

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on January 31, 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 320, SB 65, HB 336, HB 326
Executive Action: HB 168, HB 100, HB 320, HB 336, SB 65

HEARING ON HB 320

Opening Statement by Sponsor:

REP. PATRICK GALVIN, HD 48, Cascade County stated this bill was
an act clarifying the exemption from the requirements of the Old
Fund Liability Tax (OLFT) to explicitly exclude an employer or

employee who is subject to the equivalent of federal Workers' Compensation legislation.

Proponents' Testimony:

Jerry Driscoll, Brotherhood of Locomotive Engineers/Burlington Northern Railroad said the Speaker appointed a committee to pay off the debt of the Old Fund. In the deliberations of that committee it was decided the intent was if there were any employer or employee groups that could belong to the State Fund, they were not obligated to pay this tax. They cannot belong to the State Fund. The fiscal note describes the amount of money required to belong to the system. The net impact shown on the fiscal note is \$2 million for the first year and \$1.4 million the second year. This bill is only implementing the intent of the last legislature. He also supplied a copy of a letter addressed to Ms. Cleo Anderson, Department of Revenue regarding a proposed amendment for this bill which was endorsed by SENS. STEVE BENEDICT, JOHN HARP, SUE BARLETT and REPS. VICKI COCCHIARELLA and CHASE HIBBARD. EXHIBIT 1

Darrell Holzer, State AFL-CIO said he supported this legislation.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 65

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 24, Cascade County said this bill was an act requiring an attorney who is not licensed in Montana to file an application and pay a fee to make an appearance in a District Court or the Supreme Court in Montana; providing for distribution of the fee and requiring the clerk of the Supreme Court to make a report of the applications.

Proponents' Testimony:

None.

Opponents' Testimony:

Fran Marceau, Legislative Director, United Transportation Union said although seemingly innocuous, this bill contains provisions which would severely limit the right of union members to select legal counsel of their choice. This bill is also designed to prevent injured workers from utilizing, in association with local Montana attorneys, national legal counsel most capable of protecting their federal rights under national legislation.

EXHIBIT 2

Darrell Holzer, State AFL-CIO said he opposed this bill. He said they were well aware there were many different licensed occupations where there were, in force, reciprocal agreements with other states. As long as they adhere to the same level of standards they should apply to the attorneys as well as other occupations.

Questions From Committee Members and Responses:

REP. VICKI COCCHIARELLA asked what perpetuated this attempt of legislation. **SEN. DOHERTY** said there was abuse of the system by out-of-state lawyers. Too many times out-of-state counsel continue to appear in Montana and are not licensed to practice here. **REP. COCCHIARELLA** questioned the issue of reciprocity which has been raised and what happens if a Montana lawyer is obligated to go to another state. Are similar things done to Montana lawyers? **SEN. DOHERTY** said yes. Other states realize if a Montana lawyer must appear on behalf of a client, the Montana lawyer is not familiar with local rules, not subject to the same codes of discipline that local lawyers are subject to and an application is filed to appear out-of-state. **REP. COCCHIARELLA** asked if Montana had used out of state lawyers to defend itself in certain environmental issues? **SEN. DOHERTY** said yes there was an escape clause in the bill. He then referred to the special circumstances in the bill.

REP. ALVIN ELLIS questioned the use of federal court. **Mr. Marceau** said cases may be heard in federal or district court.

REP. PAUL SLITER asked if there were any other professions that require application and fees to practice in the state. **SEN. DOHERTY** said he did not know.

REP. KARL OHS questioned the fee. He also questioned the fees of the states closer to Montana. **SEN. DOHERTY** said the fee in California was \$200. \$250 for a defense lawyer is probably an hours worth of work. Perhaps the out-of-state lawyer will have the incentive to take the Montana Bar Examination and become Montana lawyers. He said he did not think it was prohibitive, given the nature of the cases and the nature of the work involved. He said he was not aware of the fee charged by states closer to Montana.

REP. JON ELLINGSON said currently the law requires permission from the court and what in this proposed legislation is the thing that limits the access of union people to out-of-state counsel. **Mr. Holzer** said anytime extending and limiting ready access has a tendency in some instances to have the initial counsel opt not to participate. Anything that can potentially restrict any individual's ability to have the best legal counsel possible is not conducive to what the legal system is guaranteeing to all parties involved.

REP. ROD MARSHALL questioned the repeated times of lawyers appearing for a client. **SEN. DOHERTY** said if it was the same case, once the lawyer applies to serve he is in for the duration of the case.

REP. CARLEY TUSS said there had been some statements regarding reciprocity. **SEN. DOHERTY** said reciprocity as it normally applies to considerations of license concerns, this bill does not affect reciprocity at all. It affects continued appearances without a license.

REP. JON ELLINGSON said the \$250 fee is not the only impediment to getting permission to appear in any individual case. There must be specific permission to appear, pay the fee and as the proposed legislation states, repeated appearances by the person under this section are cause for denial of the application. It is in the power of the judge to deny the motion is it not? **SEN. DOHERTY** said yes.

REP. CHARLES DEVANEY asked what the situation is now. **SEN. DOHERTY** said an affidavit is submitted which lists the name, state and if the attorney is not subject to any disciplinary proceedings and has not been suspended or reprimanded by the bar association and requests the courts' permission to practice in Montana.

