

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Joe Balyeat, on March 17, 2011 at 8:00 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Sharon Stewart-Peregoy (D)
Sen. Bruce Tutvedt (R)
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 249, 3/9/2011; HB 341, 3/9/2011; HB 342, 3/9/2011

Executive Action: HB 80, Do Concur; HB 258, Do Concur As Amended; HB 354, Tabled; HB 531, Do Concur; HB 125, Do Concur As Amended; SB 389, Do Pass; HB 264, Tabled.

EXECUTIVE ACTION ON HB 80

00:02:06 **Motion:** Sen. Facey moved that **HB 80 BE CONCURRED IN.**

Discussion:

00:02:33 Sen. Facey
00:03:40 Chairman Balyeat

00:04:35 **Vote:** Motion carried unanimously by voice vote. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

EXECUTIVE ACTION ON HB 258

00:05:17 **Motion:** Sen. Mowbray moved that **HB 258 BE CONCURRED IN.**

00:05:24 **Motion:** Sen. Balyeat moved that **HB 258 BE AMENDED.**
EXHIBIT(bus60a01)

Discussion:

00:05:44 Sen. Facey
00:05:46 Chairman Balyeat
00:06:36 Sen. Facey
00:06:40 Chairman Balyeat

00:06:52 **Vote:** Motion carried unanimously by voice vote. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

00:07:13 **Motion/Vote:** Sen. Facey moved that **HB 258 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Mowbray will carry the bill.

EXECUTIVE ACTION ON HB 354

00:08:06 **Motion:** Sen. Facey moved that **HB 354 BE CONCURRED IN.**

Discussion:

00:08:24 Chairman Balyeat
00:10:00 Sen. Moore
00:10:05 Sen. Facey
00:11:08 Sen. Moore
00:11:15 Sen. Facey
00:11:32 Sen. Tropila
00:12:05 Chairman Balyeat
00:13:16 Sen. Facey

00:13:43 Chairman Balyeat
 00:13:52 Sen. Moore
 00:14:19 Chairman Balyeat
 00:14:39 Sen. Vuckovich
 00:15:14 Sen. Tropila
 00:16:21 Chairman Balyeat
 00:17:39 Sen. Mowbray
 00:18:51 Chairman Balyeat
 00:19:07 Sen. Jackson
 00:20:16 Chairman Balyeat
 00:20:49 Sen. Moore

00:21:16 **Vote:** Motion failed 5-6 by roll call vote with Sen. Balyeat, Sen. Jackson, Sen. Mowbray, Sen. Steinbeisser and Sen. Tutvedt voting aye. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Without objection, Sen. Facey moved to **REVERSE THE VOTE** and **TABLE**.

EXECUTIVE ACTION ON HB 531

00:23:25 **Motion:** Sen. Facey moved that **HB 531 BE CONCURRED IN**.

Discussion:

00:23:42 Sen. Jackson
 00:24:01 Chairman Balyeat
 00:25:56 Sen. Tropila
 00:26:47 Sen. Mowbray
 00:27:19 Sen. Tropila
 00:28:56 Chairman Balyeat
 00:29:47 Sen. Mowbray
 00:30:48 Sen. Tropila
 00:31:05 Sen. Mowbray

00:31:27 **Vote:** Motion carried 7-4 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila and Sen. Windy Boy voting no. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Mowbray will carry.

EXECUTIVE ACTION ON HB 264

00:33:20 **Motion:** Sen. Tropila moved that **HB 264 BE CONCURRED IN**.
[**EXHIBIT\(bus60a02\)**](#)

Discussion:

00:33:32 Chairman Balyeat
 00:34:03 Sen. Tropila

00:34:24 Sen. Tropila **WITHDREW** his motion on **HB 264**.

Note: Executive Action will take place later in today's meeting.

EXECUTIVE ACTION ON HB 43

00:35:34 **Motion:** Sen. Facey moved that **HB 43 BE CONCURRED IN.**

00:36:01 **Motion:** Sen. Balyeat moved that **HB 43 BE AMENDED.**
EXHIBIT(bus60a03)

Discussion:

00:36:20 Ms. Murdo
00:36:27 Chairman Balyeat
00:38:45 Ms. Murdo

00:39:26 Chairman Balyeat **WITHDREW** his motion.

