

## **MINUTES**

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

#### **COMMITTEE ON BUSINESS & LABOR**

**Call to Order:** By CHAIRMAN BRUCE T. SIMON, on March 7, 1995, at 8:00 A.M.

#### **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: SB 151, SB 80, SB 392, SB 400,  
Executive Action: HB 574, SB 400, SB 80, SB 375, SB 384,  
SB 22, SB 242, SB 19, SB 201, SB 38

HEARING ON SB 151Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 27, Lewis and Clark County stated this bill was an act revising the definitions of temporary service contractor and temporary worker.

Proponents' Testimony:

Jim Nys said he was the owner of a temporary help service in Helena. He also said this bill was a product of meetings between temporary industry representatives, the Montana Chamber of Commerce, Department of Labor and State Fund officials. While the language still puts more restrictions on the industry than does any other state, it clarifies that the use of a temporary employee by a client for an assignment of specific duration does not create an uninsured employer situation for the client.

EXHIBIT 1

David Owen, Montana Chamber of Commerce, said this bill brought clarity to an issue which is growing and becoming more and more complicated. Employment is becoming more complicated. Society is becoming more complex and the inter-relationships which result in economics is more complex. People are looking at different ways to employ people. Business is changing. There is an increased use of temporary help.

Dennis Zieler, Bureau Chief, Employment Relations Division, Department of Labor and Industry, said they did work with the sponsor on the definitions for these terms and the bill provides the clarity needed in the definitions.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. DAVID EWER asked for the distinction between temporary agencies and employment agencies. SEN. BARTLETT said the temporary service contractors place people for short term assignments that have a finite ending date. Professional employer organizations enter into a leasing arrangement lease a set for employees to work for a business for a particular task that lasts a longer period of time. Professional employer organizations, when entering into a co-employment relationship, share the employment of an entire set of employees at a work place.

REP. EWER asked if the workers' compensation laws cover those situations. SEN. BARTLETT said the latter two are types of employment relationships which will be clarified by another bill.

**REP. KARL OHS** asked if a temporary employee could not be the only employee. **SEN. BARTLETT** said yes. That came about prior to the Senate hearing because the State Fund had some concern about getting into a leasing arrangement. All temporary workers would not qualify. The State Fund may take the approach that there needs to be other employees before a placement through a temporary service contractor falls within the scope of this definition. **Mr. Nys** said this type of employment is frequently done. He was not of the understanding the definition would preclude that.

**REP. ALVIN ELLIS** asked if the same question regarding one employee could again be addressed. **Rick Hill, State Fund**, said the concern is with respect to a situation where an employer buys a policy, has no employees and hires a temporary employee. That is the place of concern. They might do that to escape the loss experience. They would be escaping the probability of the losses. If there isn't a policy for the employee which might be manipulated for that purpose. The concern is not the enforcement of who must carry workers' compensation insurance to avoid responsibility. **REP. ELLIS** said if summer help were to be hired the employer could not hire a temporary. **Mr. Hill** said Worker's Compensation has 2,000 employers who buy insurance policies with the State Fund and report no payroll and eighteen of them had claims last year.

**REP. DON LARSON** said under this bill will employers need to establish finite working contracts. **Mr. Nys** said they would.

**REP. JON ELLINGSON** asked how the State Fund established the premiums for the temporary contractors who are setting people into a wide variety of industries where there might be risk factors. **Mr. Hill** said the practice has been that these employers will call if there is not an employment classification which is typically used. The State Fund assigns a classification to them. They may take their own modification factor. He stated further that if a temporary service wanted to mis-represent what the employees were doing they could. There have been some instances of that. Employers are audited. **REP. ELLINGSON** questioned the limitation on who has coverage. He also asked if this question could not be answered that the committee should be informed of the correct answer. **Mr. Hill** said the reference to a supplemental work force is the term being used to say an employer must have employees as well. The concern of the State Fund is there are three situations which are direct, temporary and employee leasing.

**CHAIRMAN SIMON** suggested the State Fund check with their staff regarding this issue.

**REP. NORM MILLS** said if he would need a temporary person he would be precluded from hiring a person because he did not have a staff other than himself all of the time. If that is the case he would not support this bill.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 80

Opening Statement by Sponsor:

SEN. TOM KEATING, SD 5, Yellowstone County, said this bill was an act exempting from overtime requirements an employee employed as a radio announcer, news editor, or chief engineer.

Proponents' Testimony:

Riley Johnson, Montana Broadcasters Association, said they were trying to rectify a situation which can threaten a small market radio broadcasting station. The issue originally started with the federal Fair Standards Act versus recent Supreme Court decisions on paying overtime to radio people. This law exempts some cities. This law only applies if the city is under 10,000 population.

