

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Chairman Tom Nelson, on February 16, 1993, at
3:10 p.m.

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 569, HB 578, HB 580, HB 617, HB 621
and HJ 16.
Executive Action: HB 569, HB 578, HB 580, HB 617, HB 621
and HJ 16.

HEARING ON HB 621

Opening Statement by Sponsor:

REP. JIM ELLIOTT, HD 51, Sanders, sponsor, stated that HB 621 is
a great bill.

Proponents' Testimony:

Jim Murphy, State Fund, opened his testimony by stating that the purpose of HB 621 is to reward high wage paying employers. He stated that 660 employers are receiving the credit this fiscal year; furthermore, there are \$445,000 in credits and they anticipate 900 employers will receive credits next fiscal year. He stated that this will impact on the premiums starting in July 1994.

Jacqueline Lenmark, American Insurance Association, stated that the purpose of this legislation is to correct an error in last session's legislation. She stated that similar bills have worked well in other states.

Lars Erickson, Carpenter, related this bill to HB 458 that changes wage from total to hourly. He also stated that this bill would remedy the problem with last year's legislation.

Ron James, Business Agent, stated that he supports HB 621.

Opponents' Testimony:

Nancy Griffin, Montana Building Industry Association, who represents 800 small businesses, believes this is work shifting. She stated that this burden will be shifted to construction industry employers. If an employer makes over \$8.50 per hour, there is a small percentage of a raise. The percentage of the raise goes up as the wages go up. She stated that she is opposed to this bill because it will cause higher premiums, higher business expenses, the number of people employers can higher will decrease and the raises they can give will also decrease.

Questions From Committee Members and Responses:

REP. DRISCOLL referred to the bill and stated that he assumes they are talking about the NCCI. He asked Mr. Murphy how he figured out the hours.

Mr. Murphy stated that no hours are figured, just percentages. He stated that his company looks at hours for a three-month period.

REP. DRISCOLL asked Mr. Murphy why, if the rating will be done by July 1993, it won't be in effect until July 1994.

Mr. Murphy stated that the ratings need to be done in July 1993, and this won't allow the effective date to be until July 1994.

REP. DRISCOLL asked why the prices are raised 43 percent and then dropped 10 percent.

Mr. Murphy stated that this will offset the credits.

REP. HANSON asked if this bill will only apply under plan 2 insurers.

Mr. Murphy stated no, and referred to paragraph 4 of the bill.

REP. HANSON asked Mr. Murphy whether the reason for the 1.5 times increase is because of the statistics, claims or what.

Mr. Murphy stated the general purpose is to provide credit to the highest paying construction employers.

Closing by Sponsor:

CHAIRMAN NELSON closed on HB 621 in REP. ELLIOTT's absence.

HEARING ON HJ 16

Opening Statement by Sponsor:

REP. JOE QUILICI, HD 71, Silver Bow, sponsor, stated that HJ 16 urges Congress to recognize the resources in the Butte and Anaconda area. He stated that the passage of this bill will make Butte-Silverbow a National Landmark and will allow it to be listed on the National Register. Passage of this bill could help the economy with all the tourism that it would bring into the county. This bill does not affect the state's population in general; however, everyone will be affected overall. This bill will allow the county to apply for grants and would help the region in general. Furthermore, passage of this bill will not take any money from the state.

Proponents' Testimony:

Evan Barrett, Butte Local Development, stated that passage of this bill will have no impact on the state. He urged the committee to support HJ 16.

Brian Cockhill, Montana Historical Society, stated that this bill will have a significant effect on tourism.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. TASH asked Mr. Cockhill what the sources of the federal funds are.

Mr. Cockhill stated that some of the sources are the Department of Interior, Department of National Science Foundation and various others.

Closing by Sponsor:

REP. PAVLOVICH closed on HJ 16 for REP. QUILICI.

HEARING ON HB 617

Opening Statement by Sponsor:

REP. EDWARD GRADY, HD 47, Lewis and Clark, sponsor, stated that the purpose of the bill is to provide jobs with no cost to the state by federally certifying the prison industries program.

Proponents' Testimony:

Jim Pomroy, Corrections Division, Department of Corrections and Human Services, stated that the prisons manufacture certain products that must cross the state line. He stated there are currently 24 projects and 12 state certified. In order to become certified, these prisons must meet certain criteria. He referred to the bill and the listed criteria. He stated that a minimum of \$7 per day of this money will go back into the operation of the prison. He stated that there are a number of mandatory policy issues. He stated that the passage of this bill will not result in the displacement of workers. The Department of Corrections and Human Services would choose which program to certify. He stated that he only sees a handful of inmates working in these certified programs. He reminded the committee that this is not supported by the state fund, but is self-supporting.

