

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on March 7, 2007  
at 9:00 A.M., in Room 102 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Vicki Cocchiarella, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Roy Brown (R)  
Sen. John Esp (R)  
Sen. Verdell Jackson (R)  
Sen. Lane L. Larson (D)  
Sen. Don Ryan (D)  
Sen. Frank Smith (D)1  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Claudia Johnson, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 255, 3/23/2007; HB 106,  
3/23/2007; HB 72, 3/23/2007  
Executive Action: HB 106, HB 72, HB 255, HB 137, HB  
76

00:00:13 Chairwoman Cocchiarella

**HEARING ON HB 255**

**Opening Statement by Sponsor:**

00:00:48 **REP. EDITH CLARK (R), HD 28**, opened the hearing on **HB 255**, Clarify cosmetology services in nursing homes.

**Proponents:**

00:03:00 Rose Hughes, Executive Director, Montana Health Care Association (MHCA)

**EXHIBIT (bus48a01)**

00:07:43 Claire Wall, 96 years old, SonHeaven Assisted Living Resident

00:10:22 Julie Holmes, Cosmetologist

00:14:16 Mike Kalarchik, Administrator, Granite County Medical Center

00:18:07 Ray Gibbons, Administrator, Teton Medical Center

**EXHIBIT (bus48a02)**

00:21:25 Steven Miles, Administrator, Big Sky Care Center

00:23:16 Linda Sandman, Owner/Administrator, SonHeaven Assisted Living Center

**EXHIBIT (bus48a03)**

00:28:51 Ila McClenahan, Chaplain, Northern Montana Care Center

00:35:52 Kim Shwartz, Cosmetologist

00:38:20 Harry Bold, Administrator, Big Sandy Medical Center

**EXHIBIT (bus48a04)**

00:41:15 Casey Blumenthal, Montana Hospital Association (MHA)

**EXHIBIT (bus48a05)**

00:42:35 Jack Kane, Deputy Administrator, Business Standards Division, Department of Labor and Industry (DLI)

**Opponents:**

00:42:59 Shirley Gandenberger, Cosmetologist

00:52:28 Kris McDonald, Cosmetologist

**EXHIBIT (bus48a06)**

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:57:49 Sen. Esp to Rep. Clark

00:59:46 Sen. Jackson to Rose Hughes, MHCA

**Closing by Sponsor:**

01:02:23 Rep. Clark

Break

01:14:35 Chairwoman Cocchiarella

**HEARING ON HB 106**

**Opening Statement by Sponsor:**

01:14:53 **REP. DOUGLAS CORDIER (D), HD 3**, opened the hearing on **HB 106**, Remove Commerce as ombudsman regarding Flathead Lake management.

**Proponents:**

01:17:36 Betsy Baumgart, Tourism, Department of Commerce (DOC)

01:20:16 Carl Schweitzer, Libby and Kalispell Chambers of Commerce

**Opponents:** None.

**Informational Testimony:** None.

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

**Closing by Sponsor:**

01:21:29 Rep. Cordier

**HEARING ON HB 72**

**Opening Statement by Sponsor:**

01:22:41 **REP. KENDALL VAN DYK (D), HD 49**, opened the hearing on **HB 72**, Revise professional employer organization law.

**Proponents:**

01:24:30 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry (DLI)

01:28:56 Art Geiger, President, Better Business Systems

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:32:57 Sen. Squires to Jerry Keck, DLI

**Closing by Sponsor:**

01:33:54 Rep. Van Dyk

**EXECUTIVE ACTION ON HB 106**

01:34:37 **Motion/Vote:** **SEN. SQUIRES** moved that **HB 106 BE CONCURRED IN**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 72**

01:35:18 **Motion/Vote:** **SEN. SQUIRES** moved that **HB 72 BE CONCURRED IN**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 255**

01:37:03 **Motion:** SEN. JACKSON moved that HB 255 BE CONCURRED IN.

**Discussion:**

01:37:34 Sen. Cocchiarella

01:38:20 Sen. Smith

01:38:43 Sen. Balyeat

01:38:59 **Vote:** Motion that HB 255 BE CONCURRED IN carried 10-1 by voice vote with SEN. LARSON voting no.

**EXECUTIVE ACTION ON HB 137**

01:40:33 **Motion:** SEN. SMITH moved that HB 137 BE CONCURRED IN.

**Discussion:**

01:40:58 **Motion:** SEN. ESP moved that CONCEPTUAL AMENDMENT BE ADOPTED.

**Discussion:**

01:42:27 Sen. Cocchiarella to Sen. Esp

01:43:55 Sen. Balyeat

01:44:25 **Vote:** Motion that AMENDMENT BE ADOPTED failed 3-8 by voice vote with SEN. BALYEAT, SEN. BROWN, and SEN. JACKSON voting aye.

01:44:56 **Vote:** Motion that HB 137 BE CONCURRED IN carried 10-1 by voice vote with SEN. ESP voting no.

**EXECUTIVE ACTION ON HB 76**

**Discussion:**

01:47:26 Sen. Cocchiarella to Jerry Keck, DLI

[EXHIBIT \(bus48a07\)](#)

[EXHIBIT \(bus48a08\)](#)

01:48:49 **Motion:** SEN. ESP moved that HB 76 BE CONCURRED IN.

**Discussion:**

01:48:57 Sen. Squires to Jerry Keck, DLI

01:50:39 Sen. Cocchiarella to Sen. Squires

01:51:48 Sen. Squires to Jerry Keck, DLI

01:52:01 Sen. Cocchiarella to Jerry Keck, DLI

01:52:54 Sen. Squires to Jerry Keck, DLI

01:54:16 Sen. Cocchiarella to Sen. Squires

01:54:47 **Vote: Motion carried 10-1 by voice vote with SEN.  
Squires voting no.**

**ADJOURNMENT**

Adjournment: 11:00 A.M.

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SEN. VICKI COCCHIARELLA, Chairman

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CLAUDIA JOHNSON, Secretary

VC/cj

Additional Exhibits:

**EXHIBIT ([bus48aad.pdf](#))**