Department has access to workers compensation screens also.

REP. DRISCOLL asked if this is not a violation of the records "so-called" confidentiality.

Joan Finsted, stated no.

REP. DRISCOLL asked Jeff Miller why it is a violation to ask him questions.

Jeff Miller stated that this would open individual tax records. He stated that you could not tell by seeing the records if an

individual is a contractor or not.

REP. DRISCOLL asked Mr. Miller if there is any way he could amend the bill. He also asked if there is any way one can see if an employer is drawing Workers' Compensation at the same time?

Jeff Miller stated that in the past he has not had these requests from the department. He stated that any information asked by the department is given to them now; however, this bill will allow this information to go down to the individual level, not the employer level.

CHAIRMAN NELSON asked Penny Robbe, SRS, if this bill will apply to SRS as well as Revenue. He asked if SRS has any hardship with passing this bill?

Penny Robbe, SRS, stated that in her personal opinion, SRS would have a hardship because there would be no recording of employers names or identification numbers.

REP. DRISCOLL asked Ms. Finsted if an employer was receiving unemployment and Workers' Compensation at the same time, how would the department catch them?

Ms. Finsted stated that they do a cross match with their own wage files.

REP. DRISCOLL stated that he did not understand why the department can do these checks, but nobody else can.

REP. SIMON asked Rep. Brandewie how many employers have been prosecuted in the past six years.

REP. BRANDEWIE stated that everyone has missed his point, he is looking for employers not employees. He stated that he is not sure of the numbers of employers or employees that have been prosecuted in the past six years, but this bill would raise that number.

REP. FELAND stated to Jeff Miller that the department catches these employers all the time.

Jeff Miller agreed with Rep. Feland and stated that they share this with Workers' Compensation. He stated that they cross reference on a routine basis.

REP. BENEDICT asked Jeff Miller if his agreement with Rep. Feland about catching these employers all the time is true in reference to reporting to state fund.

Jeff Miller stated that the reason they are caught is because these employers fail to withhold taxes on their employees.

REP. BENEDICT asked Mr. Miller who actually catches the employer

then. He also asked if he has a count of how many have been caught so far.

Jeff Miller stated that the Department of Revenue are the ones that catch them. He stated that he is not sure how many have been caught.

Closing by Sponsor:

REP. BRANDEWIE closed on HB 526 by stating that he is after the employer not the employee. He stated that if someone files taxes with a \$30,000 payroll, this should ring a bell. He stated that it is almost impossible to be a contractor; however, it is the responsibility of the employer to make sure even the individual contractors have Workers' Compensation coverage. He asked the committee to give HB 526 a do pass recommendation.

SB 33

SEN. STEVE DOHERTY, SD 20, Cascade, sponsor, opened on SB 33 by stating that this is a simple bill. He stated that the need for this bill became known as a result of Desert Storm. He referred to Lieutenant Colonel Dave Johnson, a self-employed dentist. He stated that LTC Johnson was called up to serve in Desert Storm. This activation caused LTC Johnson's dental clinic to reduce the hours of operation. When LTC Johnson returned from Desert Storm, he owed additional money to Montana. The reduced hours of operation of his business also put him in a different experience class.

He stated that Montana should recognize the fact that Reserve and National Guard soldiers who serve on a traditional basis, also have full-time jobs. These soldiers usually have technical or professional skills. These skills could allow the soldiers to be employees or employers in a civilian capacity during the month.

Lieutenant Colonel David Johnson, Air Reserve, stated that he was involuntarily activated to serve in Desert Storm. He stated that he was a self-employed dentist at the time of the call-up. His activation caused his dental clinic to reduce the hours of operation. His employees filed for reduced wages with unemployment insurance. When he returned and filed his tax return, his experience rating was changed from class I to class V.

He stated that the State of Montana currently has the Reemployment Act for employees who are activated, but has nothing for those employers who are activated. He stated that he feels the State of Montana let him down during the time he was using his professional skills to protect the entire country.

