

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND LABOR**

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on March 14, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 517, 3/11/2001; HB 530,
3/11/2001; HB 579, 3/11/2001
Executive Action: HB 517; HB 499; HB 579

HEARING ON HB 517

Sponsor: REPRESENTATIVE JEFF MANGAN, HD 45, GREAT FALLS

Proponents: None

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 1.1}

REPRESENTATIVE JEFF MANGAN, HD 45, GREAT FALLS, said this is an act already in law to encourage private risk capital into Montana and provides that the companies who invest in Montana can have limited tax exemptions. He stated that the part that changes with this bill is to include technology and technology infrastructure as companies available for the tax exemptions.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR MIKE SPRAGUE asked why this incentive has never been used.

Representative Mangan said it is because people haven't known it was available to them.

SENATOR DALE MAHLUM asked about small business investment companies.

Representative Mangan said anybody can form a small business investment company by applying to the Small Business Administration and report to the Department of Revenue.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 16.5}

REPRESENTATIVE JEFF MANGAN, HD 45, GREAT FALLS, said this could bring capital into Montana and also get people within the state to invest in Montana's companies. He said this could really do some good in the state of Montana.

EXECUTIVE ACTION ON HB 517

Motion/Vote: SEN. TAYLOR moved that HB 517 BE CONCURRED IN.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 499

Motion/Vote: SEN. ROUSH moved that AMENDMENT #049902 TO HB499 BE ADOPTED. Motion carried unanimously.

Motion/Vote: SEN. ROUSH moved that HB 499 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

HEARING ON HB 530

Sponsor: REPRESENTATIVE DAVE KASTEN, HD 99, BROCKWAY

Proponents: Geoff Feiss, Montana Telecommunications Assoc
John Sullivan, Attorney, Employment Law
Rebecca Moog, Montana Trial Lawyers Association

Opponents: Mike Meloy, Attorney

Informational Witness: Jerry Keck, Dept of Labor and Industry

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 23.1}

REPRESENTATIVE DAVE KASTEN, HD 99, BROCKWAY, said this bill addresses employee discrimination claims and clarifies and improves current law. This bill gives employers 20 days to respond to a written request of a complaint, under current law parties can go before a hearings examiner. This bill gives them the right to choose a different examiner. It also allows parties to circumvent the hearings officer and go to the district judge.

Proponents' Testimony:

Geoff Feiss, Montana Telecommunications Association, said the issue is impartiality. Under current law the claim goes to the Department of Labor, then if the finding is that an employee has a case it goes to a hearings examiner, but the problem is that there is only one hearing examiner in the state.

John Sullivan, Attorney, Employment Law, said the right to disqualify a hearing examiner is a fundamental right that any person in a serious case should have.

Rebecca Moog, Montana Trial Lawyers Association, said she supports this bill.

Opponents' Testimony:

Mike Meloy, Attorney, said it adds significant delay to the process when cases go through the district court, and in 1997 the law was changed where everything that has a reasonable cause finding is squeezed into a small amount of time, and it has expedited the process. HB 530 will cause things to get drawn out again by allowing either party to go to district court instead of going to the hearings examiner. He also said that fees are always lower when they go before a hearings examiner rather than a district court, so it increases the cost.

Informational Witness: Jerry Keck, Dept of Labor and Industry, handed in his written testimony and a chart explaining the bill.
EXHIBIT (bus58a01) EXHIBIT (bus58a02)

Questions from Committee Members and Responses:

SENATOR VICKI COCCHIARELLA asked if the filing fee is new.

REPRESENTATIVE KASTEN said it was new.

SENATOR COCCHIARELLA asked if under existing law a person could take their case to district court.

Mike Meloy said no, the client under existing law could appeal to the district court however.

CHAIRMAN TAYLOR asked if the hearing will take longer if the bill passes in it's current form.

Jerry Keck said yes.

John Sullivan said it may take longer to get a hearing done, but if it is a complex case it will have to be tried twice, once before the hearings officer and once in district court.

CHAIRMAN TAYLOR asked if it will cost more.

John Sullivan said no.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 5.2}

REPRESENTATIVE DAVE KASTEN, HD 99, BROCKWAY, said this bill would give parties an option. It probably wouldn't be used that often, but would provide an option should it be necessary.

HEARING ON HB 579

Sponsor: **REPRESENTATIVE CAROL JUNEAU, HD 85, BROWNING**

Proponents: **Lynn Long, Department of Labor and Industry**
Jeff Miller, Department of Revenue

Opponents: None

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 6.9}

REPRESENTATIVE CAROL JUNEAU, HD 85, BROWNING, said this bill would modify Montana's unemployment insurance laws so that Montana law conforms to recent changes in the federal law relating to unemployment taxes. She said with this bill tribes would have available to them the same sort of funding option that presently exists for all governmental entities and certain non-profit organizations.

Proponents' Testimony:

Lynn Long, Department of Labor and Industry, said she supports the bill and made herself available to answer questions.

Jeff Miller, Department of Revenue, said they support the bill for the reasons already given.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 13.3}

REPRESENTATIVE CAROL JUNEAU, HD 85, BROWNING, closed without comment.

EXECUTIVE ACTION ON HB 579

Motion/Vote: SEN. ROUSH moved that HB 579 BE CONCURRED IN. Motion carried unanimously.

ADJOURNMENT

Adjournment: 9:20 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus58aad)