CHAIRMAN BRUCE SIMON said he wished to have a clarification in regard to a person not eligible to appear if the person is a resident of Montana, is regularly employed in Montana or is regularly engaged in substantial business, professional or other activities. **SEN. DOHERTY** said those words modify that if this person has a lot of business in Montana, doing business here, they should be licensed in Montana. Those activities would not include a cabin at the lake. They do not rise to the level of doing business in Montana. That is recreation.

CHAIRMAN SIMON said many attorneys do business as lawyers and also do business in other business activities that have nothing to do with being a lawyer. They may own other businesses, do other business activities and he questioned if this lawyer was in business as a lawyer or in business of any kind, would he still be required to do as this new legislation proposes? **SEN. DOHERTY** said the language on page 2, line 4-7 included that particular problem. If an attorney is doing business in Montana and wants

to represent his own company or his partnership then that is a special circumstance that the court should be allowed to consider before it goes up or down on the request.

CHAIRMAN SIMON said he agreed. If a person has a business in Montana that is not being a lawyer but owns a business in Montana and he is here, not as a part of that business, he is then asked to appear as a counsel on a case, that language precludes him from applying and being eligible to appear as counsel because he has a business. **SEN. DOHERTY** said if that lawyer does business in Montana whether it is lawyer business or whatever and someone wants to hire him as a lawyer he should get his license in Montana. If it is a one time shot the court would look at that and it would be doubted if any district court judge would deny someone the ability to appear one time. He did not recall a district court denying anybody admission no matter how many times they show up.

CHAIRMAN SIMON questioned the procedure of acquiring a license in Montana. **SEN. DOHERTY** said the application fee was paid and the attorney would sit for the exam, take the ethics portion of the test, the Montana portion of the law and the multi-state part of the exam and if the applicant passes the examination he is a member of the Montana bar.

REP. DAVID EWER asked if, under the current law, he had a right to petition the court to charge an out-of-state attorney if he essentially has a practice in Montana. He also asked if there was a problem here. **SEN. DOHERTY** said the courts do not have much guidance as to what the policy should be and that is the purpose of the bill. He said if practicing attorneys were questioned, there is enough anecdotal information of large national firms, of both plaintiffs and defendants who practice in Montana because they have offices in both states. They are not authorized to practice in Montana. If you want to practice you should get the license.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 336

Opening Statement by Sponsor:

REP. JOE BARNETT, HD 32, Gallatin County said this bill was an act exempting persons who execute only surety bail bonds from continuing education requirements; changing the required duration bail bonds; changing the period of time and the conditions under which bail bonds must be exonerated and establishing a one year renewable duration for surety bail bonds. He also proposed an amendment.

Proponents' Testimony:

Scott Restvedt, Valley Bail Bonds said members of his organization had attempted to find classes available to cover the aspect of continuing education. There were none available. Bail bonding in itself is something learned by on-the-job training.

Dean Crow, Valley Bail Bonds supports this bill.

Earl Rowe, Bondmen in Missoula expressed his support. He said they were not only in business for themselves but in business for the legal system. They alleviate over-crowding in the jails by obtaining release of the defendants. They help the courts by insuring that either the defendant appears for his court appearances or the bond is covered if the person cannot be retrieved.

Gene Sinney, Anderson Bonding said he supported this bill.

Gene Richeson, Anderson Bonding said he favored this bill.

Opponents' Testimony:

None.

TAPE 1, SIDE B

Questions From Committee Members and Responses:

REP. ELLINGSON said in his reading of the bill in the portion where an individual pleads guilty or is found guilty there is going to be a period of time between the pleading and the sentencing. Isn't it common during that interim period of time that the defendant is released pending a sentencing. **Mr. Restvedt** said yes. **REP. ELLINGSON** said under the terms of this bill the bond will assure the defendant is there up until the time he is found guilty or pleads guilty but not beyond. If this person is released during that period of time, is a new bond required or if he is released do you not intend to have the ability to bond his appearance over to the time of sentencing? **Mr. Restvedt** said there are bondsmen that cover the pre-sentencing investigation. It is a new undertaking. Pre-sentencing is a very high risk time. The bondsman wants out after the conviction. This would be the plea of guilty or the verdict handed down. Once they are convicted the judge can either put the person in jail awaiting sentencing or they can be released on their own recognizance with no remedy against the bond. **REP. ELLINGSON** said if the one year period of time ran and the defendant could not come up with the necessary fee for another bond, should there not be some language in the bill to say that the defendant would be delivered to the court and the court would need to establish whatever new terms there would be for his release. **Mr. Restvedt** said yes.

CHAIRMAN SIMON said if a bond is written on an individual and the purpose of that bond is to be certain they appear. When that bond expires in one year and the defendant is not required to appear, they are essentially without bond during that period of time. The whole purpose of the bond is gone. There should be some type of mechanism to make certain the bond stays in force for the period of time when that person actually does appear. **Mr. Restvedt** said he agreed.

REP. EWER asked if bail companies are required to file rates? **Frank Coty, Deputy Insurance Commissioner** said it was also a part of the casualty. The rates must be filed with the department before they can use the rates. **REP. EWER** said there was a constitutional right for bail so there must be interest in assuring that people know what they are purchasing. There was concern in empowering bail bondsmen to have policies for one year and after one year they can insist on another premium and the people are at the mercy of this business. Is there any protection to see that this business is regulated in the same manner as insurance companies are regulated so people understand the disclosure. **Mr. Coty** said his company does not require disclosure.

