

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON BUSINESS & LABOR**

**Call to Order:** By **CHAIRMAN BRUCE SIMON**, on February 6, 1997, at 8:00 AM, in Room 104.

**ROLL CALL**

**Members Present:**

Rep. Bruce T. Simon, Chairman (R)  
Rep. Paul Sliter, Vice Chairman (Majority) (R)  
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)  
Rep. Joe Barnett (R)  
Rep. Rod Bitney (R)  
Rep. Sylvia Bookout-Reinicke (R)  
Rep. Charles R. Devaney (R)  
Rep. David Ewer (D)  
Rep. Kim Gillan (D)  
Rep. Billie Krenzler (D)  
Rep. Bob Lawson (R)  
Rep. Rod Marshall (R)  
Rep. Gay Ann Masolo (R)  
Rep. Wes Prouse (R)  
Rep. Carolyn M. Squires (D)  
Rep. Jay Stovall (R)  
Rep. Cliff Trexler (R)  
Rep. Joe Tropila (D)  
Rep. Carley Tuss (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Stephen Maly, Legislative Services Division  
Pati O'Reilly, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 345, HB 391 (1/27/97); HB  
399, JR 10; SB 152 (1/31/97)  
Executive Action: SB 152; HB 399; HB 349; HB  
406; JR 10; HB 341; HB 322

HEARING ON HJR 10

Opening Statement by Sponsor: Rep. Chase Hibbard, H.D. 54 introduced the bill. EXHIBIT 1 AND 2.

{Tape: 1; Side: 1; Approx. Time Count: 1.0; Comments: None.}

Proponents' Testimony:

Pat Haffey, Director Dept. of Labor

{Tape: 1; Side: 1; Approx. Time Count: 5.2; Comments: None.}

David Owen, MT Chamber of Commerce

{Tape: 1; Side: 1; Approx. Time Count: 7.0; Comments: None.}

Jamie Near, Westside Auto Body Shop

{Tape: 1; Side: 1; Approx. Time Count: 8.3; Comments: None.}

Pete Strizich, Helena, MT

{Tape: 1; Side: 1; Approx. Time Count: 14.6; Comments: None.}

Anne MacIntyre, Manager Human Rights Commission, St of MT

{Tape: 1; Side: 1; Approx. Time Count: 17.2; Comments: None.}

Frank Braun, Gold Nugget Body and Paint

{Tape: 1; Side: 1; Approx. Time Count: 17.4; Comments: None.}

Art Seiler, Helena small business owner.

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

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: Rep. Hibbard closed. EXHIBIT 3.

{Tape: 1; Side: 1; Approx. Time Count: 23.7; Comments: None.}

HEARING ON HB 345

Opening Statement by Sponsor: Rep. Gay Ann Masolo, H. D. 40 introduced the bill. EXHIBIT 4.

{Tape: 1; Side: 1; Approx. Time Count: 26.6; Comments: None.}

Proponents' Testimony:

Carl Schweitzer, MT. Contractors Assn.

{Tape: 1; Side: 1; Approx. Time Count: 34.0; Comments: None.}

Keith Papovich, Review of Positive Drug Testing.

