

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 19, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich on March 19, 1985 at 8:00 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

SENATE BILL 452: Hearing commenced on Senate Bill 452. Senator Dorothy Eck, District #40, sponsor of the bill, stated this is the "Employee and Community Hazardous Chemical Information Act" and requires employers who do not comply with OSHA to post a list of hazardous chemicals used in the workplace. The local firemen are the most concerned with this issue. The county clerk and recorder will index the information and all will have one place to go to review records. Senator Eck distributed to committee members Exhibit 1 which is attached hereto.

Proponent Vern Erickson, representing the Montana State Fire Fighters Association, offered his support of the bill.

Proponent Jim Murry, Executive Secretary for the Montana State AFL-CIO, supplied written testimony which is attached hereto as Exhibit 2.

Proponent Bruce Suenram, representing Missoula Rural Fire and Career Fire Chiefs, stated this will allow fire fighters to do a better job and preplan in many cases.

Proponent Marcie Quist, representing the Montana Agri Business Association and Owner, Wheatbusters offered her support as amended and stated this system is being used in most states.

Proponent Lyle Nagel, representing the Montana State Volunteer Firemen's Association, stated this will assist fire fighters. Mr. Nagel shared a case in Shelby where a company would not disclose what chemicals they had.

Proponent Elieen Robbins, representing the Montana Nurses Association, supplied written testimony which is attached hereto as Exhibit 3.

Proponent Butch Turk, representing the Peace Legislative Coalition, expressed his concern with radioactive materials.

Mr. Turk explained that any requirement of nuclear material would preempt, some maintenance of nuclear material should be included.

Proponent Stan Walthall, representing the Lewis and Clark County Health Department, stated this is a step in dealing with accidents and protecting lives.

Proponent Gene Fenderson, representing the Montana Building and Construction Trades Council, explained that in many instances this profession is the first to come in contact with a chemical. A letter to all members of the painter unions from the international president was sent to request all painters when seeing a doctor to present this letter concerning the studying of chemical makeups and the possible hazards to ones family and themselves.

Proponent Teri England, representing the Montana Public Information Research Group, supplied written testimony which is attached hereto as Exhibit 4.

Proponent Joe Brand, representing the United Transportation Union, Brotherhood of Locomotive Engineers and Brotherhood of Airline Clerks, stated these people haul hazardous materials and have been opposed to it. The problems arise in knowing what they are and the precautions to take in case of rupture or derailment. The responsibility is placed solely on the conductor and this should be to someone with more authority. Lists are sent out but are not always accurate, added Mr. Brand.

Proponent Russ Brown, representing the Northern Plains Resource Council, supplied written testimony which is attached hereto as Exhibit 5.

Proponent Terry Minow, representing the Montana Federation of Teachers, offered her support of the bill.

Proponent Bob Kelly, State Fire Marshall, offered his support and gave the following statistics to responses to hazardous materials: 1981 - 1,394 calls; 1982 - 1,632; 1983 - 1,979; and 1984 - 1,484.

Proponent Howard Rosenleaf, Business Agent, Western Montana Council of Carpenters, explained they work with chemicals and have no opposition to doing so, but want to know what they are working to with to protect themselves.

Proponent Bob Anderson, representing Common Cause of Montana,

offered his support of this "right to know" legislation.

Proponent Jerry Calvert, representing The Bozeman Environmental Information Center, supplied written testimony which is attached hereto as Exhibit 6.

Proponent John Mohlis, representing the Bozeman Central Labor Council, supplied written testimony which is attached hereto as Exhibit 7.

Proponent George Ochenski, representing the Montana Environmental Information Center, explained that a lot of work has gone into this bill and this is the compromise reached by all concerned parties.

Proponent Sue Bartlett, Clerk and Recorder for Lewis and Clark County, explained the amendment was designed to help the county meet the technical requirements and will make the information easy to cross index. This is a satisfactory requirement and is a feasible mechanism at the county level.

Proponent Mike Keating, Business Agent, I.U.O.E. Local #400, offered his support of the bill.

Proponent Janelle Fallan, representing the Montana Chamber of Commerce, distributed to committee members Exhibit 8 which is attached hereto. Ms. Fallan explained the proposed amendment.

Proponent Darwin VanDeGraaff, representing Rocky Mountain Oil & Gas Association, supplied written testimony which is attached hereto as Exhibit 9.

Proponent Larry Wineberg, representing the Montana University System, explained this is a very complex problem. Mr. Wineberg stated page 3, line 14 of the bill, will still allow an employer to refer back to OSHA. A placard system through the university would warn the public and assist in emergency services.

Proponent Ray Blehm, representing the Montana State Fire Fighters, stated they have a mutual aid agreement with the refineries. This will ease the burden of companies who want to find out more about chemicals.

Proponent Wyatt Frost, stated it is important for a person to have the knowledge to know what they are dealing with.

Opponent Ward Shanahan, representing Chevron Corporation, supplied written testimony which is attached hereto as Exhibit 10.

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Opponent Dennis Shea, representing Atlantic Richfield Company and ARCO Metal Aluminum Division, supplied written testimony which is attached hereto as Exhibit 11.

Opponent Riley Johnson, representing the National Federation of Independent Business, explained that they are not opposing the concept but all the problems have not been answered. All of the concerns should be addressed prior to passage of this bill.

In closing, Senator Eck explained that the problems have been worked out over a two year period. The majority of the amendments proposed are minor points that will fine tune the bill. Most prefer having the information with the county clerk as it would be costly to give the Department of Health the appropriation for record keeping. The system cost will be shared by the county and the employer.

Representative Schultz asked Vern Erickson why the information would be required in two places. Mr. Erickson stated in rural areas the fire department is not open at all times and all counties have a clerk and recorder.

Representative Kitselman asked Sue Bartlett if the reason for placing this in the clerks office is to generate the \$5 per page filing fee, which would cost approximately \$1,385 per year. Ms. Bartlett explained that they must file once a year at the cost of \$5 per page.

Representative Kitselman asked George Ochenski if the reason for placing the filing in the clerks office is to generate revenue even when they are generally open Monday through Friday 7:30 a.m. to 4:30 p.m. Mr. Ochenski stated the reason is because this is the most standard setup for maintaining information in Montana.

Representative Brandewie asked George Ochenski how many chemicals are listed and if this address' pharmaceutical chemicals. Mr. Ochenski explained that OSHA has 600 chemicals and pharmaceuticals are exempt.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on Senate Bill 452 was closed.

SENATE BILL 446: Hearing commenced on Senate Bill 446. Senator Tom Hager, District #48, sponsor of the bill, explained this creates the offense of unlawful appropriation of retailer property consisting of purposely or

knowingly removing a dairy case, egg basket or shopping cart from the premises of a retail establishment. Penalty is a fine of up to \$500 or up to 6 months in jail or both. The owner of property can register their mark with the Secretary of State to identify. When similar legislation was passed in California the theft rate dropped by 50%. One shopping cart costs \$172 and owners are losing revenue each year.

Proponent Frank Capps, Executive Director, Montana Food Distributors Association, explained that in California there was a loss of 14 million dollars in replacement of shopping carts. Mr. Capps displayed an egg cart which sells for \$9 each. In Helena a store was opened and in four weeks, 23 shopping carts were gone.

Proponent Bobbie Judea, representing the Secretary of States Officer, distributed to committee members Exhibit 12 which is attached hereto. This proposed amendment will bring into conformity the requirement for all other marks that are registered with the secretary of state.

Proponent K.M. Kelly, representing Dairy Industry Processors, stated they have lost 189,817 dairy cases in a three year period. Mr. Kelly circulated photographs around the committee showing a variety of use for these cases throughout the city.

Proponent Ed McHugh, Manager, Clover Leaf Dairy, stated 600 cases have been lost in the Helena area in one year. Mr. McHugh presented cases with different identifying marks.

Proponent Charles Gravely, representing the Montana Food Distributors Association, explained the county attorney is reluctant to enforce theft of these items when the replacement cost is \$9. Theft is a major factor in doing business, added Mr. Gravely.

In closing, Senator Hager, stated that in California an advertising campaign was conducted entitled "Calling All Carts". This advertisement provided information as to where carts could be returned and many were returned to these areas. Montana has similar ideas in mind should this legislation pass.

There being no further discussion by proponents and no opponents, all were excused by the chairman and the hearing on Senate Bill 446 was closed.

SENATE BILL 357: Hearing commenced on Senate Bill 357. Senator Bob Williams, District #15, sponsor of the bill, stated this allows a business other than a licensed retail liquor outlet located on the same premises to remain open after 2:00 a.m. when the liquor portion is closed.

Proponent Frank Capps, Executive Director, Montana Food Distributors Association, explained that a public hearing was held on December 19, 1984 to address this problem. Mr. Capps stated it is not the departments intention to have the establishment remove the liquor.

Proponent Charles Gravely, representing the Montana Food Distributors Association, stated this is necessary legislation.

Proponent Roger Tippy, representing the Montana Beer and Wine Wholesalers Association, offered his support of the bill.

There being no further discussion by proponents and no opponents, all were excused by the chairman and the hearing on Senate Bill 357 was closed.

SENATE BILL 325: Hearing commenced on Senate Bill 325. Senator Fred Van Valkenburg, District #30, sponsor of the bill, explained this establishes a statewide 9-1-1 emergency telephone system and imposes a fee of 25 cents a month to implement the plan to provide instant contact with police, fire, ambulance and other emergency services throughout the state by dialing 9-1-1. Twenty one states have adopted this, it is a universal number and easy to remember. The money collected will go towards equipment conversions and those that have systems in place may use the money for improvements, added Senate Van Valkenburg.

Proponent Iona Baertsch, representing the Missoula 9-1-1 center, supplied written testimony which is attached hereto as Exhibit 13.

Proponent Larry Peterson, representing the Board of Crime Control, stated 9-1-1 systems have been adopted across the United States. This will not solve all the problems, but will open the door. The concept is divided into four parts: 1) number to call; 2) reception of call; 3) where request should go; 4) inter-jurisdictional agreements.

Proponents John Scully, representing the Sheriff and Peace Officers Association and Gary York, representing the Montana Emergency Medical Services Association, offered their support of the bill.

Proponent Ellen Feaver, Director, Department of Administration, explained that this is a valuable service for Montana citizens. There is a need for better communication in the state and an effective and efficient public service will be provided.

Proponent Bruce Suenram, representing the Montana State Career Fire Chiefs, stated this will help to provide more efficient fire service.

Jim Hughes, representing Mountain Bell, explained that their position is a neutral one. This is a viable concept and a great program. A problem with funding this mechanism seems apparent. Mountain Bell will do their best and are there to help clarify any anticipated changes.

Opponent Betty Lou Kasten, representing Mid-Rivers Telephone, stated she supports in concept. The difficulties presented in rural areas should be considered. We are taught to rely on our neighbors. We do not want to pay for a service that can not be provided, stated Ms. Kasten. The implementation of the bill should be amended so that all areas can get help when needed as quickly as possible.

Opponent Lyle Nagel, representing the Montana State Volunteer Firemen's Association, supplied written testimony which is attached hereto as Exhibit 14.

Opponent Henry Helgesol, representing Mid-Rivers Telephone, stated the 25 cent fee may not be adequate. The cost to install this equipment would be \$324,000 and would be an annual cost of \$135,432 to the phone company. The cost for administration would be \$96,000 minimum. These costs will be added back to the counties. Mr. Helgesol suggested a further study be conducted to determine all costs that will be involved. The concept is good, but further study is necessary.

Opponent John McDonald, representing Northwestern Telephone Service, stated they favor the concept but are against the funding as only telephone subscribers will be assessed.

Opponent Jay Preston, President/Manager, Ronan Telephone Company, stated this is unfair to those subscribers who currently have a 9-1-1 system. A 9-1-1 system has been in Ronan since 1976 and was derived from normal operating funds, with no additional expense to subscribers. This present system is working well and the company could be forced to reroute calls and then dispatch back to the community with passage of Senate Bill 325. Equipment could become obsolete

and replace with standard 9-1-1 dialing equipment. This issue should be left up to the voting public. This legislation could force low income subscribers to terminate their service, added Mr. Preston.

Opponent Ray Smith, General Manager, Blackfoot Telephone, asked if this bill would exclude government, reservations and churches who currently have tax exclusions. The state and telephone companies should work together and come up with a workable solution. The additional tax should have a sunset provision. The 25 cents could be too little or in excess, added Mr. Smith.

Opponent Raymond Moore, of Simms, explained that his community has a 5-1-1 system for reporting fire. This could create the problem of dialing two numbers for different services.

Representative Brandewie asked Henry Helgesol what the cost for a dedicated line is. Mr. Helgesol explained that it is \$294 per month per dedicated line to lease from Mountain Bell.

Representative Schultz asked Senator Van Valkenburg if he had considered giving the marginal costs back to the RTA's. Senator Van Valkenburg explained that the fee assessed will pay the costs and that Missoula may be subsidizing others.

In closing, Senator Van Valkenburg submitted an amendment to the bill which is attached hereto. He stated that those who agree to concepts must also understand the law. This is not a concept but something that all can use. This will get help to people and bring the state together.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on Senate Bill 325 was closed.

SENATE BILL 74: Hearing commenced on Senate Bill 74. Senator Gary Aklestad, District #6, sponsor of the bill, explained this expands the jurisdiction of the highway patrol to include any offense that causes the obstruction of a public highway when assistance is requested by a peace officer or a mayor as a result of involvement or existing danger to public safety. The prohibition against highway patrol action in labor disputes is modified so the patrol can act to assure safe or prompt passage by the public on the highway upon authorization by the attorney general. Citizens are deprived of driving due to labor dispute and this is ridiculous in free society. Senator Aklestad

distributed to committee members Exhibit 16 which is attached hereto. This is an article from a Billings paper showing problems that occurred during a labor dispute. Local law officials must request help and have the authorization of the attorney general. Currently, the highway patrol may help people in all aspects but labor disputes. The labor organizations should not disallow the public who pay tax dollars highway access.

Proponent Ben Havdahl, representing the Montana Motor Carriers Association, Inc., supplied written testimony which is attached hereto as Exhibit 17.

Proponent Janelle Fallan, representing the Montana Chamber of Commerce, stated this is a law and order issue. The law enforcement should be allowed to do their job. Tourism is an important industry to Montana. The average citizen or any other organization could not get away with this.

Proponent Senator Larry Tveit, District #11, stated this is not a strike breaker bill. We should be concerned with the safety of those traveling.

Proponent Riley Johnson, representing the Montana Home-builders Association, stated a labor dispute is the only area that are excluded and what is fair is fair.