00:39:34 **Motion:** Sen. Facey moved that **HB 43 BE AMENDED.**
EXHIBIT(bus60a04)

Discussion:

00:39:52 Sen. Facey
00:41:05 Chairman Balyeat
00:42:09 Sen. Moore
00:42:31 Chairman Balyeat

00:43:36 **Substitute Motion/Vote:** Sen. Facey made a substitute motion that **HB 43 BE AMENDED** by segregating Sections 1, 2, 3 of the amendment and voting on them separately. **SUBSTITUTE MOTION CARRIED** unanimously by voice vote of those present and voting.

Discussion:

00:44:00 Sen. Facey
00:44:09 Sen. Tropila
00:44:49 Sen. Vuckovich
00:44:52 Sen. Moore
00:45:22 Sen. Facey
00:45:49 Sen. Jackson
00:46:12 Sen. Facey

00:46:25 **Motion/Vote:** Sen. Facey moved that **HB 43 BE AMENDED with Section 1.** Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

00:47:20 Sen. Facey **WITHDREW** his motion on Section 2 of the segregated amendment.

00:47:24 **Motion:** Sen. Facey moved that **HB 43 BE AMENDED with Section 3.**

Discussion:

00:47:33 Sen. Facey
 00:48:15 Sen. Moore
 00:49:11 Chairman Balyeat
 00:51:23 Sen. Facey
 00:51:34 Chairman Balyeat
 00:52:13 Ms. Murdo
 00:52:26 Chairman Balyeat
 00:52:30 Sen. Mowbray
 00:52:55 Sen. Facey

00:53:04 **Vote:** Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

Discussion:

00:54:16 Chairman Balyeat
 00:54:19 Sen. Moore
 00:55:22 Ms. Murdo
 00:56:42 Chairman Balyeat
 00:57:53 Sen. Moore
 00:58:54 Ms. Murdo
 00:59:02 Chairman Balyeat
 00:59:31 Ms. Murdo
 00:59:46 Sen. Facey
 00:59:49 Chairman Balyeat
 00:59:57 Sen. Moore
 01:00:23 Ms. Murdo
 01:01:22 Sen. Moore
 01:01:53 Chairman Balyeat
 01:01:58 Sen. Facey
 01:02:24 Chairman Balyeat
 01:02:48 Sen. Tropila

01:02:57 Sen. Facey **WITHDREW** his motion on HB 43.

Note: The committee will take more action at a later date.

01:03:12 Break
 01:07:30 Resume

HEARING ON HB 249

Opening Statement by Sponsor:

01:07:56 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 249, Limit shareholder liability for corporation's acts and debts.

Proponents' Testimony:

01:13:46 Steve Turkiewicz, Montana Bankers Association

Opponents' Testimony:

01:15:10 Kristen Juras, lawyer, Great Falls

[EXHIBIT](#)(bus60a05)

01:19:07 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:21:28 Sen. Moore

01:22:06 Sen. Fitzpatrick

01:22:28 Sen. Moore

01:23:17 Mr. Smith, MTLA

01:24:02 Chairman Balyeat

01:24:09 Sen. Tropila

01:24:55 Mr. Smith

01:25:08 Chairman Balyeat

01:25:17 Sen. Facey

01:28:14 Ms. Juras, lawyer

01:29:02 Sen. Facey

01:29:27 Rep. Fitzpatrick

01:30:17 Sen. Vuckovich

01:31:11 Sen. Jackson left the room.

01:32:28 Ms. Juras

01:33:11 Chairman Balyeat

01:36:39 Rep. Fitzpatrick

01:37:15 Sen. Mowbray

01:37:34 Chairman Balyeat

01:37:35 Sen. Moore

01:37:49 Rep. Fitzpatrick

01:38:59 Sen. Facey

01:39:02 Ms. Juras

Closing by Sponsor:

01:40:10 Rep. Fitzpatrick

[EXHIBIT](#)(bus60a06)

HEARING ON HB 341

Opening Statement by Sponsor:

01:40:52 Rep. Cary Smith (R), HD 55, opened the hearing on HB 341. Revise interest payments in civil cases.