CHAIRMAN SIMON said it appears there should be additional clarification required to take care of some of the issues which were proposed. Would it be the sponsor's intention to work up some amendments to address the concerns discussed. **REP. BARNETT** said he would resist with **REP. EWER'S** last reference. This is putting the bondsmen in real jeopardy for whatever the cause. They have no power to get that defendant released. **CHAIRMAN SIMON** said to revoke a bond at the end of a year puts the defendant out free and clear. **REP. BARNETT** stated yes, there would be something prepared.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 326

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 54, Missoula County said this bill was an act allowing a licensed electrician or licensed plumber to ask a person working at a job site for proof of licensure as an electrician or plumber and allowing the licensed electrician or licensed plumber to report the lack of a license to the Department of Commerce or to the state electrical board of the board of plumbers. She also presented a page from the MCA regarding electricians and electrical safety. **EXHIBIT 3**

Proponents' Testimony:

Ron VanDiest, State Electrical Board/International Brotherhood of Electrical Workers said he supports this bill as amended. It is a cost reduction to the state. There is an agreement at this time that allows the building codes division to inspect licenses as well as jobs. As matters are moving from state control to municipal control, there is the chance the ability will be lost to inspect.

Ron Berg said he supports this bill. He explained the history of the electrical board.

Jerry Driscoll, Montana State Building Trades said the amendments would clarify the bill and he supports the bill. The job service and employment agencies should police the request for confirmation of licenses but they have no power to do this. There is no one enforcing the law. The Governor and the down forcing government simply should get rid of the position. It is a self-policing thing.

John Petko said for the integrity and safety of the people of Montana bill is supported.

J. Kent Pellegrino, Montana Chapter of the National Electrical Contractors Association said he favored this bill and the amendment.

REP. MILLS stated he supported this bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. ALVIN ELLIS asked if people were going to be put in jeopardy with this position. **Mr. Driscoll** said it would be a way for an employer or employment agency or union to make sure there was a license before the employee was sent out on a job.

REP. DEVANEY said a licensed electrician may ask for the license. **Mr. Driscoll** said this was correct.

REP. NORM MILLS said on large construction projects very often they are supervised by licensed and professional engineers and he questioned if it would be appropriate to allow that person to inspect the license working on the job. **Mr. Driscoll** said yes.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 168

Motion: REP. DON LARSON MOVED HB 168 DO PASS. REP. LARSON ALSO MOVED THE AMENDMENTS OF HB 168.

Discussion:

REP. ORR explained the amendments. EXHIBIT 4

REP. ELLIS said the Department of Labor had approved the amendments.

Vote: Motion carried to adopt the amendments 18-0.

Motion/Vote: REP. LARSON MOVED HB 168 DO PASS AS AMENDED. Motion carried 18-0.

EXECUTIVE ACTION ON HB 100

Motion: REP. JEANETTE MCKEE MOVED DO PASS ON HB 100. REP. COCCHIARELLA MOVED THE MCKEE AMENDMENTS TO HB 100. REP. COCCHIARELLA MOVED THE COCCHIARELLA AMENDMENTS. REP. ELLIS MOVED THE ELLIS AMENDMENTS.

Discussion:

REP. COCCHIARELLA explained the Cocchiarella amendments.

Vote: Motion carried to adopt the Cocchiarella amendments 18-0. Motion carried to adopt the McKee amendments 18-0.

Discussion:

REP. COCCHIARELLA said she was adamantly opposed to the Ellis amendment. The state is in compliance regarding the other pensions. There are a very few people in the state being treated unfairly. There is no reason to take away the benefit of the federal law which may be used. The state is not out of compliance. This idea is very unfair.

REP. MCKEE said the department responded by saying the employee who had contributed earnings to the pension plan saying an unemployed person who had contributed earnings to the pension plan would have 100% of the pension payment deducted from any unemployment check they were otherwise entitled to.

REP. ELLIS said unemployment compensation is intended to pay people who are on pensions.

REP. COCCHIARELLA said the issue that was raised was the employees contribution was being taken away. There would be a suit on the state if their money was taken away.

REP. EWER said he was resisting the amendment. The bill was amended and he said he was going to be consistent and was in that one specific case; there seemed to be a consensus that the state was not going to be steamrolled by the federal government on that particular point.

Vote: A roll call vote was taken on the Ellis amendment. Motion failed 1-17.

Discussion:

REP. MCKEE explained the McKee amendment which could result in penalties to employees and reduce the federal grants.

CHAIRMAN SIMON said the Cocchiarella amendment was adopted in previous executive action.

Motion: REP. MCKEE MOVED TO STRIKE THE COCCHIARELLA AMENDMENT WHICH WAS ADOPTED IN A PREVIOUS EXECUTIVE ACTION.

Discussion:

REP. PAUL SLITER explained the amendment occurred in the title and line 15 which follows "video". Insert "providing that the reduction of benefit requirement does not apply to pension covered by section 501-C-9 of the internal revenue code."

REP. JACK HERRON asked for clarification.

REP. MCKEE said the indication was that this would still make the department out of conformity with the federal government. There is potential and it has hurt the federal government to come back.

Mr. Sager said it had happened in the withholding of administrative funding and in all those cases it has been resolved at the pre-hearing level and the state finally came into conformity.