David Owen, Montana Chamber of Commerce, said the bill was supported in its original concept. These people need this kind of flexibility.

Opponents' Testimony:

Darrell Holzer, AFL-CIO, said they opposed this bill. The proponents of the bill did not demonstrate any significant public benefit which would be derived from passage of this bill.

Questions From Committee Members and Responses:

REP. EWER asked if hours over 40 would qualify for overtime or compensation. Is the comp. time 1-1/2 time. Mr. Johnson said the time is straight time.

REP. LARSON asked how many small market radio stations there were. Mr. Johnson said 44.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 392

Opening Statement by Sponsor:

SEN. DELWYN GAGE, SD 43, Glacier County, said this bill was an act authorizing the Governor or a designee to participate in the Pacific Northwest Economic Region.

TAPE 1, SIDE B

Proponents' Testimony:

REPS. COCCHIARELLA, HD 64, Missoula County said she favored the bill. She also said the University of Montana sponsored the Legislative Outlook Seminar at Flathead Lake and Al Buchell was a guest at the conference. This is an opportunity for Montana.

REP. DON LARSON, HD 58, Missoula County said he supported this bill.

REP. NORM MILLS, HD 19, Yellowstone County said he supported this bill.

REP. ROSE FORBES, HD 42, Cascade County said she supported this bill.

REP. JEANETTE MCKEE, HD 60, Ravalli County said she supported this bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. LARSON asked if the state would need to come up with a match for the federal portion. SEN. GAGE said Washington was giving \$110,00, Oregon \$80,000, Idaho \$40,00 and Montana \$20,000 which can be part soft match and part hard match. REP. LARSON asked how much the dues were for NCSL and the Council of State Government if Montana participates. SEN. GAGES said the total appropriation for NCSL is \$240,000 which has been taken out of the budget and CSG was \$174,000.

REP. JOE BARNETT questioned a fiscal note. SEN. GAGE said the bill itself, unless the Governor needs travel money, there is no cost for Governor to belong. They generally have two meetings per year.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON SB 392

Motion: REP. COCCHIARELLA MOVED SB 392 BE CONCURRED IN.

Discussion:

REP. LARSON said he was one of the few Democrats who firmly supported NAFTA and the reason was because there are

opportunities for Montana more than any other state. Montana has the longest border between Canada and U.S. of any state in the nation and with the timber supply problems in Montana the potential for exporting timber of Canada into Montana exists.

**Vote:** Motion carried 18-0 on SB 392.

#### **HEARING ON SB 400**

##### **Opening Statement by Sponsor:**

**SEN. LORENTS GROSFIELD, SD 13, Sweet Grass County,** said this bill was an act providing requirements for flow-through hot springs pools.

##### **Proponents' Testimony:**

**John Raybenberg, Hot Springs Association,** said this bill would allow the pools to operate in a safe and natural way. This bill would take care of the safety of the people and also take care of the operators under these circumstances. The bill is well written.

**Michael Art, Chico Hot Springs,** said they have owned this facility for 23 years. They are proud of the impact they have had on tourism in Montana and the key to that is natural hot springs.

**Ron Page, Bozeman Hot Springs** said he and his family have owned this facility for 45 years. They have a clientele which ranges from tourist travel to mostly Montanans coming for rest, relaxation, family entertainment and recreation. There are also others who use the facility for non-stress aerobic exercise and rehabilitation. The various temperatures of pools is an asset. The temperatures are comfortable to swim in. There is also a cool bath, hot bath, hot tub temperature and even a little bit hotter. There are 400,000 gallons of water flowing through the pools every day.

**Barbara Reiter, Boulder Hot Springs,** said she supported this bill and she has had people from all over the world to visit their springs. These people are accustomed to not having chemicals in the waters. It would be very harmful to do that. It would not be productive to their business and the attraction of tourism to the state.

**Ray Honey, Lost Trail Hot Springs,** said their pools have had problems over the years. They contribute greatly to the tourism issue. He finds it difficult to understand why pool owners should be forced to adjust their chemicals. Their pool was built in 1940 and they have been having twelve-hour pool turn-over rates since 1940. There has never been a problem with that.

**Elizabeth Bruskoffe, Jackson Hot Springs Lodge**, said they were located in the Big Hole Valley. She said they supported this bill.

**Gene Goodmanson, White Sulphur Springs Spa and Hot Springs Motel**, said he was a doctor of chiropractic. He said he had a vital interest in the health aspects for the people who use these pools. He said people in his area emphatically do not have health problems. The pool is drained and cleaned every day and there are no health problems on a bacteriological standard, by the temperature of the water.

