

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on January 25, 1995,
at 8:00 AM.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Norm Mills, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Vicki Cocchiarella (D)
Rep. Charles R. Devaney (R)
Rep. Jon Ellingson (D)
Rep. Alvin A. Ellis, Jr. (R)
Rep. David Ewer (D)
Rep. Rose Forbes (R)
Rep. Jack R. Herron (R)
Rep. Bob Keenan (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Jeanette S. McKee (R)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Carley Tuss (D)
Rep. Joe Barnett (R)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Council
Alberta Strachan, Committee Secretary

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

Committee Business Summary:

Hearing: HB 257, HB 285, HB 276
Executive Action: HB 285, HB 147, HB 207, HB 242, HB 264,

HEARING ON HB 257

Opening Statement by Sponsor:

REP. JON ELLINGSON, HD 65, Missoula County said one of the
qualities of this committee is the "show me attitude." This
committee can't consider a new law until "you show me there is a

real problem which requires the exercise of the power the voter entrusted to us." There is a real problem facing many citizens of the state and he asked the committee to consider a modest remedy. Parts of Montana are going through a period of rapid growth which is attracting new people and families to areas where the availability of rental housing has lagged behind demand. This has created market conditions which have allowed some landlords to impose numerous substantial rent increases on existing tenants. Typically, these tenants are economically marginal members of society and they are unable to accumulate the downpayment required for purchasing a house of their own or they do not qualify for a loan so they rent. They are the least able of our citizens to absorb rapid and substantial increases in the cost of housing. Yet they are the ones that are subjected to the whims and vagaries of market forces which are totally beyond their control.

This bill addresses this problem. It is titled an act limiting rent increases over a 12 month period of time. But, in many important senses this title is misleading. This bill does not limit a landlord's right to charge whatever the market will bear for a newly reconstructed unit. It does not limit the landlord's right to increase rent if improvements in the dwelling have contributed to the added market value. It does not limit a landlord's right to charge a continuing tenant double the rent over a 12-month period.

That characterization is accurate. This bill limits the maximum amount of increase the landlord may charge a continuing tenant and limits that increase to 5% in a 12 month period. This bill will cause real concerns on the part of some members in the committee.

Proponents' Testimony:

William McCausland, Montanans For Social Justice reiterated the problems he had had in a recent rental situation. He then voiced his support of this bill.

Richard D. Seibert, Montanans For Social Justice said his rent had increased 13% in the last three years and supports this bill.

Melissa Case, Montana's People Action said there is broad support and agreement throughout the state, especially those Montanans living in urban areas, in that there is a serious housing crisis. This crisis causes problems among renters and often causes people to move frequently due to unforeseen circumstances and rent increases. An increasing amount of cases forces people out of their homes and into the streets.

Wayne Lewis said he supports this bill.

Arthur Crump said without rent control he has seen rent increased and used as a way to evict a certain class of people. This bill is fair.

Kate Cholewa, Human Services Foundation presented a letter from the Missoula Aging Services regarding this bill. **EXHIBIT 1**

Ren Essene said poverty and hopelessness is growing throughout Montana and supports this bill.

J.V. Bennett, Montana Public Interest Research Group said they support this bill because as a consumer advocacy group they have become involved in tenant landlord issues. **EXHIBIT 2**

Opponents' Testimony:

Greg VanHorssen, Montana Housing Providers said this bill will place significant burdens on the operation of the business of these property owners and will probably have the opposite result of its intended purpose. **EXHIBIT 3**

Ray Linder opposed this bill and he supplied the committee with a breakdown on property he purchased which indicated the increases in costs of this property. **EXHIBIT 4**

Ed McHugh said he was the owner of a mobile home park in Helena and was in opposition to this bill. He said this was very detrimental to the people who are proposing it.

Lance Clark, Montana Association of Realtors said he opposed this bill.

Andrew Skinner said he also was a mobile home park owner and rental owner. He is attempting to increase the number of mobile home lots in his court and this bill will prohibit increasing rents to cover these new costs.

George Marble, Helena Housing Authority stated that public housing authorities are not considered in this bill and are governed by federal regulations which are in direct conflict with the provisions of this bill. Housing authority rents are based on 30% of the tenant's adjusted gross income. This bill would also make it difficult for a private landlord to give a good tenant a break in the rent during a time when the tenant becomes unemployed or is in need of help. **EXHIBIT 5**

Steve Mandeville stands in opposition to this bill.

Wayne Walters said he would like to have government stay in its proper place and see free enterprise work.

Patrick Duncan said he did not buy investment property to operate on a loss and opposed this bill. **EXHIBIT 6**

Barbara Booher, Montana Nurse's Association opposed this bill. Utilities, taxes and insurance have increased more than 5% in the five years they have owned their rental property.

David Owen, Montana Chamber of Commerce opposed this bill.

Robert Dunlap, opposed this bill.

Robert White, Bozeman Chamber of Commerce said he opposed this bill because in the last few years Bozeman has seen property tax increases 14%-16%. There is no way that can be made up with a 5% cap. As long as this bill maintains no compensation, insurance or property taxes they will continue to oppose.

Dan McLean, Oakland Holding Company opposed this bill.

Informational Testimony:

Sharon Hubbell EXHIBIT 7; Inga Traub EXHIBIT 8; John Traub EXHIBIT 9; Hugh A. McWhorter EXHIBIT 10

Questions From Committee Members and Responses:

REP. VICKI COCCHIARELLA questioned cost recovery. **REP. ELLINGSON** gave an example of cost recovery and the balance.

REP. JOE BARNETT questioned the restriction on rent increases imposed and whether these increases would apply to a new occupancy of a rental unit. **REP. ELLINGSON** said it does not apply to a new occupancy until there is a continuing tenancy there.

CHAIRMAN BRUCE SIMON said this bill encourages landlords and tenants to maintain and improve the quality of housing. Most of the testimony heard would indicate this bill would have the opposite effect. If caps are placed on rents how will the goal be met of encouraging landlords and tenants to maintain and improve the quality of housing. **REP. ELLINGSON** said it is important not to confuse this legislation with rent control legislation. This is substantially different. It provides the landlord with numerous opportunities to bring the rentals back immediately to the market rate. Upon a vacancy it can come back to the market rate upon the improvement of the residence. If those improvements add to the market value of the property then those rents can be increased to adjust for the improvements. Over a 12-year period of time the rents can be doubled. All of these are sufficient incentives to encourage landlords to continue to maintain their property so they have good housing units and keep them in good maintenance not only for their own benefit but for the benefit of renters.