Opponent Jim Murry, Executive Secretary, Montana State AFL-CIO, supplied written testimony which is attached hereto as Exhibit 18.

Opponent Gene Fenderson, representing the Montana Building and Construction Trades Council, supplied written testimony which is attached hereto as Exhibit 19.

Opponent Tom Schneider, Executive Director, Montana Public Employees Association, supplied written testimony which is attached hereto as Exhibit 20.

Opponent Representative Jerry Driscoll, District #92, explained that he was involved in the Colstrip strike and the road was closed to union members only. According to the sheriff not one police officer was hit or threatened. The couple referred to in the article presented by Senator Aklestad were not found when union members went looking for them to discuss the problems they encountered. The highway patrol are not trained in crowd control and a fiscal note should be determined for training these individuals. or untrained people will be sent out to control. There have been many charges against labor organizations

and the closest any police officer came to being endangered is when one was almost hit by a non-union member.

Opponent Gene Vukovich, representing the iron workers union, stated this is a negative piece of legislation. Ninety eight percent of all contractual negotiations are settled without a strike. Mr. Vukovich stated he had spoke with several highway patrolment who oppose this bill because they are not equipped or trained in crowd control, budget problems, this may be the start of a state police force and there is no need for the highway patrol to become involved.

Opponent Joe Brand, representing the United Transportation Union, Brotherhood of Locomotive Engineers and Brotherhood of Airline Clerks, stated the current laws provide adequate protection and a duplication of services will be performed. Mr. Brand said that we were forced to go to was with Hitler and created malitia and we do not want to go back to that type of situation and create malitia.

Opponent Mike Keating, representing I.U.O.E. Local #400, explained that of the hundreds of contracts that have been negotiated over the years, only 15 to 20 have went into a strike situation.

Opponent John Carlin, representing the I.U.O.E. Local #375, stated the highway patrol are limited to the jobs they can perform. The vastness of the state and funding will create problems and a better job will not be done. This will accomplish a police state and we do not want or need that.

Opponent Joe Rossman, representing Teamsters Joint Council #2, stated similar legislation has been killed in the past and he urged the committee to do the same.

Opponeng Greg Rodriguez, stated we should allow the highway patrol to do their job and not be concerned with labor disputes.

Opponent Jim Tucker, an operating engineer, stated the testimony presented was about isolated incidents. Only the bad get publicity and during a labor dispute emphasis is placed on not using foul language, alcohol or violence. Union people are hard working, honest people and they do not need the police force to intimidate workers, but need cooperation.

Opponents Jim McGowan, a Helena ironworker, Representative Rod Garcia, District #93, Seymour Flanagan, representing

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the Motel/Hotel and Bartender Union, Jim Gunderson, representing, Cement Workers Local 239 and Senator Richard E. (Dick) Manning, District #18, all voiced their opposition to the bill.

Representative Jones asked Tom Schneider if all highway patrol work under the attorney general and if they all are designees of the attorney general. Mr. Schneider stated yes he presumes so.

Representative Simon asked Senator Aklestad if all highway patrol attend the law enforcement academy in Bozeman. Senator Aklestad answered that yes they do.

Representative McCormick asked Senator Aklestad if a fiscal note has been requested. Senator Aklestad stated there is no need for one as the highway patrol has the jurisdiction to help and this will not add any additional cost to the highway patrol.

Representative Driscoll asked Senator Aklestad if the highway patrol are trained for crowd control. Senator Aklestad did not know.

Representative Kadas asked Senator Aklestad if the highway patrol can approve any obstruction. Senator Aklestad stated this amendment was put on by a sub-committee and he does not see any problem with this.

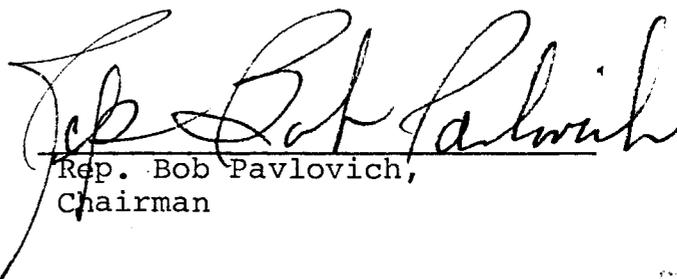
Representative Kadas then asked Senator Aklestad if the attorney general is bound as the wording says he shall authorize and what the evidence provision entails. Senator Aklestad explained that the attorney general has the option and the evidence will be provided by the highway patrol.

In closing, Senator Aklestad, stated we are dealing with historic preferential treatment. The highway patrol are trained to do more than control traffic problems and that they have jurisdiction in all circumstances except a labor dispute. This is a peoples right bill, all should have access to the highways. Collective bargaining is not mentioned in the bill.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on Senate Bill 74 was closed.

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ADJOURN: There being no further business before the committee,
the meeting was adjourned at 11:55 a.m.



Rep. Bob Pavlovich,
Chairman

DAILY ROLL CALL
 BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 19, 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormick	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

SB 452
Amendments to Third Reading Copy
Senator Eck

1. Page 5, line 18.
Strike: "OR"
Insert: "(e) the radiological properties of any source, byproduct, or special nuclear material as defined in sections 11(z), 11(aa), and 11(e) (1) of the federal Atomic Energy Act of 1954; or"
Renumber: subsequent subsection
2. Page 8, lines 18 through 20.
Strike: lines 18 and 19 in their entirety through "located." on line 20
3. Page 9, line 17.
Following: "sheet"
Insert: "certified by the employer"
4. Page 9, line 22.
Strike: "a"
Insert: "an acknowledged"
5. Page 9, line 24.
Following: "(C)"
Insert: "a list acknowledged by the employer of"
Following: "names"
Insert: "or titles"
6. Page 10, lines 3 and 4.
Strike: ", file" through "maintain" on line 4
7. Page 10, lines 5 through 8.
Strike: "The" on line 5 through "workplace," on line 8
8. Page 10, line 25, through page 11, line 1.
Strike: "and" on line 25 through "document" on page 11, line 1.
9. Page 11.
Following: line 7
Insert: "For a workplace that employs fire safety ^{personnel} ~~specialists~~, the local fire chief shall consult with the responsible fire safety official to clarify respective roles and response procedures in the event of an emergency."



Exhibit 2
3/19/85
SB452

Submitted by: Jim
Murry

Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON SENATE BILL 452, HEARINGS OF THE HOUSE BUSINESS
AND LABOR COMMITTEE, MARCH 19, 1985

Mr. Chairman and members of the Committee: I am Jim Murry, Executive Secretary
for the Montana State AFL-CIO. We are here today in support of Senate Bill
452.

For the past three years, our conventions have passed resolutions supporting
a Montana right-to-know law. Workers are the ones who suffer from exposure
to unknown substances, and who will tell you of the vital need for this
important legislation. A December 17, 1984, Newsweek article asks the disturbing
question: Could the Bhopal tragedy that killed thousands, and injured tens
of thousands, happen here?

The article reported that:

"An estimated 6,000 U.S. facilities make possible hazardous chemicals.
There are approximately 180,000 shipments by truck or rail every day
in the United States of everything from nail polish remover to nuclear
weapons.

"...The 1976 Toxic Substances Control Act requires that new chemicals
be reviewed before they go on the market. But only 20 percent of those
already in use have been tested even to minimal standards, according
to the National Research Council."

Government studies report that there are over one-half million chemicals
being used today in America's workplaces, and new chemicals are being introduced
daily. (OSHA statistics.)

In 5,200 plants surveyed, workers were exposed to 85,000 different trade
name products. At 90 percent of those workplaces, workers did not know
what actual chemicals were contained in those products. (NIOSH statistics.)

Seventeen percent of working mothers may be exposed to occupational factors
that represent reproductive risks. (NIOSH statistics.) Nobody seems to
know how many birth defects, miscarriages, abortions or other reproductive
problems are caused by the hazardous substances to which mothers and fathers
are exposed on the job.

One hundred thousand Americans die each year from occupational diseases
(U.S. Department of Labor statistics), which is the equivalent of a jumbo
jet crashing everyday. These Americans die silently without the concern
or press attention focused on the deaths caused when the Russians shot down
the Korean airliner, or on the tragedy in Bhopal.

Up to 38 percent of all cancers are related to work hazards. (NIOSH statistics.)
The World Health Organization estimates that over 75 percent of all cancers
are caused by environmental, including occupational, exposure.

Nearly two million Americans are suffering from disabling occupational diseases (U.S. Department of Labor statistics) and yet only three percent of those Americans are receiving any type of workers' compensation benefits. It is not known how many people receiving social security or welfare disability payments are receiving those payments because of a disabling occupational disease. It is not known how much social security and welfare payments are subsidizing workers' compensation.

It is far past the time that our advanced civilization has demanded information basic to the survival of workers and our communities. The lives of too many workers and the environments of too many citizens and communities are being put on the line daily by exposure to hidden chemicals.

There is no conceivable circumstance that should allow any employer to deny hazard information to any employee. It is a basic human right to be advised of risks. Every employer has a moral obligation to guarantee that he and his employees are fully protected and completely knowledgeable of any possible hazards.

We in Montana need Senate Bill 452 because:

Doctors and health professionals cannot adequately diagnose and treat patients unless and until they have full knowledge of what that patient has been exposed to.

Citizens and the community need facts to prevent problems from toxics in the environment.

Workers cannot protect themselves from workplace hazards unless and until they know and understand those hazards.

Fire fighters, disaster and emergency personnel, need information to protect themselves and to better protect property and the community in the event of fires, spills, accidents or disaster.

State, county, city and local governments need to know about real and potential hazards to make rational decisions affecting the lives and property of citizens and taxpayers.

The U.S. Department of Labor's Occupational Safety and Health Administration has produced a "Hazard Communications" standard that will take effect this fall. That federal standard is deficient in many respects. It is limited in its scope and coverage, which is restricted only to manufacturing industries. The OSHA standard would only cover about 25,000 of the more than three hundred thousand people in Montana's workforce and it provides no right or benefit to the community. Senate Bill 452 would extend the benefits and protection of the OSHA standard to all Montana workers and their communities. We urge you to support this much needed legislation. Thank you.



Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 6713 • HELENA, MONTANA 59604

TESTIMONY SB 452

The Montana Nurses' Association supports SB 452 which would create an "Employee and Community Hazardous Chemical Information Act". No worker should have to choose between a job and life.

As the largest health care group, registered nurses are concerned about daily exposure to several health hazards in the workplace.

Besides the obvious exposure to Hepatitis B and other serious infections and diseases, nurses are constantly exposed to life-threatening chemicals as they provide nursing care to patients. In fact, many of the very treatments given to patients pose a real danger to the nurse and other health care workers.

Operating and Recovery Room nurses are subjected to circulating air levels of anesthetic gases which have been shown to cause cancer in nurses and fetal abnormalities in their unborn offspring; spontaneous abortions among this group of workers are three times that of unexposed women.

Ethylene oxide (ETO), a chemical used to sterilize equipment which would be damaged by high temperatures, is released into the air following sterilization and may remain in part on the sterilized equipment. Studies have shown that exposure to ETO by nurses and other workers increases the mortality rate from leukemia and other cancers.

Exposure to antineoplastic (anti-cancer) drugs whether by direct contact, inhalation, or ingestion are associated with secondary formation of cancers and chromosomal abnormalities. A recent study revealed that patients who received antineoplastic drugs showed significant levels of mutagenic activity in their urine; it was a surprise to find lesser levels of mutagenic activity in the urine of the nurses who administered the drugs.

We are now aware of these toxic substances. However, many nurses have been exposed to these agents for years without knowing the dangers. What other toxins are we being exposed to? In order to begin to look at setting "safe" exposure standards, workers need to know, through disclosure by employers, about toxic substances in their place of employment. Please give SB 452 a DO PASS recommendation.

**Montana Public Interest Research Group**

729 Keith Avenue • Missoula, MT. 59801 • (406) 721-6040
532 N. WARREN • HELENA, MT 59601 • (406)443-5155

TESTIMONY IN FAVOR OF S B 452

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS TERI ENGLAND. I AM SPEAKING TODAY ON BEHALF OF MONTPIRG, THE MONTANA PUBLIC INTEREST RESEARCH GROUP. MONTPIRG IS A NON-PROFIT, NON-PARTISAN RESEARCH, EDUCATION AND ADVOCACY ORGANIZATION ESTABLISHED AND DIRECTED BY UNIVERSITY OF MONTANA STUDENTS. IT IS FUNDED BY OPTIONAL STUDENT FEES AND SMALL DONATIONS FROM MONTANANS AND DOES WORK PERTAINING TO THE ENVIRONMENT, CONSUMER PROTECTION AND GOVERNMENTAL RESPONSIBILITY. WE SUPPORT SB 452.

FOR MUCH OF 1983, MONTPIRG CONDUCTED A "CRADLE TO GRAVE" STUDY OF HAZARDOUS MATERIALS IN MISSOULA COUNTY. THE REPORT HAS NOT YET BEEN RELEASED FOR PUBLIC DISTRIBUTION. THE STUDY FOCUSES ON SMALL HAZARDOUS WASTE GENERATORS THAT WERE NOT SUBJECT TO FEDERAL REGULATION. AS A RESULT OF THIS INFORMATION, THE GROWING NATIONAL PROBLEM OF HAZARDOUS WASTES, AND THE GENERAL DIFFICULTY IN GETTING INFORMATION ON HAZARDOUS MATERIALS WE ADVOCATE STRONG COMMUNITY "RIGHT-TO-KNOW" PROVISIONS.

MONTPIRG'S STUDY INCLUDED 100 BUSINESSES THAT PRODUCE, TRANSPORT, OR DISPOSE OF HAZARDOUS MATERIALS IN MISSOULA COUNTY. THE BUSINESSES WERE IDENTIFIED THROUGH THE TELEPHONE BOOK BASED UPON PREVIOUSLY STUDIED BUSINESSES DETERMINED TO GENERATE HAZARDOUS MATERIALS. THESE BUSINESSES WERE CONTACTED BY MAIL AND ALSO BY FOLLOW-UP PHONE CALLS TO COMPLETE A SURVEY. TEN BUSINESSES RESPONDED, ON TWO SURVEYS CONTAINED INFORMATION OF SUBSTANTIAL VALUE. MANY REFUSED TO COMPLETE THE SURVEY.

OUR GOAL IN CONDUCTING THIS SURVEY WAS TO IDENTIFY THOSE BUSINESSES THAT POSE A HAZARD TO THE WORKER AND THE COMMUNITY AND TO DETERMINE IF THE BUSINESS HAD TAKEN ANY SPECIAL PRECAUTIONS FOR THE WORKER OR THE COMMUNITY. WE HAD LITTLE LUCK WITH THE EFFORT.