{Tape: 1; Side: 1; Approx. Time Count: 35.1; Comments: None.}

Wayne Hall, Vice Pres. - JTI Group

{Tape: 1; Side: 1; Approx. Time Count: 38.4; Comments: None.}

Cindy Konesky, Kopp Construction Safety Manager

{Tape: 1; Side: 1; Approx. Time Count: 42.0; Comments: None.}

**Ty Schultz, Member of Operators Union**

{Tape: 1; Side: 2; Approx. Time Count: .2; Comments: None.}

**Ward Shanahan, Stillwater Mining Co. Attorney**

{Tape: 1; Side: 2; Approx. Time Count: 1.9; Comments: None.}

**Steve Turkecwitz, Montana Auto Assn.**

{Tape: 1; Side: 2; Approx. Time Count: 5.5; Comments: None.}

**Ben Havdahl, MT Motor Carriers Assn. EXHIBIT 5.**

{Tape: 1; Side: 2; Approx. Time Count: 6.0; Comments: None.}

**Patrick Hayden, Empire Sand and Gravel, Billings**

{Tape: 1; Side: 2; Approx. Time Count: 8.3; Comments: None.}

**Ken Anderson, Mt. Chemnet Consortium**

{Tape: 1; Side: 2; Approx. Time Count: 9.6; Comments: None.}

**Don Allen, MT Wood Products Assn.**

{Tape: 1; Side: 2; Approx. Time Count: 12.1; Comments: None.}

**Charles Brooks, Billings Area Chamber of Commerce**

{Tape: 1; Side: 2; Approx. Time Count: 13.8; Comments: None.}

**Riley Johnson, National Ind. and Small Businessmen of MT**

{Tape: 1; Side: 2; Approx. Time Count: 14.4; Comments: None.}

**Russ MacDonald, Human Resource Director, Dept. of Transportation.  
EXHIBIT 6.**

{Tape: 1; Side: 2; Approx. Time Count: 15.3; Comments: None.}

**Opponents' Testimony:**

**Don Edwards, Oil, Chemical and Atomic Workers. EXHIBITS 7, 8, 9.**

{Tape: 1; Side: 2; Approx. Time Count: 17.0; Comments: None.}

**Ed Logan, Exxon employee and member of Pipefitters Union.**

{Tape: 1; Side: 2; Approx. Time Count: 27.4; Comments: None.}

**Terry Minnow- Union Lobbist, Mental Health Care Care Employee  
Union.**

{Tape: 1; Side: 2; Approx. Time Count: 28.6; Comments: None.}

**John Eisenbaum-Stillwater Mining Co.**

{Tape: 1; Side: 2; Approx. Time Count: 29.4; Comments: None.}

**Darrell Holzer, AFL-CIO**

{Tape: 1; Side: 2; Approx. Time Count: 29.9; Comments: None.}

**Scott Crichton, ACLU. EXHIBIT 10.**

{Tape: 1; Side: 2; Approx. Time Count: 32.8; Comments: None.}

**Russell Houle, Mt. Trial Lawyers**

{Tape: 1; Side: 2; Approx. Time Count: 39.1; Comments: None.}

**Micheal Bentley, Am. Federations of County and State Employees.**  
 {Tape: 2; Side: 1; Approx. Time Count: 4.0; Comments: None.}

**Dave Bizaro, Pres. Local OCAW**  
 {Tape: 2; Side: 1; Approx. Time Count: 4.8; Comments: None.}

**Questions From Committee Members and Responses:**

{Tape: 2; Side: 1; Approx. Time Count: 5.5; Comments: None.}

**Closing by Sponsor:** Rep. Masolo closed.

{Tape: 2; Side: 1; Approx. Time Count: 40.6; Comments: **Chairman Simon formed sub-committee for HB 345. Rep. Stovall, Chairman, Reps. Bitney, Masolo, Krenzler and Gillan.**}