**Stuart Doggett, Montana Innkeepers Association**, said they support this bill. It provides fair regulation for a very unique industry and an important segment in the tourism economy.

**Opponents' Testimony:**

**Bob Robinson, Director, Department of Health and Environmental Sciences**, provided testimony regarding the temperature control in commercial hot springs which included information on body temperature regulation in heated environments; adverse health effects and temperature standards for spas and hot springs. **EXHIBIT 2.** He also supplied some suggested health and safety guidelines for public spas and hot tubs. **EXHIBIT 3**

**Questions From Committee Members and Responses:**

**REP. PAVLOVICH** questioned the turnover of the water and the temperature. **SEN. GROSFIELD** said most of the pools in the state have the capability of turning over in eight hours. There are a couple that don't. It is a health issue. This bill as introduced was a compromise package. Regarding the temperature, the Department originally agreed to 105 degrees.

**REP. KARL OHS** asked if there were problems with the temperature. **Mr. Raybenberg** said there were some pools running over 106 degrees, but the problem arises when the temperature is less because the patrons do not get the satisfaction needed in a cooler pool. The temperature has not been a problem.

**REP. CARLEY TUSS** asked if signs could be created that would cover the concerns or would that be cumbersome to the business. **SEN. GROSFIELD** said the sign posting has been developed. There have been instances of people falling asleep in hot tubs.

**REP. COCCHIARELLA** questioned the rulemaking authority. **SEN. GROSFIELD** said the temperature now was 106 degrees. The statement of intent does mention rulemaking. That goes to the creation of signs.

**REP. JOE BARNETT** said there was concern expressed on the temperature. **Mr. Page** said he was against the temperature change because the pools around hot springs differ quite greatly between

a normal hot tub that is located in a motel or health club. Most hot springs have numerous soaking pools with numerous temperatures. It is not the tendency to stay in one pool that is too warm for too long. There are cool water pools. The normal swimming pool range for an outdoor heated pool is 75 degrees.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 574

Motion: REP. MILLS MOVED HB 574 BE REMOVED FROM TABLE.

Discussion:

REP. BARNETT said he still opposed the bill.

REP. ROD MARSHALL stated he also still opposed the bill.

Vote: Motion carried to remove HB 574 from Table 12-6 with REPS. ELLINGSON, TUSS, EWER, LARSON, PAVLOVICH and COCCHIARELLA voting no.

Motion/Vote: REP. MILLS MOVED HB 574 DO PASS. Motion carried 12-6 with REPS. ELLINGSON, TUSS, EWER, LARSON, PAVLOVICH and COCCHIARELLA voting no.

EXECUTIVE ACTION ON SB 400

Motion: REP. BARNETT MOVED SB 400 BE CONCURRED IN.

Discussion:

REP. EWER stated he was concerned with the water temperature since this was a concern with the Board of Health also. Soaking in hot water can be injurious to the fetus of pregnant women. Chico Hot Springs does disclose this information with signs.

REP. MILLS said people with heart problems should also be conscientious of hot pools.

REP. OHS stated the temperature should remain as it is.

Vote: Motion carried on SB 400 18-0.

EXECUTIVE ACTION ON SB 80

Motion/Vote: REP. MILLS MOVED SB 80 BE CONCURRED IN. Motion carried 13-5 with REPS. PAVLOVICH, HERRON, LARSON, COCCHIARELLA and TUSS voting no.



EXECUTIVE ACTION ON SB 375

Motion: REP. ROSE FORBES MOVED SB 375 BE CONCURRED IN.

Discussion:

CHAIRMAN SIMON said he had discussed the issue with Workers' Compensation. The nurses have come in requesting an amendment to the bill which has been discussed with the people from Workers' Compensation. Although this poses a problem, there is a way to add advanced practiced registered nurses into the bill in those areas where a physician is not readily available. They are the primary providers in rural areas.

Motion: REP. MILLS MOVED THE MILLS AMENDMENTS.

Discussion:

REP. COCCHIARELLA opposed the amendments. Physical therapists should also be listed as treating physicians.

CHAIRMAN SIMON said physical therapists are not in independent practice and they need to be referred by a treating physician.

REP. ELLIS asked if this amendment had been referred to SEN. BENEDICT.

CHAIRMAN SIMON said he had discussed the amendment with him.

REP. COCCHIARELLA said because of the reasons stated she was even more worried about putting nurses on as treating physicians because they are not being supervised in doing these things on their own. That would be a worry.

REP. MILLS said the nurses were already licensed to practice and all that is being done with this bill is putting them as the practitioner under Workers' Compensation. The scope of their practice is not being widened.