THE NATIONAL CANCER INSTITUTE ESTIMATES THAT UP TO 20% TO 40% OF ALL CANCERS ARE ATTRIBUTABLE TO OCCUPATIONAL FACTORS. ALL INDIVIDUALS

NORTHERN PLAINS RESOURCE COUNCIL

Field Office
Box 858
Helena, MT 59624
(406) 443-4965

Main Office
419 Stapleton Building
Billings, MT 59101
(406) 248-1154

Field Office
Box 886
Glendive, MT 59330
(406) 365-2525

TESTIMONY PRESENTED IN SUPPORT OF
SENATE BILL 452 BEFORE THE HOUSE BUSINESS
AND LABOR COMMITTEE 3-18-85

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

FOR THE RECORD, MY NAME IS RUSS BROWN AND I WORK FOR NORTHERN PLAINS RESOURCE COUNCIL.

ON BEHALF OF NORTHERN PLAINS AND THE YELLOWSTONE VALLEY CITIZENS COUNCIL, A CITIZENS GROUP FROM BILLINGS, I URGE YOUR SUPPORT OF SENATE BILL 452.

MR. CHAIRMAN, THE PREVIOUS TESTIMONY HAS WELL DOCUMENTED THE RATIONALE FOR FOR THIS TIMELY AND CRUCIAL PIECE OF LEGISLATION.

SB 452 IS THE RESULT OF A SEVERAL YEAR PROCESS THAT INCLUDED INPUT FROM INDUSTRY AND CITIZENS GROUPS, EMPLOYEES AND EMPLOYERS. AS YOU HAVE SEEN, IT IS ALSO STRONGLY SUPPORTED BY THOSE EMERGENCY RESPONSE PERSONNEL THAT ARE DIRECTLY EFFECTED BY THE TYPE, LOCATION AND STORAGE OF CHEMICALS.

MR. CHAIRMAN, NORTHERN PLAINS URGES THE COMMITTEE TO GIVE A DO PASS RECOMMENDATION TO SB 452. THANK YOU FOR THE OPPORTUNITY TO TESTIFY IN FAVOR OF SB 452.

RUSS BROWN
NPRC Staff

The Bozeman Environmental Information Center

P. O. Box 3865
Bozeman, MT 59715

Testimony in Support of SB 452
Before The
House Business and Labor Committee
March 19, 1985

Bozeman EIC, representing approximately 120 members of the Montana Environmental Center in Gallatin and Park counties would like to express its support for SB 452: "An Act Creating the 'Employee and Community Hazardous Chemical Information Act'

An estimated 575,000 different chemicals are produced and used in American industry. Of these a small number have been found to be hazardous to human health. We believe that employees in a workplace that uses hazardous chemicals should have the "right-to-know" about the dangers of the materials they are working with and the right to education and preventive training that will minimize exposure to dangerous toxics. We further believe that the people of a community in which hazardous materials are used should have access to information about dangerous chemicals, especially local fire departments. SB 452 represents a reasonable legislative approach to granting workers and the communities the information they need to avoid unhealthy and life-threatening exposure to dangerous toxic materials.

Under SB 452 employees and people in the community will have access to the relevant information. For example, when a fire breaks out in a facility where hazardous materials are used and/or stored, firefighters will have the information they need in order to know how to effectively fight the fire and minimize danger to themselves and to property. This is exactly what happened when a fire broke out in Lewis Hall on the MSU campus this January. Since the potentially dangerous chemical fire at the university in June, 1983 MSU instituted a chemical safety program which proved effective this January. When the firefighters arrived on the scene a chemical warning placard at the entrance of the burning area told them of the properties of the materials within. Thanks in part to the warning placard no firefighters were needlessly exposed to dangerous toxics.

SB 452 represents the legislative recognition of what we believe must be a fundamental right in any society. People should have the right to know what they working with and living close to. SB 452 further provides that

employees who are exposed must be informed of such exposure so that they can receive appropriate treatment.

Finally, SB 452 reasonably addresses those who might assert that this bill would violate the confidentiality of trade secrets. The proposed law does allow the withholding of a trade secret name while permitting employees and communities access to information concerning the effects of such chemicals. This is particularly critical in the event that someone is exposed. When exposure does occur the chemical properties and presumed effects must be communicated to responsible health care professionals.

Other states and local communities have already enacted similar laws. We urge the committee to concur with the Senate in passing this bill. (By Jerry W. Calvert, Board of Directors).

3/19/85

BOZEMAN MONTANA CENTRAL LABOR COUNCIL A.F.L.-C.I.O. Mohlis

422 EAST MENDENHALL

BOZEMAN, MONTANA 59715

March 18, 1985

Testimony- Senate Bill 452

My name is John Mohlis and I am the president of the Bozeman Central Labor Council. I come before this committee today to urge passage of Senate Bill 452. This is a good bill which would give workers the right to know of hazardous chemicals in the workplace. More than one-quarter of America's workforce may be exposed to occupational health hazards, and a total of 100,000 Americans die each year from occupational diseases. This bill would protect employees manufacturing chemicals and employees handling chemicals on the job. It would also protect firefighters involved in fighting fires where dangerous chemicals might be stored, as well as the community at large. Senate Bill 452 is a big step in the right direction towards a safer workplace, a safer community, and a safer Montana. I support full ratification of Senate Bill 452. Thank you.

Respectfully submitted,



John Mohlis
1200 Royal Road
Belgrade, Montana 59714
Phone-388-1324

Exhibit 8

3/19/85

SB452

Proposed Amendment to SB 452

Submitted by: Janelle
Fallan

Add to P. 10

Section 9. (3)

The county clerk and recorder may disclose to individual private citizens, or to the general public if appropriate, pertinent information, as required under subsection (1), relating to hazardous properties and health hazards of hazardous chemicals at a workplace if a person or persons requesting the information may have suffered or is likely to suffer illness or injury as a result of exposure to one or more of the hazardous chemicals or has any other demonstrable reason to receive the information. The identity of a person requesting the information must be obtained and kept on file by the clerk and recorder. The clerk and recorder shall notify the employer of requests for information provided under subsection (1).

POSITION PAPER
S.B. 452

EMPLOYEE AND COMMUNITY HAZARDOUS
CHEMICAL INFORMATION ACT

Section 2.

This section delineates definitions used in the act. We would suggest that an additional definition be added verbatim from the OSHA standard, specifically: "Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation." Including this definition will clarify the use of the term "chemical name" as it appears elsewhere in the act.

Section 9.

This section outlines the requirements for emergency and community information. Subsections (1) and (2) require that hazardous chemical information be transmitted to the County Clerk and Recorder where they shall be maintained. We do not believe that these subsections are in the best interests of either the private or public sectors and would propose that this information be maintained at the place of business for the following reasons:

- A. Maintaining identical records at both the clerk and recorder's office and at the place of business, as currently proposed, would require additional office space and equipment as well as administrative personnel at the clerk and recorder's office resulting in an increase in costs and taxes. Obviously, the current proposal is not cost effective.
- B. Members of the general public are traditionally concerned only with the potential hazards of businesses near their place of residence. Maintaining the information at the place of business would provide for easier access by eliminating the inconvenience of traveling to the clerk and recorder's office.

Subsection (1) (d) deals with "the names and telephone numbers of responsible individuals" and we would suggest substituting "titles" for "names" to allow for personnel moves.

Subsection (3) concerns the availability of information to the general public and should be amended to reflect that the required information will be available at the place of business.

Subsection (4) addresses the availability of information to the local fire chief and should be modified to reflect that the required infor-

mation will be available at the place of business. At first glance, it might seem that not having centralized records would impose an undue hardship on local fire chiefs; however, examining the records and inspections, as outlined later in the act, would be carried out concurrently.

Subsection (5) requires that fire chiefs must be permitted onsite inspection for the purpose of, in part, "planning fire department activities in case of an emergency." We believe that an inspection for this purpose is, in some instances, unwarranted. In our case, we do not rely on any fire departments, other than our own, to respond to emergencies. In our experience, outside fire departments have neither the equipment nor the expertise to deal with the types of emergencies which are unique to our business, and accordingly, we are prepared to cope with our own problems without reliance on or assistance from outside fire departments. In extremely rare cases where outside help might be requested, individuals responding to the request would function only under the direct supervision of our experts. In these instances, inspections for purposes of planning fire department activities have no value. We do not dispute the need for such inspections where outside fire departments have the prime responsibility for responding to emergencies but would suggest that an exemption be made for businesses in our category. In its present form, this subsection is counterproductive for both businesses and fire chiefs.

Section 11. This section addresses trade secrets. We propose that Subsection (1) (b) be revised from "the material safety data sheet discloses the properties and effects of the hazardous chemical" to "the material safety data sheet discloses the properties and effects of exposure to the hazardous chemical." We have also been advised that Subsection (2) may be unconstitutional and would advise that a legal opinion be obtained in this regard.

3/19/85

SB452

Submitted by: Ward
Shanahan

SENATE BILL 452

Employee & Community Hazardous
Chemical Information Act

My name is Ward A. Shanahan. I am a lawyer in Helena and I am the registered lobbyist for CHEVRON CORPORATION. I appear in opposition to SB 452, not because my client resists appropriate health and safety regulation, but because this one appears to be clearly pre-empted by Federal Law.

29 CFR 1910.1200 Provides:

(a)(1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees within the manufacturing sector. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.

(a)(2) This occupational safety and health standard is intended to address comprehensively the issue of evaluating and communicating chemical hazards to employees in the manufacturing sector, and to pre-empt any state law pertaining to this subject. Any state which desires to assume responsibility in this area may only do so under the provisions of section 18 of the Occupational Safety and Health Act (29 U.S.C. 651 et seq) which deals with state jurisdiction and state plans. (Emphasis added)

We do not believe that Montana has yet adopted a state plan under OSH. Therefore we believe the provisions of Senate Bill 452 are not only premature, they may be entirely unnecessary.

We also direct the Committee's attention to the holding of the United States District Court for the District of New Jersey in January 1985 in the case of New Jersey State Chamber of Commerce v Hughey 600 F.Supp. 606 (1985) where the court held that an Act similar to SB 452 was pre-empted by federal law.

If a state plan is required in a heavily industrialized state like New Jersey we submit that there is no rush to adopt a statute in a sparsely industrialized state like Montana. The Montana Department of Health and Environmental Sciences should be given the opportunity to adopt a plan in accordance with federal law.

Respectfully submitted,

Ward A. Shanahan
Chevron Corporation

Exhibit 11

3/19/85

SB452

Submitted by: Dennis
Shea

Atlantic Richfield Company
Comments on
Montana SB 452

Atlantic Richfield Company recognizes its responsibilities to its employees regarding hazard communication. We support the OSHA Hazard Communication Standard (29 CFR 1910.1200, 48 Federal Register, November 25, 1983) as a uniform, effective and comprehensive program.

Atlantic Richfield believes that additional state laws and regulations regarding hazard communication are redundant and unnecessary. Therefore, we oppose the enactment of Montana SB 452. Some of its provisions conflict with the federal Hazard Communication Standard. It would be burdensome for industry to comply with such a law, as drafted, in addition to complying with the federal standard. Also, expansion of the bill's coverage to include all SIC Codes has the potential to be extremely onerous for those industries in SIC Codes not currently covered by the federal Hazard Communication Standard. Expansion beyond such coverage (SIC Codes 20-39) by various states could result in numerous problems for industries with multi-state operations in attempting to comply with numerous and inconsistent state laws.

As a multistate employer, Atlantic Richfield is concerned about the enactment of overlapping federal, state and local laws covering the identification and labeling of chemicals. We oppose the enactment of any new law that would conflict with the federal standard. Inconsistent state and local laws can create significant compliance problems and obstacles to interstate commerce, when a product is marketed in more than one state. State and local laws can also place a heavy administrative burden on their own governments, which are sometimes required to analyze and file thousands of material safety data sheets.

OSHA contends that its standard preempts any state standard dealing with hazard communication requirements for employees in the manufacturing sector, except for states with approved state plans. Montana is not an approved state-plan state. Therefore, any Montana right-to-know law dealing with the manufacturing sector would be preempted, according to OSHA.

The U.S. District Court for the District of New Jersey ruled on January 3, 1985, that OSHA's Hazard Communication Standard preempts that portion of the New Jersey Worker and Community Right to Know Act which regulates manufacturing businesses covered by the federal standard. That decision set a legal precedent for other states with competing state laws or regulations.

If the Montana legislature believes it necessary to enact a state employee right-to-know law, in addition to the federal Hazard Communication Standard, Atlantic Richfield would recommend the attached Delaware law, SB 436. This law is generally consistent with the federal standard, except that it is expanded to include all SIC Codes. We would oppose the inclusion of this expansion in the SIC Codes in a Montana law.

Atlantic Richfield's specific objections to Montana SB 452 are as follows:

- o *Sections 3 & 4 - Activities related to the exploration, development and production of oil and natural gas are not included in SIC Codes 20-39 and are not currently regulated under the OSHA Hazard Communication Standard. Atlantic Richfield is extremely concerned with the potential of these activities being made subject to inconsistent state and local laws and subsequent regulations, if each state promulgates its own program. The cost of compliance under these circumstances could be prohibitive, particularly when one considers possible liability questions if there are significant differences in state requirements. We must have a consistent set of laws and regulations across the country.

The best solution to this situation would be a federal program that preempts state laws and regulations. If Montana and other states pass laws, however, the chances of action at the federal level would be substantially reduced. Accordingly, we strongly oppose the inclusion of all industries in Section 4 of Montana SB 452 and recommend that Section 3 (Applicability) and Section 4 (Relationship to OSHA Standard) be modified to include only the SIC codes (20-39) covered by the OSHA Hazard Communication Standard.

This bill should not apply to any hazardous waste as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency.

- o Section 6(1) - The workplace chemical list should include only hazardous chemicals normally used or stored in the workplace in excess of 55 gallons or 500 pounds, unless it is a known carcinogen or an acutely toxic material.
- o Section 9(1) - Employers providing emergency and community information should be required to send that information to either the clerk or the recorder, not to two people. Information should be sent only on hazardous chemicals normally used or stored in the workplace in excess of 55 gallons or 500 pounds, unless it is a known carcinogen or an acutely toxic material.

