

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Sen. Towe, Chair, on January 19, 1993, at 1:05 P.M.

ROLL CALL

Members Present:

Sen. Tom Towe, Chair (D)
Sen. Bill Wilson, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Jim Burnett (R)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)

Members Excused: Sen. Chet Blaylock

Members Absent: None

Staff Present: Eddy McClure, Legislative Council
Patricia Brooke, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: SB 15, SB 33, SB 91, SB 116

EXECUTIVE ACTION ON SB 15

Motion: Sen. Lynch offered an amendment to SB 15(Exhibit #1). He stated this amendment makes SB 15 applicable to schools but not municipal governments. Eddy McClure explained that the amendment puts the bill back in original form but makes it mandatory for school districts to follow a grievance procedure. Sen. Lynch moved the amendment.

Discussion: Sen. Aklestad stated the amendment favors one group and SB 15 generally would infringe on bargaining agreements.

Vote: Motion carried unanimously and the amendment was adopted. Senators Towe, Wilson, Aklestad, Burnett, Keating, and Lynch voted in favor of the amendment.

Discussion: Because there was disagreement on the amendment the committee decided to pass on further action on the amended bill

for the day and consider it at a later time.

EXECUTIVE ACTION ON SB 33

Motion: Sen. Lynch moved to adopt the amendment for SB 33(Exhibit #2).

Discussion: Legal counsel, Eddy McClure, explained the amendment and discussed the communication with the U.S. Department of Labor and their comparison to the Colorado bill. The U.S. Department of Labor stated that this bill does not contradict federal law since the bill does not include the phrase "freeze rates" even though essentially it is doing the same thing.

Vote: The committee voted unanimously to adopt the amendment.

Motion: Sen. Lynch moved for DO PASS.

Vote: The committee voted unanimously for the motion that the bill DO PASS and it was referred to the Senate floor for the 2nd reading.

EXECUTIVE ACTION ON SB 91

Motion: Sen. Lynch moved to adopt the amendment(Exhibit #3) for SB 91.

Discussion: Sen. Aklestad stated that the amendment broadens the bill from the original intent and he doesn't think this is a good idea. Sen. Towe stated this amendment limits the bill by removing community service programs from the bill. Chuck Hunter, Montana Department of Labor, explained that while at pre-release centers inmates earn wages and this bill will allow them to receive the full benefits for temporary total from workers compensation if they are injured. The committee discussed at what time inmates are covered by their employer's insurance.

Vote:

The motion to amend carried.

Senators in favor of the amendment were Wilson, Lynch, Burnett and Towe. Senators opposed to the amendment were Keating and Aklestad.

Motion: Sen. Lynch moved that the bill Do Pass.

Vote: The motion failed. Senators opposed to SB 91 were Keating, Aklestad, and Burnett. Senators in favor of SB 91 were Lynch, Wilson, and Towe. The bill remains in committee.

EXECUTIVE ACTION ON SB 116

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

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Motion: Sen. Aklestad moved that the bill Do Pass. Sen. Keating called the question.

Discussion: Sen. Towe asked for a discussion and stated he didn't want to allow salespeople to avoid unemployment coverage, overtime protection, and other employment benefits. The salespeople have been protected by unemployment and should continue. Sen. Towe stated this bill is bad public policy.

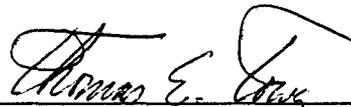
Motion/Vote: Sen. Aklestad called the question.

Vote: The motion carried.

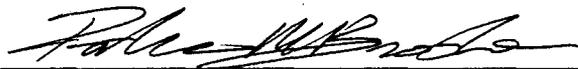
Sens. Burnett, Aklestad, Lynch, Wilson, and Keating voted yes. Sen. Towe voted against the bill. The bill was referred to the Senate floor for the 2nd reading.

ADJOURNMENT

Adjournment: 1:35 P.M.



SEN. TOM TOWE, Chair



PATRICIA BROOKE, Secretary

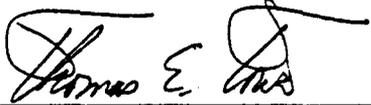
TET/PMB

SENATE STANDING COMMITTEE REPORT

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January 19, 1993

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 33 (first reading copy -- white), respectfully report that Senate Bill No. 33 be amended as follows and as so amended do pass.

Signed: 

Senator Thomas E. "Tom" Towe, Chair

That such amendments read:

1. Page 2, line 9.

Following: "employer"

Strike: "is self-employed and"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 19, 1993

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 116 (first reading copy -- white), respectfully report that Senate Bill No. 116 do pass.

Signed: Thomas E. Towe
Senator Thomas E. "Tom" Towe, Chair

Exhibit #1

Amendments to Senate Bill No. 15
First Reading Copy

Requested by Senator Lynch
For the Senate Labor Committee

Prepared by Eddy McClure
January 18, 1993

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. #1
DATE 1/19/93
BILL NO. SB 15

1. Title, line 5.
Following: "IN"
Insert: "SCHOOL"

2. Page 1, line 15.
Following: "(2)"
Strike: "An"
Insert: "Except as provided in subsection (5), an"
Following: "may"
Strike: "must"
Insert: "may"

3. Page 2, line 6.
Following: line 5
Insert: "(5) An agreement to which a school is a party must
contain a grievance procedure culminating in final and
binding arbitration of unresolved and disputed
interpretations of agreements."

Exhibit #2

Amendments to Senate Bill No. 33
First Reading Copy

For the Senate Labor Committee

Prepared by Eddy McClure
January 19, 1993

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. #2

DATE 1/19/93

BILL NO. SB 33

1. Page 2. line 9.
Following: "employer"
Strike: "is self-employed and"

Amendments to Senate Bill No. 91
First Reading Copy

Requested by Senator Christiaens
For the Senate Labor Committee

Prepared by Eddy McClure
January 13, 1993

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. #3

DATE 1/19/93

BILL NO. SB 91

1. Title, lines 7 and 8.
Following: "PROGRAMS" on line 7
Strike: remainder of line 7 through "PROGRAMS" on line 8
2. Title, line 9.
Following: "AMENDING"
Strike: "SECTIONS 39-71-118 AND"
Insert: "SECTION"
3. Page 1, lines 13 through page 5, line 25.
Strike: section 1
Renumber: subsequent section
4. Page 6, line 3.
Following: "(1)"
Strike: "A"
Insert: "Except as provided in subsection (2), a"
5. Page 6, line 12.
Following: "A"
Strike: "claimant"
Insert: "person"
6. Page 6, lines 13 and 14.
Following: "program" on line 13
Strike: remainder of line 13 through "program" on line 14
7. Page 6, lines 15 and 16.
Following: "eligible"
Strike: the remainder of line 15 through "39-71-118" on line 16
Insert: "for temporary total benefits as provided in 39-71-701
and medical benefits for a work-related injury. Other
disability or rehabilitation benefits are not payable while
the worker is participating in a prerelease center. This
subsection does not prohibit the reinstatement of other
benefits upon release from incarceration, nor does it apply
to an employee performing community service described in 39-
71-118(1)(f) "