Using an example of the Toyota Company, he stated that currently cut outs are used at Northern Montana College in Havre in exchange for training tapes, tools, and scholarships. He stated that they can only trade so much. He also stated that they are not competing with any other companies. Furthermore, Toyota is willing to pay for the supervisors. This type of program provides incentives to the inmates. This bill would give the prisons the right to engage with private, out-of-state and international agencies. He provided the committee with a handout. (EXHIBIT #1)

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. PAVLOVICH asked Mr. Pomroy if the effective date is necessary.

Mr. Pomroy stated that he does not believe that it is necessary.

Closing by Sponsor:

REP. GRADY closed by encouraging the committee and the audience to go acquaint themselves with the programs in the prisons.

HEARING ON HB 569

Opening Statement by Sponsor:

REP. ANGELA RUSSELL, HD 99, Bighorn, sponsor, stated that this bill will give preference to Indians for employment at state projects that are located on reservations. The need for this bill came into existence because Indians have not been hired in the past for these jobs. A similar bill was passed two years ago. This bill just adds the components for penalties if the parks don't hire Indians.

Proponents' Testimony:

REP. BOB GERVAIS, HD 9, stated that he supports HB 569.

Opponents' Testimony:

Carl Schweitzer, Montana Contractors Association, stated that he opposes this bill because it will raise the cost of construction the reservations. He stated that passing this bill may cause hard feelings. Furthermore, currently they have a positive working relation with the Indians.

Questions From Committee Members and Responses:

REP. BENEDICT asked REP. RUSSELL why she had skipped over subsection 5 when she opened. He stated that this could be basically a death sentence for these firms.

REP. RUSSELL stated that this language has been used in past legislation dealing with job preference.

REP. BENEDICT referred to page 4, subsection 4 and stated that the complete elimination of the process doesn't sound fair.

REP. RUSSELL stated that her major concern is to get Indians these jobs that they would usually not be hired for. She stated that this may sound strict, but she has nowhere else to turn.

REP. HANSON asked Carl Schweitzer to refer to page 7, line 6. He asked if this strikes lines 4,5 and 6.

Carl Schweitzer stated that he is concerned with page 4 and page 5.

REP. DRISCOLL asked Carl Schweitzer why he is concerned if he gets \$5 per hour now.

Carl Schweitzer stated that this doesn't apply to the federal government.

REP. DRISCOLL stated that it is just federal money.

Carl Schweitzer stated that he is not sure.

REP. WHALEN asked Carl Schweitzer to refer to page 1 on the bottom and page 2 on the top. He stated that the complaint must be filed within 90 days. He then referred to page 5, line 17 and page 9, subsection 4 and page 17, subsection 2. He asked if this was part of the bill construction, if he would be willing to keep this portion of the bill.

Carl Schweitzer stated that he can't make a decision for his company, but he is sure they would want to limit the reporting time.

REP. HANSON stated to **REP. RUSSELL** that this bill looks like it has been expanded besides just adding the \$1000 fine.

REP. RUSSELL stated that she had asked the legislative council to put in the language used in other bills dealing with job preference.

REP. TUNBY asked **REP. RUSSELL** if the bill passed two years ago is currently in effect and working.

REP. RUSSELL stated that the rules and regulation hearings were conducted last summer, so the bill has not had a chance to work yet.

REP. FELAND asked **REP. RUSSELL** whether the Indians don't already have a preference.

Rep. Russell stated Indians have tribal employment rights, but not in state projects.

REP. GALVIN asked **REP. RUSSELL** if Polson is on a reservation and how this bill would affect Polson.

REP. RUSSELL stated that this bill would affect Polson the same as the other reservations.

CHAIRMAN NELSON asked **REP. RUSSELL** if this applies to all Indians or just the tribes on those specific reservations.

REP. RUSSELL stated that this would be tribal preference and referred to page 2, line 17.

REP. HANSON referred to page 1, line 20. He stated that the preference is with Indians that are residents of the reservation.

REP. RUSSELL stated that there are many inner marriages on the reservations. These inner marriages cause several different tribes to live on one reservation.

Closing by Sponsor:

REP. RUSSELL stated that a similar bill was passed two years ago. This bill just adds the components for penalties if the parks don't hire Indians. REP. RUSSELL stated that this is a new bill, a new act and it is very important to these Indians.

HEARING ON HB 578**Opening Statement by Sponsor:**

REP. CAROLYN SQUIRES, HD 58, Missoula, sponsor, stated that this bill is a simple matter of fairness. This bill will help treat workers fairly when they are hurt on the job. She stated that an illness is less costly than an injury. Furthermore, Governor Racicot wants to clamp down on fraud. She stated that employers pay directly and indirectly. These hurt workers are already paying because of the pain, lost wages and the doctor bills that are not covered.

Proponents' Testimony:

Secky Fascione, HERE, stated that this bill will reclassify repetitive injuries so the employee will be available for workers compensation benefits. This could be a short term savings on long term problems. She stated that workers should be fit to their work place.

