2017 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1260

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1260
1/17/2017
26963

☐ Subcommittee
☐ Conference Committee

Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Unemployment insurance eligibility in the case of a labor dispute.

Minutes: Attachments 1

Chairman Keiser: Opens the hearing of HB 1260.

Rep M Nelson~District 9: Attachment 1.

Rep Boschee: Who determines the gray area?

Nelson: Ultimately the Labor Department.

Rep Laning: How has this been historically handled.

Nelson: Historically, favors the employer.

Rep Laning: Do you know when that was?

Nelson: Four years ago.

Chairman Keiser: Anyone else here to testify in support, opposition, neutral to HB 1260?

Darren Brostrom~Job Service of ND: We are in a neutral position, it's a statewide policy on how this should be handled. Language being proposed is adjusted, supreme court found that prior to 2013, as a result of that, the Legislature submitted in 2013 HB 1112 where they changed it so they added the verbiage to claimants work stop & got rid of claimants work stop of any kind. The language prior to 2013, find in favor of lock outs for eligibility.

Rep Ruby: That was the big issue, they were in negotiation & hit an impasse. The company did a lock out; we don't have contract. Until we have a contract, we are not going to operate. Those were the people that got covered, in a way it seems that wouldn't apply to anyone involved in works of the stoppage, but actually wouldn't they?

Brostrom: You get into some difficult situations & in that sense, your correct. There is passion & strong feeling on both sides.

Chairman Keiser: Closes the hearing on HB 1260, what are the wishes of the committee?

Rep Ruby: Moves a Do Not Pass.

Vice Chairman Sukut: Second.

Rep Ruby: Explains why he will vote a Do Not Pass.

Rep Boschee: I'm going to resist the motion. I see this bill doing, is that Job Service, is an employee who wants to work, not no longer able to work because of the employer, the Job Service benefits paid into the funds will reimburse them. Again, in hope, the goal is for everyone to work. It's outside of their control.

Rep Kasper: You have the two sides & there is all kinds of reasons A lock out is a tool, I would want to keep the bargaining chip equal, that is why I will support the motion.

Roll call was taken for a Do Not Pass on HB 1260 with 11 yes, 1 no, 2 absent & Rep Laning is the carrier.

Date: Jan 17, 2017

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1260

House Industry, Business and Labor **Committee**

☐ **Subcommittee**

Amendment LC# or Description:

Recommendation

☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions ☐ Reconsider ☐

Motion Made By Rep Ruby **Seconded By** Rep Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep Laning	X	
Vice Chairman Sukut	X		Rep Lefor	X	
Rep Beadle	X		Rep Louser	X	
Rep R Becker	Ab		Rep O'Brien	X	
Rep Bosch	X		Rep Ruby	X	
Rep C Johnson	X		Rep Boschee		X
Rep Kasper	X		Rep Dobervich	Ab	

Total (Yes) 11 No 1

Absent 2

Floor Assignment Rep Laning

REPORT OF STANDING COMMITTEE

HB 1260: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1260 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1260

HB1260

Rep. Marvin E. Nelson, District 9 1/17/2017

House Industry Business and Labor Committee

HB1260 is to make the unemployment situation equivalent between individual workers and groups of workers in that the state does not take sides. If the worker is not working due to the action of the worker, the worker is ineligible for unemployment. If the worker is not working due to the action of the employer, the worker may collect unemployment. Same for groups as it is for individuals.

We came up with some new verbage. If you look on line 8 is the first occurrence of "claimant's work stoppage" so things don't have to technically be a strike or sympathy strike. The idea is simple, if the claimant is the cause of the work stoppage, the claimant is ineligible.

The change is the lockout. Since the employer decides to stop work, then the claimants are eligible.