

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Chairman Nelson, on March 11, 1993, at 3:05

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: None
Executive Action: SB 91, SB 381, SB 329, SB 223, SB 256,
SB 342

EXECUTIVE ACTION ON SB 91

Motion: REP. SIMON MOVED SB 91 DO BE CONCURRED IN. REP. SIMON MOVED TO AMEND.

Discussion: REP. TUSS asked REP. SIMON if diversionary program is defined anywhere?

REP. SIMON told her that he does not know if it is defined in

law, but it means sentenced directly from court.

Motion/Vote: REP. SIMON MOVED TO AMEND SB 91. REP. BENEDICT called for the question on the amendment. A voice vote was taken. The motion to DO PASS CARRIED with REP. COCCHIARELLA & REP. PAVLOVICH voting no.

Vote: REP. SIMON MOVED SB 91 DO BE CONCURRED IN AS AMENDED. The question was called for. A voice vote was taken. The motion CARRIED unanimously. REP. SIMON agreed to carry SB 91 on the House Floor.

EXECUTIVE ACTION ON SB 381

Motion: REP. DRISCOLL MOVED SB 381 DO BE CONCURRED IN.

Discussion: REP. DRISCOLL proposed an amendment to the committee to amend the penalties for underinsured. He referred to page 1, section 2, line 22 and 23 and asked that it be amended to adopt similar language in 39-71-504 MCA. He stated that underinsured must "knowingly" underinsure. If it is an honest mistake, the fine could double the premium or raise it up to \$200.

REP. TUNBY asked REP. DRISCOLL what happens if this goes on and on for many years?

REP. DRISCOLL stated that nothing happens until they are caught cheating the system.

REP. SIMON asked REP. DRISCOLL to add a three-year statute of limitation to his amendment.

REP. BENEDICT suggested to REP. DRISCOLL to take out intent of the employer on line 3, page 2 of the bill.

Motion/Vote: REP. DRISCOLL MOVED THE AMENDMENT. The question was called for on the amendment. A voice vote was taken. The motion to DO PASS CARRIED unanimously.

Vote: REP. ELLIS MOVED SB 381 BE CONCURRED IN AS AMENDED. The question was called. A voice vote was taken. The motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 329

Motion: REP. DRISCOLL MOVED SB 329 BE CONCURRED IN.

Motion/Vote:

REP. BENEDICT MOVED THE KLAMPE AMENDMENTS. REP. BENEDICT explained the Klampe amendments to the committee. The question

was called on the Klampe amendments. A voice vote was taken. The motion to DO PASS **CARRIED** 9 to 7.

REP. PAVLOVICH MOVED SB 329 BE TABLED. A voice vote was taken. The motion to TABLE **FAILED** 7 to 9.

REP. HANSON MOVED HIS PROPOSED AMENDMENT. He told the committee that his amendment will strike the wording "eliminated other bonified programs by the Department of Labor". The question was called on the Hanson amendments. The motion to DO PASS **CARRIED** 15 to 1 with **REP. TUSS** voting no.

Vote: **REP. BENEDICT MOVED SB 329 BE CONCURRED IN AS AMENDED.** The question was called for. A voice vote was taken. The motion to **CARRIED** 9 to 7. **REP. HANSON** agreed to carry SB 329 on the House floor.

EXECUTIVE ACTION ON SB 223

Motion: **REP. COCCHIARELLA MOVED SB 223 BE CONCURRED IN.**

Discussion: **REP. COCCHIARELLA** stated that this bill will take care of the children. She stated that many people may not believe it, but there are children being abused and used.

REP. ELLIS stated that he is against the bill because it doesn't allow kids to work on the family farm unloading trucks.

REP. FELAND told **REP. ELLIS** that these kids could perform this farm work with written permission.

REP. SIMON proposed an amendment to add the word "meat" before the word "processing" on page 8, line 9. The amendment was moved. The question was called on the Simon amendment. A voice vote was taken. The motion to DO PASS **CARRIED** unanimously.

REP. MILLS stated that he is against the bill because he can't hire his son's buddy to work on the family farm. He stated that work is very important for young people to learn how to perform work at an early age.