Barbara Downing, a waitress in Billings, stated that she has been waiting tables for the past 33 years. She stated that ten years ago, she had carpal tunnel surgery and that she has not had any problems with her surgery because she had it during the early stages. (EXHIBIT #2)

Ron James, ironworker, stated that he carries rebar on a daily basis at his place of employment. He stated that 15 of the employees there have had carpal tunnel syndrome. He urged the committee to pass HB 578.

Donna Martinson, a waitress at Jorgensons, stated that she has been diagnosed with tennis elbow and she does not play tennis. The movements that she performs as a waitress are much like those of a tennis player. She stated that she carries heavy trays, pours coffee and water. She stated that she cannot afford surgery on her salary of \$4.35 per hour plus tips.

Terry Dolin, a waitress in Missoula, stated that she has been diagnosed with carpal tunnel in her right hand. She is a single mother and can't afford insurance or the surgery. She stated that if she doesn't get help soon, she will be forced to apply for food stamps and welfare.

Russell Hill, Montana Trial Lawyers, stated that carpal tunnel is increasingly common. He provided the committee with written

testimony. **EXHIBIT #3**

Jacqueline Lenmark, American Insurance Association, stated that passing this bill is a fairness issue that adds cost to the system. She offered amendments that would help determine when the injury happens. She stated that they need to make decisions in the legislation, rather than on a case-by-case basis.

Darrell Holzer, Montana AFL-CIO, stated that these injuries should be covered by workers compensation even if the injury occurs over a period of time. He stated that in 1991, 60 percent of the new cases were employees whose injuries occurred over time. He stated that this is not new, but has been around for over a decade due to the new technological equipment used on a daily basis. He stated that this bill will get these injured workers the benefits they deserve.

Stacy Riley, Montana Federation of Teachers and Montana Federation of State Employees, stated that she works with several clerical and data entry employees who perform the same tasks over and over. These employees need adequate rest periods.

John Manzer, Teamsters Union, stated that carpal tunnel has been creeping into the trucking industry for the past few years.

Opponents' Testimony:

George Wood, Executive Secretary of the Montana Insurance Association, stated that he has been adjusting workers compensation claims since 1950. He stated that the rise in carpal tunnel is considered wear and tear due to aging or activities performed outside the work place. He stated that very little is caused by activities performed inside the work place.

He stated that in 1987 the reforms removed repetitive trauma from workers compensation to occupational disease. He stated that the difference between repetitive trauma and an accident is the period of time the injury took to begin hurting. He stated that carpal tunnel used to be known as the knitters disease. He stated that there is a big difference in the benefits of workers compensation and occupational disease. Under workers compensation one could receive permanent disability and apportionment. He stated that the Montana Retail Association is opposed to HB 578.

Oliver Goe, private attorney, stated that workers compensation has been around 59 years longer than occupational disease. He referred to Subsection 6 of the bill. He stated that potential costs and benefits are fewer under occupational disease but the medical benefits are identical. He stated that there is also no difference between temporary total disability. The only difference is in apportionment. If it is determined that 50 percent of the injury is caused on the job and 50 percent is from off the job, the benefits are reduced accordingly. Furthermore,

there is no permanent disability under occupational disease.

Pat Sweeney, State Fund, stated that this expands workers compensation benefits; therefore, he must oppose this bill.

Dan Walker, U.S. West, stated that the communication industry could be involved under extenuating circumstances. He stated that the results of the study done by U.S. West on July 20, 1992 were positive. The results of the study stated that most of the employers ensured a safe environment for workers and that they are committed to problems and continue to work with the union. He stated that these repetitive traumas are an illness and not an injury.

Questions From Committee Members and Responses:

REP. COCCHIARELLA asked Randy Mills, age 32, what his occupation is. He stated that he is a writer and has recently had surgery for carpal tunnel in both wrists. He stated that, as a writer, he writes and types very rapidly. She asked him if he does the same sort of work at home. He replied no.

REP. COCCHIARELLA asked Terry Dolan, age 41, what her occupation is. She stated that she is a waitress. Rep. Cocchiarella asked her if she serves her family at home on platters and pours their water. Ms. Dolan stated no.

REP. COCCHIARELLA asked Mr. Goe if he types his own briefs. Mr. Goe stated that he does not type at all; therefore, his secretary does all of his typing.

REP. DRISCOLL asked Mr. Goe to refer to MCA 39-71-601 because the lack of knowledge can be waived.

Mr. Goe stated that this is true, but the employee must inform the employer of the injury within 30 days.

REP. DRISCOLL asked if this 30 days is from the date of knowledge or what.

Mr. Goe stated that the 30 days is from the date of the accident. This time frame allows the insurance companies and the employers to investigate the case.

