

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON HOUSE BILL 389

Call to Order: By CHAIRMAN DELWYN GAGE, on April 16, 1997, at
8:06, in Room 104.

ROLL CALL

Members Present:

Rep. Bruce T. Simon (R)
Rep. Matt Brainard (R)
Rep. Patrick G. Galvin (D)
Sen. Delwyn Gage (R)
Sen. Lorents Grosfield (R)
Sen. Bill Wilson (D)

Members Excused: Sen. Bill Wilson, excused at 8:30.

Members Absent: None

Staff Present: Elaine Benedict, House Committee Secretary

HEARING ON HB 389

EXHIBIT 1. Beth Baker, Department of Justice.

Sponsor: REP. BRUCE SIMON, House District 18, Billings.

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Count: 1.6; Comments: None.}

Questions From Committee and Responses:

{Tape: 1; Side: A; Approx. Time Count: 5.8; Comments: None.}

Informational Testimony:

Ms. Baker.

{Tape: 1; Side: A; Approx. Time Count: 7.9; Comments: None.}

REP. SIMON.

{Tape: 1; Side: A; Approx. Time Count: 10.7; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 12.3; Comments: None.}

Informational Testimony:

Ms. Baker.

{Tape: 1; Side: A; Approx. Time Count: 15.1; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 15.8; Comments: None.}

EXECUTIVE ACTION ON HB 389

Amendments: Item 1 of Exhibit 1.

Motion/Vote: SEN. LORENTS GROSFIELD MOVED AMENDMENT 1 OF EXHIBIT 1, WITH THE SUBSTITUTION OF "ANY PERSON" FOR "A PERSON", DO PASS. Motion failed.

{Tape: 1; Side: A; Approx. Time Count: 19.0; Comments: None.}

Motion/Vote: SEN. GROSFIELD MOVED THAT AMENDMENT 1 OF EXHIBIT 1, WITH THE SUBSTITUTION OF "ANY PERSON FOR "A PERSON" AND WITH THE EXCEPTION OF THE PHRASE "AFFECTED BY THE RULE", DO PASS. Motion carried unanimously.

{Tape: 1; Side: A; Approx. Time Count: 19.8; Comments: None.}

HEARING ON HB 389

Informational Testimony:

Ms. Baker.

{Tape: 1; Side: A; Approx. Time Count: 20.1; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 22.1; Comments: None.}

Informational Testimony:

Ms. Baker.

{Tape: 1; Side: A; Approx. Time Count: 28.3; Comments: None.}

Questions From Committee and Responses:

{Tape: 1; Side: A; Approx. Time Count: 29.7; Comments: None.}

Informational Testimony:

Ms. Baker.

{Tape: 1; Side: A; Approx. Time Count: 30.1; Comments: None.}

Questions From Committee and Responses:

{Tape: 1; Side: A; Approx. Time Count: 30.9; Comments: None.}

Informational Testimony:

Ms. Baker.

{Tape: 1; Side: A; Approx. Time Count: 31.2; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 32.3; Comments: None.}

Informational Testimony:

Ms. Baker.

{Tape: 1; Side: A; Approx. Time Count: 34.6; Comments: None.}

REP. SIMON.

{Tape: 1; Side: A; Approx. Time Count: 35.8; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 36.8; Comments: None.}

Informational Testimony:

Mark Cadwallader, Department of Labor & Industry Staff Attorney.

{Tape: 1; Side: A; Approx. Time Count: 43.7; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 4.8; Comments: None.}

EXECUTIVE ACTION ON HB 389

Amendments: Item 2 of Exhibit 1.

Motion/Vote: SEN. GROSFIELD MOVED AMENDMENT 2 OF EXHIBIT 2 WITH THE FOLLOWING CORRECTIONS: PAGE 2, SUBSECTION 5--CHANGE "PART" TO "CHAPTER" AND STRIKE "RULEMAKING"; ADD TO END OF SUBSECTION 5--"THIS TERM DOES NOT EXTEND TO CONTESTED CASES"; PAGE 3, SECTION 4--CHANGE "NOTICE" IN FINAL SENTENCE TO "RATIONALE"; PAGE 6, SUBSECTION 8--CHANGE FINAL SENTENCE TO READ "AN AGENCY MAY USE AN AMENDED PROPOSAL NOTICE, BUT (EXCEPT FOR CLERICAL CORRECTIONS) NOT THE ADOPTION NOTICE, TO CORRECT DEFICIENCIES IN A STATEMENT OF REASONABLE NECESSITY." DO PASS. Motion carried unanimously. {Tape: 1; Side: B; Approx. Time Count: 8.0; Comments: None.}

Motion: REP. SIMON MOVED TO INCLUDE THE PRIOR SECTION 1 OF THE BILL AS IT WAS PROPOSED. {Tape: 1; Side: B; Approx. Time Count: 10.1; Comments: None.}

Vote: Motion failed with SEN. DELWYN GAGE, SEN. GROSFIELD and SEN. BILL WILSON voting no. {Tape: 1; Side: B; Approx. Time Count: 14.1; Comments: None.}

Motion/Vote: REP. SIMON MOVED THE ADOPTION OF THE COMMITTEE REPORT. Motion passed unanimously. {Tape: 1; Side: B; Approx. Time Count: 14.3; Comments: None.}

ADJOURNMENT

Adjournment: 9:00



SEN. DELWYN CAGE, Chairman



ELAINE BENEDICT, Secretary

DG/EMB