Roger Hagan, Enlisted Association Montana Air and Army National Guard, stated that he is proud to support SB 33. He stated that with the ongoing build down of the active forces today, the

dependency on the Guard makes this piece of legislation necessary. He stated that prior to Desert Storm, the need for this bill was not recognized.

He stated that he is unable to count the number of employers that were affected during Desert Storm. However, passing this bill will correct the problem and have an insignificant impact on the fiscal note.

Hal Manson, American Legion, stated that with active duty getting smaller, the National Guard and Reserves are required to fill in the needed activities. During war, these soldiers need medical and dental care. This need for care also constitutes a need for professionally trained civilians who are also trained in the military. He stated that the traditional soldiers get paid for the drills that they provide work. He stated that it is unfair for these professionals who serve our country, during times of war, to have to pay additional taxes upon their return. He asked the committee to pass this bill and take care of the people who take care of us.

OPPONENTS

None

QUESTIONS

None

SEN. DOHERTY closed on SB 33 by stating that it will have an insignificant effect on the fiscal impact. He stated that this bill is worth while and necessary.

EXECUTIVE ACTION ON SB 33

Motion: **REP. PAVLOVICH** MOVED SB 33 DO BE CONCURRED IN.

Discussion: None

Motion/Vote: The question was called for. A voice vote was taken. The motion to DO BE CONCURRED IN **CARRIED** unanimously.

EXECUTIVE ACTION ON HB 526

Motion: **REP. HANSON** MOVED HB 526 DO PASS.

Discussion: None

Motion/Vote: **REP. HANSON** MOVED THE PROPOSED AMENDMENTS. The question was called for. A voice vote was taken. The motion to DO PASS **CARRIED** unanimously.

Vote: REP. HANSON MOVED HB 526 DO PASS AS AMENDED. The question was called for. A voice Vote was taken. The motion to DO PASS AS AMENDED CARRIED 13 to 3.

EXECUTIVE ACTION ON HB 208

Motion: REP. DRISCOLL MOVED HB 208 DO PASS. REP. DRISCOLL MOVED THE AMENDMENTS.

Discussion: None

Motion/Vote: REP. COCCHIARELLA called for the question on the amendments. A voice vote was taken. The motion to DO PASS CARRIED unanimously.

Vote: REP. COCCHIARELLA MOVED HB 208 DO PASS AS AMENDED. The question was called for. The motion to DO PASS AS AMENDED CARRIED unanimously.

EXECUTIVE ACTION ON HB 458

Motion: REP. DRISCOLL MOVED HB 458 DO PASS. REP. DRISCOLL MOVED THE AMENDMENTS. The question was called on the amendments. The motion to DO PASS CARRIED 12 to 4.

Discussion:

REP. SIMON asked REP. DRISCOLL why there would be additional costs if the system was switched from total wages to hourly wages.

REP. DRISCOLL stated that they claim that the additional records required would cause additional costs.

REP. HANSON stated that the people who buy the products are the ones paying for it.

REP. DRISCOLL stated that there is currently \$340 million surplus in Washington. He stated that if any construction company does not know how long a job will take, they will be out of business in one year or less. He stated that all construction companies keep track of hours.

REP. HANSON stated that he is not arguing that, but he stated that he is talking state not federal.

REP. SIMON gave REP. DRISCOLL a scenario of two employers. He stated that one is paid double. He asked if this individual would be compensated based on the hours he worked.

REP. DRISCOLL stated that it would be figured on each individual basis.

REP. SIMON stated that insurance companies talk about risk, yet

argue that the only way to evaluate risk is by payroll. The risk has nothing to do with how much money one makes, but how long they have been working.

REP. TUNBY stated that he thinks this risk is already figured into each individual classification.

REP. DRISCOLL restated the fact that if an individual works overtime, the rate does not go up.

