

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on February 19, 1997, at 9:09 A.M., in ROOM 410.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Bea McCarthy (D)

Members Excused: Sen. Steve Benedict, Vice Chairman (R)

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Mary Gay Wells, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: SB 286
SB 348 TABLED
SB 200 TABLED

EXECUTIVE ACTION ON SB 286

Motion: SEN. CASEY EMERSON MOVED DO PASS ON SB 286.

Motion: SEN. WILLIAM CRISMORE MOVED DO PASS ON AMENDMENTS sb028601.abc (EXHIBIT 1).

Discussion: Bart Campbell explained the Amendments, adding they were referred to by the proponents of SB 286 and requested by SEN. BRUCE CRIPPEN.

SEN. BEA MCCARTHY referred to Page 5, Lines 20-21, of the bill and asked for explanation. Bart Campbell said if major modifications were made to a primary function area of a building, exterior access problems would have to be considered. Lines 20-21 define primary function areas according to federal guidelines. SEN. MCCARTHY asked why a restroom was not a primary function

area. Mr. Campbell said it was not the major activity for which the building was designed. He said building codes already dealt with interior aspects and their accessibility. SEN. MCCARTHY asked if accessibility from airports into airplanes was covered in this bill. Mr. Campbell said it would be if a new airport were built or if a major renovation were made; however, the bill has no retroactive applicability.

SEN. CASEY EMERSON wondered if public building could possibly mean one built by the public. Mr. Campbell referred to Page 5 and said it was defined in the bill.

Vote: Motion DO PASS ON AMENDMENTS sb028601.abc CARRIED UNANIMOUSLY 6-0.

Motion: SEN. DEBBIE SHEA MOVED DO PASS ON SB 286 AS AMENDED.

Discussion: SEN. WILLIAM CRISMORE said SB 286 was necessary; however, sometimes the request was for frills.

SEN. BEA MCCARTHY agreed, saying sometimes they asked for exceptions.

SEN. CASEY EMERSON said sometimes it was easier for people in wheelchairs to access buildings than for the very elderly to do so.

SEN. MCCARTHY said she questioned the \$141,000 to do inspections. SEN. JOHN HERTEL agreed, and wondered about the five additional FTE's.

SEN. CRISMORE asked whether there was that much construction going on in the state -- everytime we do something like this, it gives the department the opportunity to come in.

SEN. MCCARTHY said the fiscal note was not necessarily binding, but a "guesstimate".

SEN. EMERSON asked if, when the fiscal note hit the floor, it could be tied to something in the bill which would say to cut back. Bart Campbell said passing the bill had nothing to do with the fiscal note because Commerce had to go to Appropriations to ask for it.

Vote: Motion DO PASS ON SB 286 AS AMENDED CARRIED UNANIMOUSLY 6-0.

EXECUTIVE ACTION ON SB 348

Motion: SEN. DEBBIE SHEA MOVED DO PASS ON SB 348.

Amendments: SEN. BEA MCCARTHY MOVED to Amend SB 348 (EXHIBIT 2).

Discussion: CHAIRMAN JOHN HERTEL offered a letter in opposition to SB 348 (EXHIBIT 3).

Motion: SEN. MCCARTHY WITHDREW her motion to Amend.

Motion/Vote: SEN. WILLIAM CRISMORE MOVED TO TABLE SB 348. The motion CARRIED with SENATOR EMERSON voting NO.

EXECUTIVE ACTION ON SB 200

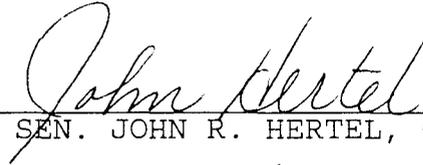
Motion/Vote: SEN. DEBBIE SHEA MOVED TO BRING SB 200 OFF THE TABLE. The motion CARRIED UNANIMOUSLY.

Discussion: SEN. SHEA offered information in support of SB 200 (EXHIBIT 4). There was little further support for this bill.

Motion/Vote: SEN. CASEY EMERSON MOVED TO TABLE SB 200. The motion CARRIED with SENATORS SHEA and MCCARTHY voting NO.

ADJOURNMENT

Adjournment: 9:39 A.M.



SEN. JOHN R. HERTEL, Chairman



MARY GAY WELLS, Secretary

JH/MGW