REP. DRISCOLL stated that in the old laws, this 30 days begins the day you were diagnosed by the doctor.

Mr. Goe stated that it is the date the employee left the job because of the injury.

REP. WHALEN asked Mr. Goe how much time an employee has to file for benefits under the occupational disease.

Mr. Goe stated that the employee has one year to file under

occupational disease.

REP. WHALEN asked when this one year was calculated from?

Mr. Goe stated that he is not sure.

REP. WHALEN asked **Mr. Wood** if the employee still has to prove the injury happened on the job.

Mr. Wood stated that yes, these employees must prove the injury is work related.

REP. SIMON asked **Darrell Holzer** whether the passage of this bill will raise the number and types of problems.

Darrell Holzer stated that the first report that he cited in 1989 dealing with repetitive trauma, were 48 percent of the new claims. In 1991, these claims had risen to 60 percent of the total new claims.

REP. SIMON asked if these new claims are under workers compensation or occupational disease.

Darrell Holzer stated that it depends on how the accident is claimed.

REP. SIMON told **Mr. Sweeney** that he has no doubt that people have suffered these traumas, but he asked what happens to someone who applies through occupational disease.

Mr. Sweeney stated that when occupational disease claims are denied, they then go to an occupational disease panel. This panel reports back the findings. If either party disagrees, then there is a second panel. A third is held if the disagreement is still not settled. He stated that the vast majority of claims are accepted without panels.

REP. SIMON asked **Mr. Sweeney** if he has a count of how many claims have been submitted and how many were accepted.

Mr. Sweeney stated that there are usually 400 claims per year of repetitive trauma. These claims would be a \$20,000 per claim increase if changed to workers compensation.

REP. PAVLOVICH asked **Mr. Sweeney** whether this bill would include bartenders.

Mr. Sweeney stated that it would include bartenders.

REP. DRISCOLL asked **Mr. Sweeney** how much money he actually saved during the "so-called" reform in 1987.

Mr. Sweeney stated that he was not sure of the exact figure, but that this is not a matter of savings.

REP. DRISCOLL asked George Wood how much this reform saved the self-insurers.

George Wood stated that no self-insurer keeps these records, but accepts what the law is.

REP. DRISCOLL stated that the bill will not cost anything then if nobody can come up with a figure.

George Wood stated that it would be a substantial cost of approximately \$120,000 per case.

CHAIRMAN NELSON asked Ms. Lenmark if she has any suggestions for a procedural amendment.

Ms. Lenmark stated that it would not just be one amendment, but a series of amendments.

Closing by Sponsor:

REP. SQUIRES closed by stating that it is ridiculous to put an injury into disease and to ask what an individual does after work. She stated that these employees are usually among the lowest paid in Montana. She stated that passing this bill will give these injured workers a fair share of the pie.

HEARING ON HB 580

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 59, Missoula, sponsor, opened by stating that this bill deals with revising the lump-sum sick leave payments when employees terminate employment. She stated that she has seen parts of HB 580 in the past and that the hearing was turned over to the proponents.

Proponents' Testimony:

Tom Schneider, Montana Public Employee Association, stated that the current retirement payouts are 25% for up to 14 years, 50% for 15 to 20 years, 75% for 21 to 24 years, and 100% for 25 or more years.

He stated that the reason for this bill is because in the 1991 session there were two bills that increased the payout. Because of the problems with the IRS, there is no way to specify what an employee can do with the lump-sum payment, but they can use it to buy retirement credits. He stated that those employee only receive 25 percent if they cash in their sick leave, but receive 100 percent if they use their sick leave.

John Manzer, Teamsters Union, stated that the bill will be an incentive to employees who save their sick leave. This bill would correct problems with use and abuse of sick leave and also

would encourage employees to stay employed for a long period of time. This bill will also give retirees a lump sum of money at retirement.

Stacey Riley, National Federation of Teachers and State Employees, stated that her organization supports HB 580.

Opponents' Testimony:

Mark Cress, Department of Administration, stated that he has no problem with the concept of the bill; however, he does have a problem with the price tag. He stated that as these employees stay longer, their pay increases. At retirement, the cost of paying this sick leave will be substantially higher than if they just used the sick leave when they earned it.

Questions From Committee Members and Responses:

REP. ELLIS asked Mr. Cress whether anyone in state government has looked into using this as an incentive to pay those employees who show up for work.

Mr. Cress stated that the results of the studies are mixed.

REP. WHALEN told Mr. Cress that he understands the concern of money, but asked him if this was over a period of time would he still oppose the bill.

Mr. Cress stated that he is not sure, but this would probably lessen the concerns.

REP. BENEDICT asked Tom Schneider how this bill would interface with collective bargaining.

Tom Schneider stated that it would not, if it wasn't in the statutes.