CHAIRMAN SIMON stated that rent could be doubled following a 12-year period at 5% per year. Given this kind of rent control, would there not be an incentive for landlords to automatically

raise their rents 5% a year just to make sure they do not get caught in the squeeze later? Rather than trying to keep rents low, in some cases, actually there will be accelerating rent increases by forcing landlords to automatically take a 5% increase a year. **REP. ELLINGSON** said one of the implications is some landlords might feel the impact.

CHAIRMAN SIMON asked how this bill addresses those people who had to be on a lower rate and how do they get caught up when the market forces turn around and there is a demand. **REP. ELLINGSON** said there is a 5% increase in rent. It does permit the doubling of rent over a 12 year period of time. It does impose a sacrifice which in view of the problems of affordable housing is a reasonable sacrifice during that period of time.

CHAIRMAN SIMON stated the ownership of property in Montana is a very precious right and people are allowed to do what they wish with their property. This says to property owners that for public policy reasons, there will be a restriction on the ability to utilize property to its fullest extent. He asked how the landlord is being compensated for sacrificing some of their property rights to meet this public policy. **REP. ELLINGSON** said there were numerous intrusions into the free marketplace that have come about as a result of a determination by members of legislatures throughout the country. The problem which was facing the country was that there has been an intrusion justified into the market- place. This does impinge upon the ability of landlords to raise the rent beyond a particular amount. However, as the opponents testified, they do not raise their rents this much anyway. It does address the landlord who is taking full advantage of unfettered market forces which would allow him or her to raise the rent in excess of 5% a year. That is an intrusion upon their rights but it is one which is justified given the severity of the problem for people who are renting.

CHAIRMAN SIMON said the equation only deals with one side which is for the landlord. It does not protect the landlord for the other side of the equation. When the market forces are good and there is a drive on the market it limits their ability to raise the rent but there is no protection for that landlord when the market forces go the other way. They are then forced to cut their rents which creates losses for them. Should it not be balanced? If a public policy is being established that limits people's ability to utilize their property there should be protection for the landlord when the market forces go the other way. They are guaranteed a certain level of occupancy within their units. **REP. ELLINGSON** said the motivating force behind this legislation is to provide some stability for people who are in rental units now so they will be able to anticipate what their increased costs might be which would be a balance of the limitation on the right rent.

REP. NORM MILLS said there was mentioned through the improvement of property there would be an opportunity to reach back up to

market value for the basis of establishing rent. **REP. ELLINGSON** said that is correct. **REP. MILLS** said problems would be solved by imposing the burden upon one class of people which is the landlords. There are federal programs and other state programs for assistance to those who need help that is accepted as a social requirement on all of the citizens. Why should this be a social requirement on one class of citizens? **REP. ELLINGSON** said the justification is the individuals who are involved directly in the creation of this problem.

CHAIRMAN SIMON said the city of Billings has been in a systematic program of replacement of sidewalks and gutters and curbs and other infrastructure which are needed in those areas, not by special improvement districts but by maintenance districts. As such, the people living in that area have no recourse to oppose it. If the city council determines a particular area is going to be done, they do the construction. If a person cannot pay for these improvements it is added to the taxes. This legislation would not allow for recovery of those kinds of costs that could be added to a property because it only allows for improvements to the dwelling unit. **REP. ELLINGSON** said in this regard the intent of the bill and the hope of the bill would be that there would be sufficient funds generated by the 5% increase to cover the increased costs which are reflected over the 12-year period of time.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 285

Opening Statement by Sponsor:

REP. DON LARSON, HD 58, Missoula County distributed amendments to the committee regarding this bill. He said when the bill was drafted there was a portion exempting the licensed outfitters coverage under the minimum wage. It was intended to exempt the outfitters from only the overtime laws. **EXHIBIT 11** Most all of the outfitters pay well over the minimum wage.

Proponents' Testimony:

SEN. STEVE BENEDICT said he was representing the outfitters in his area and Jack Rich, the past president of the Montana Outfitters and Guides. He said he had been going into the Bob Marshall Wilderness Area for 15 years. Their days begin early in the morning and it might be an hour to wrangle the horses in and getting gear set up for the day. It might be another amount of time before the guests are ready to go. It is really hard to quantify a day. The work is intermittent all day long. It is real important to give some latitude to people in this profession. Many of the hunting guides do outfitting for the

love of hunting.

Jean Johnson, Director, Montana Outfitters and Guides Association said this bill is asking the legislature to recognize the unique qualities of an outfitter's business and approve an exemption of outfitters employees from overtime laws. Employment for most guides and others who work for outfitters is generally defined by the season, whether it's hunting or fishing and last a relatively short period of time. Traditionally, outfitters pay their employees by the day, week or season, depending upon personal preference and how they have their seasons structured. It is probably safe to say that most guides in Montana are paid on an average of \$350-\$700 a week. **EXHIBIT 12**

Robin Cunningham, Executive Director, Fishing Outfitters Association said they concurred with this bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

TAPE 1, SIDE B

REP. DAVID EWER questioned the amount of money, including the tips, etc. He said he was concerned if people were treated fairly or not. **Ms. Johnson** said when there was someone hired to be with the clients they wanted the best possible relationship between them. It is that employee that will be the determination of whether that client will return next year. There is a partnership created between the employee and the outfitter. It is usually a lump sum of money which is agreed upon. Besides the guide and cook there is the camp tender and the livestock tender. In many cases those people, particularly the camp tender, wants to be there for the experience.

CHAIRMAN SIMON said he had worked as a fishing guide and said a person did not get hired for those kinds of positions unless a person is experienced being in that position. It would be logical that anybody that would be hired in that position would have a good idea what to expect as far as how long the day is going to be and what the requirements are going to be. **Ms. Johnson** said that was true.

Closing by Sponsor:

Sponsor closed.

HEARING ON HB 276Opening Statement by Sponsor:

REP. BOB KEENAN, HD 75, Flathead County said this bill was another exemption for golf course caddies from coverage under the state's minimum wage, overtime, Workers' Compensation and child labor laws.

Proponents' Testimony:

William G. Myers presented a letter from Lon Hinkle from the Eagle Bend Golf Club in Bigfork who is a proponent to this bill. EXHIBIT 13

Robert Veraelis, Golf Professional, Eagle Bend Golf Course said this bill gives young people an additional opportunity for employment. Young people are not forced to work but it gives them another outlet. There are educational scholarships available also. It teaches children honesty, integrity, communication and how to deal with troubling situations. Presently, it is not cost efficient for a golf course to try to implement a program such as this. Golf carts now are rented for \$12 per person and are very popular. A golf course is going to want golfers to rent a golf cart where there is a profit as opposed to having a caddie program where there is not a financial reward other than trying to get kids involved. Golf courses are not in this for a monetary gain. They are in for the game of golf and the good of golf.