REP. COCCHIARELLA said the amendment had been passed because of an argument regarding the federal government wanting the state to comply. Forced compliance occurred four times. Seventy-and-one-half year old people need to take their pension. They do not have any choice even if they are still working. The state is treating four to ten people differently than anyone else. She didn't expect the federal government would come after the state in any way to deal with the issue of that many people. Perhaps this is the time to have these issues addressed.

Mr. Sager said in asking the federal government that question he had been told no other state is out of compliance in this issue.

Vote: Motion to reverse the action on the Cocchiarella amendment was substituted by the McKee amendment which was a reverse of the Cocchiarella amendment. A roll call vote was taken, motion failed 9-9.

Motion/Vote: REP. MCKEE MOVED HB 100 DO PASS AS AMENDED. Motion carried 18-0.

EXECUTIVE ACTION ON HB 320

Motion: REP. EWER MOVED HB 320 DO PASS.

Vote: Motion carried 18-0.

EXECUTIVE ACTION ON HB 336

Motion: REP. BARNETT MOVED HB 336 DO PASS. REP. BARNETT MOVED THE AMENDMENTS NUMBER 1. REP. BARNETT MOVED THE CONCEPTUAL AMENDMENT NUMBER 2.

Motion: Motion carried to adopt the amendments number 1 18-0.
Motion carried to adopt the conceptual amendments number 2 18-0.

Motion/Vote: REP. BARNETT MOVED HB 336 DO PASS AS AMENDED.
Motion carried 18-0.

EXECUTIVE ACTION ON SB 65

Motion: REP. COCCHIARELLA MOVED SB 65 DO NOT BE CONCURRED IN.

Discussion:

REP. ALVIN ELLIS said he favored the motion. This bill has two things going for it. This is a lawyer's protection act and it protects people who hire lawyers. In some cases that is not necessarily a Montana attorney.

REP. LARSON said he also was in favor of opposing this bill. If this bill is passed, it is difficult for the state to retain out of state counsel for the ARCO lawsuit.


REP. EWER said he was very uncomfortable with this bill. Access to the attorneys of choice and sometimes they are not Montana lawyers.

REP. MILLS said there would be an affected method of getting reciprocity.

Motion/Vote: REP. SLITER MADE A SUBSTITUTE TO TABLE SB 65.
Motion carried 18-0.

ADJOURNMENT

Adjournment: 11:20 AM.



BRUCE T. SIMON, Chairman



ALBERTA STRACHAN, Secretary

BTS/ajs

HOUSE OF REPRESENTATIVES
BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 1-31-95

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		
	X		

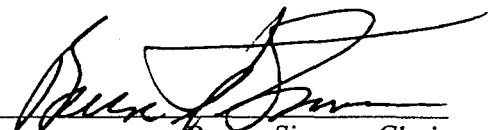


HOUSE STANDING COMMITTEE REPORT

January 31, 1995

Page 1 of 6

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 168** (first reading copy -- white) **do pass as amended.**

Signed: 
Bruce Simon, Chair

And, that such amendments read:

1. Title, line 5.

Following: "PREMIUMS"

Insert: "AND WEEKLY COMPENSATION BENEFITS"

Strike: "THE MINIMUM ANNUAL PREMIUM,"

2. Title, line 6.

Following: "HOURS,"

Strike: "AND THE NUMBER OF RUNS MADE IN THE PREVIOUS YEAR"

Insert: "RESPONSE TIME, AND TIME AT THE EMPLOYER'S PREMISES TIMES
THE AVERAGE WEEKLY WAGE DIVIDED BY 40 HOURS; DEFINING
VOLUNTEER HOURS"

Following: " ; "

Insert: "AMENDING 39-71-118 AND 39-71-123, MCA;"

3. Title, line 7.

Strike: "IMMEDIATE"

Strike: "AND AN APPLICABILITY DATE"

4. Page 1, lines 11 through 22.

Strike: everything after the enacting clause

Insert: "Section 1. Section 39-71-118, MCA, is amended to read:

"39-71-118. **Employee, worker, and volunteer firefighter defined.** (1) The terms "employee" or "worker" means:

11/31
mm
Committee Vote:
Yes 18, No 0.

261555SC.Hdh

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for the corporations for pay. Casual employees as defined by 39-71-116 are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined in this subsection while they are on the premises of a public school or community college.

(d) students enrolled and in attendance in programs of vocational-technical education at designated vocational-technical centers;

(e) an aircrew member or other person employed as a volunteer under 67-2-105;

(f) a person, other than a juvenile as defined in subsection (1)(b), performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. For a person covered by the definition in this subsection (f):

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or

hearings officer.

(g) an inmate working in a federally certified prison industries program authorized under 53-1-301.

(2) The terms defined in subsection (1) do not include a person who is:

(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment; or

(b) performing voluntary service at a recreational facility and who receives no compensation for those services other than meals, lodging, or the use of the recreational facilities.

(3) (a) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area.

(b) The term "volunteer hours" means all the time spent by a volunteer firefighter in the service of an employer, including but not limited to training time, response time, and time spent at the employer's premises.

(4) (a) If the employer is a partnership or sole proprietorship, the employer may elect to include as an employee within the provisions of this chapter any member of the partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business.

(b) In the event of an election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (4)(d). A partner or sole proprietor is not considered an employee within this chapter until notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the electing employer may elect not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter.

