

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on March 26, 2009 at 9 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. Joseph (Joe) Tropila (D)

Members Excused: Sen. Gregory D. Barkus (R)
Sen. Jim Peterson (R)
Sen. Carolyn Squires (D)
Sen. Sharon Stewart-Peregoy (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 211, SB 511, HB 635, 3/19/2009

Executive Action: HB 390, HB 572, HB 345, HB 318,
HB 374, HB 635

EXECUTIVE ACTION ON HB 390

00:01:04 Chairman Balyeat

00:01:32 **Motion:** Sen. Jackson moved that **HB 390 BE CONCURRED IN.**

00:01:39 Sen. Barkus arrived.

Discussion:

00:01:49 Pat Murdo

EXHIBIT(bus67a01)

Note: Exhibit 1 contains research information and four prospective amendments.

00:02:58 Chairman Balyeat

00:03:02 Pat Murdo

00:05:51 **Substitute Motion:** Sen. Barkus made a substitute motion to **Table HB 390.**

00:06:56 Chairman Balyeat

00:07:04 **Vote:** Motion carried 7-4 by roll call vote. Sen. Peterson, Sen. Steinbeisser, Sen. Jackson, and Sen. Balyeat voted no. Sen. Peterson, Sen. Squires, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 572

00:09:04 **Motion:** Sen. Steinbeisser moved that **HB 572 BE CONCURRED IN.**

Discussion:

00:09:21 Chairman Balyeat

00:09:36 Pat Murdo

00:09:57 Chairman Balyeat

00:10:41 **Vote:** Motion carried 9-2 by roll call vote. Sen. Balyeat and Sen. Barkus voted no. Sen. Peterson, Sen. Squires, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy. Sen. Branae will carry the bill on the Senate floor.

00:13:16 Sen. Squires arrived.

EXECUTIVE ACTION ON HB 345

00:13:30 Chairman Balyeat

00:14:18 **Motion:** Sen. Steinbeisser moved that **HB 345 BE CONCURRED IN.**

Discussion:

00:14:41 Sen. Barkus

00:15:23 Sen. Jackson

00:15:55 Chairman Balyeat

00:16:31 **Substitute Motion/Vote:** Sen. Brown made a substitute motion to **Table HB 345.** Motion carried 10-1 by roll call vote. Sen. Squires voted no. Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 318

00:18:59 Chairman Balyeat

00:19:17 Sen. Tropila

00:19:37 **Motion:** Sen. Jackson moved that **HB 318 BE CONCURRED IN.**

Discussion:

00:19:56 Sen. Barkus

00:20:03 Chairman Balyeat

00:22:16 Pat Murdo

00:22:27 Sen. Tropila

00:22:52 Sen. Squires

00:24:07 Sen. Brown

00:25:30 Chairman Balyeat

00:26:48 Sen. Barkus

00:27:31 Chairman Balyeat

00:27:59 Sen. Squires

00:28:51 **Motion:** Sen. Keane moved **TO AMEND HB 318.**

EXHIBIT (bus67a02)

00:28:55 Pat Murdo

00:29:48 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:30:04 **Motion:** Sen. Keane moved that **HB 318 AS AMENDED BE CONCURRED IN.**

Discussion:

00:30:24 Sen. Barkus
00:31:00 Sen. Steinbeisser
00:31:32 Sen. Jackson
00:32:58 Chairman Balyeat
00:33:07 Sen. Keane
00:34:21 Sen. Barkus
00:34:49 Sen. Squires
00:37:33 Sen. Barkus
00:39:19 Chairman Balyeat
00:39:27 Sen. Squires
00:40:06 Sen. Barkus

00:40:16 **Vote:** Motion failed 5-6 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted aye. Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:41:25 **Motion/Vote:** Chairman Balyeat moved that **HB 318 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled 6-5 by unanimous agreement of those present.

EXECUTIVE ACTION ON HB 374

00:42:00 Sen. Keane
00:42:08 Chairman Balyeat

00:42:16 **Motion:** Sen. Keane moved **TO RECONSIDER PREVIOUS ACTION ON HB 374.**

Discussion:

00:42:33 Chairman Balyeat
00:42:38 Sen. Brown
00:42:45 Sen. Keane
00:43:10 Chairman Balyeat
00:43:45 Pat Murdo
00:43:52 Sen. Keane

00:44:08 **Vote:** Motion carried 10-1 by roll call vote. Sen. Balyeat voted no. Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

00:45:12 **Motion:** Sen. Keane moved that **HB 374 BE CONCURRED IN.**

00:45:24 **Motion:** Sen. Keane moved **TO AMEND HB 374.**

[EXHIBIT](#)(bus67a03)

Discussion:

00:46:27 Pat Murdo

00:46:35 Sen. Barkus

00:46:58 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy
voted by proxy.

00:46:59 Sen. Barkus left the room.

00:47:09 **Motion:** Sen. Keane moved **TO FURTHER AMEND HB 374.**

[EXHIBIT](#)(bus67a04)

Discussion:

00:47:30 Pat Murdo

00:49:57 Sen. Keane

00:50:01 Pat Murdo

00:50:32 Chairman Balyeat

00:50:36 Pat Murdo

00:52:21 **Vote:** Motion carried unanimously 11-0 by voice
vote. Sen. Barkus, Sen. Peterson, Sen. Stewart-
Peregoy, and Sen. Windy Boy voted by proxy.

