

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2359

2001 SENATE INDUSTRY, BUSINESS AND LABOR
SB 2359

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2359

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 29, 2001

Tape Number	Side A	Side B	Meter #
1		x	31.6 to end
2	x		0 to 18.5
(Jan. 30/01) 2	x		53.5 to end
2		x	0 to 6.6
(March 28/01) 1	x		3.6 to 6.9
Committee Clerk Signature <i>Doris Pérez</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on SB 2359 to provide counseling services and leave for railroad crew members following an accident SEN. LARRY ROBINSON, District 24, sponsor. Recounted accident in Valley City in 1999, states there is a need to address the traumatic feelings and experiences suffered by engineers. There is a need for counseling and leave.

SENATOR ESPEGARD: There is no counseling now?

S ROBINSON: Not universal, not structured. There is a safety bill for the general public.

DON HUFF, ND Brotherhood of Locomotive Engineers, supports this bill. Recounted accident he had in 1999. To get counseling took one week and there was no time off.

SENATOR ESPEGARD: Nobody contacted you in one week?

D HUFF: Road managers and masters were there right after the accident.

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SENATOR TOLLEFSON: Was this delay a singular instance or is this the general practice?

D HUFF: It varies. Counseling should be available within 48 hours.

MIKE MUSCHA, BLE ND State Legislative Board. Written testimony attached in favor of this bill.

RONALD HUFF: Recounted accident experience, urges do pass vote on this bill.

BRIAN J. SWEENEY, Legislative Counsel, Burlington Northern Santa Fe. Opposes mandated counseling, it's needless, inconsistent and potentially damaging. Written testimony attached, including copies of critical incident peer support program. What we already have in place is better. There is peer referral, counseling, peer group members contact employees. Employee assistance plan provides counseling and, if needed, referral to a professional counselor.

Employees insurance covers most services. We provide time-off if needed, sometimes to get back immediately after the accident is best. It is not good policy to mandate same treatment for all, it should be done on a case by case basis.

THOMAS KELSCH, Canadian Pacific Railroad, against this bill. Distributed copy of Critical Incident Response Program-Policy. This problem has to be addressed on a case by case basis, depending on the individuals and circumstances involved.

Hearing closed.

Jan. 30/01. Tape 2-A-53.5 to end; 2-B- 0 to 6.8.

Committee reconvened. All members present. Discussion held.

SENATOR EVERY: Canadian Pacific Policy not satisfactory, leaves too much to the discretion of the employer and is non specific. Burlington Northern's has more teeth, but both leave it to the discretion of the company to change the policy.

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SENATOR ESPEGARD: It is not up to us to mandate policy on things such as days off, that's up to the company.

SENATOR MUTCH: The number of days off seems arbitrary.

SENATOR TOLLEFSON: Assessment time seems to be the key, but it shouldn't be put in the law.

SENATOR KREBSBACH: Time off should be decided on a case by case basis. Mr. Sweeney said that in 28 states have attempted similar legislation which has not passed.

SENATOR KLEIN: Move do not pass. **SENATOR ESPEGARD:** Second.

Roll call votes: 5 yes; 2 no . Carrier: SENATOR MUTCH.

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March 28/01. Tape 1-A- 3.6 to 6.6 Committee reconvened. All members present. Committee studied and discussed House amendments.

Senator Espegard: All the House did is require a written policy, and that copies of it be given to all employees.

Senator Every: Motion: concur with House amendments. **Senator Espegard:** Second.

Roll call vote: 6 yes; 1 no. Motion carried. Floor assignment: **Senator Mutch.**

Date: 1/30/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2359

Senate Senate Industry, Business and Labor Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By S Klein Seconded By S Esp

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every		✓
Senator Klein - Vice Chairman	✓		Senator Mathern		✓
Senator Epegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Mutch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 31, 2001 8:03 a.m.

Module No: SR-17-1971
Carrier: Mutch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2359: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Eleventh order on the calendar.