(5) (a) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter who receives

workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 17.

(b) In the event of an election, the employer shall report payroll for all volunteer firefighters for premium and weekly benefit purposes based on the number of volunteer hours of each firefighter times the average weekly wage divided by 40 hours, subject to a maximum of 1 1/2 times the average weekly wage.

(6) An employee or worker in this state whose services are furnished by a person, association, contractor, firm, or corporation, other than a temporary service contractor, to an employer as defined in 39-71-117 is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(7) For purposes of this section, an "employee or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state;

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer;

(c) a nonresident employee of an employer from another state engaged in the construction industry, as defined in 39-71-116, within this state; or

(d) a nonresident of Montana who does not meet the requirements of subsection (7)(b) and whose employer elects coverage with an insurer that allows an election for an employer whose:

(i) nonresident employees are hired in Montana;

(ii) nonresident employees' wages are paid in Montana;

(iii) nonresident employees are supervised in Montana; and

(iv) business records are maintained in Montana.

(8) An insurer may require coverage for all nonresident employees of a Montana employer who do not meet the requirements of subsection (7)(b) or (7)(d) as a condition of approving the election under subsection (7)(d)."

Section 2. Section 39-71-123, MCA, is amended to read:

"39-71-123. Wages defined. (1) "Wages" means the gross remuneration paid in money, or in a substitute for money, for services rendered by an employee, or income provided for in subsection (1)(d). Wages include but are not limited to:

(a) commissions, bonuses, and remuneration at the regular hourly rate for overtime work, holidays, vacations, and sickness periods;

(b) board, lodging, rent, or housing if it constitutes a part of the employee's remuneration and is based on its actual value;

(c) payments made to an employee on any basis other than time worked, including but not limited to piecework, an incentive plan, or profit-sharing arrangement; and

(d) income or payment in the form of a draw, wage, net profit, or substitute for money received or taken by a sole proprietor or partner, regardless of whether the sole proprietor or partner has performed work or provided services for that remuneration.

(2) Wages do not include:

(a) employee expense reimbursements or allowances for meals, lodging, travel, subsistence, and other expenses, as set forth in department rules;

(b) special rewards for individual invention or discovery;

(c) tips and other gratuities received by the employee in excess of those documented to the employer for tax purposes;

(d) contributions made by the employer to a group insurance or pension plan; or

(e) vacation or sick leave benefits accrued but not paid.

(3) For compensation benefit purposes, the average actual earnings for the four pay periods immediately preceding the injury are the employee's wages, except if:

(a) the term of employment for the same employer is less than four pay periods, in which case the employee's wages are the hourly rate times the number of hours in a week for which the employee was hired to work; or

(b) for good cause shown by the claimant, the use of the four pay periods does not accurately reflect the claimant's employment history with the employer, in which case the insurer may use additional pay periods.

(4) (a) For the purpose of calculating compensation benefits for an employee working concurrent employments, the average actual wages must be calculated as provided in subsection (3).

(b) The compensation benefits for a covered volunteer must be based on the average actual wages in the volunteer's regular employment, except self-employment as a sole proprietor or partner who elected not to be covered, from which the volunteer is disabled by the injury incurred.

(c) The compensation benefits for an employee working at two or more concurrent remunerated employments must be based on the aggregate of average actual wages of all employments, except self-employment as a sole proprietor or partner who elected not to be covered, from which the employee is disabled by the injury incurred.

~~(5) The compensation benefits and the payroll, for premium purposes, for a volunteer firefighter covered pursuant to 39-71-118 must be based upon a wage of not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined~~

~~in this chapter."~~

NEW SECTION. Section 3. Effective date. [This act] is
effective July 1, 1995."

-END-



HOUSE STANDING COMMITTEE REPORT

January 31, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 100** (first reading copy -- white) **do pass as amended.**

Signed: _____

Bruce Simon
Bruce Simon, Chair

And, that such amendments read:

1. Title, line 15.

Following: "VIDEOCONFERENCE"

Insert: ", WITH THE CONSENT OF BOTH PARTIES; PROVIDING THAT THE
REDUCTION IN BENEFITS REQUIREMENT DOES NOT APPLY TO A
PENSION COVERED BY SECTION 501(C) (9) OF THE INTERNAL REVENUE
CODE;"

2. Title, line 18.

Following: "DATES"

Strike: "AND"

Insert: ", "

Following: "APPLICABILITY DATE"

Insert: ", AND A CONTINGENT TERMINATION DATE"

3. Page 16, line 14.

Following: line 13

Insert: "(3) The reduction required by subsection (1) does not
apply to a pension covered by section 501(c) (9) of the
Internal Revenue Code."

4. Page 17, lines 1, 12, and 24.

Following: "videoconference"

Insert: ", with the consent of both parties"

11/31
Committee Vote:

Yes 18, No 0.

261600SC.Hdh

5. Page 18, line 11.

Following: "**Effective dates.** (1)"

Insert: "[Section 1] is effective January 1, 1996. (2)"

Following: "[Sections"

Strike: "1"

Insert: "2"

Following: "19"

Insert: ",21,"

Renumber: subsequent subsection

6. Page 18, following line 13.

Insert: "NEW SECTION. **Section 21. Contingent termination.** If 26
U.S.C. 3304 is amended to no longer require that election
judges receive unemployment insurance coverage, then
[section 1 of this act] terminates on the date on which the
U.S.C. amendment is effective."

