

## **MINUTES**

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

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

**Call to Order:** Chairman Joe Balyeat, on March 11, 2009 at 10  
A.M., in Room 422 Capitol

#### **ROLL CALL**

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

Sen. Joe Balyeat, Chairman (R)  
Sen. Gregory D. Barkus (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. Verdell Jackson, Vice Chairman (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 386, HB 283, HB 204, 3/4/2009

Executive Action: HB 283, HB 204, HB 119

**HEARING ON HB 386**

**Opening Statement by Sponsor:**

00:00:01 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 386, Right of disposition - funeral.

**Proponents' Testimony:**

00:03:19 Scott Gilligan, General Counsel, Montana Funeral Directors Association and National Funeral Directors Association

**EXHIBIT (bus54a01)**

00:05:31 Sen. Jackson arrived.

00:08:27 Terri Stevenson, Funeral Director in Miles City, and President, Montana Funeral Directors Association

00:10:40 Joe Stevenson, Funeral Director in Miles City

00:12:11 Irene Dahl, Funeral Director in Bozeman

00:15:55 Steve Yeakel, Executive Director, Montana Funeral Directors Association

**Opponents' Testimony:**

00:18:14 Andrea Olsen, Estate Planner, Montana Trial Lawyers Association

**EXHIBIT (bus54a02)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:24:44 Sen. Barkus

00:25:19 Steve Yeakel

**Closing by Sponsor:**

00:27:10 Rep. O'Hara

**HEARING ON HB 204**

**Opening Statement by Sponsor:**

00:29:06 Rep. Bob Ebinger (D), HD 62, opened the hearing on HB 204, Revise work comp law re independent contractor.

**Proponents' Testimony:**

00:31:41 Sen. John Esp, SD 31  
00:32:43 Jerry Keck, Administrator, Employment Relations  
Divison, Department of Labor and Industry (DOLI)  
00:34:30 Bruce Spencer, self  
00:35:24 Bob Worthington, Montana Self-Insurers Association, Co-  
Vice Chair, Labor-Management Advisory Committee  
00:36:57 Jason Miller, Montana based teamsters unions and Labor-  
Management Advisory Committee  
00:38:03 Riley Johnson, National Federation of Independent  
Business  
00:39:41 Spook Stang, Executive Vice President, Montana Motor  
Carriers Association  
00:40:16 Jason Todhunter, Montana Logging Association  
00:40:39 Kevin Braun, Montana State Fund  
00:40:59 Marvin Jordan, Director, Montana Contractors  
Compensation Fund  
00:41:37 Jacqueline Lenmark, American Insurance Association,  
also speaking for Bruce Spencer, Property Casualty  
Insurers Association  
00:42:25 Webb Brown, Montana Chamber of Commerce

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:43:11 Sen. Tropila  
00:43:18 Chairman Balyeat  
00:45:03 Jerry Keck  
[EXHIBIT \(bus54a03\)](#)  
[EXHIBIT \(bus54a04\)](#)  
  
00:45:30 Sen. Barkus  
00:46:34 Jerry Keck  
00:48:12 Chairman Balyeat  
00:48:18 Sen. Stewart-Peregoy  
00:49:33 Jerry Keck

**Closing by Sponsor:**

00:49:45 Rep. Ebinger

**HEARING ON HB 283**

**Opening Statement by Sponsor:**

00:50:45 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 283, Revise workers compensation act on exemptions, claims examiners, safety funding.