*Major Concerns

- o Section 9(3) - Information given to the clerk or recorder should not be distributed to the public, without the approval of the employer. This would insure that information is provided to emergency response agencies and those who have a need to know detailed information about the hazardous substance.
- o *Section 10(1) - This section would require an employer to provide an employee with information on toxic substances "upon request." Otherwise, the employee would not be required to work until the information is made available. This would not be unreasonable, if the employer already had the requested material safety data sheet on file. However, it would be virtually impossible to fulfill this requirement, if the information were not on file. It could take several weeks to obtain a material safety data sheet (MSDS) from a manufacturer. The only requirement placed upon the employer should be to request an MSDS from the manufacturer, and, if it is not received within 30 days the employer should only have to notify the employee and the appropriate governmental agency that the information had not been received. The provision allowing employees not to work should be eliminated.
- o *Section 11 - This section would not provide for adequate trade secret protection. The trade secret provisions of the attached Delaware Bill (Section 2416) should be adopted.
- o Section 15 - This section would allow any person who believes an employer is not complying with the provisions of SB 452 to submit a written complaint to the local health officer or county attorney. Atlantic Richfield believes that complaints regarding workplace health and safety should be submitted only by employees or their designated representatives, as provided in the Delaware bill (Section 2413).
- o Section 17 - Effective dates should be consistent with the federal Hazard Communication Standard, which are: (1) November 15, 1985 for chemical manufacturers and importers to label containers of hazardous chemicals and provide MSDSs with initial shipments; (2) November 25, 1985 for distributors to be in compliance with the standard; and (3) May 25, 1986 for employers to be in compliance with the standard, including initial training for all current employees.

*Major concerns



SPONSOR: Sens. Holloway, Berndt, Sharp,
Littleton, Arnold, Knox, Bair;
Reps. Van Sant, George,
Corrozi, Roy, Davis, Barnes

DELAWARE STATE SENATE

132ND GENERAL ASSEMBLY

SENATE BILL NO. 436 MAY 3 1991

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE TO PROVIDE EMPLOYEES WITH ACCESS TO INFORMATION RELATING TO HAZARDOUS CHEMICALS TO WHICH THEY MAY BE EXPOSED DURING THEIR EMPLOYMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 16 of the Delaware Code by adding thereto a new Chapter, designated as
2 Chapter 24, which new Chapter shall read as follows:

3 "§2401. Short Title

4 This Chapter shall be known and may be cited as the 'Hazardous Chemical Information Act'.

5 §2402. Declaration of Purpose

6 The General Assembly finds that the health and safety of persons living and working in
7 Delaware may be improved by providing access to information regarding hazardous chemicals to
8 which they may be exposed either during their normal employment activities or during emergency
9 situations. The General Assembly also finds that many employers in the State of Delaware have
10 already established suitable information programs for their employees and that such programs will
11 be required of all manufacturing employers by November 1985 under the Federal Occupational
12 Safety and Health Administration's Hazard Communication Standard. It is therefore, the intent and
13 purpose of this Act to provide accessibility to information regarding hazardous chemicals to
14 employees who may be exposed to such chemicals in non manufacturing employer workplaces as well
15 as to emergency service organizations whose members may be exposed to such chemical hazards
16 during emergency situations.

1 §2403. Definitions

2 (a) "Chemical name" shall mean the scientific designation of a chemical in accordance with the
3 nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)
4 or the Chemical Abstracts Service (CAS) rules of nomenclature or a name which will clearly identify
5 the chemical for the purpose of conducting a hazard evaluation.

6 (b) "Common name" shall mean any designation or identification such as code name, code
7 number, trade name, brand name or generic name used to identify a chemical other than by its
8 chemical name.

9 (c) "Chemical Manufacturer" shall mean an employer in Standard Industrial Classification (SIC)
10 Codes 20 through 39 with a workplace where chemicals are produced for use or distribution.

11 (d) "Designated representative" shall mean the individual or organization to whom an employee
12 gives written authorization to exercise such employee's rights under this section. A recognized or
13 certified collective bargaining agent shall be treated automatically as a designated representative
14 without regard to written employee authorization.

15 (e) "Distributor" shall mean any business, other than a chemical manufacturer or importer,
16 which supplies hazardous chemicals to other distributors or to purchasers.

17 (f) "Employee" shall mean any person who may be exposed to hazardous chemicals in his or her
18 workplace under normal operating conditions or foreseeable emergencies. Office workers, ground
19 maintenance, security personnel or nonresident management are not included unless their job
20 performance routinely involves potential exposure to hazardous chemicals. For the purposes of this
21 Chapter, "employee" includes persons working for the State of Delaware and its political
22 subdivisions, as well as members of volunteer emergency service organizations.

23 (g) "Expose or exposure" means that an employee is subjected to a hazardous chemical in the
24 course of employment through any route of entry (inhalation, ingestion, skin contact or absorption,
25 etc.) and includes potential (e.g., accidental or possible) exposure.

26 (h) "Hazardous chemical" shall mean any element, chemical compound or mixture of elements
27 and/or compounds which is a physical hazard or health hazard as defined by the OSHA Standard in 29
28 CFR Section 1910.1200(c) or a hazardous substance as defined by the OSHA Standard in 29 CFR
29 Section 1910.1200(d)(3).

30 (i) "Label" shall mean any written, printed, or graphic material displayed on or affixed to
31 containers of hazardous chemicals.

32 (j) "Manufacturing employer" shall mean an employer with a workplace classified in SIC Codes
33 20 through 39 who manufactures or uses a hazardous chemical.

1 (k) "Material Safety Data Sheet (MSDS)" shall mean a document containing chemical hazard
2 and safe handling information, provided that, after November 25, 1985, MSDS shall mean a
3 document prepared in accordance with the requirements of the OSHA Standard for such document.

4 (l) "Nonmanufacturing employer" or "Employer" shall mean an employer with a workplace in a
5 SIC Code other than 20 through 39, the State of Delaware, its political subdivisions, and all
6 volunteer emergency service organizations.

7 (m) "OSHA Standard" shall mean the Hazard Communication Standard issued by the
8 Occupational Safety and Health Administration in 48 Federal Register 53280 et. seq. (November 25,
9 1983), to be codified under Title 29 of the Code of Federal Regulations (CFR) Part 1910.1200.

10 (n) "Secretary" shall mean the Secretary of the Department of Health and Social Services.

11 (o) "Work area" shall mean a room or defined space in a workplace where hazardous chemicals
12 are produced or used, and where employees are present.

13 (p) "Workplace" shall mean an establishment at one geographical location containing one or
14 more work areas.

15 (q) "Workplace Chemical List" shall mean the list of hazardous chemicals developed pursuant to
16 §2406 of this Chapter or Subsection (e)(i) of the OSHA Standard.

17 §2404. Relationship to OSHA Standard

18 (a) Manufacturing employers and distributors that are regulated by and complying with the
19 provisions of the OSHA Standard shall be exempt from the provisions of this Chapter except for
20 §2406(d) §2407(a), §2407(d) and §2409.

21 (b) Nonmanufacturing employers that adopt and comply with the provisions of the OSHA
22 Standard may be certified by the Secretary as in compliance with this Chapter except for §2406(d),
23 §2407(d), and §2409.

24 §2405. Notice to Employees

25 Employers shall post adequate notice, at locations where notices are normally posted, informing
26 employees about their rights under this Chapter. In the absence of a notice prepared by the
27 Secretary pursuant to §2413 of this Chapter, an employer notice shall be posted.

28 §2406. Workplace Chemical List

29 (a) Employers shall compile and maintain a Workplace Chemical List which shall contain the
30 following information for each hazardous chemical normally used or stored in the workplace in
31 excess of 55 gallons or 500 lbs.

32 (1) The chemical name or the common name used on the MSDS and/or container label; and

33 (2) The work area in which the hazardous chemical is normally stored or used.

34 (b) The Workplace Chemical List shall be updated as necessary but not less than annually.

1 (c) The Workplace Chemical List may be prepared for the workplace as a whole or for each
2 work area, provided that the list is readily available to employees and their representatives. New or
3 newly assigned employees shall be made aware of the Workplace Chemical List before working with
4 or in a work area containing hazardous chemicals.

5 (d) The Workplace Chemical List shall be provided to the Secretary upon request.

6 (e) The Workplace Chemical List shall be maintained by the employer for 30 years. Complete
7 records shall be sent to the Secretary if the business ceases to operate within the State.

8 **§2407. Material Safety Data Sheets**

9 (a) Chemical manufacturers and distributors shall provide manufacturing and nonmanufacturing
10 purchasers of hazardous chemicals in Delaware appropriate MSDSs for the hazardous chemicals
11 purchased.

12 (b) Employers shall maintain the most current MSDS received from manufacturers or
13 distributors for each hazardous chemical purchased. If an MSDS has not been provided by the
14 manufacturer or distributor for chemicals on the Workplace Chemical List at the time the chemicals
15 are received at the workplace, the employer shall request one in writing from the manufacturer or
16 distributor in a timely manner.

17 (c) Material Safety Data Sheets shall be readily available, upon request, for review by
18 employees or designated representatives.

19 (d) A copy of an MSDS shall be provided to the Secretary, upon request.

20 **§2408. Labels**

21 (a) Existing labels on incoming containers of hazardous chemicals shall not be removed or
22 defaced.

23 (b) Employees shall not be required to work with a hazardous chemical from an unlabeled
24 container except for a portable container intended for the immediate use of the employee who
25 performs the transfer.

26 **§2409. Emergency Information**

27 (a) Employers or manufacturing employers who normally store a hazardous chemical in excess
28 of 55 gallons or 500 lbs. shall provide the Fire Chief of the Fire Department having jurisdiction over
29 the workplace, in writing, the name(s) and telephone number(s) of knowledgeable representative(s) of
30 the employer or manufacturing employer who can be contacted for further information or in case of
31 an emergency.

32 (b) Each employer or manufacturing employer shall provide a copy of the Workplace Chemical
33 List to the Fire Chief, upon request. The employer shall notify the Fire Chief of any significant
34 changes that occur in the Workplace Chemical List.

1 (c) The Fire Chief or his representative, upon written request, shall be permitted on site
2 inspections of the chemicals on the Workplace Chemical List during normal working hours for the
3 sole purpose of preplanning Fire Department activities in the case of an emergency.

4 (d) Employers or manufacturing employers shall provide the Fire Chief, upon written request, a
5 copy of the MSDS for any chemical on the Workplace Chemical List.

6 (e) The Fire Chief shall, upon request, make the Workplace Chemical List and MSDSs available
7 to members of the Fire Company having jurisdiction over the workplace and to personnel responsible
8 for preplanning emergency police or fire activities but shall not otherwise distribute the information
9 without approval of the employer.

10 §2410. Employee Education Program

11 (a) Every employer shall provide, at least annually, an education and training program for
12 employees using or handling hazardous chemicals. Additional instruction shall be provided whenever
13 the potential for exposure to hazardous chemicals is altered or whenever new and significant
14 information is received by the employer concerning the hazards of a chemical. New or newly
15 assigned employees shall be provided training before working with or in a work area containing
16 hazardous chemicals.

17 (b) The program shall include, as appropriate, information on interpreting labels and Material
18 Safety Data Sheets and the relationship between these two methods of hazards communication; the
19 location, acute and chronic effects, safe handling, and first aid treatment with respect to the
20 hazardous chemicals used by the employees; and general safety instructions on the handling, cleanup
21 procedures, and disposal of hazardous chemicals.

22 (c) The Secretary, pursuant to §2413 of this Chapter shall develop and maintain an education
23 and training assistance program to aid those employers who because of size or other practical
24 considerations, are unable to develop such programs by themselves. Such a program shall be made
25 available to such an employer upon request.

26 §2411. Construction of Act

27 The provision of information to an employee shall not in any way affect the liability of an
28 employer with regard to the health and safety of an employee or other persons exposed to hazardous
29 chemicals, nor shall it affect the employer's responsibility to take any action to prevent the
30 occurrence of occupational disease as required under any other provision of law. The provision of
31 information to an employee shall not affect any other duty or responsibility of a manufacturer,
32 producer or formulator to warn ultimate users of a hazardous chemical under any other provision of
33 law.

1 **§2412. Power and Duties of the Secretary**

2 The Secretary may in the manner provided by law, promulgate rules, regulations and
3 administrative procedures reasonably necessary to carry out the purposes of this Chapter.

4 **§2413. Complaints, Investigations, Penalties**

5 (a) Complaints received in writing from employees or their designated representative, relating
6 to alleged violations of this Chapter by nonmanufacturing employers shall be investigated in a
7 timely manner by the Secretary or his designated representative. Complaints from employees or
8 their designated representatives relating to alleged violations by manufacturing employers shall be
9 referred to the Federal Occupational Safety and Health Administration by the Secretary.

10 (b) Officers or duly designated representatives of the Secretary, upon presentation of
11 appropriate credentials and written notice or warrant to the employer, shall have the right of entry
12 into any workplace at reasonable times to inspect and investigate complaints within reasonable
13 limits and in a reasonable manner.

14 (c) Employers found to be in violation of this Chapter shall be given 14 days to comply.
15 Employers not complying within 14 days following written notification of a violation shall be subject
16 to civil penalties of not more than \$500 per violation.

17 **§2414. Outreach Programs**

18 (a) The Secretary shall develop and provide each employer with a suitable form of notice
19 providing employees with information regarding their rights under this Chapter.

20 (b) As part of the outreach program the Secretary shall develop an education and training
21 program to assist employers pursuant to §2410 of this Act.

22 (c) As part of the outreach program, the Secretary may develop and distribute a supply of
23 informational leaflets on employers duties, employee rights, the outreach program and/or the
24 effects of hazardous chemicals.

25 (d) The Secretary may contract with the University of Delaware or other public or private
26 organizations to develop and implement such an outreach program.

27 (e) The Secretary shall establish and publicize the availability of an information office to
28 answer inquiries from employees, employers or the public concerning the effects of hazardous
29 chemicals.

30 **§2415. Employee Rights**

31 (a) No employer shall discharge, or cause to be discharged, or otherwise discipline or in any
32 manner discriminate against an employee because the employee has filed a complaint, assisted an
33 inspector of the Department who may make or is making an inspection under §2413 of this Chapter
34 or has instituted or caused to be instituted any proceeding under or related to this Chapter or has
35 testified or is about to testify in any such proceeding or because of the exercise of any right:

1 afforded pursuant to the provisions of this Chapter on behalf of the employer or on behalf of others,
2 nor shall pay, position, seniority or other benefits be lost for exercise of any right provided by this
3 Chapter.