-END-



HOUSE STANDING COMMITTEE REPORT

January 31, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 320** (first reading copy -- white) **do pass**.

Signed:

A handwritten signature in cursive script, appearing to read "Bruce Simon".

Bruce Simon, Chair

11/31
mm
Committee Vote:
Yes 18, No 0.

261603SC.Hdh

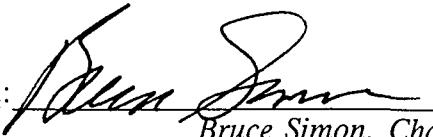


HOUSE STANDING COMMITTEE REPORT

January 31, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 336** (first reading copy -- white) **do pass as amended.**

Signed: 
Bruce Simon, Chair

And, that such amendments read:

1. Title, line 7.

Following: "EXONERATED;"

Strike: remainder of line 7

2. Page 2, line 28.

Following: "defendant"

Strike: "is convicted"

Insert: "pleads guilty or is found guilty by a legally
constituted jury or by a court of competent jurisdiction
authorized to try the case"

3. Page 3, line 12.

Following: "appear"

Insert: "or produce the defendant"

Following: "judge"

Strike: "may"

Insert: "shall"

4. Page 3, line 13.

Strike: "upon terms as may be just"

Committee Vote:

Yes 18, No 0.

261605SC.Hdh

Insert: "and return the surety bond to the sureties with no
monetary penalty"

5. Page 3, line 15.

Strike: "upon terms as may be just"

Insert: "and return the surety bond to the surety with no
monetary penalty"

6. Page 3.

Strike: lines 19 and 20 in their entirety

-END-

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 1-31-95 BILL NO. HB100 NUMBER

MOTION: ELLIS AMENDMENT

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		✓

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 1-31-95 BILL NO. HB 100 NUMBER

MOTION: FIRST COCCHERELLA AMENDMENT
BROUGHT BEFORE COMM

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		✓



EXHIBIT 1
DATE 1-31-95
HB 320

MONTANA STATE SENATE

January 5, 1995

Ms. Cleo Anderson
Department of Revenue
Office of Legal Affairs
Mitchell Building
Helena, MT. 59620

RE: Proposed Amendment of ARM 42.17.147

Dear Ms. Anderson:

We, the undersigned members of the Montana Legislature and conferees who were involved in the deliberations on HB 504 during the 1993 regular session of the Legislature, are writing to you to advise you that it was not the intent of the Legislature to impose the Old Fund Liability Tax on employers or employees in the rail industry subject to the jurisdiction of the federal railroad administration. The current rule of the Department of Revenue accurately reflects the intent of the Legislature; namely, that the railroad industry is not subject to the Old Fund Liability Tax. Therefore, we oppose the proposed rule of the Department which would impose this tax upon railroad employers.

This subject received careful consideration during the 1993 session. HB 686, which would have imposed this payroll tax on railroad employers, was rejected by the House Select Committee on Workers' Compensation, and the bill never was adopted by the House or transmitted to the Senate. In our deliberations on HB 504 and in the Free Conference on this bill, it was not our intention to override the rejection of HB 686, and make railroad employers or, for that matter, railroad employees, subject to this tax. As previously stated, the exemption was and is a total railroad industry exemption.

Please include this letter in the official record of the administrative hearing on the matter.

STEVE BENEDICT, Senator

JOHN HARP, Senator

VICKI COCHIARELLA,
Representative

SUE BARTLETT, Senator

CHASE HIBBARD,
Representative

I'm Fran Marceau, United Transportation Union Legislative Director, and I'm here today to speak in opposition to Senate Bill 65.

Although seemingly innocuous, Senate Bill 65 contains provisions which would severely limit the right of union members to select legal counsel of their choice. In fact, when read carefully, the bill appears designed to prevent injured workers from utilizing, in association with local Montana attorneys, national legal counsel most capable of protecting their Federal rights under national legislation.

For example, injured railroad workers, many of whom are members of the United Transportation Union, are not covered by the Montana state workers' compensation law, but a Federal law known as the Federal Employers' Liability Act. Under the FELA, suit on behalf of an injured railroad worker may be brought in either Federal or State court. To ensure the most expert and competent representation for our injured workers, the United Transportation Union engages in a careful screening process, designating for recommended use by its members a select number of legal counsel most experienced in FELA litigation. These attorneys are highly specialized, and a number of their firms have been principally involved in FELA actions for over half a century. Historically, these attorneys, working in conjunction with local Montana counsel, have provided competent and effective legal representation for injured railroad workers in this state.

Senate Bill 65, however, appears specifically calculated to restrict the ability of union members to employ that legal counsel most capable of helping them. This bill contains a provision which provides that repeated appearances by an attorney on a pro hoc vice basis provide grounds to disqualify that attorney from future pro hoc vice admission. This provision, of course, could be used by defendants to attempt to limit their injured workers' free and unimpeded choice of an attorney to represent them. In practical terms, it would have the effect of affording railroads and other industries an unfair advantage at trial.

The rights of an injured worker under the FELA are of critical importance. When railroad workers are injured, they are often critically injured, and their economic future may hinge on the outcome of their case. These actions should be resolved on their merits, and not through gamesmanship and maneuvering intended to interfere with their freedom to employ legal counsel of their choosing. In every case, Montana legal counsel is intimately involved -- defendants should not be permitted to limit the rights of an injured worker to further employ national legal counsel expert in protecting their rights.