REP. EWER said he agreed with the testimony of REP. COCCHIARELLA.

Vote: A roll call vote was taken to adopt the Mills amendment which failed 9-9 with REPS. PAVLOVICH, COCCHIARELLA, ELLINGSON, ELLIS, EWER, FORBES, LARSON, MCKEE and OHS voting no

Motion: REP. EWER MOVED THE EWER AMENDMENT.

Discussion:

REP. EWER explained the amendments.

REP. ELLIS said he resisted the amendment. The comparison which is made may have some validity, but society is allowed too much

ability to sue in the courts which has hurt Workers' Compensation.

REP. COCCHIARELLA said because there is a Workers' Compensation system, there is no right to sue. Workers' Compensation provides exclusive remedy.

REP. ELLINGSON said this is not an accurate measure of the earning capacity of the injured individual. If it is to remain in there it cannot be a consideration of the loss of earning capacity.

Vote: A roll call vote was taken and motion failed to adopt the Ewer amendments 8-10 with REPS. SIMON, BARNETT, DEVANEY, ELLIS, FORBES, HERRON, KEENAN, MARSHALL, OHS and SLITER voting no.

Motion/Vote: REP. COCCHIARELLA MOVED THE #1 COCCHIARELLA AMENDMENT. A roll call vote was taken and motion failed to adopt the #1 Cocchiarella amendment 7-11 with REPS. SIMON, MILLS, BARNETT, DEVANEY, ELLIS, FORBES, KEENAN, MARSHALL, MCKEE, OHS and SLITER voting no.

Motion/Vote: REP. COCCHIARELLA MOVED THE #2 COCCHIARELLA AMENDMENT. A roll call vote was taken and the motion failed to adopt the #2 Cocchiarella amendment 5-13 with REPS. SIMON, MILLS, BARNETT, DEVANEY, EWER, FORBES, HERRON, KEENAN, MARSHALL, MCKEE, OHS, SLITER and TUSS voting no.

Motion/Vote: REP. FORBES MOVED SB 375 BE CONCURRED IN AS AMENDED. A roll call vote was taken which passed 12-6 with REPS. PAVLOVICH, COCCHIARELLA, ELLINGSON, EWER, LARSON and TUSS voting no.

#### EXECUTIVE ACTION ON SB 384

Motion/Vote: REP. SLITER MOVED SB 384 BE CONCURRED IN. Motion carried 18-0.

#### EXECUTIVE ACTION ON SB 22

Motion/Vote: REP. HERRON MOVED SB 22 BE CONCURRED IN. Motion carried 18-0.

#### EXECUTIVE ACTION ON SB 242

Motion: REP. ELLIS MOVED SB 242 BE CONCURRED IN. REP. MCKEE MOVED THE AMENDMENTS.

Discussion:

REP. ELLIS said this was an uncommon practice to specify where a representative on a board must reside.

REP. PAVLOVICH said members on the lottery board were all from eastern Montana.

CHAIRMAN SIMON said there was already a geographical distribution requiring one member from each of the following districts and it lists five districts.

REP. SLITER said there is some concern that the two members would be from Helena and they in turn would have an over-bearing representation on the Board.

REP. COCCHIARELLA asked how the five areas were divided.

Sam Murfitt, Board of Horseracing, Department of Commerce, said the statute currently has five members on the Board. Each one must be from one geographic area.

REP. ELLIS said the only way this could be done is to designate two different representative districts.

TAPE 2, SIDE B

REP. MCKEE withdrew her amendment.

Motion/Vote: REP. COCCHIARELLA MOVED THE COCCHIARELLA AMENDMENT.  
Motion carried 18-0.

Motion/Vote: REP. DEVANEY MOVED SB 242 BE CONCURRED IN AS AMENDED. Motion carried 16-2 with REPS. EWER and SLITER voting no.

EXECUTIVE ACTION ON SB 19

Motion: REP. ELLIS MOVED SB 19 BE CONCURRED IN. REP. ELLIS MOVED THE ELLIS AMENDMENTS.

Vote: Motion failed to adopt the Ellis amendments 7-11 with REPS. HERRON, ELLINGSON, BARNETT, EWER, MILLS, MARSHALL and ELLIS voting no.

Motion/Vote: REP. MOVED SB 19 BE CONCURRED IN. Motion carried 12-6 with REPS. HERRON, BARNETT, EWER, SIMON, MILLS and KEENAN voting no.

EXECUTIVE ACTION ON SB 201

Motion/Vote: REP. EWER MOVED SB 201 BE CONCURRED IN. REP. TUSS MOVED SB 201 BE BROUGHT BACK INTO COMMITTEE TO REMOVED THE TUSS AMENDMENT. Motion carried 18-0.