REP. GALVIN stated that he is still concerned with the freight elevator. He asked the committee to define the difference between a freight elevator and an passenger elevator. **REP. GALVIN** told the committee that a freight elevator is not enclosed.

REP. SIMON stated that there should be no problem with a delivery boy delivering chocolates on a freight elevator if that is all that is available because the boy is not employed by the elevator.

Chuck Hunter, with the permission of the committee, suggested a wording change that would solve the freight elevator problem.

REP. MILLS called for the question on his amendments. A voice vote was taken. The motion to DO PASS **CARRIED** unanimously.

Motion/Vote: **REP. DRISCOLL MOVED SB 223 DO BE CONCURRED IN AS AMENDED.** The question was called for. A voice vote was taken. the Motion **CARRIED** 10 to 6 with **REP. TUNBY, REP. ELLIS, REP. HANSON, REP. MILLS, REP. BENEDICT AND REP. TASH** voting no. **REP. RICE** will carry SB 223 on the House Floor.

EXECUTIVE ACTION ON SB 256

Motion: **REP. FELAND MOVED SB 256 DO BE CONCURRED IN.**

Discussion: **REP. DRISCOLL** explained the McClure amendments, dated March 9, 1993, to the committee. **REP. DRISCOLL MOVED THE MCCLURE AMENDMENT.** The question was called for. A voice vote was taken. The motion to DO PASS **CARRIED** 15 to 1 with **REP. HANSON** voting no.

REP. SIMON explained his proposed amendments to the committee. He stated that he wants to amend the effective date from "July 1, 1993" to "upon passage". Furthermore, those who bought prior to the passage of this bill will be grandfathered. The question was called for. A voice vote was taken. The motion to DO PASS **CARRIED** unanimously.

REP. DRISCOLL explained the Rice amendments to the committee.

REP. GALVIN stated that he knows a person in Great Falls who would be effected positively by the passage of this bill.

REP. COCCHIARELLA stated that each year in Missoula, out-of-state yard workers go door to door and landscape yards without paying in Montana.

REP. BENEDICT stated that radio competitors come from Idaho and don't have to pay in Montana.

The question was called for on the Rice amendments. The motion to DO PASS **FAILED** with a tie vote.

Motion/Vote: **REP. DRISCOLL MOVED SB 256 BE CONCURRED IN AS AMENDED.** The question was called for. The motion **CARRIED** unanimously. **REP. DRISCOLL** will carry SB 256 on the House floor.

EXECUTIVE ACTION ON SB 342

Motion: **REP. MILLS MOVED SB 342 BE CONCURRED IN.**

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Discussion: REP. HANSON reported the subcommittee results. He stated that basically the committee agreed unanimously on items dealing with page 1, section 1 and lines 24 and 25, and section 16 page 2.

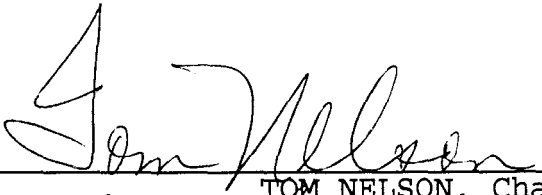
The committee agreed to take out anything dealing with certified payroll or disbarment.

Motion/Vote: REP. MILLS MOVED SB 342 DO BE CONCURRED IN AS AMENDED. The question was called for. The motion to DO PASS the Hanson amendments CARRIED with REP. COCCHIARELLA, REP. TUSS & REP. SQUIRES voting no.

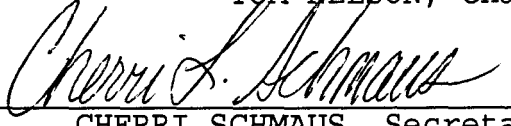
Vote: The question was called for on the bill. The motion DO BE CONCURRED IN AS AMENDED CARRIED unanimously. REP. DRISCOLL will carry SB 342 on the House floor.

ADJOURNMENT

Adjournment: Chairman Nelson adjourned the meeting at 4:20.



TOM NELSON, Chair



CHERRI SCHMAUS, Secretary

TN/CS