REP. GALVIN brought up the scenario given by REP. SIMON during the hearing of HB 458 about standing in front of a train. He asked what risk he would have if he was the driver of that train.

REP. HANSON asked the committee to remember what we are discussing here. He stated that this bill is not changing the whole system, but just the construction industry.

REP. MILLS stated that these employees receive the same risk factor, regardless of their pay. He stated that we are already \$500 million in the hole now.

Motion/Vote:

REP. PAVLOVICH called for the question. The motion to DO PASS AS AMENDED FAILED with a tie vote of 8 to 8. The bill will remain in the committee until further action is taken.

EXECUTIVE ACTION ON HB 472

Motion: REP. TUNBY MOVED HB 472 DO PASS. REP. SIMON MOVED THE AMENDMENTS. The question was called for on the amendments. The motion to DO PASS CARRIED unanimously.

Discussion:

There was a concern by the committee about the definition or words direct supervision on the amendment.

Motion/Vote:

They changed the wording and the question was called for. The motion to DO PASS the amendment CARRIED unanimously. The question was called for on the bill. The motion to DO PASS AS AMENDED CARRIED 14 to 2. HB 472 was DO PASS AS AMENDED.

EXECUTIVE ACTION ON HB 287

Motion: REP. BENEDICT MOVED HB 287 DO PASS.

Discussion:

Susan Fox, Legislative Council, referred to the amendments. She

read each separate amendment and went over them with the committee.

REP. BENEDICT stated that these were all good amendments and moved the amendments. The motion to move the amendments carried unanimously.

The Spaeth amendments were discussed by the committee.

REP. PAVLOVICH called for the question. The motion to DO PASS the Spaeth amendments **CARRIED** 15 to 1.

The Cocchiarella amendments were discussed by the committee.

REP. COCCHIARELLA called for the question on numbers 1, 2 and 6 of the amendments. The motion to DO PASS **FAILED** 7 to 9.

REP. COCCHIARELLA called for the question on number 3 and 7 of the amendments. The motion to DO PASS **CARRIED** unanimously.

REP. DRISCOLL called for the question on number 4 and 5 of the amendments. The motion to move these carried unanimously.

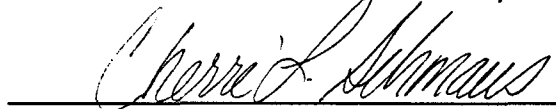
Motion/Vote: **REP. PAVLOVICH** called for the question on the bill. The motion to DO PASS AS AMENDED **CARRIED** 14 to 2.

ADJOURNMENT

Adjournment: Chairman Nelson adjourned the meeting at 5:10.



TOM NELSON, Chair



CHERRI SCHMAUS, Secretary

TN/CS

HOUSE OF REPRESENTATIVES.

LABOR

COMMITTEE

ROLL CALL

DATE _____

2/11/93

[illegible]

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Labor, report that House Bill 526 (first reading copy -- white) do pass as amended .

Signed: Tom Nelson
Tom Nelson, Chair

And, that such amendments read:

1. Page 7, line 7.

Following: "programs"

Insert: "information necessary to identify a taxpayer as an employee, as an independent contractor, or as self-employed"

Committee Vote:
Yes , No .


351053SC.Hss

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that Senate Bill 33 (third reading copy -- blue) be concurred in and be placed on consent calendar .

Signed: 

Tom Nelson, Chair

Carried by: Rep. Galvin

Committee Vote:
Yes , No .

351340SC.Hpf

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that House Bill 472 (first reading copy -- white) do pass as amended .