37-68-301. License required to engage in electrical work. (1) A person may not engage in or work at the business, trade, or calling of electrical contractor, residential electrician, journeyman electrician, or master electrician in this state until the person has received from the department a license or permit to work as an electrical contractor; residential electrician, journeyman electrician, or master electrician.

(2) A private or public employment agency or labor union, or an employee thereof, who refers persons for employment by others may not refer a person for employment by others to perform the work of an electrical contractor, residential electrician, journeyman electrician, or master electrician in this state unless the person has received from the department a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master electrician.

History: En. Sec. 6, Ch. 148, L. 1965; amd. Sec. 274, Ch. 350, L. 1974; R.C.M. 1947, 66-2806; amd. Sec. 6, Ch. 546, L. 1979; amd. Sec. 1, Ch. 31, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 31 inserted (2) requiring a license or permit of a person wishing to perform electrical work prior to referral

for employment by an employment agency or labor union; and made minor changes in style.

Cross-References

Installation of new security alarm systems by electrician, 37-60-409.

37-68-302. Unauthorized use of title. No person, firm, partnership, corporation, or association shall assume or use the title or designation of licensed master electrician, licensed journeyman electrician, or residential electrician unless qualified and licensed under this chapter.

History: En. Sec. 8, Ch. 148, L. 1965; R.C.M. 1947, 66-2808; amd. Sec. 7, Ch. 546, L. 1979.

37-68-303. Apprentice may work under licensed electrician — record of apprentices. This chapter does not prohibit a person from working as an apprentice in the trade of electrician with an electrician licensed under this chapter and under rules made by the board. The name and residence of each apprentice and the name and residence of his employer shall be filed with the department, and a record shall be kept by the department showing the name and residence of each apprentice.

History: En. Sec. 17, Ch. 148, L. 1965; amd. Sec. 281, Ch. 350, L. 1974; R.C.M. 1947, 66-2817.

Cross-References

Apprenticeship, Title 39, ch. 6, part 1.

37-68-304. Master electricians — application — qualifications — contents of examination. (1) An applicant for a master electrician's license shall furnish written evidence that he is a graduate electrical engineer of an accredited college or university and has 1 year of practical electrical experience or that he is a graduate of an electrical trade school and has at least 4 years of practical experience in electrical work or that he has had at least 5 years' practical experience in planning, laying out, or supervising the installation and repair of wiring, apparatus, or equipment for electrical light, heat, and power.

(2) Applicants for license as a master electrician shall file an application on forms prescribed by the board and furnished by the department, together with the examination fee. The board shall, not less than 30 days prior to a

Amendments to House Bill No. 168
First Reading Copy

Requested by Representative Orr
For the House Committee on Business and Labor

Prepared by Connie Erickson
January 27, 1995

1. Title, line 5.

Following: "PREMIUMS"

Insert: "AND WEEKLY COMPENSATION BENEFITS"

Strike: "THE MINIMUM ANNUAL PREMIUM,"

2. Title, line 6.

Following: "HOURS,"

Strike: "AND THE NUMBER OF RUNS MADE IN THE PREVIOUS YEAR"

Insert: "RESPONSE TIME, AND TIME AT THE EMPLOYER'S PREMISES TIMES
THE AVERAGE WEEKLY WAGE DIVIDED BY 40 HOURS; DEFINING
VOLUNTEER HOURS"

Following: ";

Insert: "AMENDING 39-71-118 AND 39-71-123, MCA;"

3. Title, line 7.

Strike: "IMMEDIATE"

Strike: "AND AN APPLICABILITY DATE"

4. Page 1, lines 11 through 22.

Strike: everything after the enacting clause

Insert: "Section 1. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, and volunteer firefighter
defined. (1) The terms "employee" or "worker" means:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for the corporations for pay. Casual employees as defined by 39-71-116 are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation

training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined in this subsection while they are on the premises of a public school or community college.

(d) students enrolled and in attendance in programs of vocational-technical education at designated vocational-technical centers;

(e) an aircrew member or other person employed as a volunteer under 67-2-105;

(f) a person, other than a juvenile as defined in subsection (1)(b), performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. For a person covered by the definition in this subsection (f):

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or hearings officer.

(g) an inmate working in a federally certified prison industries program authorized under 53-1-301.

(2) The terms defined in subsection (1) do not include a person who is:

(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment; or

(b) performing voluntary service at a recreational facility and who receives no compensation for those services other than meals, lodging, or the use of the recreational facilities.

(3)(a) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area.

(b) The term "volunteer hours" means all the time spent by a volunteer firefighter in the service of an employer, including but not limited to training time, response time, and time spent at the employer's premises.

(4) (a) If the employer is a partnership or sole proprietorship, the employer may elect to include as an employee within the provisions of this chapter any member of the partnership or the owner of the sole proprietorship devoting full

time to the partnership or proprietorship business.

(b) In the event of an election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (4)(d). A partner or sole proprietor is not considered an employee within this chapter until notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the electing employer may elect not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter.

(5)(a) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter who receives workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 17.

(b) In the event of an election, the employer shall report payroll for all volunteer firefighters for premium and weekly benefit purposes based on the number of volunteer hours of each firefighter times the average weekly wage divided by 40 hours, subject to a maximum of 1 1/2 times the average weekly wage.