4 (b) Any waiver by an employee of the benefits or requirements of this Chapter shall be against
5 public policy and be null and void. Any employer's request or requirement that an employee waive
6 any rights under this Chapter as a condition of employment shall constitute a violation.

7 §2416: Protection of Trade Secrets

8 (a) An employer who believes that all or any part of the information required under §2406,
9 §2409(b) or §2409(d) is a trade secret may withhold the information provided that (1) Material Safety
10 Data Sheets are available to employees in the area where they work; (2) hazard information on the
11 trade secret chemicals is provided to the Fire Chief; (3) all relevant information is provided to a
12 physician diagnosing and treating an employee exposed to the chemical, pursuant to requirements
13 stated in the OSHA Standard set forth in 29 CFR Part 1910.1200 (i)(2), and (4) the employer can
14 substantiate the trade secret claim.

15 (b) The Secretary, upon his or her own initiative, or upon request of an employee, his
16 representative or a Fire Chief, may request any or all of the data substantiating the trade secret
17 claim to determine whether the claim made pursuant to §2416(a) of this Chapter is valid. The
18 Secretary shall protect from disclosure any or all information coming into his or her possession when
19 such information is marked by the employer as confidential and shall return all information so
20 marked to the employer at the conclusion of his determination.

21 (c) The employer shall have 30 days after notification by the Secretary that a trade secret
22 claim is not valid to request an administrative hearing on the determination. Any such hearing shall
23 be held in a manner similar to that provided for in the Administrative Procedures Act for hearings in
24 contested cases.

25 §2417: Exemptions

26 Notwithstanding any language to the contrary, the provisions of this Chapter shall not apply to
27 chemicals in the following:

28 (a) Any article which is formed to a specific shape or design during manufacture; which has end
29 use function(s) dependent in whole or in part upon its shape or design during end use, and which does
30 not release or otherwise result in exposure to a hazardous chemical under normal conditions of use;

31 (b) Products intended for personal consumption by employees in the workplace;

32 (c) Retail food sale establishments and all other retail trade establishments, exclusive of
33 processing and repair areas;

1 (d) A workplace where a hazardous chemical is received in a sealed package and is subsequently
2 sold or transferred in that package if the seal remains intact while the chemical is in the workplace
3 and if the chemical does not remain in the workplace more than five working days, except for the
4 provisions of §2409(a) and §2410.

5 (e) Any food, food additive, color additive, drug or cosmetic as such terms are defined in the
6 Food and Drug Act (21 U.S.C. 201 et. seq.) or distilled spirits, wines or malt beverages as such terms
7 are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et. seq.)

8 (f) A laboratory under the direct supervision or guideline of a technically qualified individual
9 provided that:

10 (1) Labels on containers of incoming chemicals shall not be removed or defaced;

11 (2) MSDSs received shall be maintained and made accessible to employees and students;

12 (3) The provisions of §2409 and §2410 are met; and

13 (4) The laboratory is not used primarily to produce hazardous chemicals in bulk for
14 commercial purposes.

15 §2418. Severability

16 The provisions of this Chapter are severable, and if any phrase, clause, sentence, or provision of
17 this Chapter, or the application of any such phrase, clause, sentence or provision to any person,
18 business entity or circumstances, shall be held invalid, the remainder of this Chapter, and the
19 application of such provision or provisions to any persons, business entity or circumstances other
20 than those to which it was held invalid shall not be affected thereby."

21 Section 2. Subsections 2401, 2402, 2403, 2404, 2407(a to c), 2408, 2409(a), 2411, 2412, 2413, 2414,
22 2415, 2416, 2417 and 2418 shall become effective on January 1, 1985. Subsections 2405 and 2410 shall
23 become effective upon July 1, 1985. Subsections 2406, 2407(d) and 2409(b to e) shall become effective
24 on January 1, 1986.

SYNOPSIS

This Act is designed to protect employees in the chemical manufacturing, chemical using and
distributing fields by requiring employers to provide employees with information regarding the potential
hazards of exposure to those chemicals with which they work. This Act is also designed to provide
information to emergency service organizations.

This Act essentially mirrors the federal OSHA standards which are required of manufacturing
employers and applies them to nonmanufacturing employers.

The basic draft of this bill was prepared by the Right to Know Study Committee appointed pursuant
to SR. 87.

Author: Sen. Holloway

Amendments to Senate Bill No. 446

1. Page 3, line 7.

Following: "carts"

Insert: " -- application for registration and renewal"

Following: "."

Insert: "(1)"

2. Page 3, line 17.

Following: line 16

Insert: "(2) The secretary of state shall receive applications for the purpose of registering a name or mark as provided for in subsection (1). Such applications for registration must be submitted on a form to be prescribed by the secretary of state and must be accompanied by a filing fee in an amount commensurate with the actual cost of registration. The registration of a name or mark under this section is effective for a term of 10 years from the date of registration, and upon application filed within 6 months prior to the expiration of such term, the registration may be renewed for another 10 years."

SENATE BILL 325

Exhibit 13

3/19/85

SB325

Submitted by: Iona Baertsch

PROPOSED 9-1-1 LEGISLATION will provide everyone in Montana with a standard method for reporting emergencies. SB325 requires a 25¢ fee per month to be assessed on each telephone access line. This will generate funds for the establishment of a permissive, statewide telephone system for reporting fire, law enforcement and medical emergencies.

CURRENTLY residents of Montana and visitors to the state are faced with confusion and loss of time in reporting emergencies. At the present time, only 18 communities in Montana have 9-1-1 available for reporting emergencies.

NINE-ONE-ONE is the universal emergency number recognized throughout the nation - Many states are using a similar form of financing 9-1-1 as proposed in SB325.

EVERYONE living in, or traveling through Montana, should be able to report ANY emergency no matter WHERE they are by dialing one easy-to-remember and easy-to-dial number. (9-1-1)

Dialing "0" for the telephone operator is no longer a viable option, since operators are located in Billings or Salt Lake City and are not trained to be familiar with the different locations or methods of handling emergencies. With 9-1-1, local options will be retained and the 9-1-1 answering point will be located within a local area for handling of emergencies by personnel trained with a knowledge of that area.

FUNDING WOULD BE USED for phone equipment changes needed to implement the 9-1-1 program where it is presently non-existent and incomplete, and to convert pay telephones for coin-free dialing to report emergencies, for collection and administration which is necessary for coordinating systems so that all areas are served by 9-1-1, with the balance to be divided for cities and counties to be used for on-going expenses and improving 9-1-1 systems.

Some of the rural telephone cooperatives claim they can provide 9-1-1 service at no charge to their consumers. Areas that presently provide "5-1-1" service claim the number can be easily changed to "9-1-1" at no cost. Unfortunately, in most cases, that number reaches only fire volunteers. Other emergency services, such as law enforcement and medical assistance require a separate call (sometimes long distance). In those areas, the revenue created by the 25¢ fee could be used for coordinating services to include ALL emergency services and to pay the toll charges so that reporting an emergency would not require the citizen to make a long distance call.

The telephone cooperatives that don't need the revenue for phone conversion for dialing 9-1-1 or pay telephone conversion to coin-free dialing, could use the funds for improving their local 9-1-1 answering points by purchasing radios, pagers or other equipment for their emergency response personnel or to offset other expenses for their 9-1-1 answering point.

The telephone cooperatives should NOT BE EXEMPT from the fee any more than those areas already having 9-1-1 in place. The 25¢ is to insure a uniform reporting system paid for by EVERYONE IN THE STATE for use by EVERYONE IN THE STATE, no matter where they are when they need to report an emergency.

This is the bottom line: 9-1-1 WILL HELP EVERY MAN, WOMAN, AND CHILD IN MONTANA!!

Joe Moriarity Shelby President
 Lyle Nagel Simms Vice President at Large
 Art Korn Butte Secretary-Treasurer

Lyle Hacke Submitted by: Lyle Nagel #1
 Paul Krahn Hamilton Vice-Pres. Dist. #2
 Bill Habel Dutton Vice-Pres. Dist. #3
 Ron Mailey Twin Bridges Vice-Pres. Dist. #4
 Doug Hamilton Hogeland Vice-Pres. Dist. #5
 Kelly Gebhardt Roundup Vice-Pres. Dist. #6
 Glenn Cook Glasgow Vice-Pres. Dist. #7
 Gene Vennes Plevna Vice-Pres. Dist. #8

Montana State Volunteer Firemen's Association

From the Office of

LYLE T. NAGEL, LOBBYIST

House Business and Labor Committee
 Rep. Bob Pavlovich, Chairman

March 19, 1985

Committee Members:

The following is a list of reasons why we, the Mt. State Volunteer Firemen's Assn., CAN NOT support S.P. 325.

1. The 25 central offices that now have the 9-1-1 service would be charged to collect from their patrons a charge of 25¢ per month to implement a program that they already have.
2. Telephone Co-ops that can or do supply the 9-1-1 service for no charge or a small monthly charge would also have to charge their members 25¢ per month.
3. Some co-ops now have a three digit number system for the emergency services in their area. This system would have to be retained so the 9-1-1 operator could alert the needed emergency service. This would result in two three digit emergency numbers. This could be very confusing for the caller.
4. Some rural volunteer emergency services use private phones to alert their services. A call to a 9-1-1 operator would have to be transferred to the private number involved and that would just add another step to the call.
5. Since all rural roadways do not have names and name signs and all rural residences are not numbered, the systems now used by most rural emergency services need to be retained so the responders can obtain directions to the scene.
6. By having personal contact with the caller a responder can sometimes be of assistance by passing his knowledge to the caller immediately, such as a medical responder giving instructions for treating a burn. This service will not be available through the 9-1-1 operator.

pg. 1

Dedicated to the Betterment of the Fire Fighting Service

It is not what this Association is doing for you, but what are you doing for the Association

7. The only way the 9-1-1 system could work for rural volunteer emergency services is to incorporate a radio pager system into the system. No provisions for such a system are included in this bill. If the pager system were to be included, it is quite possible that 25¢ per month per line would not be sufficient.

8. The purpose of the bill is to primarily fund the installation of the equipment to implement the 9-1-1 system. What is not brought to light is the rest of the cost to maintain the system. This would have to be accomplished with an area wide tax levy of some sort. The proponents of this bill have not bothered to address this problem. We understand that Missouls County levies a tax for this purpose and that their budget for this year is \$450,000.00.

9. The pay back portion of the bill would start immediately for those that now have the system. It appears that this is a way for those systems to reduce their tax levies at the expense of those that probably wouldn't receive funds to implement the system for ten years.

10. At least one area of the state has been informed by their phone company that they cannot provide the 9-1-1 system with their present equipment, yet these people in that area would still have to pay for other area's systems. The area involved is that area in and around Libby.

11. Since the intent of this bill is to be permissive, it seems only fair that the charging of a fee should be limited to those that would receive the benefits. If a co-op can furnish the system at no charge then the members should not have to pay the fee.

12. Some counties do not have any 24 hour dispatch service at this time. Those counties would have to implement such a service or contract with another dispatch service. This could present a funding problem.

13. Some of our rural emergency services cover an area involving more than one phone exchange. Sometimes these exchanges are located in different counties. This presents a problem for a dispatcher in determining which service to alert. If pager systems were to be used, the encoder equipment would have to be duplicated at the dispatch centers.

So far, only one fire department in our assn. has expressed an interest in the passage of this bill. We highly recommend that this bill do not pass. Your consideration of rejecting this bill would be greatly appreciated.

Lyle D. Nagel


Vice Pres. At Large

COPY OF A LETTER SENT TO ALL THE OFFICERS OF THE
MONTANA STATE VOLUNTEER FIREMEN'S ASSOCIATION
Fellow Officers:

March 4, 1985

I would like to bring you up to date on a bill that has come up in the legislature this year that can have a big affect on the communication systems of many of your departments.

The bill is Senate Bill 325. It deals with establishing a state wide common emergency phone number which would be 911. This would be accomplished by the phone company that services your area. The program would not be manditory but if your phone co. decided to implément it, there would be a central 911 dispatcher somewhere in your area that would receive all emergency calls and relay them to the proper agency.

This program would be funded by placing a charge of 25 cents per month on every residential and business phone in the state. This presents a part of the problem. Even though the program would be on a permissive basis, the fee would be manditory. This money collected would go to the State Dept. of Administration to be dispersed to the juristictions applying for funds to implement the program. 9 percent of the money collected would go for the administration and collecting of the funds.

There are at present 25 central offices equipped for the 911 service. Also, word has been received from some of the cooperative phone services that this service could be provided at either no cost or a small monthly fee for line charges. The fee would still be charged to these people to help the people in the rest of the state get the program going. Once the program is going statewide the money collected would be divided amongst the participating members.

The program is planned to be completed in ten years. One problem that I can see is that Mountain Bell figures that to convert their 110 central offices and pay phones (911 calls have to be free) it would cost them \$2.55 million. That would require all the money that would be available for more than thirteen years. I fear that the charge would not stay at 25¢ per mo. for very long. There is no provision in the bill to keep it at that level. Missoula County has budgetted \$450,000 just to operate their 911 system for one year. I don't see how this program can work on the funds that would be available. There was also much opposition from a few senators served by co-ops that could provide the service for free.

The bill does not seem to provide any way to fund pager systems. I don't see how this system would be useful to the volunteer services, especially in the rural areas, without the use of pagers. The 911 operator would have to alert these services by using the system they now use. This just adds another step to the call.

A lot of the rural co-ops are now using the 511 system for emergency services. Some may have to retain this system to have some way for the 911 operator to alert the services needed. This could result in two three digit emergency numbers. This could be as confusing as the system now used in some areas where private phones are used for emergency numbers.

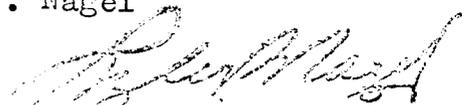
Another problem that I see is the loss of personal contact with the caller that is present with the systems now used by some of us. If every residence or business in the state had a listed, numbered address this might not be very important but as it is now, that personal contact is needed to locate the caller. Of course this problem could be eliminated by numbering all residences and naming and signing all rural roadways.

When I testified at the Senate hearing on this bill, I stated that I felt that the concept of a statewide emergency number was a good idea. However, I did not agree with the bill as it is written. My objections to the bill were (1) there is no provision for pager systems to make the system useful to the volunteer services and (2) I did not feel that those that would not get any benefit from the program should have to pay for it. It appears to me that this bill might be some form of tax relief for those areas that fund the 911 program with a mil levy.

This bill has passed the Senate and has been transmitted to the House Of Representatives. No hearing date has been set so far in the House. Before this hearing is held we would like to have some input from you people. Since this bill could have quite an effect on a lot of us I would suggest that you contact the people in your area and have them get in touch with the House Representative from their area and let them know how they feel. With the proper ammendments this could be a workable bill.