Opponents' Testimony:

Father Jerry Lowney, Chairman of Priests Council Social Justice Committee, Diocese of Helena said this is the most unjust, un-Christian, and immoral legislation proposed. In effect, it represents an attempt of a special interest to exempt themselves from all the legislation protecting children and guaranteeing children justice in the workplace. If one interest is exempted, will these follow? "Will we return to the sweatshops of the past?" The present legislation was drafted in a bi-partisan effort with business, labor, teachers, parents and children themselves working with the Department of Labor to make Montana's laws compatible with federal law. EXHIBIT 14

Sharon Hoff, Montana Catholic Conference said this bill removes the protection from the child labor law. By allowing this exemption to the child labor law Montana's children would again be at risk for exploitation. EXHIBIT 15

Don Judge, AFL-CIO said in some instances they would not rise in opposition. In some instances exemptions are justified and in others they are clearly not. In the case of most exemptions that are made under the child labor laws or minimum wage or overtime acts, there is some kind of certification for attendance at some

kinds of schools or accredited, regulated, documented kind of activity. There are still limitations provided on the hours of work and the types of work that can be performed by individuals even with those exemptions. There are none in this legislation. This is simply and blatantly a clear exemption from the child labor laws in Montana, Workers' Compensation protection and the unemployment compensation protection laws for a class of individuals known as caddies.

Steve Browning said the exclusions in this bill include not only minors but someone over the age of minority. Much of the opposition that has been expressed is not realistic.

Aidan Myhre, State Fund said as far as the fund is concerned there must be limits on the exposure to uncover liabilities.

Questions From Committee Members and Responses:

REP. BOB PAVLOVICH said there were not caddies at Eagle Bend all year long. He then mentioned the tournament with the professional golfers there. **Mr. Veraelis** said it was not a profit situation. They are only trying to employ a caddie, paid by the golfer and the course sees no money. They are not in the program for any type of profit. The fee would be anywhere over \$12.

REP. BARNETT said the reference was made on injury to the caddie. Is there insurance which will cover something like that. **Mr. Veraelis** said the percentage of injuries are very minimal and most people are very knowledgeable of the game. Their best interests are taken to heart.

REP. COCCHIARELLA asked when a caddie was brought on to the golf course are they the club's employees and what would be the Workers' Compensation fee? If children are waiting around to be independent contracted employees of someone they could apply for an independent contractors exemption under the law so they would not have coverage. Your club would determine how much this child would be paid and these people would not be independent contractors. **Mr. Veraelis** said they would be an independent contractor. The service would be offered and he would have a specific time as opposed to having them waiting. There is an umbrella liability which covers the golfers but any of the employees are also going to be covered.

REP. ELLINGSON said most liability policies provide liability to the insured in the event of negligence. He asked if an injury occurred to a caddie and it was not through the negligence of the golf course would that simply be the responsibility of the caddies and not the golf course. **Mr. Veraelis** said yes.

REP. ROD MARSHALL said if he were on the golf course his personal insurance would cover accidents.

REP. ALVIN ELLIS asked if he had talked to any other resorts regarding this type of legislation. **Mr. Veraelis** said the golf professionals don't see any problem with this.

REP. PAVLOVICH stated it was costing \$37,000 to implement this. **Ms. Mhyre** said this included the computers and everything else required for the program.

CHAIRMAN SIMON asked how old caddies were. **Mr. Veraelis** said they would be between 12 to 25. **CHAIRMAN SIMON** said the committee had spoken of the risks of being hit with a golf ball on the course. That certainly is a hazard. There are other hazards on the course that young people might be exposed to including hazards from the elements. The golfer is going to be in control if a storm should arise, what would the golf course do? **Mr. Veraelis** said yes there would be possible concern. The weather is monitored very closely. Anytime it is felt the golfer and caddie can possibly in danger, play is suspended. There are safe areas.

CHAIRMAN SIMON asked if the bulk of the caddies are over 18 years of age? **Mr. Veraelis** said it is up to the area where the course is located.

CHAIRMAN SIMON asked how these people can be classified as independent contractors when it appears as if the course is doing the training, the club is basically making the arrangements, the club collects the money and it is given to the caddie. How can the independent contract relationship be sustained for someone out on the course as a caddie? **Mr. Veraelis** said there are two situations. The minimum rate is quoted and he is responsible to take care of the caddie fees. The member would charge the caddie fee to his account and the caddie in turn would be paid.

CHAIRMAN SIMON asked about the relationship of the caddie to the member and whether or not the person could qualify under the independent contractor status. **Mr. Hunter** said under the independent contractors definition that a child 12-15 could meet the definition contained in the law to be independently established in a trade, occupation or business. If the relationship is directly between the golfer and caddie that probably comes under the casual labor exclusion. If the club is going to be involved and they are going to set the hours and handle the money that is most likely an employment relationship.

CHAIRMAN SIMON said if the club maintained a list of individuals who wished to offer their services on a casual basis as a caddie and merely provided that list of names that would take the club out of it and allow for the establishment as casual or independent contractor status. **Mr. Hunter** said that would allow for casual employment.

REP. COCCHIARELLA asked if one of the criteria for getting an independent contractors exemption is proof of self employment. Mr. Hunter said yes.

Closing by Sponsor:

Sponsor closed.

EXECUTIVE ACTION ON HB 285

Motion: REP. LARSON MOVED HB 285 DO PASS. REP. LARSON MOVED THE AMENDMENTS.

Discussion:

REP. LARSON then explained the amendments.

Vote: Motion to adopt the amendments carried 18-0. Motion to DO PASS AS AMENDED for HB 285 passed 18-0.

EXECUTIVE ACTION ON HB 147

Motion: REP. JEANETTE MCKEE MOVED DO PASS ON HB 147. REP. MCKEE ALSO MOVED THE AMENDMENTS.

Discussion:

Steven Maly explained the McGee amendments. The first amendment addresses the concern which was raised about the ambiguity in the continuing education requirement. Rep. McGee seeks thorough this amendment to give guidance to the board as to what kind of continuing education is intended. It gives some direction to the board. The board has yet declared that it is going to require continuing education but if it does it gives them some guidance. In the second part the civil liability has been decreased from \$5,000 to \$1,000. The rest of the amendment has only to do with the procedures outlined in the penalty section. Amendment #6 changes the nature of the penalty section. A person is not going to be liable for both criminal and civil penalties.

CHAIRMAN SIMON said he had strong feelings about part of the amendments being proposed. Amendment 1 and 2 deal with the continuing education requirement and as such a 15 hour limit is around it. All the rest of the amendments pertain to the civil penalty section.

REP. JACK HERRON asked what period this would cover.