Signed: Tom Nelson, Chair

And, that such amendments read:

1. Title, line 4.

Following: "EXCLUDING"

Strike: "A"

Insert: "CERTAIN"

2. Title, line 5.

Strike: "EMPLOYEE"

Insert: "EMPLOYEES"

3. Title, lines 9 and 10.

Following: line 8

Insert: "AND"

Following: "MCA"

Strike: the remainder of line 9 through "DATE" on line 10

4. Page 7, line 22.

Following: "establishment"

Insert: "who is not under direct supervision of the employer and is free to set the employee's own time schedule,"

5. Page 8, lines 1 and 2.

Strike: Section 2 in its entirety

-END-

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that House Bill 208 (first reading copy -- white) do pass as amended .

Signed: _____
Tom Nelson, Chair

And, that such amendments read:

1. Page 2, line 2.

Following: "~~department~~"

Insert: "in accordance with rules adopted by the department"

2. Page 2, line 12.

Following: "~~department,~~"

Insert: ", in accordance with rules adopted by the department,"

3. Page 4, line 10.

Following: line 9

Insert: "NEW SECTION. Section 3. Saving clause. The department of labor and industry may require an employer, without concurrence of the Montana self-insurers guaranty fund, to give security in addition to the requirements described in 39-71-2105 and 39-71-2106 for workers' compensation liabilities that the employer accrued prior to July 1, 1989."

-END-

Committee Vote:
Yes 6 , No 1 .

351343SC.Hpf

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Labor report that House Bill 287 (first reading copy -- white) do pass as amended .

Signed: _____
Tom Nelson, Chair

And, that such amendments read:

1. Title, page 1, lines 17 through 21.

Following: ";" on line 17

Strike: remainder of line 17 through "FUND;" on line 21.

2. Title, page 2, lines 13 and 14.

Strike: "THE" on line 13 through "ADJUSTERS" on line 14

Insert: "SPECIFIC CLAIMS EXPENDITURES CODES"

3. Title, page 2, line 16.

Strike: "39-71-504, 39-71-505,"

4. Title, page 2, line 18.

Following: ";"

Strike: "AND"

5. Title, page 2, line 19.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

6. Page 9, line 10.

Strike: "prior"

7. Page 13, line 21.

Strike: "and"

8. Page 13, line 24.

Strike: "be or"

Insert: "the public that the person"

9. Page 13, line 25.

Strike: "considered"

10. Page 14, line 3.

Strike: "a personal"

Insert: "an"

Committee Vote:

Yes , No .

351059SC.H

11. Page 17, line 11.

Page 22, line 25.

Strike: "administration and"

12. Page 17, line 14 through page 19, line 23.

Strike: Sections 6 and 7 in their entirety

Renumber: subsequent sections

13. Page 23, line 7.

Strike: "in"

Strike: "employment"

Insert: "to employ"

14. Page 24, lines 1 and 2.

Strike: "used" on line 1 through "deposit" on line 2

15. Page 24, lines 18 and 19.

Strike: "is" on line 18 through "or" on line 19

16. Page 24, line 20.

Strike: "required"

Insert: "expected"

17. Page 24, line 21.

Strike: "fiscal"

18. Page 25, lines 7 through 10.

Following: "department" on line 7

Strike: the remainder of line 7 through "year" on line 10

19. Page 25, line 12.

Strike: "or undertaking"

20. Page 25, lines 13 and 14.

Following: "with" on line 13

Strike: "two" on line 13 through "sureties" on line 14

Insert: "a surety"

21. Page 25, line 17.

Strike: "fiscal"

Strike: "or"

22. Page 25, line 21.

Following: "solvent"

Insert: "; or

(iii) other security deposits allowed in subsection (1)(a)"

23. Page 31, line 22.

Strike: "policy"

Insert: "last approval"

24. Page 32, line 24.

Following: "in"

Insert: "Title 39, chapter 71,"

Following: "24"

Insert: ", "

Strike: "of this chapter"

25. Page 35, line 16 through page 36, line 5.

Strike: Section 22 in its entirety

Renumber: subsequent sections

26. Page 36, line 6.

Following: line 5

Insert: "NEW SECTION. Section 20. Specific claims expenditures codes. The state fund shall account for different kinds of claims and administrative expenses separately. Payments made to claimants and their designated health care providers must be accounted for separately from payments to providers and vendors of services hired by the state fund. The state fund shall specifically account for the following costs separately:

(1) payments to health care providers for independent medical evaluations or other services provided at the request of the state fund;

(2) payments to medical panels;

(3) payments to rehabilitation providers for services performed at the request of the state fund;

(4) payments made for retraining or on-the-job training programs and other rehabilitation payments made to injured workers;

(5) payments made in-house or for contracted legal counsel; and

(6) payments to private investigators and other service providers made in connection with fraud investigation."

Renumber: subsequent sections

27. Page 36, line 9.

Page 36, line 11.

Following: "Sections" or "sections"

Strike: "21 and 22"

Insert: "19 and 20"

23. Page 36, line 12.

Following: line 11

Insert: "NEW SECTION. Section 23. Effective date. [This act] is effective July 1, 1993."

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. HB 526 NUMBER _____

MOTION: Do Pass as amended

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN	✓	
REP. GARY FELAND, VICE CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. VICKI COCCHIARELLA		✓
REP. JERRY DRISCOLL	✓	
REP. ALVIN ELLIS	✓	
REP. PAT GALVIN	✓	
REP. SONNY HANSON	✓	
REP. NORM MILLS	✓	
REP. BOB PAVLOVICH	✓	
REP. BRUCE SIMON	✓	
REP. CAROLYN SQUIRES	✓	
REP. BILL TASH	✓	
REP. ROLPH TUNBY		✓
REP. CARLEY TUSS	✓	
REP. TIM WHALEN	✓	

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. HB 326 ~~254~~ NUMBER

MOTION: DO PASS AS AMENDED

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN	✓	
REP. GARY FELAND, VICE CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. VICKI COCCHIARELLA		✓
REP. JERRY DRISCOLL	✓	
REP. ALVIN ELLIS	✓	
REP. PAT GALVIN	✓	
REP. SONNY HANSON	✓	
REP. NORM MILLS	✓	
REP. BOB PAVLOVICH	✓	
REP. BRUCE SIMON	✓	
REP. CAROLYN SQUIRES	✓	
REP. BILL TASH	✓	
REP. ROLPH TUNBY		✓
REP. CARLEY TUSS	✓	
REP. TIM WHALEN	✓	

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. SB 33 NUMBER

MOTION: DO PASS

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN		
REP. GARY FELAND, VICE CHAIRMAN		
REP. STEVE BENEDICT		
REP. VICKI COCCHIARELLA		
REP. JERRY DRISCOLL		
REP. ALVIN ELLIS		
REP. PAT GALVIN		
REP. SONNY HANSON		
REP. NORM MILLS		
REP. BOB PAVLOVICH		
REP. BRUCE SIMON		
REP. CAROLYN SQUIRES		
REP. BILL TASH		
REP. ROLPH TUNBY		
REP. CARLEY TUSS		
REP. TIM WHALEN		

UNANIMOUS

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. HB472 NUMBER

MOTION: DO PASS AS AMENDED

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN	✓	
REP. GARY FELAND, VICE CHAIRMAN	✓	
REP. STEVE BENEDICT	✓	
REP. VICKI COCCHIARELLA		✓
REP. JERRY DRISCOLL	✓	
REP. ALVIN ELLIS	✓	
REP. PAT GALVIN	✓	
REP. SONNY HANSON	✓	
REP. NORM MILLS	✓	
REP. BOB PAVLOVICH		✓
REP. BRUCE SIMON	✓	
REP. CAROLYN SQUIRES	✓	
REP. BILL TASH	✓	
REP. ROLPH TUNBY	✓	
REP. CARLEY TUSS	✓	
REP. TIM WHALEN	✓	