**Proponents' Testimony:**

00:53:07 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry (DOLI)  
00:55:10 Jason Miller, Labor-Management Advisory Committee  
00:57:23 Bob Worthington, Labor-Management Advisory Committee  
00:59:31 Nancy Butler, Montana State Fund  
00:59:51 Webb Brown, Montana Chamber of Commerce  
01:00:25 Riley Johnson, National Federation of Independent Business, and member of Labor-Management Advisory Committee  
01:01:14 Marvin Jordan, Executive Director, Montana Contractors Compensation Fund  
01:01:32 Jacqueline Lenmark, American Insurance Association  
01:01:51 Bruce Spencer, Property Casualty Insurers Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:02:19 Sen. Keane  
01:02:45 Rep. Himmelberger  
01:03:10 Sen. Keane  
01:04:02 Jerry Keck  
01:04:15 Sen. Tropila  
01:04:19 Jerry Keck  
01:04:44 Sen. Brown  
01:05:15 Jerry Keck

**Closing by Sponsor:**

01:05:40 Rep. Himmelberger  
01:06:53 Chairman Balyeat

Note: Sen. Jackson, Sen. Peterson, Sen. Squires, and Sen. Windy Boy were not present when Executive Action began.

**EXECUTIVE ACTION ON HB 283**

01:07:09 **Motion/Vote:** Sen. Brown moved that **HB 283 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Jackson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 204**

01:08:20 **Motion/Vote:** Sen. Keane moved that **HB 204 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Jackson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Keane will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 119**

Note: Chairman Balyeat noted that prior Executive Action on 3/6/09 on HB 119 included adoption of two amendments: HB 11902.apm and HB 11903.apm. (See Exhibits on 3/6/09)

01:09:18 **Motion:** Sen. Barkus moved **TO AMEND HB 119. EXHIBIT (bus54a05)**

**Discussion:**

01:12:09 Sen. Barkus  
01:12:40 Sen. Keane  
01:13:25 Chairman Balyeat  
01:15:21 Sen. Stewart-Peregoy  
01:16:11 Sen. Barkus  
01:16:53 Chairman Balyeat  
01:17:17 Jerry Keck  
01:17:27 Sen. Steinbeisser  
01:18:00 Chairman Balyeat  
01:18:15 Pat Murdo

01:18:20 **Substitute Motion:** Chairman Balyeat made a substitute motion **TO FURTHER AMEND HB 119 (Exhibit 5)**, by excluding the agriculture provision and taking a separate vote to include the agriculture provision.

01:19:17 Chairman Balyeat  
01:19:32 Sen. Tropila  
01:19:44 Chairman Balyeat

01:20:06 **Vote:** Motion carried 10-1 by voice vote. Sen. Brown voted no. Sen. Peterson, Sen. Squires, Sen. Jackson, and Sen. Windy Boy voted by proxy.

01:20:21 Sen. Brown

01:20:48 **Substitute Motion:** Chairman Balyeat made a substitute motion that **HB 119 AGAIN BE AMENDED** to add agriculture production back into the amendment (Exhibit 5) in Section 5, sub-paragraph d.

Note: The result is the original amendment, Exhibit 5.

**Discussion:**

01:21:10 Sen. Brown  
01:21:14 Chairman Balyeat  
01:21:30 Sen. Barkus  
01:22:21 Sen. Keane  
01:23:02 Chairman Balyeat  
01:23:59 Sen. Brown  
01:24:30 Sen. Keane  
01:24:49 Chairman Balyeat  
01:25:01 Sen. Stewart-Peregoy

01:26:07 **Vote:** Motion carried 8-3 by roll call vote. Sen. Stewart-Peregoy, Sen. Jackson, and Sen. Balyeat voted no. Sen. Peterson, Sen. Squires, Sen. Windy Boy, and Sen. Jackson voted by proxy.

01:27:37 **Motion/Vote:** Sen. Keane moved that **HB 119 BE CONCURRED IN AS AMENDED**. Motion carried 9-2 by roll call vote. Sen. Jackson and Sen. Balyeat voted no. Sen. Peterson, Sen. Squires, Sen. Windy Boy, and Sen. Jackson voted by proxy. Sen. Barkus will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 195**

**Discussion:**

01:29:23 Pat Murdo  
01:32:14 Sen. Tropila  
01:32:28 Shauna Helfert  
01:34:07 Chairman Balyeat  
01:37:42 Shauna Helfert  
01:39:12 Chairman Balyeat

**ADJOURNMENT**

Adjournment: 11:42 A.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT ([bus54aad.pdf](#))**