

1999 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1096

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1096

House Industry, Business and Labor Committee

Conference Committee

Hearing Date January 12, 1999

Tape Number	Side A	Side B	Meter #
1		x	4.3-13.5
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes:

CHAIRMAN BERG called the hearing for HB 1096 to order.

1B: 4.8 RON GUMERINGER, Labor Standards Supervisor for the ND Department of Labor, testified in support of the bill. He said that the bill is not presenting a new issue, it is simply for clarification.

1B: 6.7 REP. LEMIEUX asked what the cost of each drug test would be. Mr. Gumeringer said the cost would run from \$15 to \$43. Rep. Lemieux continued his questioning, asking who would be negatively impacted, regarding who would pay for the costs of testing. Mr. Gumeringer replied that the bill clarifies that when an employer requires the employee to take a drug test, the employer will bear the cost.

1B: 8.8 REP. STEFONOWICZ asked if there were any cases in the state in which the employee has had to pay for their own test. Mr. Gumeringer said that this has happened.

1B: 9.4 REP. EKSTROM questioned the possible dangers of repetitive testing on individuals in certain industries such as trucking. Mr. Gumeringer did not have the information available.

CHAIRMAN BERG adjourned the hearing on HB 1096.

1B: 12.2 ACTION ON BILL REP. KEISER made a motion for a DO PASS. The motion was seconded by Rep. Klein. A roll call vote was taken. The bill passed and Rep. Lemieux will carry it to the House floor.

Date: 1-12-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1096

House Industry, Business and Labor Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Keiser Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg	/		Rep. Thorpe		
Vice Chair - Kempenich	/				
Rep. Brekke	/				
Rep. Eckstrom	/				
Rep. Froseth	/				
Rep. Glasheim	/				
Rep. Johnson	/				
Rep. Keiser	/				
Rep. Klein	/				
Rep. Koppang	/				
Rep. Lemieux	/				
Rep. Martinson	/				
Rep. Severson	/				
Rep. Stefonowicz	/				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Lemieux

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 12, 1999 4:53 p.m.

Module No: HR-06-0519
Carrier: Lemieux
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1096: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1096 was placed on the Eleventh order on the calendar.

1999 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1096


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1096

Senate Industry, Business and Labor

Conference Committee

Hearing Date February 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		1278 to 2650
Committee Clerk Signature 			

Minutes:

SENATOR MUTCH: open hearing on House Bill 1096

RON GILLINGER: support of HOUSE BILL 1096, see testimony

SENATOR SAND: any federal or state laws that mandate drug testing, when the employer is forced to act abiding by federal law

RON GILLINGER: looking at is when testing is not part of a federal law and the employer mandates the testing as part of a medical exam

SENATOR SAND: this goes beyond any mandate

RON GILLINGER: it goes beyond any mandate that the employer is hiring an employee as part of private employment or continuing employment and a drug screen is required and the employer must pay this cost

SENATOR SAND: mandate, the employer would not have to agree to this

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Senate Political Subdivisions Committee

Bill/Resolution Number hb1096

Hearing Date February 8, 1999

RON GILLINGER: we need a mandate to force this mandate into compliance

SENATOR MUTCH: how about truck drivers and the medical tests associated with this, and who is required to pay for this medical exam

RON GILLINGER: a federal or state mandate that the driver must have this test, than the truck driver would have to pay for this

SENATOR MUTCH: then the employee would have to pay for this

RON GILLINGER: correct

SENATOR MUTCH: physical and who would pay for that if it's requested

RON GILLINGER: the employer

SENATOR THOMPSON: random drug tests would be classified as a mandate,

RON GILLINGER: employers could decide on whether to do the random drug testing and making the decision on a case by case basis, and depending on what cases the employer wants to be tested

SENATOR MUTCH: depending on who mandates the testing

RON GILLINGER: correct and clarification that the medical testing is drug testing or alcohol testing

SENATOR MUTCH: employer to pay for this testing or not, as a mandate

RON GILLINGER: price range throughout the state for the medical testing

SENATOR MUTCH: any other questions

MOTION: close public hearing on SB1096

SENATOR KLEIN: motion

SENATOR SAND: seconds the motion

SENATOR SAND: clarification on amendment applying to if there are federal mandates or not

MARK BOTTNER: distinction between employer or employee paying for the medical testing and whether it is required under a licensing field and it's consistency with the employers request

SENATOR SAND: federal or state mandate and the employer acting on this mandate

MARK BOTTNER: required for a licensor and the need to have it done before a license is issued

SENATOR MUTCH: record keeping for this bill

SENATOR THOMPSON: another industry that this is being done in

MARK BOTTNER: cant think of an industry that this is more prevalent but is being done more in private industry

SENATOR THOMPSON: manu factoring line

MARK BOTTNER: nothing more to do with one industry verses another

SENATOR MUTCH: concerns with the employers and the employees

DISCUSSION

MOTION: DO PASS

SENATOR KLEIN: carry on the floor

Date: 2/8/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES

HOUSE BILL/RESOLUTION NO. 1094

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By KLEIN Seconded By SAND

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Krebsbach	X				
Senator Klein	X				
Senator Mathern	X				
Senator Heitkamp					
Senator Thompson	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment KLEIN

REPORT OF STANDING COMMITTEE (410)
February 8, 1999 2:22 p.m.

Module No: SR-25-2197
Carrier: Klein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1096: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1096 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1096

State of North Dakota



State Capitol
600 East Boulevard - 6th Floor
Bismarck, North Dakota 58505

North Dakota Department of Labor

Testimony of Ron Gumeringer Labor Standards Supervisor In Support of HB 1096

January 12, 1999

Good morning Mr. Chairman and members of the House Industry, Business, and Labor committee. For the record, I am Ron Gumeringer, Labor Standards Supervisor for the North Dakota Department of Labor. I appear before you today in support of HB 1096 relating to the clarification of payment for an employment-related medical examination.

The purpose of this bill is to specify in NDCC 34-01-15 that when an employer requires an employee or potential employee to take a test for the presence of drugs or alcohol, as a condition of retaining or obtaining employment, such test is construed as a medical exam and thus the cost of the test is to be incurred by the employer.

The Department of Labor is receiving an increasing number of inquiries from North Dakota employees and employers seeking information on this issue. At present, the North Dakota Department of Labor views a medical examination as incorporating the testing for drugs or alcohol.

I urge a do pass recommendation on HB 1096 and I would be happy to answer any questions you may have. Thank you.

State of North Dakota



State Capitol
600 East Boulevard - 6th Floor
Bismarck, North Dakota 58505

North Dakota Department of Labor

Testimony of Ron Gumeringer
Labor Standards Supervisor
In Support of HB 1096

February 8, 1999

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