CHAIRMAN NELSON told Mr. Cress that he assumed that if an employee accumulated half of their sick leave to be paid at the current rate, that employee could stash away this money and watch it grow. He asked if there were restrictions to use or lose of this sick leave.

Mr. Cress stated that currently employees accrue 12 days per year and can accumulate it indefinitely.

Closing by Sponsor:

REP. COCCHIARELLA closed by stating that in a sense it is a use or lose concept. She stated that the only way an employee can get 100 percent of their sick leave pay is to use it. She stated that the average employee works for the state for eight years; furthermore, this bill does not change the law for these people. She stated that this bill may not be timed right with the health

care cost and state and local government employees.

EXECUTIVE ACTION ON HB 580

Motion: REP. COCCHIARELLA MOVED HB 580 TABLE.

Discussion: None

Motion/Vote: REP. COCCHIARELLA MOVED HB 580 TABLE. Question was called. A voice vote was taken. The motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 621

Motion: REP. PAVLOVICH MOVED HB 621 DO PASS.

Discussion: None

Motion/Vote: REP. PAVLOVICH MOVED HB 621 DO PASS. Question was called. Voice vote was taken. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HJ 16

Motion: REP. PAVLOVICH MOVED HJ16 DO PASS.

Discussion: None

Motion/Vote: REP. PAVLOVICH MOVED HJ16 DO PASS. The motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 617

Motion: REP. PAVLOVICH MOVED HB 617 DO PASS.

Discussion: None

Motion/Vote: REP. PAVLOVICH asked the committee to eliminate section 6. REP. ELLIS asked the committee to change the effective date to July. REP. PAVLOVICH moved to adopt the amendments. Question was called. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. PAVLOVICH MOVED HB 617 DO PASS AS AMENDED. Question was called. Voice vote was taken. The motion carried unanimously.

EXECUTIVE ACTION ON HB 569

Motion: REP. WHALEN MOVED HB 569 DO PASS.

Discussion: REP. WHALEN recommended that pg 4, line 22 and pg 5 line 8 be stricken from the bill.

REP. HANSON stated that he is against the bill because

enforcement of preference is opening a can of worms. Furthermore, this may be moving into the private sector.

REP. WHALEN stated that the \$1,000 will not apply to state agencies; furthermore, this preference is already in the law.

REP. BENEDICT stated that he is against the bill because it is a form of reverse discrimination. He stated that 80 percent of occupants on these reservations are not Indians.

Motion/Vote: **REP. HANSON** moved to adopt the amendments. Question was called. The motion to DO PASS the amendments carried unanimously.

Motion/Vote: **REP. SIMON MOVED HB 569 TABLE.** The motion carried 9 to 7.

EXECUTIVE ACTION ON HB 578

Motion: **REP. SQUIRES MOVED HB 578 DO PASS.**

Discussion: **REP. HANSON** stated that he is against the bill because it expands workers compensation.

REP. TASH stated that he respects **REP. SQUIRES**, but he is concerned about the employers with the workers compensation costs in a run-away mode.

REP. COCCHIARELLA stated that she doesn't feel sorry for employers because they need to make it safe for employees.

REP. FELAND stated that self-employed also have problems with carpal tunnel and they have to pay for their own surgery.

REP. WHALEN stated that being self-employed is better because at least you can get health insurance. He stated that the injured employees would be better off if they were not covered by either program.

REP. SQUIRES asked **REP. BENEDICT** if there is a specific bill that could address this concern on safety in the work place. She asked about combining it with Rep. Harp's bill on safety.

REP. DRISCOLL stated that she can check with **REP. CHASE HIBBARD**; however, he doesn't believe there is a bill it could be combined with.

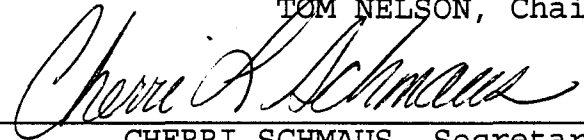
Motion/Vote: **REP. HANSON MOVED HB 578 TABLE.** Roll call vote was taken. The motion **CARRIED** 9 to 7.

ADJOURNMENT

Adjournment: Chairman Nelson adjourned the meeting at 6:10 p.m.



TOM NELSON, Chair



CHERRI SCHMAUS, Secretary

TN/CS

HOUSE OF REPRESENTATIVES.

LABOR

COMMITTEE

ROLL CALL.

DATE _____

2/16/93

[illegible]

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that House Bill 617 (first reading copy -- white) do pass as amended .

Signed: Tom Nelson
Tom Nelson, Chair

And, that such amendments read:

1. Title, line 21.

Following: " ; "

Insert: "AND"

2. Title, line 23.

Following: "MCA"

Strike: the remainder of line 23 through "DATE"

3. Page 14, lines 2 and 3.

Strike: Section 6 in its entirety

-END-

Committee Vote:

Yes No

391115SC.Hbf

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that House
Bill 621 (first reading copy -- white) do pass.