Motion/Vote: REP. TUSS MOVED TO WITHDRAW THE TUSS AMENDMENT. Motion carried 18-0.

Motion/Vote: REP. TUSS MOVED SB 201 BE CONCURRED IN AS AMENDED. Motion carried 18-0.

CHAIRMAN SIMON relinquished the chair to VICE CHAIRMAN MILLS.

EXECUTIVE ACTION ON SB 38

Motion: REP. SIMON MOVED SB 38 BE CONCURRED IN. REP. SIMON MOVED THE SIMON AMENDMENTS.

Discussion:

REP. SIMON explained the Simon amendments.

REP. EWER asked what information will be provided to interested parties regarding the success of this program.

Andy Poole, Deputy Director, Department of Commerce, said within the text of the bill, there is a requirement that the Department report to the Revenue Oversight Committee the progress of the program. The loans which have been made to companies with the funds and the status of those loans is considered. This report would also include the number of jobs which had been created and the leverage of funds.

REP. DEVANEY said there would be a public institution or bank and that bank is going to take the lead on foreclosures. The Department will be forced to go along with the plan.

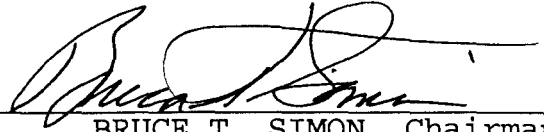
Vote: Motion carried to adopt the Simon amendments 18-0.

Motion/Vote: REP. EWER MOVED THE EWER AMENDMENTS. A roll call vote was taken which failed 4-12 with REPS. ELLINGSON, EWER, KEENAN and TUSS voting yes.

Motion/Vote: REP. SIMON MOVED SB 38 BE CONCURRED IN AS AMENDED. Motion carried 15-3 with REPS. EWER, KEENAN and TUSS voting no.

ADJOURNMENT

Adjournment: 11:40 A.M.



BRUCE T. SIMON, Chairman



ALBERTA STRACHAN, Secretary

BTS/ajs

# HOUSE OF REPRESENTATIVES

## Business and Labor

ROLL CALL

DATE 3-7-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	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		



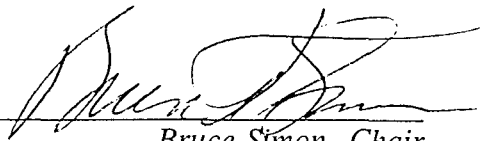
## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 392** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

  
Bruce Simon, Chair

Carried by: Rep. Cocchiarella

Committee Vote:  
Yes 18, No 0.

531305SC.Hbk



## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 400** (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

A handwritten signature in dark ink, appearing to read "Bruce Simon", is written over a horizontal line.

*Bruce Simon, Chair*

Carried by: Rep. Ohs

Committee Vote:  
Yes 18, No 0.

531306SC.Hbk





## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 80** (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "Bruce Simon", is written over a horizontal line.

*Bruce Simon, Chair*

**Carried by: Rep. Nelson**

Committee Vote:  
Yes 13, No 5.

531308SC.Hbk



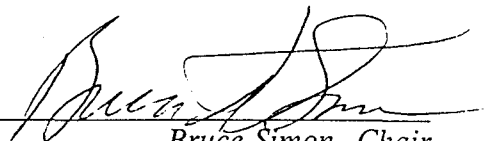
## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 375** (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

  
Bruce Simon, Chair

Carried by: Rep. Hibbard

Committee Vote:  
Yes 12, No 5.

531304SC.Hbk



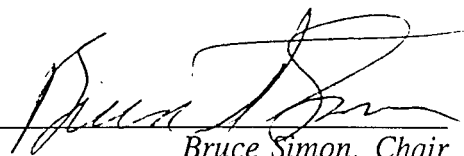
## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 384** (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

  
Bruce Simon, Chair

Carried by: Rep. Devaney

Committee Vote:  
Yes 18, No 0.

531308SC.Hbk




## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 22** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

  
Bruce Simon, Chair

Carried by: Rep. Herron

Committee Vote:  
Yes 18, No 0.

531309SC.Hbk



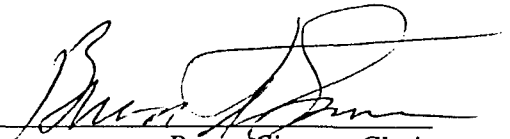
## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 242** (third reading copy -- blue) be concurred in as amended.

Signed: \_\_\_\_\_

  
Bruce Simon, Chair

Carried by: Rep. Tuss

And, that such amendments read:

1. Page 1, line 17.

Following: "industry"

Insert: "and may not represent the same district as described in subsection (3)"

-END-

Committee Vote:

Yes 16, No 2.

