

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN DALE MAHLUM**, on March 7, 2003 at 9
A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Kelly Gebhardt (R)
Sen. Ken (Kim) Hansen (D)
Sen. Sam Kitzenberg (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)
Sen. Carolyn Squires (D)

Members Excused: Sen. Bob Keenan (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Sherrie HandeL, Committee Secretary
Eddy McClure, Legislative Branch

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

Committee Business Summary:

Hearing & Date Posted: HB 49, 1/17/2003; HB 50, 1/17/2003;
HB 72, 1/20/2003
Executive Action: HB 49, HB 50, HB 72

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HEARING ON HB 49

Sponsor: REP. DICK HAINES, HD 63, MISSOULA

Proponents: Terry Krantz, Department of Public Health and Human Services

Opponents: None

Informational Witnesses: Doug Monger, Fish, Wildlife and Parks

Opening Statement by Sponsor:

REP. DICK HAINES, HD 63, MISSOULA, said this bill is a clean-up bill that defines tourist homes and spas. He went on to explain what the bill does.

Proponents' Testimony:

Terry Krantz, Department of Public Health and Human Services, stated his department requested this bill and presented written testimony, **EXHIBIT (bus48a01)**.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. CAROLYN SQUIRES asked Doug Monger to give her an example of a spa, which he did.

Closing by Sponsor:

SEN. HAINES explained that the bill is straightforward and asked for passage of the bill.

EXECUTIVE ACTION ON HB 49

Motion/Vote: SEN. HANSEN moved that HB 49 BE CONCURRED IN. Motion carried 9-0. SEN. VICKI COCCHIARELLA WILL CARRY THE BILL.

HEARING ON HB 50

Sponsor: REP. DICK HAINES, HD 63, MISSOULA

Proponents: Terry Krantz, Department of Public Health and Human Services

Opponents: None

Informational Witnesses: Howard Reid, Sanitarian for the Department of Public Health and Human Services

Opening Statement by Sponsor:

REP. DICK HAINES, HD 63, MISSOULA explained federal regulations in 1996 are in statute now defining bottled water and dietary supplements. This bill strikes definitions and requirements related to water bottling because of the adoption of federal regulations in 1996, which pre-empted the standards of states that were not consistent.

Proponents' Testimony:

Terry Krantz, Bureau Chief of the Communicable Disease and Prevention Bureau with the Department of Public Health and Human Services, offered written testimony in support of SB 50, **EXHIBIT (bus48a02)**.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. VICKI COCCHIARELLA asked Mr. Krantz if there are any federal standards at the present time. He answered that there are federal standards that conflict with Montana's standards. This bill removes all of the state's guidelines and says the state will follow federal guidelines.

SEN. COCCHIARELLA inquired of Mr. Reed if we license out-of-state water bottlers. The answer was it was stopped in 1977.

Closing by Sponsor:

REP. HAINES thanked the committee for the hearing and distributed amendments to the bill, **EXHIBIT (bus48a03)** (HB05001.aem).

HEARING ON HB 72

Sponsor: REPRESENTATIVE SCOTT MENDENHALL, HD 39, CARDWELL

Proponents: Keith Kelly, Department of Labor and Industry

Opponents: None

Informational Witnesses:

Kevin Braun, Department of Labor and Industry

Opening Statement by Sponsor:

REPRESENTATIVE SCOTT MENDENHALL, HD 39, JEFFERSON COUNTY, shared that this is a housekeeping bill and allowed Mr. Kelly to explain it.

Proponents' Testimony:

Keith Kelly, Department of Labor and Industry, provided written testimony in support of SB 72, EXHIBIT (bus48a04), and a state map of Montana Unemployment Insurance Benefits Paid and Claims Filed, EXHIBIT (bus48a05).

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Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. DON RYAN questioned Mr. Kelly about a person in the National Guard returning from active duty and their job not being available to them. However, he wanted to know what protections were in place for him. Mr. Kelly referred the question to Kevin Braun, Department of Labor and Industry.

SEN. COCCHIARELLA discussed a situation where a 17-year old student was living on his own, the restaurant where he worked closed, and yet he was disqualified from receiving unemployment. She asked Mr. Braun if this bill would address that situation. Mr. Braun answered it would not.

SEN. CAROLYN SQUIRES noted that if students are in an approved training situation, the rules are different.

CHAIRMAN DALE MAHLUM referenced Page 11, Lines 6 and 7 of the bill to Mr. Kelly. He wanted to know what happened, because "physician" was struck out and "medical provider" was added in

and then physician was put back in again. **Mr. Kelly** replied it was a controversial and public policy issue that needs to be decided at some point in time with regards to the definitions.

Closing by Sponsor:

SEN. MENDENHALL closed by saying he appreciated the comments.

EXECUTIVE ACTION ON HB 50

Motion/Vote: **SEN. SPRAGUE** moved that HB 50 BE CONCURRED IN AS AMENDED. Motion carried 10-0. The bill will be carried by **SEN. CAROLYN SQUIRES**.

EXECUTIVE ACTION ON HB 72

Motion: **SEN. COCCHIARELLA** moved that HB 72 BE CONCURRED IN.

Discussion:

SEN. DON RYAN was concerned about a military person returning after a six-week tour of duty and finding that his job had been eliminated.

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Kevin Braun and **Eddy McClure** explained that statute does not allow that to happen.

SEN. VICKI COCCHIARELLA discussed her experience working in worker's compensation and her concerns that there are not physicians in many remote areas of Montana, such as Libby.

CHAIRMAN DALE MAHLUM wanted to know if this were to go back in leftover language, would it cost a lot of money; however **Mr. Braun** noted there wouldn't be much fiscal impact.

Vote: Motion carried 10-0. **SEN. VICKI COCCHIARELLA WILL CARRY THE BILL.**

ADJOURNMENT

Adjournment: 10:15 A.M.

SEN. DALE MAHLUM, Chairman

SHERRIE HANDEL, Secretary

DM/SH

EXHIBIT (bus48aad)