Signed: Tom Nelson
Tom Nelson, Chair

Committee Vote:
Yes ____, No ____.

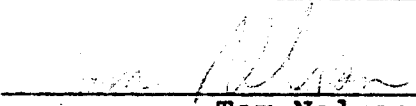
390852SC.Hss

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that House
Joint Resolution 16 (first reading copy -- white) do pass .

Signed: 
Tom Nelson, Chair

Committee Vote:
Yes ____, No ____.

390857SC.Hss

TABLED BILL

LABOR

Name of Committee

2/17

Date

, 19 93

The following bill

HB 569

was TABLED, by motion, on

2/16

, 19 93.

Cheri L. Schmaus

For the Committee

RL

For the Chief Clerk

8:22 AM

Time

2/17/93

Date

CS-04

1991

TABLED BILL

LABOR
Name of Committee

2/16, 19 93
Date

The following bill HB 578
was TABLED, by motion, on 2/16, 19 93.

Labon Chenn & Schmaus
For the Committee

GL
For the Chief Clerk

CS-04
1991

8:22 AM
Time
2/17/93
Date

TABLED BILL

LABOR
Name of Committee

2/17, 19 93
Date

The following bill HB 580
was TABLED, by motion, on 2/16, 19 93.

Chen L. Schman
For the Committee

GL
For the Chief Clerk

8:22 AM
Time

2/17/93
Date

CS-04
1991

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/16/93 BILL NO. HB 578 NUMBER

MOTION: ~~DO PASS~~ TABLE

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		✓

9 7

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/16/93 BILL NO. HB 580 NUMBER

MOTION: TABLE

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 _____ BILL NO. HB 617 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

Amendments to House Bill No. 617
First Reading Copy

For the Committee on Labor and Employment Relations

Prepared by Susan B. Fox
February 17, 1993

1. Title, line 21.

Following: ";"

Insert: "AND"

2. Title, line 23.

Following: "MCA"

Strike: the remainder of line 23 through "DATE"

3. Page 14, lines 2 and 3.

Strike: Section 6 in its entirety

HOUSE OF REPRESENTATIVES

LABOR

COMMITTEE

ROLL CALL VOTE

DATE 2/14/93 BILL NO. HB569 NUMBER

MOTION: ~~DO PASS AS AMENDED~~
TABLE

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		✓

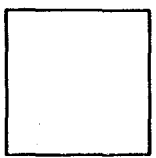
9 7

EXHIBIT # /
DATE
HE



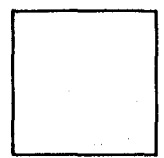
Montana Department of Corrections
Montana State Prison Industries
300 Conley Lake Road
Deer Lodge, MT 59722
(406) 846-1320, ext. 2270

**FOR THE
MISSION OF THE
CORRECTIONS DIVISION**

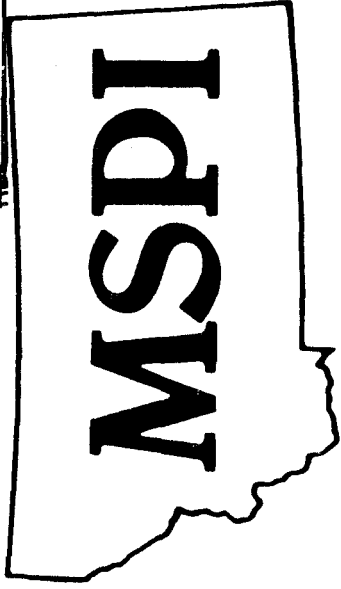


- * Enhances the dignity of individuals and increases the potential for human growth and development.
- * Offers productive occupation during the course of an offender's supervision while providing active employment and pursuit of education resulting in positive rehabilitation.

**FOR THE
LEGISLATURE
AND GOVERNOR**



- * Offers a long-range opportunity to reduce recidivism to penal institutions.
- * Tax savings and human resources will be increased.
- * Will help relieve the social costs of institutional and welfare dependency.



**Private Sector/Prison Industries
Enhancement Program**



FOR ADDITIONAL INFORMATION:

Montana Department of Corrections
Montana State Prison Industries
300 Conley Lake Road
Deer Lodge, MT 59722
(406) 846-1320, ext. 2270

**An innovative program in
Montana Correctional
Institutions**

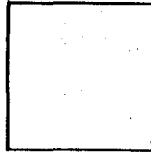
A PUBLIC PRIVATE PARTNERSHIP

To train offenders for meaningful jobs while assisting victims of crime and reducing institutional costs.