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. HR 208 NUMBER _____

MOTION: DO PASS AS AMENDED

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN	✓	
REP. GARY FELAND, VICE CHAIRMAN	✓	
REP. STEVE BENEDICT	✓	
REP. VICKI COCCHIARELLA	✓	
REP. JERRY DRISCOLL	✓	
REP. ALVIN ELLIS	✓	
REP. PAT GALVIN	✓	
REP. SONNY HANSON	✓	
REP. NORM MILLS	✓	
REP. BOB PAVLOVICH	✓	
REP. BRUCE SIMON	✓	
REP. CAROLYN SQUIRES	✓	
REP. BILL TASH	✓	
REP. ROLPH TUNBY	✓	
REP. CARLEY TUSS	✓	
REP. TIM WHALEN	✓	

UNANIMOUS

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. HB 287 NUMBER _____

MOTION: _____

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN		✓
REP. GARY FELAND, VICE CHAIRMAN		✓
REP. STEVE BENEDICT		✓
REP. VICKI COCCHIARELLA	✓	
REP. JERRY DRISCOLL	✓	
REP. ALVIN ELLIS		✓
REP. PAT GALVIN	✓	
REP. SONNY HANSON		✓
REP. NORM MILLS		✓
REP. BOB PAVLOVICH	✓	
REP. BRUCE SIMON		✓
REP. CAROLYN SQUIRES	✓	
REP. BILL TASH		✓
REP. ROLPH TUNBY		✓
REP. CARLEY TUSS	✓	
REP. TIM WHALEN	✓	

*Amendment
1.26*

7 9

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. HB 287 NUMBER _____

MOTION: DO PASS AS AMENDED

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN	✓	
REP. GARY FELAND, VICE CHAIRMAN	✓	
REP. STEVE BENEDICT	✓	
REP. VICKI COCCHIARELLA	✓	
REP. JERRY DRISCOLL		✓
REP. ALVIN ELLIS	✓	
REP. PAT GALVIN	✓	
REP. SONNY HANSON	✓	
REP. NORM MILLS	✓	
REP. BOB PAVLOVICH	✓	
REP. BRUCE SIMON	✓	
REP. CAROLYN SQUIRES	✓	
REP. BILL TASH	✓	
REP. ROLPH TUNBY	✓	
REP. CARLEY TUSS	✓	
REP. TIM WHALEN		✓

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/9/93 BILL NO. HB 445 NUMBER _____

MOTION: Do Pass

NAME	AYE	NO
REP. TOM NELSON, CHAIRMAN		
REP. GARY FELAND, VICE CHAIRMAN		
REP. STEVE BENEDICT		
REP. VICKI COCCHIARELLA		
REP. JERRY DRISCOLL		
REP. ALVIN ELLIS		
REP. PAT GALVIN		
REP. SONNY HANSON		
REP. NORM MILLS		
REP. BOB PAVLOVICH		
REP. BRUCE SIMON		
REP. CAROLYN SQUIRES		
REP. BILL TASH		
REP. ROLPH TUNBY		
REP. CARLEY TUSS		
REP. TIM WHALEN		

unanimously

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Amendments to House Bill No. 287
First Reading Copy

Requested by Rep. Cocchiarella
For the Committee on Labor and Employment Relations