So far Ross and I have looked at and worked on over 30 bills concerning the volunteer firefighters. We have gotten some of them killed and others passed by the committees and passed on the floor. Some needed to be amended so we made recommendations for amendments. There were some that passed the committees but were killed when they reached the floor. There are some, such as this SB 325, that passed on the floor that need some amendments or maybe should be killed in the other house. Your input would be greatly appreciated.

Lyle P. Nagel



Vice Pres. At Large
Montana State Vol. Firemens Assn

Lyle: 264-5151

Ross: Home: 453-6431
Farm: 463-2343
Helena: 449-6940

3/19/85

SB325

Submitted by:
Charles Briggs

State of Montana
Office of the Governor
Helena, Montana 59620

TED SCHWINDEN
GOVERNOR

March 19, 1985

Rep. Bob Pavlovich, Chairman
House Business & Labor Committee
Room 312-2, State Capitol
Helena MT 59620

Dear Rep. Pavlovich:

I want to briefly bring to your attention information I have generally received in my work with the elderly throughout the state, as it relates to S.B. 325.

Senior citizens are increasingly living longer, and many more of them find themselves alone or isolated. That is not bad, as Montana citizens have a priority of very independent living. However, when people have a need, telephone access to emergency services are critical. For whatever reasons - many of which relate to impressions fostered by the media - they believe that in their community by dialing "9-1-1" they will have instant access to those services. When they discover there is no such access line available to them, it causes a certain amount of consternation and additional stress.

I support the establishment of a statewide emergency phone system, such as Sen. VanValkenburg has introduced in S.B. 325. I also believe the effectiveness of such a system is that the access number be "9-1-1" not the least of which is that is the number most readily and generically available to people.

Please let me know if I can be of further assistance in your committee's deliberation. I am

Sincerely,

CHARLES BRIGGS
State Aging Coordinator

cc. Sen. Van Valkenburg

3/19/85
SB325
Submitted by:
Senator Van Valkenburg

Senate Bill 325(Third Reading Copy)

Page 8, line 1

Following: "plan."

Insert:

"In any statement approving a final plan, the Department shall indicate a timetable in which the provider shall undertake necessary telephone system conversions. The timetable shall be such that conversions shall not be required unless sufficient funds to compensate the provider for its conversion costs will be available within one year of the initial installation of the 9-1-1 system."

Public loses to politics

Last spring, an estimated 1,000 to 1,500 sympathizers of a state-wide strike against the Montana Associated General Contractors spilled onto the right-of-way of Highway 39 between Colstrip and Forsyth.

Some 300 of that number surged toward a site where construction companies had stored their equipment.

Rosebud County deputies and volunteers from other nearby departments, an estimated 18 to 20 law enforcement officials, set up a roadblock at Arnells Creek Road and waited for the rock-throwing mob.

As the strikers moved toward the blockade, deputies tossed six tear gas grenades ... and waited.

The strikers broke against the wall of gas, but the deputies' problems weren't over yet.

Other strikers and sympathizers of the strike lined Highway 39, and by late afternoon traffic was halted periodically on the state highway.

One elderly couple reportedly sat helplessly in their car while strikers broke their car's windshield and marked its finish with cans of spray paint.

The situation was growing more and more dangerous and travelers were warned not to travel Highway 39.

Think about that a minute. Citizens of the State of Montana were warned against traveling on a state highway because the state did not ensure their safety.

Finally, law enforcement officers at the scene, outnumbered 75 to one, called Helena to ask for help.

Could the Montana Highway Patrol lend a hand in that very ticklish situation.

Word came back from the state Capitol.
No.

A few days earlier, Yellowstone County deputies had struggled with strikers on a project in Heights near the Roundup turn-off.

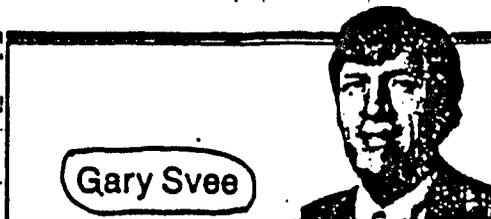
Mike Greely, Montana's Attorney General and head of the state's Highway Patrol, was called for help.

The answer was quick.
No.

What's more, if a highway patrolman had been standing beside the elderly couple's car at Colstrip while strikers caved in the windshield and sprayed it with paint, he would have been prohibited by law from doing anything to help the victims.

A Montana Highway Patrolman, sworn to uphold the laws of the State of Montana, would have been required by law to stand idly by while violence was committed on innocent victims.

The reason for this anachronism is a 1936 law that has its roots in the best of intentions.



Gary Svee

This law, section 44-1-1002, says:

"Such highway patrolmen have no authority and are expressly forbidden to make arrests in labor disputes or to prevent violence in connection with strikes and may not perform any duties whatsoever in connection with labor disputes, strikes, or boycotts."

Ironically, the next section of law, 44-1-1003, says:

"Patrolmen are considered police officers for the purpose of making arrests for all offenses occurring on the highways, highway rest areas, state highway properties adjacent to the highways or the registration thereof, and for the purpose of serving warrants of arrest in connection with such violations."

The first section, 44-1-1002, was written in a time when state police around the nation were being used as strike breakers.

That Montana legislators wanted no part of that practice is commendable, indeed.

But the Montana law is so broad as to be completely unworkable.

Theoretically, Montana Highway Patrolmen would have been required under 44-1-1002 to stand by in the recent truckers strike while drivers were gunned to death in ambushcade.

Remember, the law states that patrolmen are "expressly forbidden ... to prevent violence in connection with strikes. ..."

This is just a mixup, right?

Just one of those old laws that nobody remembered until the situation arose at Colstrip, right?

Rep. Tom Asay, R-Forsyth, might have thought that when he agreed to introduce a bill, drafted by a state organization of law enforcement officers, in this Legislative session.

The bill is hardly revolutionary.

It states:

"(1) Such highway patrolmen have no authority and are expressly forbidden to make arrests in labor disputes and may not perform any duties whatsoever in connection with labor disputes, strikes or boycotts, occurring off of the highways, highway rest areas, and highway property adjacent to the highways.

"(2) notwithstanding paragraph (1), such highway patrolmen may render mutual assistance upon request of a local law enforcement agency to prevent eminent violence."

Even if the bill was not perfect, it was a beginning point to correct the problems with the old law, right?

And Montana law enforcement officials stepped in to steer this bill on its way, right?

Wrong.

Mike Greely, Attorney General for the State of Montana, testified against this bill without offering any alternatives.

Greely said he opposed the bill because the highway patrol's "... primary responsibility is to enforce traffic laws and assist motorists in times of trouble and emergency. ..."

How can it be that a motorist who helplessly watches while his windshield is caved in and his car disfigured by spray paint is not in "times of trouble and emergency?"

Second, Greely said that he opposed the formation of a state police.

Greely was blowing smoke.

There was nothing in the proposed bill that suggested the formation of a state police. Nothing at all. But if Greely was really worried about that, why didn't he offer an amendment to ease those fears?

The answer to that question lies in the third point, Greely made.

He said, "Finally, I want to express personal view concerning the labor movement and its role in Montana's society.

All too often trade unionists confront an alliance of institutions whose interests conflict with the wants and needs of working people.

"Too often that alliance includes government.

"At every turn, working men and women encounter government policies designed to serve the interests of the privileged and the powerful while making life tougher for average working Americans.

"As an official in state government, I will not be part of labor's problem — I want to be part of the solution."

Greely was courting labor, and labor votes.

He was apparently willing to leave elderly couples helpless on the state's highways in order to gain that support.

The question is moot now.

Asay's bill was killed.

But hopefully, sometime before the next election Greely will think about that elderly couple.

Maybe they were working people, too.

And maybe the vast majority of the labor movement in Montana will remember that Greely apparently equates them with thugs who break windows out of old peoples' cars.

And maybe the next time we go to the polls, we'll remember that Greely apparently sees the highway patrol as little more than mobile meter maids.

And maybe we'll think about Greely, and how he apparently considers politics more important than constituents.

Maybe.

Sen Aklestad

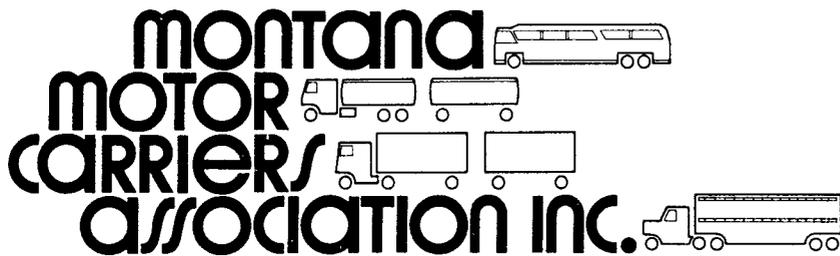


Exhibit 17

3/19/85

SB74

Submitted by: Ben Havdahl

B. G. HAVDAHL, EXECUTIVE VICE PRESIDENT
P. O. BOX 1714, HELENA, MONTANA 59624
TELEPHONE: AREA CODE 406 442-6600

The Montana Motor Carriers Association supports Senate Bill 74 clarifying the authority of the Highway Patrol to protect the public and to prevent obstruction of public highways.

MMCA has some 350 trucking operation members and 100 supplier members. It's been a long standing policy of the Association to strongly support legislation and/or regulations that effectively and reasonably enhance safety on our highways. Senate Bill 74 is, in our view, a worthwhile, necessary piece of legislation to insure the safety of the public, and the trucking industry as well, from any obstruction or interruption, for any reason, of safe passage on our highways.

I would remind this Committee that we have experienced problems in the past with "independent truckers" carrying out a shutdown of their operations in Montana and throughout the Country.

The independent truckers maintained road blocks on Interstate 90 in Missoula during the shutdown of owner operators in June 1979. Many truckers were denied access to the highway at that time. County Sheriffs and other local law officials had their hands full and the county had to consider seeking an injunction against the independent truckers road block. Shootings and other violence outbreaks did occur in Montana although, thankfully they were not widespread and extensive. They were in other states and could have been worse in Montana.

In January 1983, independent truckers again threatened a national shutdown and did, although not many in Montana participated. Fortunately, not a great deal of violence was experienced then as well. However, things could get out of hand during problem situations such as the independent truckers shutdowns. Authorizing the Highway Patrol to act during these times as well as other attempts to blockade our highways makes good sense.

Although we do not anticipate any such problems in the near future, We strongly support the passage of Senate Bill 74.

MEMBER



Truckers' protest takes nasty turn

By The Associated Press

Snipers and arsonists attacked some trucks hauling cargo in defiance of a wildcat strike by independent truckers Sunday as a protest against fuel prices took a nasty turn.

An empty tractor-trailer used for hauling cattle was torched on a lonely stretch of highway in Wisconsin after the driver was run off the road by a four-man gang early Sunday, he told authorities.

Gunshots from a .22-caliber pistol shattered the windshield of a rig out of Round Lake, Minn., as it rolled through Iowa.

And a woman trucker brandished a pistol when an attendant at a truck stop in Sioux City, Iowa, refused to sell her diesel fuel. "Nobody is going to tell me how to operate my truck," the unidentified driver warned.

The scattered incidents of violence occurred over the weekend in the protest that began last week with truck stop blockades and some highway traffic slowdowns that spread to more than a dozen states.

In the meantime, Mike Parkhurst, president of the Independent Truckers Association and editor-publisher of Overdrive magazine, said he would announce Monday in Washington what action his organization intends to take.

The 30,000-member association, which represents about one-third of the independent owner-operators, so far has not joined in the call for a nationwide shutdown.

Though loosely organized, the protest against the high price of fuel,

varying load regulations and the 55-mph speed limit was beginning to take a toll, particularly in the farmlands of the West and Midwest.

Grain elevators were reported filling up and some meat packing plants were shutting down, with not enough trucks available to haul the foodstuffs to the marketplace.

In Montana, where half the state's drivers are independents who haul most of the grain, truck traffic was at a virtual standstill. Most of the diesel pumps were shut down.

Bob Brastrup, executive secretary of the Montana Wheat Research and Marketing Committee, said that with no grain moving out of the state, storage space was dwindling for wheat coming into the elevators from the farms.

Two meat packing plants closed late last week — one in Omaha, Neb., and one across the river in Council Bluffs, Iowa — because they could not find trucks.

While some truck stops were blockaded in several Western states this weekend, others shut down voluntarily in support of the truckers. Still others were simply out of fuel.

In Missoula, Mont., tractor-trailer rigs barricaded Interstate 90 interchanges on both sides of the city. Mrs. Doug Walker, a spokesman for the Western Montana Independent Truckers Association, said drivers who did not cooperate by parking their rigs were followed by strikers in pickup trucks to "stop and talk with them."

"There is no violence involved," she said. "The roughest thing we throw is an egg."

*The Montana Standard
Butte-Anaconda, Montana
Monday, June 11, 1979*

Sniper's bullet hits local owned truck

by Special Staff

Violence on the highways hit close to Big Horn County as the nationwide independent trucker's strike swung into its second week.

An unknown sniper on Interstate 90 narrowly missed Big Horn County truck driver Friday morning, striking the truck's door pan with a large calibre bullet and scattering the window on the driver's side.

Harvey Wegner, who was driving a truck owned by Big Horn County's Larry Dorn, was the sniper's apparent target as he hauled a load of grain into Billings. The shooting happened near the Agency Creek exit in Yellowstone County.

According to Big Horn County Sheriff's Department, the shooting occurred at about 9 a.m. Wegner, alone in the truck, escaped injury when the bullet struck the upper corner of the door jam, fracturing the driver's side window.

"He heard an impact," Maxwell said, and pulled over to check the damage. The window was shattered, but Wegner saw no one who might have done the shooting.

Maxwell said pieces of the slug were found, but there weren't enough of them to determine the calibre for certain. From the size of the hole, he estimated the bullet as .30 calibre size.

Wegner, who said he told law officers everything he knew about the incident, didn't have much to add to the officer's version of the attack

Narrowly misses driver

when contacted Tuesday.

He said, however, that he didn't immediately know it was a bullet that struck the truck he was driving. "It just sounded like a rock hit the cab," he said.

Dorn, the owner of the truck, said Wegner was lucky.

"He (the sniper) just didn't lead him enough," he said. Dorn believes the bullet entered at an upward angle, and theorizes the gunman was set up and concealed where he could shoot from a stable, prone position. Dorn said that after the attack, Wegner calmly drove the truck into Billings, unloaded it and came back. "He's a lucky guy. He was probably more mad than he was scared."