PROGRAM BENEFITS

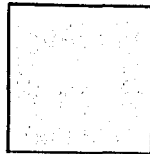
FOR THE PUBLIC

- * Reduce tax burden by decreasing institutional costs.
- * A source of support for offenders' dependents.
- * An investment in human capital.
- * Directed work experience skills leading toward long term employment.
- * A return to society of well-trained and/or motivated individuals reducing recidivism or a need to go on public assistance.
- * A viable method for measuring the effectiveness of the institutional training programs.
- * Pay taxes on wages.



FOR THE VICTIM

- * A new source to supplement tax dollars for restitution.
- * Restores confidence in the criminal justice system by compensating the victim (at least in part) for the harm done.



FOR THE OFFENDER

- * Work experience develops sound work habits.
- * Added skills enhance employability at release.



- * Increases probability of success on parole.

- * Establishes an excellent job reference.

- * Earns competitive wages.

- * Accumulates savings for return to community life.

- * Develops responsibility and accountability by providing public service and restitution to victims of crime.

- * Builds a sense of self-worth and accomplishment.

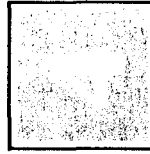
- * Voluntary participation gives a feeling of increased responsibility.

- * Develops an understanding and appreciation for using education resources to improve employability.

- * Community adjustment fears can be reduced by attempting to create "real world" situations and solutions with the institutional work and living environment.

FOR THE INSTITUTION

- * Reduction of idleness abates violence.
- * On-the-job training will encourage use of correctional resources: education, counseling, etc.
- * Increases revenue by deducting taxes and room and board reimbursement from the offenders' wage.



FOR THE PARTICIPATING EMPLOYER

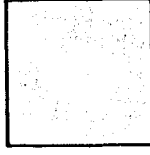
- * Development of a consistent workforce of qualified applicants.
- * Will not have to pay the benefits which reduce the "profit margin."
- * Ex-offenders are appreciative of the opportunity and many times will exceed the productivity of regular employees.



- * Employer will have opportunity to hire job ready ex-offenders without large expenditure for training costs.

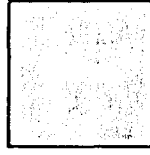
FOR THE INSTITUTION STAFF

- * Less violence increases personal safety.
- * The operation of an education/industry venture provides a means to motivate offenders to move through the system in an organized and goal-oriented manner.



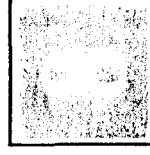
FOR THE LABOR UNIONS

- * Wage floor protects the Union membership from unfair competition.
- * Labor union representation, when appropriate, will be included and consulted prior to initiation of a project.
- * Wages to offenders will not be less than work of a similar nature in the locality where work is performed.
- * Better trained workers mean better future union members.
- * Where possible, participating companies' projects will not adversely affect the local labor market.
- * A resource pool for future union members.



FOR THE PAROLE AGENT

- * Increases successful job placement because of enhanced work habits and skills.
- * Offender responsibility developed in the institution will be continued throughout the parole period.
- * Better prepared and motivated parolees decrease violations.



EX HB 11

DATE 2/10/11
HB 578

Good afternoon Mr. Chairman and Members of the Committee, my name is Barbara Downing from Billings and I am here to urge your support for HB 578.

I have been a waitress for 33 years. Ten years ago I underwent surgery for carpal tunnel syndrome. I am one of the surgery successes and have not had any trouble since my surgery. Part of this is due to the fact that I had surgery during the early stage, before it had progressed to the point that surgery was not effective. But there are many workers who are not as lucky as I am. Not only are they plagued by pain, but the loss of income is devastating to their families. If only this kind of repetitive motion injury was classified as an injury instead of a disease these people would be able to receive proper medical attention in a timely manner, which is vital to total recovery.

Please support HB 578. In the long run it will be more cost effective.

Barbara Downing

355 Naylor

Billings, Montana 59101

Montana Trial Lawyers ASSOCIATION

Directors:

Wade Dahood
Director Emeritus
Monte D. Beck
Thomas J. Beers
Michael D. Cok
Michael W. Cotter
Karl J. Englund
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Gene R. Jarussi
Peter M. Meloy
John M. Morrison
Gregory S. Munro
David R. Paoli
Paul M. Warren
Michael E. Wheat

Executive Office
#1 Last Chance Gulch
Helena, Montana 59601
Tel: 443-3124

February 16, 1993

Officers:

Thomas J. Beers
President
Monte D. Beck
President-Elect
Gregory S. Munro
Vice President
Michael E. Wheat
Secretary-Treasurer
William A. Rossbach
Governor
Paul M. Warren
Governor

Rep. Tom Nelson, Chair
House Labor and Employment Relations Committee
Room 437, State Capitol
Helena, MT 59620

RE: HB 578

Mr. Chair, Members of the Committee:

Thank you for this opportunity to express MTLA's support for HB 578, which would compensate work-related repetitive-motion injuries under the Workers' Compensation Act rather than the Occupational Disease Act. MTLA supports the bill for several reasons:

1. Repetitive-motion injuries are debilitating. Montanans incapacitated by work-related repetitive motion injuries and inadequately compensated by the Occupational Disease Act must rely on other social-service programs funded by Montana taxpayers.