Proponents' Testimony:

01:43:48 Jon Bennion, Montana Chamber of Commerce

EXHIBIT(bus60a07)

01:46:35 Mark Baker, Attorney, American Tort Reform Association (ATRA); also speaking for Steve Wade, Montana Contractors Association and Montana Collector's Association

01:48:42 Aidan Myhre, Kalispell Chamber of Commerce

01:49:24 Dustin Stewart, Montana Building Industry Association(MBIA)

01:49:38 Riley Johnson, National Federation of Business (NFIB)

Opponents' Testimony:

01:50:01 Lon Dale, Attorney, Missoula

01:59:48 Al Smith, Montana Trial Lawyers Association (MTLA)

02:03:52 Mary Phippen, Montana Magistrates Association (MMA)

Informational Testimony: None

Questions from Committee Members and Responses:

02:05:10 Chairman Balyeat

02:07:36 Rep. Smith

02:08:44 Chairman Balyeat, refer question, without objection

02:10:07 Mr. Baker, ATRA

02:11:09 Sen. Facey

02:12:03 Mr. Baker

02:12:27 Sen. Tropila

02:12:37 Mr. Baker

02:14:21 Chairman Balyeat

02:15:57 Mr. Baker

02:16:17 Sen. Tropila

02:16:43 Mr. Baker

02:17:29 Sen. Tropila

02:17:50 Ms. Murdo

02:18:13 Chairman Balyeat

02:18:24 Mr. Baker

02:19:09 Chairman Balyeat

02:21:53 Mr. Dale, Attorney

02:22:00 Sen. Facey

02:22:06 Rep. Smith

02:22:55 Chairman Balyeat

02:23:01 Sen. Jackson returned.

02:23:40 Sen. Tropila

02:25:20 Rep. Smith

Closing by Sponsor:

02:26:13 Rep. Smith

HEARING ON HB 342

Opening Statement by Sponsor:

02:27:10 Rep. Cary Smith (R), HD 55, opened the hearing on HB 342, Revise appeal bonds in civil cases.

Proponents' Testimony:

02:29:24 Jon Bennion, Montana Chamber of Commerce

02:31:32 Mark Baker, American Tort Reform Association (ATRA)

02:32:32 Riley Johnson, National Federation of Business (NFIB)

02:32:49 Aidan Myhre, Kalispell Chamber of Commerce

Opponents' Testimony:

02:33:05 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony: None

Questions from Committee Members and Responses:

02:35:16 Sen. Facey

02:35:58 Mr. Baker, ATRA

02:37:09 Sen. Tropila

02:37:50 Mr. Baker

02:39:03 Sen. Moore

02:39:17 Mr. Baker

02:40:46 Chairman Balyeat

Closing by Sponsor:

02:41:02 Rep. Smith

02:42:23 Chairman Balyeat

02:43:12 Sen. Tropila

02:43:45 Break

02:50:20 Resume

02:50:25 Chairman Balyeat

EXECUTIVE ACTION ON HB 125

02:51:25 **Motion/Vote:** Sen. Steinbeisser moved to **RECONSIDER PREVIOUS ACTION ON HB 125**. Motion was unanimously approved by voice vote of those present.
EXHIBIT(bus60a08)

02:51:40 **Motion:** Sen. Steinbeisser moved that **HB 125 BE CONCURRED IN**.

Discussion:

02:51:59 Jesse Laslovich, State Auditors Office
02:52:10 Chairman Balyeat
02:52:23 Mr. Laslovich
02:53:50 Chairman Balyeat
EXHIBIT(bus60a09)

02:54:35 **Motion/Vote:** Sen. Steinbeisser moved that **HB 125 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

Discussion:

02:55:12 Ms. Murdo
02:55:16 Chairman Balyeat
02:56:13 Mr. Laslovich
02:56:59 Chairman Balyeat
EXHIBIT(bus60a10)
02:58:23 Mr. Laslovich
02:58:55 Chairman Balyeat

02:58:57 **Motion:** Sen. Balyeat moved that **HB 125 BE AMENDED**.