Dorn's trucking operation has been shut down for a week or so as a result of the incident. He said his truckers are still willing to drive, but he wants to keep them off the road for awhile.

"It's just not worth somebody's life to haul a few loads of grain," he said.

Despite the shooting, the trucker's strike doesn't seem to have affected the area a great deal.

Mary Louise Stewart, the proprietor of Bair's Truck Stop, said business is down "just a little." The truckers have been running in convoys of two and three, she said.

"We definitely sympathize," she said.

She doesn't believe the truckers that pass through the area are all that frightened—just a little more cautious. "It hasn't affected us that much. It's down a little, naturally."

Stewart doesn't believe all the shooting across the nation is being done by truckers. She, and others close to the trucking industry, believe the shooting is being done by others who know it will be blamed on striking truckers.

She likened it to the recent Tylenol murders. "There's always a crazy person out there," she said.

Charles Olenik, who manages the truck stop side of Bair's, said last week business was down by about half but seems to be coming back in a hurry this week. Night truck traffic is down quite a bit, he said. "It's been pretty slow at night," he said.

Opal Doane, a cashier at Bair's who works both the night and day shifts, is convinced the violence isn't being done by truck drivers.

"I don't think it's the truckers at all," she said. "I think it's just a bunch of radicals."

Doane said most of the truckers don't like the strike. "They don't think it's the answer to their problem," she said. A lot of the truckers she talks with say they can't afford to strike because they have too many payments to make every month.

Doane said she is also convinced the truckers aren't striking over the fuel tax issue. "They can handle that," she said. What they object to most are the user fees and road tax.

Bair's was quiet Monday, but Olenik said that's normal. Most trucks spend Monday "loading out" and then the truck stop gets busier as the week goes on.

Hardin's grocers don't seem to

(See page 2)

3/19/85

SB74

Submitted by: Jim Murry



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON SENATE BILL 74, HEARINGS OF THE HOUSE BUSINESS AND LABOR COMMITTEE, MARCH 19, 1985

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, FOR THE RECORD, I AM JIM MURRY, REPRESENTING THE MONTANA STATE AFL-CIO. WE ARE HERE TO VOICE OUR OPPOSITION TO THE ONLY LEGISLATION WE KNOW OF THIS SESSION SUPPORTED BY THE MONTANA CITIZENS FOR RIGHT TO WORK -- SENATE BILL 74.

TWO YEARS AGO, MONTANA'S ATTORNEY GENERAL APPEARED BEFORE A LEGISLATIVE COMMITTEE TO TESTIFY IN OPPOSITION TO SIMILAR LEGISLATION WHICH WOULD HAVE REPEALED OUR HISTORIC PROHIBITION OF USING HIGHWAY PATROL OFFICERS IN LABOR DISPUTES. REASONS GIVEN FOR THE ATTORNEY GENERAL'S STRONG OPPOSITION TO THIS TYPE OF MEASURE ARE APPLICABLE TODAY.

FIRST, HE POINTED OUT THAT THE MONTANA HIGHWAY PATROL, ALTHOUGH A FULL-FLEDGED POLICE AGENCY, IS PRINCIPALLY A TRAFFIC ENFORCEMENT FORCE WITH A PRIMARY RESPONSIBILITY TO ASSIST MOTORISTS IN TIMES OF TROUBLE AND EMERGENCY.

EVERY MOTORIST TRAVELING OUR LONG STRETCHES OF HIGHWAY DEPENDS UPON THE HIGHWAY PATROL TO MAINTAIN THE SAFETY OF OUR PUBLIC HIGHWAYS. MANY OF US HAVE HAD THE GOOD FORTUNE OF WELL-TRAINED OFFICERS BEING AVAILABLE IN MOMENTS OF NEED. ACCIDENTS, STRANDED VEHICLE PROBLEMS, LIVESTOCK RANGING OUR ROADS AND DANGERS POSED BY FLOODS AND SEVERE SNOWSTORMS ALL DOCUMENT THE NEED FOR A QUALIFIED, ADEQUATELY STAFFED, PATROL.

THE APPROPRIATIONS COMMITTEE HAS ALREADY HEARD TESTIMONY THAT MONTANA'S HIGHWAY PATROL IS EXPERIENCING THE FINANCIAL DIFFICULTIES WHICH ARE FACING EVERY STATE AGENCY. WHEN BUDGET DECISIONS ARE FINALLY MADE, THE WORK FORCE MAY BE REDUCED.

IT APPEARS ESPECIALLY LUDICROUS AGAINST THIS SCENARIO THAT SB 74 SEEKS TO EXPAND THE DUTIES OF THE HIGHWAY PATROL. DO THE PROPONENTS OF THIS MEASURE SUGGEST THAT LOCAL LAW ENFORCEMENT OFFICERS CANNOT HANDLE SITUATIONS WHICH MAY ARISE IN THEIR JURISDICTIONS? THAT WAS CERTAINLY NOT THE TESTIMONY WHICH WAS GIVEN REGARDING LEGAL VIOLATIONS THAT BROKE OUT IN THE HEAT OF THE HAINES PIPELINE DISPUTE. SENATE BILL 74 PROPONENTS ARE EAGER TO USE THIS SITUATION AS A PRIME EXAMPLE OF "UNION VIOLENCE" THAT THE MONTANA HIGHWAY PATROL SHOULD BE USED TO CONTROL. FIRST OF ALL, IT WAS NEVER PROVEN THAT UNION MEMBERS HAD ANYTHING TO DO WITH DAMAGE TO THE CONSTRUCTION PROJECT. AND FURTHER, LOCAL LAW ENFORCEMENT OFFICERS TESTIFIED THAT THEY HAD THE SITUATION WELL IN HAND.

TWO YEARS AGO, MONTANA'S ATTORNEY GENERAL MADE THE IMPORTANT POINT THAT THE "HIGHWAY PATROL'S LIMITED POSTURE IN MONTANA LAW ENFORCEMENT PRESERVES A LEADING ROLE FOR LOCAL AGENCIES IN ENFORCING THE LAW." WE BELIEVE THIS TO BE AN IMPORTANT PRIORITY IN THIS STATE. WE HAVE TRADITIONALLY AND VOCALLY OPPOSED THE CREATION OF A STATE POLICE FORCE WHICH WOULD COMPETE WITH THOSE ACCOUNTABLE ON THE LOCAL LEVEL FOR AUTHORITY. THIS IS TOTALLY UNNECESSARY WHEN THE LOCAL AGENCIES CAN DO THE JOB.

FINALLY, WE WANT TO POINT OUT THAT THIS BILL ONLY FOCUSES ON THE NEGATIVE ASPECTS OF LABOR-MANAGEMENT RELATIONS. INSTEAD OF SEEKING TO STRENGTHEN THE COLLECTIVE BARGAINING SYSTEM THAT HAS SUCCESSFULLY OPERATED IN MONTANA FOR OVER 100 YEARS, SENATE BILL 74 SEIZES ON THE WORST CASE SCENARIO. IT WOULD EXPAND THE DUTIES OF THE HIGHWAY PATROL WITHOUT PROVIDING THE NECESSARY TRAINING OR FUNDING TO PROPERLY ASSIST THIS AGENCY, AND WOULD ONLY AGGRAVATE A SITUATION THAT CAN BE ADEQUATELY HANDLED BY LOCAL LAW ENFORCEMENT OFFICERS.

WE URGE YOU TO VOTE AGAINST THIS UNNECESSARY PIECE OF LEGISLATION.

THANK YOU.



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

FACT SHEET ON SENATE BILL 74

1. SB 74 is the first bill of the 1985 legislative session for which the Montana Citizens for Right to Work Committee has declared open support. Letters sent to several Montana state legislators early in the session urging passage of this step towards breaking Montana unions confirmed the right to work advocates' interest in SB 74.
 2. Proponents argue about alleged union violence as if tough thugs and goons were running rampant throughout our state. However, when pressed for details and numbers of incidents of such alleged problems, they can only cite four or five incidents over decades of collective bargaining history.
 3. This bill moves towards establishment of a state police force, something which Montanans have long avoided.
 4. Currently, local police officers and city officials are required to handle their local labor disputes, which they have done quite well in the past. However, SB 74 really gives them an edge towards moving this type of work ALMOST ENTIRELY to the newly-created state police force by requesting assistance from the state Attorney General who "shall promptly authorize the use of the highway patrol." (Emphasis added.)
 5. If our highway patrol is busy at picket line duty in cities and towns, who'll be keeping our highways safe throughout rural Montana?
 6. SB 74 is unnecessary -- no one has established the need for creation of a state police force and history shows that Montana's laws, currently on the books, are more than adequate in almost any situation.
 7. Montana has had a long and proud history of collective bargaining between Montana workers and their employers. Whenever the state is placed in a position of taking sides, it damages the balance between the parties and creates an atmosphere for disruption.
- Combined with the earlier passage of SB 81, which encourages employers to force employees to go on strike or to take unilateral pay cuts, SB 74 sets the stage for right to work advocates to work towards a non-union Montana with government on the side of breaking unions.

3/19/85

SB74

Submitted by: Gene Fenderson

TESTIMONY OF GENE FENDERSON ON SENATE BILL 74, HEARINGS OF THE HOUSE BUSINESS
AND LABOR COMMITTEE, MARCH 19, 1985

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM GENE FENDERSON,
APPEARING ON BEHALF OF THE MONTANA BUILDING AND CONSTRUCTION TRADES COUNCIL
IN OPPOSITION TO SENATE BILL 74.

ALL TOO OFTEN THE PRESS AND PUBLIC FOCUS ON THE RARE OCCASIONS
IN LABOR-MANAGEMENT RELATIONS WHICH REACH AN IMPASSE AND INVOLVE A STRIKE
OR LOCKOUT OF WORKERS. EVEN BETTER FOR HEADLINES AND TIME ON THE EVENING
NEWS IS IF SOMEONE -- WHETHER WORKER OR MANAGEMENT -- INSTIGATES A PERSONAL
CONFRONTATION.

THESE ARE THE INSTANCES THAT MAKE THE NEWS AND THESE ARE THE
RARE INSTANCES WHICH ARE BEING EXPLOITED IN THIS RADICAL ATTEMPT TO CHANGE
MONTANA'S SYSTEM OF JUSTICE. SENATE BILL 74 WOULD DESTROY THIS STATE'S
LONG-STANDING PRACTICE OF KEEPING THE HIGHWAY PATROL OUT OF LABOR DISPUTES.
IT IGNORES THE FACT THAT OVER 98 PERCENT OF ALL LABOR CONTRACTS ARE SETTLED
WITHOUT A STRIKE. WHEN A STRIKE DOES OCCUR, FEW INSTANCES OF VIOLATIONS
OF THE LAW HAPPEN. THE MONTANA RECORD REFLECTS THAT OF THE NATION.

PASSAGE OF SENATE BILL 74 WOULD SET THE STAGE FOR CREATION OF
A POLICE FORCE WHICH WOULD COMPETE FOR JURISDICTION WITH OUR LOCAL LAW
ENFORCEMENT AGENCIES. WE DO NOT WANT A STATE POLICE FORCE. WE PREFER THE
GOOD JOB DONE BY OUR LOCAL OFFICIALS WHO ARE ACCOUNTABLE DIRECTLY TO THE
PEOPLE OF THE COMMUNITY.

WE OPPOSE PASSAGE OF THIS PROPOSAL WHICH FOCUSES ONLY ON THE
NEGATIVE ASPECTS OF OUR HIGHLY SUCCESSFUL SYSTEM OF COLLECTIVE BARGAINING,
AND ASK FOR YOUR OPPOSITION TO SENATE BILL 74.

THANK YOU.

PUBLIC

EMPLOYEES

ASSOCIATION

Senate Bill 74, as submitted by Thomas E. Schneider, Executive Director

As amended by the Senate, SB 74 is a very confusing bill. The intent of the sponsor, as I understood, was to allow the Highway Patrol to be used to keep the highways open during a labor dispute. At one time during the 5 weeks that a Senate Highway Subcommittee worked on this bill I thought we had agreed to such an amendment. At the last minute an amendment was proposed and accepted. We saw the amendment but did not see how bad it was until it was incorporated into the second reading copy the day it appeared on the Senate floor.

Let's look at the problems with the bill:

(1) New Section 1(d) which would allow either a peace officer or mayor to request help from the highway patrol if a highway is obstructed to forstall or mitigate eminent or existing danger to public safety. We have no problem with that language even though we know they already have that right.

(2) The amendment to "44-1-1002" is where the problem starts. This allows the highway patrol to be used in some strike situations which is now precluded by law. THE PROBLEM is that it excepts all of "44-1-1003", not just the new language which deals with the obstruction of highways and threat to public safety. What it does is allow the Highway Patrol to be used in strike situations which may have nothing to do with obstructions of public highways causing a threat to public safety but may be only on highway right of way, rest areas or INVOLVING MOTOR VEHICLES as stated in the existing language of "44-1-1003".

FURTHER, when no strike is involved, Section 44-1-1003 continues to provide power to the Highway Patrol, but with this amendment, if there is an obstruction resulting in any threat to public safety, for example a motor cycle gang, if a peace officer or mayor requested help as provided for in section 44-1-1001(d) the request cannot be made to a local highway patrol station, as is now the case, but would have to be made as a showing of evidence to the Attorney General.

FURTHER, under the present law, unless it is a strike situation, a Highway Patrolman has full power to deal with a highway obstruction whether it deals with "a threat to or interruption of safe or prompt passage by the public" and it does not require a request from a local peace officer or mayor nor does he have to wait until some unknown person presents evidence to the Attorney General and he authorizes appropriate action. In other words this bill now interferes with the every day operations of the Montana Highway Patrol and provides a hindrance to the protection of the motoring public.

IF WE REALLY WANT TO ALLOW THE HIGHWAY PATROL TO PROVIDE ASSISTANCE FOR A LIMITED AREA DURING A STRIKE THEN WHY NOT CONSIDER A SIMPLE AMENDMEN



Proposed Amendment to Senate Bill No. 74
Third Reading (Blue Copy)

(1) Page 2, line 23

Following: "in"

Strike: " 44 - 1 - 1003 "

Insert: " 44 - 1 - 1001, (d), when request is made directly to the Attorney General or his designee and he has authorized the Highway Patrol Chief to take appropriate action, such "

(2) Page 3, lines 23 through 25

Strike: all new language

Page 4, lines 1 through 6

Strike: all new language

The effect of this amendment is to allow the Montana Highway Patrol to be involved in a strike situation only if a public highway is obstructed and a request is made for assistance. Such a request is to be made directly to the Attorney General so that a local Highway Patrol Officer does not get caught in a political situation. Section 44 - 1 - 1003 would not be amended and would revert to current law.