531310SC.Hbk




## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 19** (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

  
Bruce Simon, Chair

Carried by: Rep. Ellis

DS  
Committee Vote:  
Yes 12, No 6.

531311SC.Hbk



## HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 38** (third reading copy -- blue) be concurred in as amended.

Signed: \_\_\_\_\_

*Bruce Simon, Chair*

Carried by: Rep. Simon

And, that such amendments read:

1. Title, line 7.

Strike: "OR"

Insert: "AND"

2. Page 1, line 14.

Following: "expansion"

Strike: "and"

Insert: ", "

Following: "creation"

Insert: ", and job retention"

3. Page 1, line 18.

Following: "expansion"

Strike: "and"

Insert: ", "

Following: "creation"

Insert: ", and job retention"

4. Page 1, line 27.

Following: "create"

Committee Vote:

Yes 15, No 3.

531312SC.Hbk

Insert: "and retain"

5. Page 3, lines 18 through 24.

Following: "and" on line 18

Strike: the remainder of subsection (5)

Insert: "that the job investment loan may not exceed the funding provided by private lenders and that at least one private lender must be a financial institution. The department shall secure the most favorable collateral position possible on any job investment loan."

6. Page 3, line 26.

Following: "review process"

Insert: "that:

(a) incorporate the funding criteria adopted by the department to implement the federal community development block grant program pursuant to 90-1-103(5);

(b) minimize the amount of Job Investment Act funds required; and

(c) require financial institution review and contingent approval of the project before Job Investment Act funds are committed"

7. Page 3, lines 29 and 30.

Following: "deposit" on line 29

Strike: the remainder of line 29 through "and" on line 30

8. Page 4, line 8.

Following: "(2)"

Strike: "A"

Insert: "If a"

Following: "of"

Strike: "department or the loan review"

Following: "committee"

Strike: "who"

9. Page 4, lines 9 and 10.

Following: "application"

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

Insert: ", then the application must be denied"

-END-



# HOUSE OF REPRESENTATIVES

## BUSINESS AND LABOR COMMITTEE

### ROLL CALL VOTE

DATE 3-7-95 BILL NO. SB 38 NUMBER \_\_\_\_\_

MOTION: Ewer amend

Motion fails

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 3-7-95 BILL NO. SB375 NUMBER

MOTION: Be concurred as amended

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 3-7-95 BILL NO. SB 315 NUMBER       

MOTION: Cocchiarella #2 amend

Motion fails

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 3-7-95 BILL NO. SB375 NUMBER       

MOTION: Cocchiarella amendments

Motion fails

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 3-7-95 BILL NO. SB375 NUMBER \_\_\_\_\_

MOTION: Ewer amendment

Motion fails

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 3-7-95 BILL NO. SB375 NUMBER \_\_\_\_\_

MOTION: Mills amendment

Motion fails

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	✓	

**Written Statement on SB 151**  
**James A. Nys**

My name is Jim Nys, I am the owner of a temporary help service in Helena. I appear today on my own behalf and as a representative of several other temporary operators in Montana.

Over the past two years, the temporary employment industry in Montana has run into a number of problems which are, I believe, unintended consequences of a 1991 change to workers' compensation statutes. If not corrected, I believe the continued existence of the temporary help industry in Montana is threatened.

Based on a review of the legislative committee minutes from 1991 and discussions with officials at both the Department of Labor and State Fund, the intent of the 1991 legislation was to:

- 1) ensure that all employees are covered for workers' compensation
- 2) prevent employers from circumventing experience ratings of benefits policies by transferring current employees to employee leasing firms.

In the committee minutes from 1991, it is clearly stated that the intent of the sponsor was to allow "businesses who furnish temporary employees to other employers to continue to provide the required worker's compensation coverage" (House Labor and Employment Relations Committee Minutes, March 13, 1991, page 3)

The legislature adopted a State Fund proposal that defined a *temporary service contractor* and a *temporary worker*.

39-71-116 (27) defines a **temporary service contractor** as one who employs individuals for the purpose of furnishing the services of those individuals on a part-time or temporary basis to others.

39-71-116 (29) defines a **temporary worker** as a worker who services are furnished to another on a part-time or temporary basis to substitute for a permanent employee on leave or to meet an emergency or short-term workload.

These definitions become important in the following two sections of the work comp act: 39-71-117 (1)(c)(2) defines a temporary service contractor as the employer of a temporary employee for premium and loss experience purposes.

39-71-117 (1)(c)(3) states that if a person utilizes a worker from an organization other than a temporary services contractor (emphasis added) the person using the worker is the employer for premium and loss experience ratings unless the organization furnishing the services retains control over the worker and the organization furnishing the service covers the employee for work comp purposes.