Steven Maly said there is no indication of that. Leave as much discretion to the board as wise but give them as much direction as he thought the committee and the rest of the legislature might require. It is open ended.

REP. ELLIS said there are 15 credit hours.

REP. MILLS said various states have different requirements. Credit hours count directly. Other states require continuing education only upon renewal of the license.

REP. CHARLES DEVANEY said there is an individual license. Until it comes up for renewal, at which time submitted documentation of continuing education is required.

REP. EWER said the certificate may not be renewed unless the registration does the following which includes the engaging of other activities such as continuing education. The current law has defined the window.

Vote: Motion to adopt the McGee amendments carried 16-2 with REP. HERRON and MILLS voting no.

CHAIRMAN SIMON then requested the chair be turned over to REP. MILLS.

Motion: REP. SIMON MOVED THE ALTERNATIVE SIMON AMENDMENT ON HB 147.

Discussion:

REP. SIMON stated on page 4, line 2 strike the entire last page. He said he had an aversion to boards wanting to impose administrative fines and the entirety of the bill from page 4, line 2 should be omitted.

REP. EWER opposed the amendment. The civil penalty process that empowers boards and departments is an appropriate way to go. Perhaps all of the language is not the proper language. It is a major point but he believed that having civil penalties is a way to have an expedited way to force some of the statutes without having to resort to courts. He said he was not against civil penalties.

REP. MILLS stated that each day the violation continues the fine is \$5,000 per day.

Vote: Motion to adopt the Simon amendments carried 16-2 with REPS. EWER and TUSS voting no.

Vote: REP. MCKEE MOVED HB 147 DO PASS AS AMENDED. The question was called. Motion carried 18-0.

REP. MILLS relinquished the chair back to CHAIRMAN SIMON.

EXECUTIVE ACTION ON HB 207

Motion: REP. BARNETT MOVED DO PASS ON HB 207.

Discussion:

REP. ROSE FORBES stated she did not wish to vote on this bill because of a conflict of interest.

REP. BARNETT said this bill was a compromise in the 1993 session and the upset was the federal government changed to the opt-in and opt-out date.

CHAIRMAN SIMON said he had discussed **REP. GRINDE'S** bill with him and it could not be implemented in the 1997 session. It would require a session in 1997 and 1998 in order to get switched over. That is the way the bill is structured. There is a transition period to get moved over and change the whole fiscal year and set up budgets. If the Grinde bill was successful and then voted upon successfully by the people, it would require a transition period to implement and this is built into the bill.

REP. BARNETT said he disagreed with the chairman. That transition period could come in an even year. There is no guarantee that that is the transition period.

CHAIRMAN SIMON stated he may be in error. The budgets are set up to expire before the 1998 session would occur. A session would be necessary.

REP. ELLIS said he supported the decision and favors this bill.

REP. MARSHALL stated his favor because they still have a second choice if they do not opt in now.

REP. MILLS offered a conceptual amendment to put a sunset clause on this bill for January 1, 1997 that will put a deadline on the people wanting to study the bill. The Montana Bankers Association is agreeable to this amendment and it will still give them six months at which time it will be reviewed again in the session.

REP. PAUL SLITER said in the event that this legislature does not meet in 1997, this amendment would remove this law from the books before the session convenes. This issue will be revisited in the next legislature anyway. He said he was against the amendment.

REP. BARNETT stated on June 1, 1997, it will automatically sunset. If action has not been taken it will automatically be opted into interstate banking with no opportunity to ever opt out. By opting out now, or before June 1, 1997, they can always opt back in.

REP. MILLS withdrew his amendment.

Vote: **REP. MCKEE** MOVED THAT HB 207 DO PASS. Motion carried 16-2 with **REPS. EWER** and **MCKEE** voting no.

EXECUTIVE ACTION ON HB 242

Motion: REP. LARSON MOVED DO NOT PASS ON HB 242. REP. MILLS MOVED TO TABLE HB 242.

Vote: Motion carried 18-0 on HB 242.

EXECUTIVE ACTION ON HB 264

Motion: REP. ELLIS MOVED DO PASS ON HB 264.

Discussion:

REP. BARNETT stated he supports this bill. Once a contract has been entered into and the date of that contract is over with, everything halts. A new contract must be rewritten.

REP. ELLINGSON said he opposed this bill. He favors the maintenance of the status quo at the determination of the contract until a new contract is written. The old contract does provide for steps.

REP. DEVANEY said he speaks in favor of the bill but does not feel it is correct that status quo applies in that the National Labor Relations Act is the authority for this entire situation. It applies only to the private sector.

REP. CARLEY TUSS also said she speaks in opposition of this bill if status quo meant that everything stopped. "We then would not have a bill before the legislature." To take one component out of the contract, disagree with it, and then leave everything else in place would not work for this legislation.

REP. MILLS said when all of the testimony says the new contract is negotiated they are always retroactive. That would take away the sting of worry.

REP. ELLIS said this bill is based on two decisions. It is based upon the Board of Appeals decision regarding the Forsyth decision in 1983 and the Lolo decision in 1987 which both ruled the same way. In the first case there was no clause in the contract that said anything about the termination date when items covered in the contract would cease. In the case of the Lolo decision it definitely had that statement. The Lolo decision did not reference the employees covered. Any testimony that the committee heard by Tom Schneider and others here that indicates that school boards have a remedy in contract to get steps and lanes out is not validated by any proof. It is counter-validated by the Lolo case. Not passing this bill gives to boards the ability to forever obligate future board members on that board. That is not good public policy.

REP. PAVLOVICH said to eliminate the Board of Appeals.

REP. LARSON opposed the bill. It is established in labor law that the employer must maintain status quo obligation.

REP. MILLS said he contends the steps and lanes which would occur after the contract is ended are not a part of the status quo until after they are negotiated into the next contract.

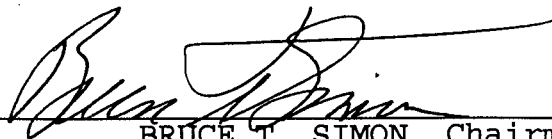
REP. COCCHIARELLA said she contends the legislature is not sent here to bargain agreements that are already set up through collective bargaining.

REP. EWER opposed this bill.

Vote: A roll call vote was taken. Motion carried 11-7 with REPS. SIMON, PAVLOVICH, COCCHIARELLA, ELLINGSON, EWER, LARSON and TUSS voting no.

ADJOURNMENT

Adjournment: 11:35 AM.