Prepared by Susan B. Fox
February 1, 1993

1. Title, page 1, lines 19 through 21.
Following: ";" on page 19
Strike: remainder of line 19 through ";" on line 21
2. Title, page 2, lines 13 and 14.
Strike: "AND" on line 13 through "CERTIFICATION" on line 14
3. Title, page 2, line 14.
Following: ";"
Insert: "PROVIDING FOR SPECIFIC CLAIMS EXPENDITURES CODES;"
4. Title, line 16.
Strike: "39-71-505,"
5. Page 19, lines 12 through 23.
Strike: section 7 in its entirety
Renumber: subsequent sections
6. Page 35, line 17 through page 36, line 5.
Strike: "(1)" on page 35, line 17 through the remainder of section 22
Insert: "Each insurer is required to designate at least one adjuster who shall maintain an office in Montana, shall pay compensation when due, and has authority to adjust and settle claims."
7. Page 36, line 6.
Following: line 5
Insert: "NEW SECTION. **Section 22. Specific claims expenditures codes.** The state fund shall account for different kinds of claims and administrative expenses separately. Payments made to claimants and their designated health care providers must be accounted for separately from payments to providers and vendors of services hired by the state fund. The state fund shall specifically account for the following costs separately:
 (1) payments to health care providers for independent medical evaluations or other services provided at the request of the state fund;
 (2) payments to medical panels;
 (3) payments to rehabilitation providers for services performed at the request of the state fund;
 (4) payments made for retraining or on-the-job training programs and other rehabilitation payments made to injured workers;
 (5) payments made in-house or for contracted legal counsel;

and

(6) payments to private investigators and other service providers made in connection with fraud investigation."
Renumber: subsequent sections

8. Page 36, line 9.

Page 36, line 11.

Following: "Sections"

Strike: "21 and"

Insert: "20 through"

minutes

Amendments to House Bill No. 287
First Reading Copy

Requested by the subcommittee on HB 287
For the Committee on Labor and Employment Relations

Prepared by Susan B. Fox
February 9, 1993

1. Title, page 2, line 18.
Following: ";"
Strike: "AND"
2. Title, page 2, line 19.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 9, line 10.
Strike: "prior"
4. Page 13, line 21.
Strike: "and"
5. Page 13, line 24.
Strike: "be or"
Insert: "the public that the person"
6. Page 13, line 25.
Strike: "considered"
7. Page 14, line 3.
Strike: "a personal"
Insert: "an"
8. Page 17, line 11.
Page 22, line 25.
Strike: "administration and"
9. Page 23, line 7.
Strike: "in"
Strike: "employment"
Insert: "to employ"
10. Page 24, lines 1 and 2.
Strike: "used" on line 1 through "deposit"
11. Page 24, lines 18 and 19.
Strike: "is" on line 18 through "or" on line 19
12. Page 24, line 20.
Strike: "required"
Insert: "expected"
13. Page 24, line 21.
Strike: "fiscal"

14. Page 25, lines 7 through 10.

Following: "department" on line 7

Strike: the remainder of line 7 through "year" on line 10

15. Page 25, line 12.

Strike: "or undertaking"

16. Page 25, lines 13 and 14.

Following: "with"

Strike: "two" on line 13 through "sureties" on line 14

Insert: "a surety"

17. Page 25, line 17.

Strike: "fiscal"

Strike: "or"

18. Page 25, line 21.

Following: "solvent"

Insert: "; or

(iii) other security deposits allowed in subsection (1)(a)"

19. Page 31, line 22.

Strike: "policy"

Insert: "last approval"

20. Page 32, line 24.

Following: "in"

Insert: "Title 39, chapter 71,"

Following: "24"

Insert: ", "

Strike: "of this chapter"

21. Page 36, line 12.

Following: line 11

Insert: " NEW SECTION. Section 25. {standard} Effective date.

[This act] is effective July 1, 1993."

2/11/93

Representative Feland has my proxy
to vote on any bills in
executive session. Further,
he is instructed to vote NO
on any raids of work-comp or
unemployment compensation funds

Robert E. Egan Jr.

I give my prayer to
God Heaven all Vets
on hills, immediately
and nations -

2/11/52

Agnes

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LABOR

COMMITTEE

BILL NO. SB 33

DATE 2/11/93

SPONSOR(S) DOHERTY

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Hal Hanson	American Legion	X	
Frank Johnson	self	X	
ROGER A. HAGAN	ENLISTED ASSOC. NG - OF MT	X	
Penny			

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LABOR COMMITTEE BILL NO. HB 526
DATE 2/11/93 SPONSOR(S) BRANDEWIE

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Penny Robbe	SRS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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