These definitions, which were adopted without input or review from the affected industry have proven too narrow in that they are being interpreted to prohibit Montana businesses from utilizing the flexibility that temporary employees provide to businesses in the other 49 states. Based on my research, no other state has restricted the use of temporary employees as Montana currently does.

The Department of Labor's Uninsured Employer Program has taken the position that if a client uses temporary workers for seasonal or projects lasting longer than a few months, the client employer is "uninsured" with respect to the assigned temporaries even though the temporaries are my employees and proper workers' compensation insurance premiums are being paid by my firm for the work involved. This policy forces us to turn down longer projects or arbitrarily "cut off" a client's trained worker before project's end. Such arbitrary rules can result in loss of clients who then are mad at us for pulling a critical temporary employee six months into a seven month project. I believe it is important to note that as an industry, temporary service contractors have always covered their employees for workers' compensation purposes. Because the employees are covered, I frankly am hard pressed to see any valid public policy reason to apply such arbitrary rules.

State fund is apparently worried that temporary contractors will allow its services to be used by firms "mod shopping" (i.e., seeking to avoid a high "premium modification factor"). State fund is apparently unaware that most temporary services, myself included, have strong risk management programs which would prohibit them from taking on customers with excessive loss ratios.

Senate Bill 151 is the product of meetings between Temporary Industry representatives, the Montana Chamber of Commerce, Department of Labor and State Fund Officials. While the language still puts more restrictions on our industry than does any other state, it clarifies that the use of a temporary by a client for an assignment of specific duration does not create an uninsured employer situation for the client.

I urge your support of this bill and would be happy to answer questions for committee members.



## Temperature Control in Commercial Hot Springs

### Body Temperature Regulation in Heated Environments

The core human body temperature is maintained at 98-99 degrees Fahrenheit by the brain and circulatory (blood) systems. When the brain senses an increase in temperature, heated blood is shunted away from the internal organs to the body's surface. At the surface, heat is dissipated through the skin to the surrounding environment; this is what happens when we sweat. However, this regulating mechanism is overwhelmed when the body cannot lose its heat to its surroundings. Indeed, when the body is immersed in hot water, heat loss cannot occur and, instead, the body gains heat from the hot water. This heat is transported via the blood back into the body, thus raising the body's core temperature and causing more blood to be shunted away from internal organs back to the skin, where, in turn, it gets heated again-- "vicious cycle".

### Adverse Health Effects

This shunting of heated blood not only raises the body's core temperature, but it can burden the heart and diminish blood flow to the brain. When blood flow to the brain decreases, heat stroke can occur; that is, the person becomes unconscious. If heat stroke occurs in a pool, the person can drown. Fatal heat stroke has occurred rapidly in healthy adults NOT drinking alcohol while sitting in hot pools kept at 106 degrees Fahrenheit or higher. Moreover, seizures can occur at temperatures of 106 degrees or higher, and irreversible brain damage generally begins at temperatures of 108 degrees or higher. In addition, one study has demonstrated a high incidence of birth defects when pregnant women are immersed in water at 102 degrees for more than 15 minutes.

These heat effects occur more rapidly in children, people with underlying illness (particularly heart disease or diabetes), and in those drinking alcohol or using medications that affect heat regulation or induce drowsiness.

