

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 29, 1985

The fiftieth meeting of the Business & Industry Committee met on March 29, 1985 at 4 p.m. in Room 410 of the Capitol Building.

ROLL CALL: All committee members were present.

DISPOSITION OF HOUSE BILL 183: Senator Christiaens had proposed an amendment to House Bill 183 stating that in buildings maintained by a state or political subdivision where 7 or more employees are occupying a room, that the manager shall arrange nonsmoking and smoking areas, but at the same time preserving the right of a smoker to smoke in a convenient portion of the building. (EXHIBIT 1)

A discussion followed of just who is considered the manager of a building. Senator Christiaens felt in the counties you are elected to a position and each division has a manager.

Mary McCue, Legislative Staff Attorney, noted it would be necessary to say 7 or more people. Senator Christiaens noted this amendment just addresses and gives clarification to a problem in government. Senator Goodover felt the existing law is working and did not see the need for a change. Senator Christiaens noted he had received several phone calls pertaining to this situation and so had Senator Fuller. Senator Goodover felt there were many situations that could not be addressed in one bill. Senator Christiaens stated this was the reason he had specified state or political subdivision buildings. Senator Fuller supported Senator Christiaens in his efforts. He felt many people would benefit and it would be a start anyway. Senator Christiaens felt the manager would now be able to address the situation at least. Senator Gage wondered if the bill was broad enough to just add this in and Mary McCue felt we could just add a new short section. Senator Christiaens noted again this would just address the state entities and political subdivisions and then only when there is more than 7 in a department.

Senator Kolstad then MOVED TO BRING HOUSE BILL 183 OFF THE TABLE. On a roll vote there were five no's and 6 yes votes. Senator Boylan, Senator Goodover, Senator Kolstad, Senator Thayer and Senator Williams voted "no".

Senator Thayer wondered if a simple resolution could be presented to just state that one should adhere to the voluntary system or it could become mandatory.

Senator Christiaens then MADE A MOTION TO RETURN THE BILL TO THE LANGUAGE THAT WAS IN ORIGINALLY. The motion carried. Senator Halligan voted "no".

Senator Christiaens wanted to amend his proposal to say "in

offices, or work buildings" maintained by the state or political subdivisions the manager shall arrange nonsmoking areas.

Senator Weeding wondered if this would help people in large offices and it was felt it would not. He noted it would be hard to address every situation however.

Senator Williams wondered if the portion that says "protects the health of a nonsmoker" could be struck. He was informed this was already in existing law.

Senator Boylan wondered how a judge can rule that there be no smoking in a chamber. Senator Halligan noted we are just addressing the nonsmoking issue. Senator Fuller felt many people were afraid to speak up in some situations because of fear of repercussion and felt this might give the administrators some courage to do this enforcement on their own.


Senator Halligan noted the language dealing with public health is consistent with the Clean Indoor Air Act. Mary McCue asked Senator Christiaens if his intent was to arrange for smoking and nonsmoking areas and he stated it should say in a convenient part of the building. Senator Weeding felt everything should be struck after convenient area in the bill. Senator Christiaens stated the amendment should read office and working area in a building in which 7 or more people are employed the manager shall arrange for smoking and nonsmoking in a convenient area.

Senator Fuller MOVED TO REMOVE THE SENTENCE DEALING WITH THE LEGISLATURE FROM SENATOR CHRISTIAEN'S AMENDMENT. The motion carried.

Senator Weeding MOVED TO ADOPT THE AMENDMENT BUT STRIKE EVERYTHING AFTER CONVENIENT AREA AND INSERT A PERIOD INSTEAD. The motion carried with Senator Boylan and Senator Goodover voting "no".

Senator Christiaens then MOVED TO ADOPT HOUSE BILL 183 AS AMENDED. The motion carried. Senator Boylan and Senator Goodover voted "no". Senator Christiaens will carry the bill on the Senate floor.

The meeting was adjourned at 4:30 p.m.


SENATOR MIKE HALLIGAN, Chairman

ROLL CALL

BUSINESS & INDUSTRY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/29/85

4 p.m.

SENATE
SEAT

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

EXHIBIT 1
BUSINESS & INDUSTRY
March 29, 1985

Proposed amendment to HB 183, third reading, blue copy.

"In buildings maintained by the state or a political subdivision thereof in which ^{Seven}~~7~~ or more employees of the state or political subdivision are employed, the manager shall arrange nonsmoking and smoking areas in a manner designed to protect the health of a nonsmoker while preserving the right of a smoker to smoke in a convenient area of the building. However, the legislature may set establish the policy regarding nonsmoking areas in its chambers and committee rooms."

STANDING COMMITTEE REPORT

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MARCH 29 1985

MR. PRESIDENT

BUSINESS & INDUSTRY

We, your committee on

having had under consideration

HOUSE BILL

No. 183

third reading copy (blue)
color

DESIGNATED NONSMOKING AREA REQUIRED FOR ALL ENCLOSED PUBLIC PLACES (Christiaens)

HOUSE BILL

183

Respectfully report as follows: That

No.

be amended as follows:

1. Title, lines 5 through 8.

Following: "ENCLOSED" on line 5

Strike: remainder of line 5 through "NONCOMPLIANCE" on line 8

Insert: "WORK AREA MAINTAINED BY THE STATE OR A POLITICAL
SUBDIVISION THEREOF"

2. Title, line 8.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "50-40-104"

Strike: "AND"

3. Title, line 9.

Following: line 8

Strike: "50-40-104"

(continued on page 2)

XXXXXX

XXXXXXXXXX

Chairman.

4. Pages 1 and 2.

Strike: everything following the enacting clause

Insert: "NEW SECTION. Section 1. Reservation of smoking and nonsmoking areas in work areas in state and local government buildings. In offices and work areas in buildings maintained by the state or a political subdivision thereof in which seven or more employees of the state or political subdivision are employed, the manager or person in charge of the work area shall arrange nonsmoking and smoking areas in a convenient area."

Section 2. Section 50-40-104, MCA, is amended to read:

"50-40-104. Designation or reservation of smoking or nonsmoking areas -- notice. (1) Except for those enclosed public places provided for in 50-40-105 and as provided in [section 1], the proprietor or manager of an enclosed public place shall: (a) designate nonsmoking areas with easily readable signs; or (b) reserve a part of the public place for nonsmokers and post easily readable signs designating a smoking area; or (c) designate the entire area as a smoking area by posting a sign that is clearly visible to the public stating this designation. (2) The proprietor or manager of an establishment containing enclosed public places shall post a sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read and understood, whether or not areas within the establishment have been reserved for nonsmokers. (3) The proprietor or manager of an establishment containing both a restaurant and a tavern, in which some patrons choose to eat their meals in the tavern, is not required by this part to post a sign described in subsection (2) in the tavern area of the establishment."

AND AS AMENDED
BE CONCURRED IN

Sen. Mike Halligan, Chairman

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS & INDUSTRY

Date	March 29, 1985	HOUSE	Bill No.	183	Time
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NAME		YES	NO
Chairman	Mike Halligan	X	
V-Chrm.	B. F. Christiaens	X	
Senator	Paul Boylan		X
Senator	David Fuller	X	
Senator	Delwyn Gage	X	
Senator	Pat Goodover		X
Senator	Allen Kolstad		X
Senator	Ted Neuman	X	
Senator	Gene Thayer		X
Senator	Bob Williams		X
Senator	Cecil Weeding	X	

Carol Duval
Secretary

Mike Halligan
Chairman

Motion: Motion by Senator Kolstad to BRING HOUSE BILL 183
OFF THE TABLE. Motion carried 6-5.