BRUCE T. SIMON, Chairman



ALBERTA STRACHAN, Secretary

BTS/ajs

HOUSE OF REPRESENTATIVES
BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 1-25-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chair, Maj.	X		
Rep. Bob Pavlovich, Vice Chair, Min.	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		




HOUSE STANDING COMMITTEE REPORT

January 25, 1995

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Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 285** (first reading copy -- white) **do pass as amended.**

Signed:


Bruce Simon, Chair

And, that such amendments read:

1. Title, line 5.

Following: "STATE"

Strike: "MINIMUM WAGE AND"

Following: "OVERTIME"

Strike: "LAWS"

Insert: "LAW"

2. Page 2, lines 11 and 12.

Strike: subsection (n) in its entirety

3. Page 4, line 22.

Following: "services"

Insert: "(w) a person employed as a guide, cook, camp tender, or livestock handler by a licensed outfitter as defined in 37-47-101"

-END-

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Committee Vote:
Yes 18, No 0.

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HOUSE STANDING COMMITTEE REPORT

January 25, 1995

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Mr. Speaker: We, the committee on Business and Labor report that House Bill 147 (first reading copy -- white) do pass as amended.

Signed:


Bruce Simon, Chair

And, that such amendments read:

1. Title, lines 8 and 9.

Strike: "ALLOWING" on line 8 through "SURVEYING;" on line 9

2. Page 3, line 4.

Following: "activities"

Strike: ", such as continuing education,"

3. Page 3, line 5.

Following: "board rule"

Insert: ", such as continuing education, which may require up to 15 professional development hours as prescribed by board rule and is generally patterned after the model rules of the national council of examiners for engineering and surveying"

4. Page 4, line 2 through line 29.

Strike: subsections (3) through (9) in their entirety

-END-

1/25
MS

Committee Vote:
Yes 18, No 0.

211428SC.Hbk



HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 207** (first reading copy -- white) **do pass**.

Signed:


Bruce Simon, Chair

125
- m

Committee Vote:
Yes 16, No 2

211431SC.Hbk



HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 264** (first reading copy -- white) **do pass**.

Signed:


Bruce Simon, Chair

1/25
1995

Committee Vote:
Yes 11, No 7.

211433SC.Hbk

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 1-25-95 BILL NO. HB 264 NUMBER _____

MOTION: No pass

NAME	AYE	NO
Rep. Bruce Simon, Chairman		✓
Rep. Norm Mills, Vice Chair, Maj.	✓	
Rep. Bob Pavlovich, Vice Chair, Min.		✓
Rep. Joe Barnett	✓	
Rep. Vicki Cocchiarella		✓
Rep. Charles Devaney	✓	
Rep. Jon Ellingson		✓
Rep. Alvin Ellis, Jr.	✓	
Rep. David Ewer		✓
Rep. Rose Forbes	✓	
Rep. Jack Herron	✓	
Rep. Bob Keenan	✓	
Rep. Don Larson		✓
Rep. Rod Marshall	✓	
Rep. Jeanette McKee	✓	
Rep. Karl Ohs	✓	
Rep. Paul Sliter	✓	
Rep. Carley Tuss		✓

**MISSOULA AGING SERVICES**

227 West Front Street
Missoula, Montana 59802
(406) 728-7682
Fax (406) 728-7687

January 25, 1995

House Business and Labor Committee
Helena, MT

Dear Committee Membership:

Affordable housing is an issue which stretches across the generations and touches the lives of young and old alike. Requests for assistance, fielded by Missoula Aging Services, validate the difficulties of finding affordable space and the complexities of spending more than 50% of total income on housing. When those problems are compounded with stringent occupancy restrictions, problems are exacerbated.

It is critical to define affordable housing as a value we all share. As long as housing is a problem shouldered by some other family, we will not place our full efforts into creating resolutions. Resolution will involve considerable creativity and innovation. Incentives which promote rent stabilization and affordable access should be carefully reviewed. The present system, which relies on stiff market competition, has not resulted in the creation of affordable homes. Even property which carries a relatively low taxable valuation can command an exorbitant rent. The scales of justice are tipped and certainly not in favor of the poor.

Affordable housing does create difficult challenges for any community. In Missoula, 75% of the population needs to secure housing at less than \$675/month. A brief glance through the rent columns of the local newspaper will demonstrate the futility of such a search. This issue needs the leadership and commitment of the Montana legislature. Affordable housing improves the quality of life for all of us. It is in our best interests to make it possible.

Sincerely,

Ann Cook, MPA
Director, Special Services

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MontPIRG

Montana Public Interest Research Group
360 Corbin Hall - Missoula, MT - (406) 243-2908

Testimony For House Bill 257, January 25, 1995

Chairman Simon and members of the House Business and Labor Committee:

For the record, my name is J.V. Bennett, for the Montana Public Interest Research Group, or MontPIRG.

MontPIRG is a non-profit, non-partisan research and advocacy organization located on the University of Montana Campus. MontPIRG represents 2500 student members and 1500 community members statewide.

MontPIRG rises in support of House Bill 257 because as a consumer advocacy group we have become involved in tenant-landlord issues. Currently, MontPIRG operates a consumer hotline, which in recent years has focused on informing callers about their rights and responsibilities as tenant. Increasingly we are receiving calls from landlords as well.

During the past year about one fourth of our calls have dealt with rent increases. Many of these people are having their rents raised multiple times in the course of the year. It has become increasingly difficult for people on fixed incomes to absorb the rent increases or even to plan for them. Some of these folks are being priced out of their dwellings by the sky rocketing rent in Missoula.

While, at this time, the problem is focused in the larger urban centers, like Missoula and Bozeman, it is quite possible that, as more people move into the state, affordable rentals will also become harder to find in other Montana communities.

We support HB 257 as a way to assure affordable housing for Montanans and urge this committee for a do pass recommendation.

MONTANA HOUSING PROVIDERS TESTIMONY
HOUSE BILL 257
HOUSE BUSINESS AND LABOR COMMITTEE
JANUARY 25, 1995
8:00 AM, ROOM 104

EXHIBIT 3
DATE 1-25-95
HB 257

Mr. Chairman, members of the committee:

For the record, my name is Greg Van Horssen. I represent the Montana Housing Providers which is a group of property owners from across the state. While the members of this group own many different sizes and shapes of property across Montana, they have one common objective - that is to provide safe and affordable rental housing for Montanans.

The Montana Housing Providers rise in opposition to House Bill 257. The reasons for this objection are many, but, in summary, House Bill 257 will place significant burdens on the operation of the business of these property owners and will probably have the opposite result of its intended purpose.

I would ask the committee to not lose sight of the fact that the people that I represent own and operate businesses. Some business owners choose to market clothing, some business owners choose to market hardware and some business owners choose to market automobiles. The people that I represent have chosen to be in the business of offering housing to Montana citizens.

There may be an infinite number of reasons for going into business, but you can be sure that one objective remains common to all business owners . . . people go into business to try to earn a living. If passed, House Bill 257 would cast serious doubt as to whether this business, the business of providing housing, can be a profitable enterprise.