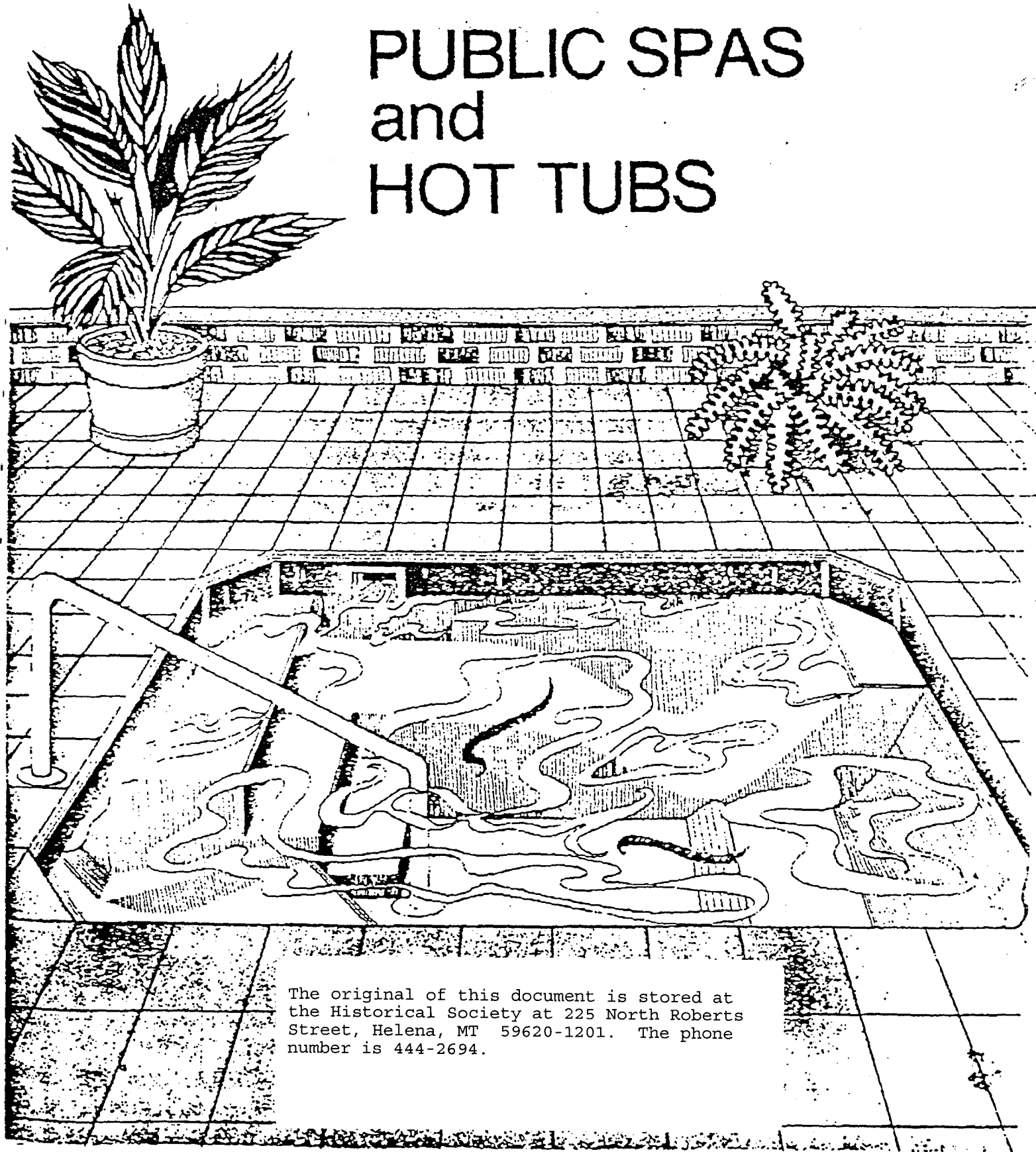
### Temperature Standards for Spas and Commercial Hot Springs

Given the above, in hot spas and commercial flow-through hot springs, it is generally recommended that temperatures should not exceed 100-104 degrees. Some experts recommend an upper limit of 100-101 degrees for healthy adults. Moreover, bathing intervals should not exceed 20 minutes in duration. In addition, people should abstain from bathing or consult a physician before bathing if the bather falls into one of the high-risk categories described above.

The Consumer Product Safety Commission (CPSC), The National Spa and Pool Institute, The Centers for Disease Control (CDC), and the Boards of Health of the States of Washington, Oregon, California, Michigan, and Idaho all recommend a maximum temperature of 104 degrees.

# Suggested Health and Safety Guidelines for

## PUBLIC SPAS and HOT TUBS



The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business

DATE 3-7-95

BILL NO. SB 400 SPONSOR(S) \_\_\_\_\_

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
GENE GUDMUNDSON WHITE SULPHUR SPRINGS	MONTANA MINERAL HOT SPRINGS ASSOC.	✓	
John Chabery	Hot Springs Assoc.	✓	
Ronald Page	Bozeman Hot Springs	✓	
RAY HONOR	LOST TRAIL HOT SPRINGS SULPHUR	✓	
Barb Ruten	BOULDER HOT SPRINGS	✓	
Glynneth Brunkoff	Jackson Hot Springs	✓	
Stuart Daggitt	MT Innkeepers Assoc.	✓	
Bob Robinson	DHES		✓
Don Torgensen, MD	DHES		✓

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

HOUSE OF REPRESENTATIVES  
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Business

DATE 3-7-95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Riley Johnson	MT. BROADCASTERS <sup>ASSN.</sup>	✓	
DARRELL HOLZER	AFL-CIO		✓
David Owen	MT Chamber	✓	

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Business

DATE 3-7-95

BILL NO. SB 151

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Jim NYS	Personnel Plus	✓	
David Owen	mt chambre	✓	
Jaqueline Denmark	Am. Ins. Assn	✓	

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