I oppose Senate Bill 74
because we have done well in
the state of Montana with out
it. This will just will call
for more taxes from the tax
payers in that the Highway Dept.
will ask for more patrolmen.

I feel that is Bill will only
cause more tension at the picket
line than it will prevent in having
peace. This will only be a club
to be used as a company wishes to
show their power against their employees

Wyatt J Frost
670 Sunny ~~as~~ Boyeman Mt
Aves

BOZEMAN MONTANA CENTRAL LABOR COUNCIL A.F.L.-C.I.O.
422 EAST MENDENHALL
BOZEMAN, MONTANA 59715

March 18, 1985

Testimony- Senate Bill 74

My name is John Mohlis and I am the president of the Bozeman Central Labor Council. I am here today to state my opposition to Senate Bill 74. This bill would set a dangerous precedent towards establishment of a state police force, something Montanans have long avoided. Very few contract negotiations result in a strike, and even fewer result in violations of the law. Highway patrol officers are not trained in labor relations, nor are there any provisions in the law to establish or require this type of specialized training. This bill would create an imbalance in collective bargaining procedures, putting the state on the side of management. Senate Bill 74 is simply another stepping stone towards an anti-worker, so called "Right-to-Work" bill. I urge the committee to give this bill a "do not pass" recommendation. Thank you.

Respectfully submitted,



John Mohlis
1200 Royal Road
Belgrade, Montana 59714
Phone- 388-1324

VISITORS' REGISTER

Business & Labor COMMITTEE

BILL NO. SB 74 DATE 3-19-85

SPONSOR Senator Aklestad

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Shepherd McQueen	2927 Lynx Avenue		X
Clint W. TRASK	1519 Redwing Circle		X
Martin Klein	2015 8th Ave N		X
Alan R. Kover	1420 7th Av. S. Co. F.		X
Jim McHowan	1930 Appleton Helena, MT		X
Bery Vuckovich	P.O. Box 818, Anseonds, MT		X
Don James	415-16th St Butte, MT		X
Larry C. Kemp	3669 Ken Lane Helena, MT		X
Jerry D. Kenson	Missoula		X
Ken R. Mysel	Helena		X
David Weimbach	Helena		X
Robert Reer	GREAT FALLS		X
Jerry Bell	Great Falls		X
Michael Lignell	GREAT FALLS		X
Marlin E. Laky	Helena		X
Vane Deuel	E. Helena Local 172 USWA		X
Jerry D. Ewney	E. Helena Local 72 USWA		X
Bob de Montigny	HELENA		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Rumow Chamber

COMMITTEE

BILL NO. S B 761

DATE 3-19-85

SPONSOR Senator Aklestad

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Howard Rosenburt	Finacorella		X
James H. Kilgip	Great Falls		X
Henry M. Stinaac	" "		X
Eugene Fenderson	Helena		X
Ed Petroff	Missoula, Mont.		X
Mary Gokland	Bellevue, Mont.		X
Alvin Kibler	Bellevue, Mont.		X
W. J. J. J. J.	at Falls		X
Senator Richard E. Manning	Senat. Dist #18		X
Charles Kenneth	Helena		X
John C. Ball	Helena		X
Al Tomassello	Missoula		X
Dave Newman	Bellevue Mont.		X
Clifford E. Will	Missoula		X
Garry Teron	Dear Lodge Mt.		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Bureau & Law

COMMITTEE

BILL SB 74

DATE Mar. 19, 1985

SPONSOR Smith O. Prestad

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
P. Anderson	St. Falls	Loc 400		X
Bell Telephone	" "	Loc 400		X
Mike Keating	" "	# 400		X
Martin Rau	Missoula	BMW Loc. 272		X
J. M. Lane	Janet			
Ron Ritter	Missoula	UPIU 885		X
Margaret Johnson	Helena	HERE 533		X
Sumner Johnson	Helena	HERE Int Union		X
Big Boonin	Booth	telemeters		X
Tom Messina	Potomac	Local 3038		X
Philip Pohlman	SEELY LAKE	LOCAL 3038		X
Tim Linders	Shier Lakes	Local 339		X
Wyatt Frost	Bozeman	Self		X
Ben Sullivan	GARRISON MT	LOCAL 834		X
Le. Hennrich	Great Falls Ind	AFGE 7609		X
Bennett	Missoula	LOCAL - 400		X
M. Barabak	Malta MT	Local #400		X
W. L. Hoff	Helena	MPA		X
Elmer Anderson	St. Falls	Local 122 IBEW		X
George P. Miller	St. Falls	LOCAL 122 IBEW		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

OVER

VISITOR'S REGISTER

HOUSE Bureau + Labor

COMMITTEE

BILL Senate Bill 74

DATE March 19, 1985

SPONSOR Senator Aklestad

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Ron James	Butte, MT	Demworkers		X
Gene Mackinich	Two ponds	Ironworkers		X
Paley Johnson	Helena	Mont. Home Builders	X	X
DAVE FARRIS	Wise River	IBEW		X
Betty Lou Kasten	Brookview, Mt.	Mid-Rocks Teleph		X
John & Carol	Great Falls	2nd River		X
Charles Peter	Johnny, Mt.	West River Tel.		X
Lyle K.	MT. ST. ...		X
Tom Schuster	Blaine	MPWA		X
Jim DUNDAS	THREE FORKS	LOCAL 359 CEMENT WORKERS		X
Mary Lou Boye	Great Falls	Local # 1334		X
Bonnie ...	Helena	MT. Motor Workers Assn	X	
John Mohr	Bellevue, MT	RUSMAN CENTRAL LOCAL ...		X
Janelle Fallon	Helena	MT Chamber	X	
Norma ...	Co. ...	Co. ...		X
Don ...	MBMDA	Hel.	X	
M. de Keating	GF	# 400		X
Joe Brand	Helena	UTU		X
Corine Tucker	St. Joe	Operating Engineers		X
James Tucker	ST FALLS	FUE Local 400		X
Bill ...	" "	Loc 400		X
Phyllis ...	ST F	407		X
Shirley LaLoque	Great Falls	Local # 1334		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

Wynne W. Short

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Carl Wilson Great Falls

Self
Self

X
X

SB 74

				Support	Oppo
John Carlin	Butte	Incl #375	IUE		X
Charles Davis	"	"	"		X
David Mattok	"	"	"		X
Jay Rossman	"	transcripts			X
Jerry Ewing	E. Helena	USWA	local 72		X
James Puddin	E Helena	USWA	local 72		X
Clint W. Prask	Billings	OCAWIU	2-470		X
Richard McQueen	Billings	OCAWIU	2-470		X
Avery Hurrend	Roberts	OCAWIU	2-470		X
Harry Crawford	BILLINGS	OCT 20	2-470		X
Pave Deal	E. Helena	Local 72	United Steel Workers of America		X

VISITOR'S REGISTER

HOUSE

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COMMITTEE

BILL S.B. 74

DATE 3-19-85

SPONSOR

Senator Alvestad

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Woodrow Wilson		1334		X
Daniel Smith	Missoula	# 2		X
Bernard Frank	Missoula MT	IBEW		X
Klan Klaklan	Great Falls	1334		X
Robert Hicks	Ulm	1334		X
Robert Johnson	Ulm	1334		X
Duan Smith	Great Falls	110		X
Don King	" "	110		X
James P. Hendon	East Helena	USWA Local 12		X
David Fisher	E. Helena	hch 72		X
Tom Casey	" "	" "		X
R. Richard	1365 Marquette Dr. Missoula	UFCW local 1981		X
Ronald E. ...	Helena	Boilermakers		✓
Ferry ...	Deer Lodge	IUE #400		✓
David ...	Miss River	IBEW		✓
Marlin E. Lake	HELENA	IUE #400		✓
Ralund ...	Great Falls	1334		✓
William ...	Missoula	Local 415 OPMC		✓
Walter ...	St. Falls, MT	AFGE 2609		✓
Ferry ...	St. Falls MT	AFGE 2609		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

Burned + Labor

COMMITTEE

BILL

SB 74

DATE

3-19-85

SPONSOR

Senator Alvestad

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Les Hemminger	Great Falls mt	AFGE 2609		X
Larry Bender	Mt Falls mt	Local 400		X
Paul Smith	Helena mt	AFGE #2609		X
Ed Trumbo	Mt Falls mt	AFGE - 2609		X
Jerry Johnson	Deer Lodge	IUE #400		X
Ken Krizan	Helena	IUE Staff		X
Curry Ball	Great Falls	1334		X
Sam Ostr Ball	Mt Falls	1334		X
John Ball	Mt Falls	400#		X
Jamie Ball	Mt Falls	"		X
Joseph M. Stinson	" "	#139		X
Deb Furse	Missoula	# 1334-LAB.		X
Shyllis Andie	Great Falls	# 400		X
Resigna McNeil	" "	# 45		X
Michael Lejoville	" "	# 400		X
Jack Patton	CLM MT	#139		X
John Korman	Career Falls	Local #139		X
John [unclear]	SAND Coulee	Local #139		X
Larry [unclear] SR	Mt Falls	Local #15		X
FRED H. SIDES	MT Falls	Local #15		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Bureau & Labor

COMMITTEE

BILL SB 74

DATE March 19, 1985

SPONSOR Senator Allistad

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Larry Fenston Jr.	Great Falls	LOCAL # 18515		X
George Armstrong	Gr. Falls	LOCAL 139		X
Ken Bonnes	Helena	LOCAL 185 IBEW		X
Clayton Bunn	Helena	" "		X
Katherine Goulet	Missoula	UFCW LOCAL 1921		X
Cliff E. Gillis	Missoula	Local 1374		X
Ken Senter	Great Falls	SMU LOCAL 103		X
W. E. [unclear]	HELENA	UOE LOCAL 400		X
L. Child	Libby, MT	U.O.E. Local 410		X
J. [unclear]	MSLA	UOE local 400		X
Jim Kellett	MSLA	UOE LOCAL 400		X
W. J. Holland	Helena	Laborers # 254		X
Jerry Kenyon	Missoula	Laborers - 1334		X
Barret McLean	Great Falls	Peptitters # 139		X
David [unclear]	Great Falls	" "		X
Ray [unclear]	Great Falls	" "		X
Wendy [unclear]	Missoula	AFL-CIO # 398		X
Paul [unclear]	Missoula			X
Greg [unclear]	Stevensville	Humanity		X
Ray [unclear]	Great Falls	Steelworkers		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Business + Labor

COMMITTEE

BILL Senate Bill 325

DATE March 19, 1985

SPONSOR Van Veenburg

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Ellen Moore		Dept. of Adm.	X	
Henry Helgeson	Circle, MT	Mid-Rivers		X
Lyle P. Nagel	Simons Mt.	mt. St. Vol Firemen's Assn		X
Charles Oster	Senary Mt	Mid Rivers		X
Gene Enzen	Circle mt.	" "		X
Jay W Preston	Ronan Mt.	Ronan Tel. Co.		X
Betty Lou Easton	Brookman Mt	Mid-Rivers Tel		X
Stan Smith	Florence mt	Blackfoot Tel		X
Wm. St. Hughes	Fairfield MT	3 Rivers Tel		X
Elizabeth J. Preston	Ronan Mt.	Ronan Tel Co.		X
Earl Owens	Missoula, MT	Blackfoot Tele. Coop.		X
Sona Baertsch	Msla, Utr	Msla Co.	X	
John Mc-	Msla mt	Msla Co	X	
Larry Petersen	Helena	Board of Crime Control	X	
Bruce Swanson	Missoula	Career Fire Chiefs	X	
Jay Wilson Preston	Ronan, mt	Ronan Tel. Co.		X
Mike Trevor	Helena	Dept. of Admin	✓	
S. L. Smith	Ht Peck, mt	Valley Rural Tel		X
R.D. Orr	Lincoln mt	Lincoln tel co		X
R.P. Johnson	Blanchard	Valley Tel.		
J.W. McDonald	Helena 2nd	Northwestern Tel		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

Dave Paul E. Helena E. Helena Vol. Fire Dept. X

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Jerry E. Ewing E. Helena " " " " X

VISITOR'S REGISTER

HOUSE Business + Labor

COMMITTEE

BILL Senate Bill 357

DATE March 19, 1985

SPONSOR Senator Williams

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Tony Herbert	Helena	Adm.		
Roger Tippy	Helena	Ben + Win Wholesale	X	
Rick Day	Helena	Dept. of Revenue	X	
Nappy Hight	Helena	MEMSIL	X	
Alan Robinson				
Martin J. Ludwig	Great Falls Mt	AFGE 2609		X
Benny Johnson	Great Falls Mt	AFGE 2609		X
Les Pennington	Great Falls Mt	AFGE 2609		X
Joe Smith	Great Falls mt	Labors 1334		X
Mary Ekblund	Helena mt	I. W.		X
Edna Stikland	Helena mt	I. W.		X
Don Henderson	Gr. Falls mt	Labors 1334		X
Shirley St. Bernard	Gr. Falls mt	Labors 1334		X
Joe Walker	Helena	357	X	
Frank Rogers	Helena	357	X	
W.E. Haines	Boulder Mt.	357	X	
Ken James	Butte, MT	357	X	
Ray Robinson	Stevensville, mt	Pro-Organization	X	
Jim Quinn	E. Helena mt	#72 United Steelworkers		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Gail Bartlett

Helena

Jewis & Clark Co.
Clerk & Recorder

Support

Larry Weisberg

Helena

MT. UNIV. STS

Support w/
amanda

Teri England

Montana Public Interest Research
Group

Support

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VISITORS' REGISTER

Bruner Chamberlain

COMMITTEE

BILL NO. S B 761

DATE 3-19-85

SPONSOR Senator Aklestad

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Howard Pasenaut	Fredericka		X
James H. Kilgip	Great Falls		X
Henry M. Stinson	" "		X
Eugene Ferrellson	Helena		X
Ed Pettit	Missoula, Mont.		X
Mary Johnson	Bellevue, Mont.		X
Charles Kilgip	Bellevue, Mont.		X
Richard J. Janda	Gr. Falls		X
Senator Richard Manning	Senary Dist #18		X
Charles Kemmister	Helena		X
John C. Ball	Helena		X
Al Tomassello	Missoula		X
Dave Newman	Bellevue Mt.		X
Clifford E. Will	Missoula		X
Garry Johnson	Dear Lodge Mt.		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.