Every business has operating costs. Providing housing is no different. As you all know those costs must be passed along to the consumer, in this case the tenant, in order for the business to remain profitable. House Bill 257 does allow increases in rent to exceed 5% if improvements are made to the property.

MONTANA HOUSING PROVIDERS TESTIMONY
HOUSE BILL 257
HOUSE BUSINESS AND LABOR COMMITTEE
JANUARY 25, 1995

However there are many other variable and unforecastable costs associated with the business of providing housing. Among those costs are:

- a. electrical rates;
- b. natural gas rates;
- c. water rates;
- d. sewer rates;
- e. trash rates;
- f. common area maintenance costs;
- g. building maintenance costs;
- h. insurance costs;
- i. taxes;
- j. adjustable mortgage rates.

These are just a few of the costs associated with operating the business of rental property. The landlord has absolutely no control over the increases in any of the cost items that I have previously mentioned. The landlord has no control over which of those items will increase in a given year. Also, importantly, the landlord has absolutely no control over how much any of those items will increase in a given year. Increases in costs are totally out of the landlord s hands.

House Bill 257 prohibits the landlord from recovering any of these costs unless the total annual increase is less than 5%. Every business should be able to recover the full extent of its costs with some additional margin for profit. This Bill singles out one type of enterprise and dictates that it cannot pass

MONTANA HOUSING PROVIDERS TESTIMONY
HOUSE BILL 257
HOUSE BUSINESS AND LABOR COMMITTEE
JANUARY 25, 1995

EXHIBIT 3
DATE 1-25-95
HB 257

along those costs. This is both unfair and, actually, counterproductive to the real issue of affordable rental housing in Montana.

The reason that HB 257 is counterproductive to its intended objectives is that it will act to further limit the availability of rental housing in the Montana market place. It is difficult for me to imagine that anyone would want to make additional housing available under the limitations imposed in this bill.

The way to make rental housing affordable in Montana is not to punish those who choose to enter into the housing business. By keeping potential providers out of the market you will guarantee continued shortages of housing and volatile rental prices.

House Bill 257 will work against many tenants in another way. Under this bill, a landlord will be forced to recover costs and forecast future losses when a new tenant arrives in the property. Therefore, those tenants who are forced to move often (students, transient workers, etc.) will be charged higher rents to make up for losses incurred in other, long-term rentals.

The way to ensure that more housing is available at an affordable rate is to create incentives to entry into the business. As the supply of housing increases, the rental rates will naturally decrease or stabilize. House Bill 257 creates a disincentive to the further development of rental properties, punishes long-term renters by not allowing the landlord to maintain properties, and shifts all of these costs to short-term renters.

MONTANA HOUSING PROVIDERS TESTIMONY
HOUSE BILL 257
HOUSE BUSINESS AND LABOR COMMITTEE
JANUARY 25, 1995

On behalf of the Montana Housing Providers, I ask you to TABLE HOUSE BILL
257.

Thank you,

Greg Van Horssen
Montana Housing Providers

EXHIBIT 4
DATE 1-25-95
HB 257

Raymond Linder
323 Holter, Helena

No on HB 257

On 10/1/75, my wife and I purchased a building in Helena on West Lawrence.

In 1986 we undertook a major mechanical and roof remodel of that property.

The mortgage is adjustable annually with no cap based on a formula agreed to with the lender.

1994 APR = 6.875 % Interest

1995 APR = 9.500 % Interest

Percentage Interest Increase

38.2

(Amt of increase = 2.625 divided by the base 6.875 = 38.2)

General comment on construction costs. On 10/31/94 (19 years or 228 montly payments on time since original purchase), the principal balance was \$7,632 greater than the 1975 purchase price.

January 24, 1995

RE: House Bill No. 257

"An Act Limiting Rent Increases During A 12 Month Period And Amending Section 70-24-201, MCA."

Mr. Chairman and Members of the Committee:

I wish to speak against this bill. Public housing authorities are not considered in this bill and are governed by federal regulations (CFR 24 Part 966) which are in direct conflict with the provisions of this bill. Housing authority rents are based on 30% of the tenant's adjusted gross income. A resident may move into public housing with an initial zero rent because the resident has no income. If the resident finds assistance or a job for \$900 per month, for example, this bill would prevent the housing authority from raising the rent 5% above the zero rent established by the federal rent formula for the remainder of the year. This is unworkable for housing authorities who must give low income tenants a break until they are on their feet.

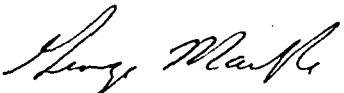
The bill also would make it difficult for a private landlord to give a good tenant a break in the rent during a time when the tenant becomes unemployed or is in need of help. If a tenant has lost a job or becomes ill and the landlord decides to lower the rent by 20% for a couple of months in order retain the good tenant, this bill precludes the landlord from raising the rent back to the original level once the tenant has regained stability.

The above stated example is not as far fetched as it sounds. I was injured on job several years ago and a landlord lowered the rent for me for a period of time until I recovered. It was extremely helpful. Please do not make this option difficult.

I respectfully ask that you do not pass HB 257.

Thank You.

George Marble



Administrative Officer
Helena Housing Authority
812 Abbey
Helena, Montana

1-25-95 EXHIBIT 6
DATE 1-25-95
HB 257

MONTANA LEGISLATURE,

I AM OPPOSED TO HOUSE BILL NO. 257,
WHICH RESTRICTS THE ^{INCREASE IN} RENT INCOME TO 5% PER
YEAR. IF THERE IS TO BE A 5% LIMIT ON
THE INCREASE OF RENT INCOME, IT WOULD BE
FAIR THAT TAXES, UTILITIES AND OTHER EXPENSES
IN OPERATING RENTAL PROPERTY INCREASE ONLY
5% PER YEAR. ^{FOR EXAMPLE,} IN 1991 MY REAL ESTATE TAXES
WAS 768.60, IN 1992 THE REAL ESTATE TAXES
WAS 819.35, IN 1993 THE REAL ESTATE TAXES
WAS 1212.12, THE REAL ESTATE TAXES IN
1992 WAS 6.6% MORE THEN THE 1991
REAL ESTATE TAX LIABILITY. THE REAL ESTATE ^{TAXES}
IN 1993 WAS 48% MORE THEN THE 1992
REAL ESTATE TAX LIABILITY.

I DID NOT BUY INVESTMENT PROPERTY
TO OPERATE ON A LOSS.