2. Repetitive-motion injuries are increasingly common, due in large part to the changing nature of the workplace. For example, manual typewriters in their infancy were plagued by secretaries who typed too fast and caused keys to lock up. Typewriter engineers responded by strategically positioning frequently used keys so that typists would have to reach farther or use their weakest fingers. The keyboard design slowed typists and kept manual typewriters operating smoothly. But with the advent of electric typewriters, and then computer keyboards, locking keys were no longer a problem and typists could operate at much greater speeds. However, they no longer benefit from the momentary interruption at the end of each line to return the typewriter carriage, and instead of spring-loaded keys their fingers now punch keys with abrupt resistance. The result: repetitive-motion injuries.

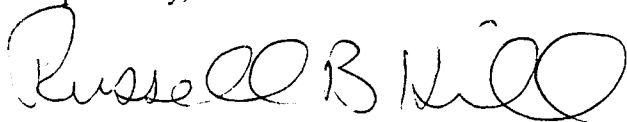
3. Repetitive-motion injuries are easily preventable. By adopting such inexpensive techniques as periodic rest periods, alternating tasks, and ergonomically-designed

equipment, employers can dramatically reduce the incidence of work-related repetitive-motion injuries. Unfortunately, compensating these injuries under the Occupational Disease Act provides little incentive to employers to understand and prevent them. Even if compensating repetitive-motion injuries under the Workers' Compensation Act initially resulted in additional claims and benefits, however, the prevention of such injuries in the future would result in net savings to Montana taxpayers.

4. Compensating work-related repetitive-motion injuries under the Workers' Compensation Act would not change the standards of proof required to demonstrate that a repetitive-motion injury is work-related. It would, however, more accurately indicate the true costs of work-related repetitive-motion injuries, costs which current law often obscures and shifts. In fact, by including work-related repetitive-motion injuries within the Occupational Disease Act, Montana effectively denies employees the opportunity to insure themselves against such injuries, since private health insurance generally excludes coverage for injuries which are compensated under workers compensation or occupational disease acts.

Thank you for considering these comments. If I can provide additional information or assistance, please contact me.

Respectfully,

A handwritten signature in dark ink, appearing to read "Russell B. Hill". The signature is fluid and cursive, with the first name "Russell" being more legible than the last name "Hill".

Russell B. Hill
Executive Director

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LABOR

COMMITTEE

BILL NO.

HB
578

DATE 2/16/93

SPONSOR(S) SQUIRES

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Darrell Holzer	MT. ST. AFL-CIO	X	
John Manzer	Teamsters Union	X	
Randy Mills	Self	X	
Mary Kinsey	1402 State Beach	X	
H. A. Feldman	Professional Training Seminars	?	?
BARBARA DOWNING	HERE LOCAL 56	X	
VERONICA BROWN	MT. ST. Council H.E.R.E.	X	
TERI DOLAN	ME	X	
Donna Martinson	HERE Local 533	X	
Russell B Hill	Montreal Lawyers	✓	
Jeckey Fascione	HERE	✓	
Beth McLamp	HERE	X	
Cindy Polinsky	HERE	X	
Don Walker	USWEST		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

State Treasury

Gov. Allen

Gov. Wadsworth

Legislative Research

State Fund

Montreal Products Area

MT Self Insurance Area

AIA

X if
amtd

X
X
X

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Labor

COMMITTEE

BILL NO.

HB580

DATE

SPONSOR(S)

Cochranelli

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Tom Schmuck</u>	<u>IMPEA</u>	<u>X</u>	
<u>John Manzer</u>	<u>Teamsters Union</u>	<u>X</u>	
<u>Staci Riley</u>	<u>MFT</u>	<u>X</u>	
<u>Mark Cress</u>	<u>Dept. of Admin</u>		<u>X</u>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

COMMITTEE

BILL NO.

HO 16

DATE

SPONSOR(S)

Joe Zurlini

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS

REPRESENTING

SUPPORT

OPPOSE

Zurlini

Dist #71

☒

Evan Barrett

Butte Local Dev.

☒

PAVLOVICH

HD #70

☒

Pat Sweeney

☒

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LABOR COMMITTEE HB
DATE 2/16/93 SPONSOR(S) RUSSELL BILL NO. 569

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bob FERVAIS	H.D.#9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

621
HB ~~25~~

ELLIOTT

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[illegible]

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LABOR COMMITTEE BILL NO. HB 617
DATE 2/16/93 SPONSOR(S) GRADY

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Melissa Case	Hotel Employees + Restaurant	X	
Jrni Pomroy	DC H S	X	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.