00:52:46 **Motion:** Sen. Keane moved that **HB 374 AS AMENDED BE
CONCURRED IN.**

00:53:00 Sen. Barkus returned.

Discussion:

00:53:16 Chairman Balyeat

00:54:11 Sen. Keane

00:55:10 Sen. Tropila

00:55:38 Chairman Balyeat

00:56:05 **Vote:** Motion carried 8-3 by roll call vote. Sen.
Barkus, Sen. Peterson, and Sen. Balyeat voted no. Sen.
Peterson, Sen. Stewart-Peregoy, Sen. Windy Boy voted by
proxy. Sen. Keane will carry the bill on the Senate
floor.

Discussion on HB 357:

Note: HB 357 was re-referred to Senate Business and Labor on 3/25/09. Members discussed the action with the Sponsor, Rep. Tom Berry at this time.

00:57:37 Chairman Balyeat
00:57:59 Rep. Tom Berry
00:58:23 Sen. Jackson
00:59:08 Chairman Balyeat
01:00:33 Rep. Tom Berry
01:00:42 Chairman Balyeat
01:00:52 Sen. Jackson
01:01:03 Pat Murdo
01:01:50 Chairman Balyeat
01:02:07 Rep. Berry

HEARING ON HB 211

Opening Statement by Sponsor:

01:03:27 Rep. Jeffery Welborn (R), HD 72, opened the hearing on HB 211, Responsible alcohol vendor act.

Proponents' Testimony:

01:06:30 Ronna Alexander, Convenience Store Association
01:10:41 Jack Hook, Field Supervisor, Sutey Oil Company, Thriftway Super Stops
01:15:15 Cheryl Warburton, District Manager, Town Pump Incorporated
01:18:39 Kristi Blazer, Montana Beer and Wine Distributors Association
01:19:08 Mark Staples, Montana Tavern Association
01:23:22 Neil Peterson, Gaming Industry Association of Montana
01:23:47 Amy Grmoljez, Montana Inn Keepers Association

Opponents' Testimony: None

Informational Testimony:

01:24:42 Shauna Helfert, Administrator, Liquor Control Division, Department of Revenue

Questions from Committee Members and Responses:

01:28:21 Sen. Brown
01:29:40 Rep. Welborn
01:29:50 Shauna Helfert
01:30:03 Sen. Squires

01:30:11 Shauna Helfert
01:31:17 Sen. Squires
01:35:24 Mark Staples

Closing by Sponsor:

01:36:05 Rep. Welborn

HEARING ON SB 511

Opening Statement by Sponsor:

01:36:57 Sen. Mitch Tropila (D), SD 12, opened the hearing on SB 511, Retail license to sell table wine for sacramental purposes.

[EXHIBIT \(bus67a05\)](#)

[EXHIBIT \(bus67a06\)](#)

Proponents' Testimony:

01:42:50 Roy Houseman, Montana Church Supply, Great Falls
01:45:29 Mary Houseman, Montana Church Supply, Great Falls
01:47:56 Shauna Helfert, Administrator, Liquor Control Division,
Department of Revenue

01:48:17 Sen. Stewart-Peregoy arrived.

01:51:36 Moe Wosepka, Executive Director, Montana Catholic
Conference

02:01:19 Kristi Blazer, Montana Beer and Wine Distributors
Association

[EXHIBIT \(bus67a07\)](#)

[EXHIBIT \(bus67a08\)](#)

02:08:58 Chairman Balyeat left the room. Sen. Jackson assumed
the position of Chair.

02:10:58 Mark Staples, Montana Tavern Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:12:58 Sen. Brown
02:13:56 Shauna Helfert

02:13:42 Sen. Balyeat returned and assumed the position
of Chair.

02:14:44 Chairman Balyeat

Closing by Sponsor:

02:14:56 Rep. Tropila

02:16:44 Chairman Balyeat

02:16:50 Recess

02:24:41 Resume

HEARING ON HB 635

Opening Statement by Sponsor:

02:24:52 Rep. Bill McChesney (D), HD 40, opened the hearing on
HB 635, Repeal Montana equity capital investment act.
[EXHIBIT \(bus67a09\)](#)

Proponents' Testimony:

02:25:57 Ellen Feaver, Montana Capital Investment Board
[EXHIBIT \(bus67a10\)](#)

02:30:04 Larry Anderson, Montana Capital Investment Board
02:33:32 Andy Poole, Deputy Director, Department of Commerce
[EXHIBIT \(bus67a11\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:34:43 Chairman Balyeat

Closing by Sponsor:

02:34:53 Rep. McChesney

Note: Sen. Barkus, Sen. Peterson, and Sen. Windy Boy
were not present when the following Executive Action
took place.

EXECUTIVE ACTION ON HB 635

02:35:22 **Motion/Vote:** Sen. Brown moved that **HB 635 BE CONCURRED IN.** Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill on the Senate floor.

02:37:04 Chairman Balyeat

ADJOURNMENT

Adjournment: 11:44 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT ([bus67aad.pdf](#))