

March 1, 1976

SENATOR MURPHY: Well, gentlemen, I would point out to you just one or two things in the bill and ask that you look very carefully at it. This bill is labeled a bill to help collect wages that have been denied people who have done work. Not until you reach section 8 does the subject of collecting wages ever come to the surface. Everything else is an employment contract for all the employees of the state, work that is normally done by the union negotiation method. Section 10 sets forth a series of dictates under which this bill will be carried out. It makes the head of the Department of Labor the judge, jury and enforcer of this law. There is, really, no provision, Senator Burrows mentioned that the subject of rules and regulations had been removed, but we still leave to the total discretion of one man to sit on judgment on this according to his own dictates. The bill speaks to many things after that including matters of check off, matters of vacation, which I understand Senator Burrows is now removing from the white copy but this bill goes very far afield from the collection of wages. I would point out that the state will sue on behalf of an employee, and should the state prevail, the employer will pay court costs and they will be kept by the state. I would also point out that should the employer prevail in this matter he will pay his own court cost and God bless him. I am curious as to why the state, of all people, would exempt itself from the provisions of this law. We have had numerous complaints filed against the state for vacation time, for wages, for overtime, and yet, very nicely, this bill exempts the state, the railway employees, subdivisions of government. Is it a crime only on behalf of an individual employer or is it a crime? I ask you again, please, read section 10 thoroughly. I think you will find it very objectionable.

PRESIDENT: Senator Marvel.

SENATOR MARVEL: I would like to direct my comments to Senator Burrows. So I will make a statement with your permission, Mr. President, and then see if Senator Burrows has some comments. First of all, as I understand this bill, I assume we are now talking about the white copy, is that true? We are talking about 410 people who can be recognized as having claims in a three year period. One alternative is for them to go through the small claims court, as I understand. If I understand the small claims court, it is difficult...may I ask this question? Is it all right if I quiz him? The small claims court that we are talking about, is this the one on the local level or is this the one on the state level?

SENATOR BURROWS: This would be the local level, the small claims court. Of course, the limit there is \$500 and the decision of that is not binding on the employer. If he wants to carry it on and force the employee to pay court costs and to go ahead and sue.