

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

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

**Call to Order:** Chairman Joe Balyeat, on March 5, 2009 at  
10:07 A.M., in Room 422 Capitol

**ROLL CALL**

**Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. Jim Keane (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:**

Sen. Gregory D. Barkus (R)  
Sen. Jim Peterson (R)  
Sen. Carolyn Squires (D)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Linda Keim, 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 119, HB 138, HB 76, 2/24/2009  
Executive Action: HB 76, HB 138, HB 159, HB 160,  
HB 171

**HEARING ON HB 119**

**Opening Statement by Sponsor:**

00:00:02 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 119, Revise employment laws, including workers compensation.

**[EXHIBIT \(bus49a01\)](#)**

**[EXHIBIT \(bus49a02\)](#)**

**Proponents' Testimony:**

00:05:55 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry

**[EXHIBIT \(bus49a03\)](#)**

00:09:51 Rep. Margaret Campbell, HD 31

00:10:53 Sen. Barkus arrived.

00:12:26 Jennifer Perez Cole, Coordinator of Indian Affairs, Governor's Office

00:12:45 Bob Worthington, Labor-Management Advisory Council on Workers Compensation (LMAC)

**[EXHIBIT \(bus49a04\)](#)**

00:14:49 Jason Miller, LMAC

00:15:15 Rep. David Roundstone, HD 41

00:15:45 Rep. Frosty Calf Boss Ribs, HD 15

00:15:59 Dustin Stewart, Montana Building Industry Association

00:17:26 Jon Bennion, Montana Chamber of Commerce

00:17:38 Riley Johnson, National Federation of Independent Business

00:17:54 Carl Schweitzer, Montana Sub-Contractors Association

00:18:17 Robert Rooney, Contractor, White Sulphur Springs

00:22:24 Jacqueline Lenmark, American Insurance Association and Montana Health Systems Managed Care, also for Bruce Spencer, Property Casualty Insurers (PCI), Larry Jones, Liberty Northwest, and Dwight Easton, Farmers Insurance Group

00:23:40 Robert Johnson, Montana AFL-CIO

00:23:58 Kevin Braun, Montana State Fund

00:24:18 Don Judge, Montana Injured Workers Resource Council and Advisory Council on Workers Compensation

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:25:28 Sen. Keane  
00:27:11 Jerry Keck  
00:27:18 Sen. Brown  
00:27:42 Rep. Hunter  
00:29:10 Sen. Jackson  
00:30:07 Rep. Hunter  
00:30:24 Chairman Balyeat  
00:30:58 Rep. Hunter  
00:31:07 Sen. Jackson  
00:31:42 Rep. Hunter  
00:32:00 Chairman Balyeat  
00:32:32 Rep. Hunter  
00:32:54 Chairman Balyeat  
00:36:16 Jerry Keck  
00:36:40 Chairman Balyeat  
00:39:07 Rep. Hunter  
00:40:36 Chairman Balyeat  
00:40:43 Jerry Keck  
00:40:49 Sen. Keane  
00:41:12 Rep. Hunter

**Closing by Sponsor:**

00:41:41 Rep. Hunter

**HEARING ON HB 138**

**Opening Statement by Sponsor:**

00:42:15 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 138, Revise employment safety and occupational health acts.

**Proponents' Testimony:**

00:44:27 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry

[EXHIBIT \(bus49a05\)](#)

[EXHIBIT \(bus49a06\)](#)

00:50:26 Jason Miller, Labor-Management Advisory Council (LMAC)  
00:51:25 Bob Worthington, Co-Vice Chair, LMAC  
00:52:29 Robert Johnson, Montana AFL-CIO, member of Worksafe  
00:53:12 Jon Bennion, Montana Chamber of Commerce  
00:53:23 Riley Johnson, National Federation of Independent Business, member of LMAC

00:53:38 Jacqueline Lenmark, American Insurance Association, and Montana Health Systems Managed Care, also for Bruce Spencer, Property Casualty Insurers (PCI), Larry Jones, Liberty Northwest, and Dwight Easton, Farmers Insurance Group

**Opponents' Testimony:** None

**Informational Testimony:** None

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

**Closing by Sponsor:**

00:54:56 Rep. Hunter

**HEARING ON HB 76**

**Opening Statement by Sponsor:**

00:56:09 Rep. Paul Beck (D), HD 59, opened the hearing on HB 76, Generally revise unemployment insurance laws.

**Proponents' Testimony:**

00:58:00 Roy Mulvaney, Unemployment Insurance Administrator, Department of Labor and Industry

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:59:51 Sen. Keane  
01:01:19 Roy Mulvaney  
01:01:48 Chairman Balyeat

**Closing by Sponsor:**

01:01:55 Rep. Beck  
01:02:40 Chairman Balyeat

Note: Sen. Barkus, Sen. Squires, Sen. Peterson and Sen. Windy Boy were absent when Executive Action began.

**EXECUTIVE ACTION ON HB 76**

01:02:54 **Motion/Vote:** Sen. Keane moved that **HB 76 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Keane will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 138**

01:03:43 **Motion/Vote:** Sen. Keane moved that **HB 138 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Balyeat will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 159**

01:07:21 **Motion:** Sen. Steinbeisser moved that **HB 159 BE CONCURRED IN**.

**Discussion:**

01:07:42 Sen. Brown  
01:08:08 Chairman Balyeat

01:08:47 **Vote:** Motion carried 10-1 by voice vote. Chairman Balyeat voted no. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Tropila will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 171**

01:09:50 **Motion:** Sen. Keane moved that **HB 171 BE CONCURRED IN**.

**Discussion:**

01:10:31 Sen. Brown  
01:10:34 Chairman Balyeat  
01:11:24 Sen. Jackson  
01:11:28 Chairman Balyeat  
01:12:36 Sen. Keane

01:13:12 **Vote:** Motion carried 10-1 by voice vote. Sen. Squires voted no. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill in the Senate.

01:13:56 Sen. Steinbeisser  
01:14:02 Chairman Balyeat  
01:14:06 Sen. Brown  
01:14:15 Sen. Keane  
01:14:48 Sen. Brown

**EXECUTIVE ACTION ON HB 160**

01:15:07 **Motion:** Sen. Keane moved that **SB 160 BE CONCURRED IN.**

01:15:26 **Motion:** Sen. Keane moved **TO AMEND SB 160.**  
**EXHIBIT (bus49a07)**

**Discussion:**

01:15:51 Chairman Balyeat

01:15:56 Pat Murdo

**EXHIBIT (bus49a08)**

01:17:41 Chairman Balyeat

01:17:43 Jacqueline Lenmark, American Insurance Association and  
Surety Fidelity Association

01:20:40 Chairman Balyeat

01:22:49 **Vote:** Motion failed 2-9 by roll call vote. Sen. Keane  
and Sen. Steinbeisser voted aye. Sen. Barkus, Sen.  
Peterson, Sen. Squires and Sen. Windy Boy voted by  
proxy.

01:24:13 **Vote:** Motion carried unanimously 11-0. Sen. Barkus,  
Sen. Peterson, Sen. Squires and Sen. Windy Boy voted by  
proxy. Sen. Brown will carry the bill in the Senate.

01:26:00 Chairman Balyeat

**ADJOURNMENT**

Adjournment: 11:30 A.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT ([bus49aad.pdf](#))**