Discussion:

02:59:18 Ms. Murdo
02:59:39 **Vote:** Motion carried unanimously by voice vote. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

02:59:52 **Motion:** Sen. Steinbeisser moved that **HB 125 BE CONCURRED IN AS AMENDED**.

Discussion:

03:00:07 Sen. Tropila
02:59:24 Sen. Facey
03:00:31 Chairman Balyeat

03:00:37 **Vote:** Motion carried unanimously by voice vote. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Steinbeisser will carry.

EXECUTIVE ACTION ON SB 389

03:02:01 Chairman Balyeat
03:02:08 Ms. Murdo

03:03:15 **Motion:** Sen. Facey moved that **SB 389 DO PASS.**

Discussion:

03:03:20 Sen. Facey
03:04:18 Chairman Balyeat
03:04:32 Sen. Facey
03:04:34 Sen. Jackson
03:05:30 Chairman Balyeat

03:05:33 **Vote:** Motion carried unanimously by voice vote. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 264

03:06:07 **Motion:** Sen. Facey moved that **HB 264 BE CONCURRED IN.**

Discussion:

03:06:15 Chairman Balyeat
03:06:41 Ms. Murdo
03:07:21 Sen. Tropila, without objection, request additional information from Auditor's Office
03:07:37 Barb van der Mars, State Auditors Office
03:10:48 Sen. Facey
03:11:14 Ms. van der Mars
03:14:02 Sen. Tropila
03:16:20 Ms. van der Mars
03:17:20 Sen. Moore
03:18:52 Ms. van der Mars
03:19:49 Sen. Mowbray
03:20:16 Ms. van der Mars
03:21:09 Mr. Laslovich, State Auditors Office
03:23:18 Sen. Mowbray
03:23:44 Mr. Laslovich
03:24:43 Chairman Balyeat

EXHIBIT(bus60a11)

03:25:42 **Motion:** Sen. Moore moved that **HB 264 BE AMENDED.** (Exhibit 2)

Discussion:

03:26:00 Sen. Moore
03:26:37 Chairman Balyeat
03:27:24 Sen. Vuckovich

03:27:35 Chairman Balyeat, redirect, without objection
03:27:57 Mr. Laslovich
03:29:48 Sen. Moore
03:30:56 Mr. Laslovich
03:32:09 Chairman Balyeat

03:32:41 **Substitute Motion:** Sen. Facey made a substitute motion to **TABLE HB 264.**

03:33:20 Chairman Balyeat

03:33:51 Sen. Facey **WITHDREW** the motion.

Discussion:

03:33:57 Sen. Tropila
03:35:35 Sen. Moore
03:36:29 Chairman Balyeat

03:36:41 **Substitute Motion:** Sen. Facey made a substitute motion to **TABLE HB 264.**

03:37:03 Ms. Murdo

03:37:14 Sen. Facey **WITHDREW** his motion.

03:37:24 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

03:38:43 **Motion:** Sen. Moore moved that **HB 264 BE CONCURRED IN.**

Discussion:

03:38:55 Sen. Mowbray
03:39:17 Sen. Vuckovich, further questions, without objection
03:39:47 Mr. Laslovich
03:40:07 Sen. Steinbeisser

03:40:18 **Vote:** Motion failed 5-6 by roll call vote with Sen. Tutvedt, Sen. Jackson, Sen. Moore, Sen. Mowbray, and Sen. Balyeat voting yes. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Without objection, Sen. Facey moved to **REVERSE THE VOTE** and **TABLE.**

EXECUTIVE ACTION ON HB 342

03:41:27 **Motion:** Sen. Facey moved that **HB 342 BE CONCURRED IN.**

03:41:39 Sen. Tropila

03:41:43 Sen. Facey **WITHDREW** the motion.

ADJOURNMENT

Adjournment: 11:48 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus60aad.pdf](#))