PATRICK DUNCAN

P.O. BOX 4283

HELENA, MT 59604

*Informational
Testimony*

EXHIBIT 7
DATE 1-25-95
HB 257

Sharon Hubbell
1018 State St.
Helena, Mt. 59601

January 25, 1995

HB257 Committee Members

Dear Ladies and/or Gentlemen:

I am opposed to this bill. I have owned rental property for two and a half years. In that time, I have not raised rent for any of my good tenants who pay on time and don't cause problems for their neighbors. I have no intention of raising the rent on these great tenants because I want them to continue renting from me. I can, however, foresee the necessity of raising rent to fix a catastrophic repair that doesn't increase the value of the property. If this bill were passed, I would feel a necessity to increase rents yearly to accommodate the possibility of a catastrophic repair.

This bill may also force landlords to give 30 day eviction notices for buildings that are in need on repair in order to increase the rents and help pay for the repair.

I feel this bill will force landlords to keep their rents at market value, instead of letting rents slip below market to reward good tenants. If I sell my property and the new owner is unable to raise the rent to market, it will lessen the value of my property if I have not raised rents yearly to keep up with market value.

Thank you for your consideration.

Sharon Hubbell

Sharon Hubbell

EXHIBIT 8
DATE 1-25-95
HB 257

House Bill # 257

The Cost of having Repairs and normal Maintenance is so high that a 5% Ce'ling would not allow a Landlord to Recoup his losses in a Timely manner.
for Example: We had a Bathroom Faucet replaced, the total Cost of this single Repair was \$ 274.00

I am against house Bill # 257

Inge Traub

EXHIBIT 9
DATE 1-25-95
HB 257

HOUSE BILL NO. 257

Regarding House Bill no. 257, I strongly disagree with the provision of limiting increases in rent to 5% in a 12-month period.

Coupled with mortgage payments and interest, the yearly increase in insurance, taxes and utilities will find the landlord priced out of the business or at the very least unwilling to invest in additional housing. This can very easily turn a shortage of housing units into a more critical situation.

I would much prefer to pass the associated costs of doing my rental business to the consumer, as most other business do, and in a timely manner.

John H. Trank

Hugh A. McWhorter, P.C.

CERTIFIED PUBLIC ACCOUNTANT
1215 11TH AVENUE
HELENA, MONTANA 59601

EXHIBIT 10
DATE 1-25-95
HB 257

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
MONTANA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

443-0025
FAX 442-5659

January 25, 1995

House Business Committee

Re: House Bill 257

Please accept this letter as one in opposition to House Bill 257.

My partner and I purchased two four plex units from an elderly couple and our contract payments have been what we ultimately hope to obtain--a source of retirement income. At the time of purchase had their been laws which:

--restricted rental increases, and/or

--only allowed sales of rental property after offering property for sale to tenants (another bill being considered)

I cannot imagine that we would have had any interest in such a business undertaking. My speculation is that others would react in a similar manner. Thus the attractiveness of such an investment is curtailed. Curtailing attractiveness would have the undesirable effects of restricting quantity which in turn would aggravate not alleviate the housing shortage.

Certainly there have been instances of abusive rental rate increases. There have certainly been instances of abusive tenant behavior. These things work themselves out in the long run--the adage of going around and coming around is certainly relevant. I would hope that the vast majority of landlords act with a conscious when dealing with issues such as rent increases. My partner and I have always kept rents low enough so that the alternative of home ownership is less attractive.

Don't regulate the population because of the abusive behavior of a few. The foundation of our economy is incentive not regulation. I would urge you to vote no on House Bill 257.

Sincerely,

Hugh A. McWhorter

Hugh A. McWhorter

EXHIBIT 1A
DATE 1-25-95
HB 285

**HB 285 Exempting certain employees of a licensed outfitter from overtime laws
Amendments proposed by the Montana Outfitters and Guides Assn.**

Jan. 25, 1995

1. Title, line 5.

Following: "STATE"

Strike: "MINIMUM WAGE AND"

Strike: The plural of "LAWS"

2. Page 2, lines 11 and 12.

Strike: subsection (n) in its entirety

3. Page 4, line 23.

Insert: "(w) a person employed as a guide, cook, camp tender, or livestock handler by a licensed outfitter as defined in 37-47-101."

#



33 S. Last Chance Gulch, Suite 2 B • P.O. Box 1248 • Helena, MT 59624 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

HB 285 Exempting certain employees of a licensed outfitter from overtime laws

Testimony by the Montana Outfitters and Guides Assn.

Jan. 25, 1995

Mr. Chairman, members of the committee: For the record, my name is Jean Johnson and I am the executive director of the Montana Outfitters and Guides Association, a position I've held for nearly four years.

This began as a simple bill and despite offering an amendment, it's still a simple bill. We are asking you to recognize the unique qualities of an outfitter's business and approve an exemption of outfitters' employees from overtime laws.

For years, outfitters have just assumed they've been exempt from having to pay overtime for the same reasons that agriculture is exempt. It's a reasonable assumption: many outfitters have their own livestock and quite a few even put up hay on their private land. A lot of outfitters are actually ranchers who have gone into outfitting as a means to keep the ranch together.

We found out the hard way that we're not exempt. Last year, an outfitter fired a guide and the guide retaliated with a bill for several thousand dollars in overtime.

Overtime is what normally occurs when an employee works more than eight hours in a day. But trying to fit an outfitter's employees into an eight-hour day isn't logical and it doesn't work. Anyone who has ever been in a hunting camp knows that the day starts early for cooks and stock tenders and it goes late. When the job is to serve the guests and the setting is a five-day back country pack trip, or a ten-day hunt in the Bob, or a cattle drive in southeast Montana, an eight-hour day just doesn't exist.

When the experience is tied to horses and wildlife, there's no clock. The guides, cook, camp tender and stock handler live with the guests 24 hours a day. It's certainly not all work — there's generally break time in mid-day and between groups — and most guides and other employees would probably say they do it for the pleasure. But. They are expected to be attentive to the purpose, and that's to serve the guest.

Employment for most guides and others who work for outfitters is generally defined by the season, whether it's hunting or fishing, and lasts a relatively short period of time. Traditionally, outfitters pay their employees by the day, week or season, depending upon personal preference and how they have their seasons structured. It's probably safe to say that most guides in Montana are paid on average \$350 - \$700 a week. I believe a very good back country cook can make \$500 a week, although most probably average closer to \$350. And, of course, they get board and room. A good cook will likely even have her own tent.

Our request is certainly a logical one and there is considerable precedent for allowing an overtime exemption, given the fact that our amendment would be codified as subsection (w). We hope you'll see the validity in HB 285 and give it a "do pass" recommendation.