**HEARING ON SB 152**

**Opening Statement by Sponsor:** Senator Walt McNutt, S. D. 50 introduced the bill.

{Tape: 2; Side: 2; Approx. Time Count:.0; Comments: None.}

**Proponents' Testimony:**

**John Cadby, Montana Bankers Assn.**

{Tape: 2; Side: 2; Approx. Time Count: 2.6; Comments: None.}

**Brenda Nordling, Dept. of Justice**

{Tape: 2; Side: 2; Approx. Time Count: 5.3; Comments: None.}

**Steve Turkewich, MT Auto Assn.**

{Tape: 2; Side: 2; Approx. Time Count: 7.0; Comments: None}

**Dave Brown, Montana Auto Retailers**

{Tape: 2; Side: 2; Approx. Time Count: 7.6; Comments: None.}

**Bob Pyfer, MT Credit Union League**

{Tape: 2; Side: 2; Approx. Time Count: 8.0; Comments: None.}

**Opponents' Testimony:** None.

**Questions From Committee Members and Responses:**

{Tape: 2; Side: 2; Approx. Time Count: 8.6; Comments: None.}

**Closing by Sponsor:** Sen. McNutt closed.

{Tape: 2; Side: 2; Approx. Time Count: 12.3; Comments: None.}

**HEARING ON HB 391**

**Opening Statement by Sponsor:** Rep. Sam Rose, H. D. 87 introduced the bill. **EXHIBIT 11.**

{Tape: 2; Side: 2; Approx. Time Count: 13.; Comments: None.}

**Proponents' Testimony: Andy Poole, Deputy Dir. Dept. of Administration. EXHIBIT 12.**

{Tape: 2; Side: 2; Approx. Time Count: 17.5; Comments: None.}

**Ralph Peck, Director, MT Dept. of Agriculture.**

{Tape: 2; Side: 2; Approx. Time Count: 24.5; Comments: None.}

**David Owen, MT Chamber of Commerce**

{Tape: 2; Side: 2; Approx. Time Count: 25.8; Comments: None.}

**Kathleen Martin, Chief of Communicable Disease Control.**

{Tape: 2; Side: 2; Approx. Time Count: 26.; Comments: None.}

**Mary Bryson, Director Department of Revenue**

{Tape: 2; Side: 2; Approx. Time Count: 26.6; Comments: None.}

**Opponents' Testimony: None**

**Questions From Committee Members and Responses:**

{Tape: 2; Side: 2; Approx. Time Count: 31.9; Comments: None.}

**Closing by Sponsor: Rep. Rose closed.**

{Tape: 3; Side: 1; Approx. Time Count: 5.8; Comments: None.}

**HEARING ON HB 399**

**Opening Statement by Sponsor: Rep. Tuss H.D. 46 introduced the bill.**

{Tape: 3; Side: 1; Approx. Time Count: 5.8; Comments: None.}

**Proponents' Testimony:**

**Darrell Burns, Dept. of Health and Human Services. EXHIBIT 13 AND 14.**

{Tape: 3; Side: 1; Approx. Time Count: 7.2; Comments: None.}

**Gloria Hermanson, MT Psychological Assn.**

{Tape: 3; Side: 1; Approx. Time Count: 14.5; Comments: None.}

**Mary McCue, Mt. Clinical Public Health Assn.**

{Tape: 3; Side: 1; Approx. Time Count: 16.1; Comments: None.}

**Kit Loresky, Alcohol and Drug Counselors**

{Tape: 3; Side: 1; Approx. Time Count: 16.9; Comments: None.}

**Opponents' Testimony: None.**

**Questions From Committee Members and Responses: None.**

**Closing by Sponsor: Rep. Tuss closed. EXHIBIT 14.**

{Tape: 3; Side: 1; Approx. Time Count: 17.2; Comments: None.}

EXECUTIVE ACTION ON HB 332

Motion/Vote: Rep. Marshall moved to table HB 332. Motion carried unanimously.  
{Tape: 3; Side: 1; Approx. Time Count: 18.0; Comments: None.}

EXECUTIVE ACTION ON HB 341

Motion/Vote: Rep. Gillan moved do pass HB 341. Motion passed 17-1. Ewer absent. Squires no.  
{Tape: 3; Side: 1; Approx. Time Count: 21.2; Comments: None.}

EXECUTIVE ACTION ON HJR 10

Motion/Vote: Rep. Krenzler moved do pass HJR 10. Motion carried unanimously.  
{Tape: 3; Side: 1; Approx. Time Count: 23/0; Comments: None.}

EXECUTIVE ACTION ON 406

Motion: Rep. Ewer moved do pass HB 406.  
{Tape: 3; Side: 1; Approx. Time Count: 24.6; Comments: None.}

Motion: Rep. Ewer moved to adopt Ewer amendments. **EXHIBIT 15.**  
{Tape: 3; Side: 1; Approx. Time Count: 24.6; Comments: None.}

Discussion: {Tape: 3; Side: 1; Approx. Time Count: 25.; Comments: None.}

Vote: Motion carried unanimously.  
{Tape: 3; Side: 1; Approx. Time Count: 26.1; Comments: None.}

Motion/Vote: Rep. Sliter moved do pass HB 406 as amended. Motion carried 15-4. Reps. Ewer, Pavlovich, Squires and Krenzler voted no.  
{Tape: 3; Side: 1; Approx. Time Count: 26.9; Comments: None.}

EXECUTIVE ACTION ON HB 349

Motion: Rep. Ewer moved do pass HB 349.  
{Tape: 3; Side: 1; Approx. Time Count: 27.; Comments: None.}

Motion/Vote: Rep. Ewer moved to adopt Ewer amendments. Amendments passed 17-2. Reps. Devaney & Gillan voted no. **EXHIBIT 16.**  
{Tape: 3; Side: 1; Approx. Time Count: 27.6; Comments: None.}

Motion: Rep. Ewer moved do pass HB 349 as amended.

{Tape: 3; Side: 1; Approx. Time Count: 29.8; Comments: None.}

Discussion:

{Tape: 3; Side: 1; Approx. Time Count: 30.0; Comments: None.}

Motion/Vote: Rep. Pavlovich moved to Table HB 349. Motion carried roll call vote 10-9.

{Tape: 3; Side: 2; Approx. Time Count: 2.0; Comments: None.}

EXECUTIVE ACTION ON HB 399

Motion/Vote: Rep. Tuss moved do pass HB 399. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 3.8; Comments: None.}

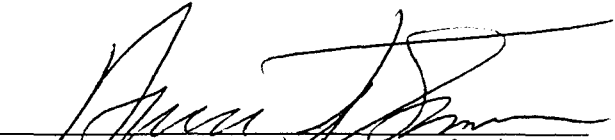
EXECUTIVE ACTION ON SB 152

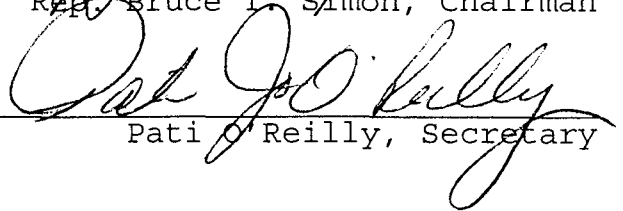
Motion/Vote: Rep. Devaney moved do concur SB 152. Motion carried unanimously.

{Tape: 3; Side: 2; Approx. Time Count: 4.0; Comments: None.}

ADJOURNMENT

Adjournment: 11:50 AM

  
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Rep. Bruce T. Simon, Chairman

  
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Pati O'Reilly, Secretary

BTS/PO