(6) An employee or worker in this state whose services are furnished by a person, association, contractor, firm, or corporation, other than a temporary service contractor, to an employer as defined in 39-71-117 is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(7) For purposes of this section, an "employee or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state;

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer;

(c) a nonresident employee of an employer from another state engaged in the construction industry, as defined in 39-71-116, within this state; or

(d) a nonresident of Montana who does not meet the requirements of subsection (7)(b) and whose employer elects coverage with an insurer that allows an election for an employer whose:

- (i) nonresident employees are hired in Montana;
- (ii) nonresident employees' wages are paid in Montana;
- (iii) nonresident employees are supervised in Montana; and
- (iv) business records are maintained in Montana.

(8) An insurer may require coverage for all nonresident employees of a Montana employer who do not meet the requirements of subsection (7)(b) or (7)(d) as a condition of approving the election under subsection (7)(d)."

{Internal References to 39-71-118:

✓ 39-71-117 ✓ 39-71-123 ✓ 39-71-401 ✓ 39-71-744

✓ 39-72-102 ✓ 50-71-102}

Section 2. Section 39-71-123, MCA, is amended to read:

"39-71-123. Wages defined. (1) "Wages" means the gross remuneration paid in money, or in a substitute for money, for services rendered by an employee, or income provided for in subsection (1)(d). Wages include but are not limited to:

(a) commissions, bonuses, and remuneration at the regular hourly rate for overtime work, holidays, vacations, and sickness periods;

(b) board, lodging, rent, or housing if it constitutes a part of the employee's remuneration and is based on its actual value;

(c) payments made to an employee on any basis other than time worked, including but not limited to piecework, an incentive plan, or profit-sharing arrangement; and

(d) income or payment in the form of a draw, wage, net profit, or substitute for money received or taken by a sole proprietor or partner, regardless of whether the sole proprietor or partner has performed work or provided services for that remuneration.

(2) Wages do not include:

(a) employee expense reimbursements or allowances for meals, lodging, travel, subsistence, and other expenses, as set forth in department rules;

(b) special rewards for individual invention or discovery;

(c) tips and other gratuities received by the employee in excess of those documented to the employer for tax purposes;

(d) contributions made by the employer to a group insurance or pension plan; or

(e) vacation or sick leave benefits accrued but not paid.

(3) For compensation benefit purposes, the average actual earnings for the four pay periods immediately preceding the injury are the employee's wages, except if:

(a) the term of employment for the same employer is less than four pay periods, in which case the employee's wages are the hourly rate times the number of hours in a week for which the employee was hired to work; or

(b) for good cause shown by the claimant, the use of the four pay periods does not accurately reflect the claimant's employment history with the employer, in which case the insurer may use additional pay periods.

(4) (a) For the purpose of calculating compensation benefits for an employee working concurrent employments, the average actual wages must be calculated as provided in subsection (3).

(b) The compensation benefits for a covered volunteer must be based on the average actual wages in the volunteer's regular

employment, except self-employment as a sole proprietor or partner who elected not to be covered, from which the volunteer is disabled by the injury incurred.

(c) The compensation benefits for an employee working at two or more concurrent remunerated employments must be based on the aggregate of average actual wages of all employments, except self-employment as a sole proprietor or partner who elected not to be covered, from which the employee is disabled by the injury incurred.

~~(5) The compensation benefits and the payroll, for premium purposes, for a volunteer firefighter covered pursuant to 39-71-118 must be based upon a wage of not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter."~~

{Internal References to 39-71-123:

✓ 39-71-116 ✓ 39-71-302 ✓ 39-72-102}

NEW SECTION. Section 3. {standard} Effective date. [This act] is effective July 1, 1995."

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 1-31-95

BILL NO. SB 65 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Steve Oberby	SD 24	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Erin Morrison	UT V	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DARRELL HOLZER	AFL-CIO	<input type="checkbox"/>	<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 1-31-95

BILL NO. HB 336 SPONSOR(S) Rep Barnett

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
EARL ROWE, MISEOULA, MT	THE BONDSMAN	X	
SCOTT RESTUENT BELGRADE MT	VALLEY BONDING	X	
DEAN CROW	Valley Bonding	X	
Wager Walter	Arrow Back Bonding	X	
RED JORGENSEN	ANDERSON BONDING	X	
MORRIS ANDERSON	ANDERSON BONDING	X	
Kelly Reissbeck	Big Sky Bail Bonds	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 1-31-95

BILL NO. HB 326 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
H. Kent Pellegrino	Montana chapter Nat Elec. Cont Assn	X	
Ron Van Driest	MT. ST. Elect Board	X	
WARRELL HOLZER	AFL-CIO	X	
Jerry Driscoll	mt. State Bldg Trades	X	
Ron Burke	IBEW	X	
JOHN PETKO	UA	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 1-31-95

BILL NO. H B 320 SPONSOR(S) Rep Malvern

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dave Oitzel	BRO. OF LOCOMOTIVE ENGINEERS	X	
Harrell Holzer	MT ST AFL-CIO	X	
Erin Maroon	U.T.U	X	
Kelly Rustbelt	Begley B.T. Bonds	X	
Gene Richeson	Anderson Burt	h	
Jerry Driscoll	BLE + BA	X	

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