13
HB 276

Lon Hinkle

EXHIBIT 13
DATE 1-25-95
HB 276

January 20 1995

Dear Sirs:

My name is Lon Hinkle. I've played on the PGA tour for the last 22 years. For the last 10 years I've represented Eagle Bend Golf Club in Bigfork, Montana.

In over 1000 rounds of competitive golf on the PGA tour I've employed many caddies over the years.

I would like to give my enthusiastic support to Bob Keenan's bill which is based on similar statutes in Oregon and Illinois. This bill exempts caddies from minimum wage, unemployment and workmen's compensation insurance. Without this bill we cannot operate or even develop a caddy program at Eagle Bend. This exemption would enable the program to move forward.

There are many benefits and opportunities for our young people through these caddy programs. Over the years I've employed many young people who are in the Evans Scholarship Foundation program. This foundation exposes young people to the game of golf, allows them to make some honest money and if they excell can qualify for full scholarships to some of the best universities in the country.

Lon Hinkle

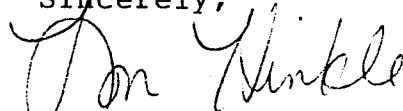
-2-

This bill ~~is~~ hurts no one and would help many of our young people looking for some kind of employment.

I urge you to consider this bill favorably.

Thank you.

Sincerely,


Lon Hinkle

HOUSE OF REPRESENTATIVES

Business & Labor - COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Fr. Jerry Lowrey BUDGET _____
ADDRESS CARROLL College DATE 1/
Helen, MD 57625
WHOM DO YOU REPRESENT? Prists Council of Roman Catholics
Diocese of Helen
SUPPORT _____ OPPOSE AMEND _____

COMMENTS: This is of the most unjust, un-Christian,
& immoral legislation I have seen
proposed - In effect, it represents an
attempt of a special interest to exempt
themselves from all the protective legislation
protecting children & guaranteeing children
justice in the workplace. If one interest
is exempted, will there follow? - Will we return
to the sweatshops, mine disasters, etc., of the
past? Do we wish our children to become slaves
as they are in China & parts of India?
Our present legislation was drafted in a bipartisan
spirit with business, labor, teachers, parents &
children themselves working with the Dept. of Labor
to make Martin's law's compatible with Federal law
leaving no pretext & avoiding confusion for employers.
It should be tabled & killed immediately!
Thank you, Fr. Jerry Lowrey

EXHIBIT 15
DATE 1-25-95
HB 276

HOUSE OF REPRESENTATIVES

Business + Labor - COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME SHARON HOFF BUDGET _____

ADDRESS Box 1708 DATE 1/25/95

WHOM DO YOU REPRESENT? MT CATHOLIC CONF.

SUPPORT _____ OPPOSE X HB276 AMEND _____

COMMENTS: We oppose HB276 because it removes

protections from the child labor law. On it's
surface, this legislation appears quite innocuous, but
by ~~removing~~ allowing this broad exemption to the
child labor law, ~~to~~ Montana's Children would
again be at risk for exploitation. ^{Not against kids working, earning} ~~as~~ ^{or future ed benefits -}

We urge the committee to ~~do not pass~~
HB276 * During ~~the~~ an earlier hearing on raising
minimum wage, we heard ~~that~~ that min. wage
was earned mostly by teens holding part time jobs - ^{while we} ~~don't agree~~
this ~~is an~~ attempt to lower the minimum wage ^{that teens are} ~~is unjust.~~ ^{the only min}
~~is unjust.~~ ^{Wages at least based on cost of living} ~~is unjust.~~ ^{wage earners}
2 yrs. to develop good child labor law - beg not to weaken it.

We urge do not pass for HB276

* Oregon/Id - did not here propose to say 'child labor law'
except in those states.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 1-25-95

BILL NO. 285

SPONSOR(S) Rep Larson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Pearl E. Johnson	Mt. Aet. Hiker, & Guides	X	
PETE CUNNINGHAM	FISHING OUTITTERS ASSN MT	✓	
STEVE BENEDICT	SENATE DIST 30	✓	

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 1-25-95

BILL NO. 257 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Andy Skinner	SELF		X
Sharon Hubbell	Self		X
Maureen Oelkus	Helena Board of Realtors		X
Ed M. Hugh	Self		X

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 1-25-95

BILL NO. 257 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Lynn Saltzman	Self		<input checked="" type="checkbox"/>
JOE BAZE	MT VIEW MOBILE HOME PARK		<input checked="" type="checkbox"/>
Lance Clark	MT ASSN REALTORS		<input checked="" type="checkbox"/>
Daniel N McLean	Oakland Holding Company		<input checked="" type="checkbox"/>
ED EATON	SELF		<input checked="" type="checkbox"/>
Melissa Case	Montana Peoples Action	<input checked="" type="checkbox"/>	
Richard D. Seibert	Montanans for Social Justice	<input checked="" type="checkbox"/>	
Robert White	Bozeman Chamber of Com		<input checked="" type="checkbox"/>
Ken Essere	W.O.R.D.	<input checked="" type="checkbox"/>	
Kate Cholewa	Human Services Fund	<input checked="" type="checkbox"/>	
Steve Manderille	Self		<input checked="" type="checkbox"/>
J.V. Bennett	Mont PIRG	<input checked="" type="checkbox"/>	
Dan Loshon	Mt. Nurses Assoc.		<input checked="" type="checkbox"/>

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 1/25/95

BILL NO. HB 257 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
PETER R. HANSEN	MONTANA LAWYERS ASSN		X
WILLIAM MCCAUSLAND	Montanas for Soc. Justice	X	
Wade Rea	Apt		X
Geri Rea	Apt		X
Robert Dunlop	5820 N. Montana		X
Raymond LINDER	Self		X
Jack Rea	Self		X
John W. Paul	Self		X
Vern L. Fischer	IPM		X
Greg Van Horssen	Montana Housing Providers		X
David Owen	MT Chamber		✓
RONDA CARPENTER	MT Housing Providers WMLA, MLA, IPM		✓
George Mark	Bellevue Housing Authority		X

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 1-25-95

BILL NO. 276 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Fr. Jerry Lowrey CARROLL College, Helena, MT	Social Justice Council Roman Catholic Priests of Helena MT CATHOLIC CONF		X
SHARON HOFF			X
BRANDON HOLT	MT CATH CONF		✓
David N McLean			
Don Judge	MT STATE AFL-CIO		X
Wayne Walters	Self		X
Amy Valdez	MT Cath. Conf. Carroll College		X
Robert J. Veraulis	EAGLE BEND GOLF CLUB WESTERN MONTANA PGA EAGLE BEND / EVANS SCHOLARS	X	
WILLIAM G. MYERS, JR	BIG FORK MT	X	
ADAM MYHRE	State Fund	⊗	✓
Steve Browning	Self		X

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