

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

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

**Call to Order:** Chair Joe Balyeat, on March 25, 2011 at 8:30 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. Sharon Stewart-Peregoy (D)  
Sen. Mitch Tropila (D)  
Sen. Gene Vuckovich (D)

**Members Excused:** Sen. Jonathan Windy Boy (D)  
Sen. Bruce Tutvedt (R)

**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 535, 3/15/2011; HB 71, 3/15/2011; HB 525, 3/15/2011; SB 375, 3/15/2011

Executive Action: HB 249, HB 405, HB 525, HB 334, Do Concur As Amended; HB 416, HB 547, HB 508, Do Concur; HB 563 and HB 71 Tabled.

**HEARING ON HB 535**

**Opening Statement by Sponsor:**

00:01:05 Rep. Austin Knudsen (R), HD 36, opened the hearing on HB 535. Revise uniform limited liability partnership act.

**Proponents' Testimony:**

00:03:30 Kristen Juras, Montana State Bar (MSB)  
[EXHIBIT\(bus67a01\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:05:34 Sen. Moore  
00:05:40 Rep. Knudsen, redirect, without objection  
00:06:25 Ms. Juras, MSB  
00:07:33 Sen. Moore  
00:07:37 Rep. Knudsen  
00:08:21 Sen. Facey  
00:08:50 Ms. Juras  
00:09:25 Sen. Facey  
00:09:34 Chairman Balyeat  
00:09:42 Rep. Knudsen  
00:10:29 Chairman Balyeat

**Closing by Sponsor:**

00:10:35 Rep. Knudsen

**HEARING ON HB 71**

**Opening Statement by Sponsor:**

00:11:12 Rep. Gordon Vance (R), HD 67, opened the hearing on HB 71. Provide that illegal alien may not receive workers' comp.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:14:04 Brad Griffin, Montana Retail Association (MRA)  
00:15:02 Bruce Spencer, Property Casualty Insurers Association of America (PCIAA); also speaking on behalf of Jacqueline Lenmark, American Insurance Association (AIA); and Dwight Easton, Farmers Insurance Group (FIG)  
[EXHIBIT\(bus67a02\)](#)

00:16:20 Bob Worthington, Labor-Management Advisory Council (LMAC); also speaking  
on behalf of Jason Miller, LMAC  
00:17:31 Andrea Olsen, Montana Trial Lawyers Association (MTLA)  
00:20:35 Ronda Wiggers, Great Falls and Helena Chamber of Commerce

**Informational Testimony:**

00:20:59 Kevin Braun, Montana State Fund

**Questions from Committee Members and Responses:**

00:21:12 Sen. Moore  
00:21:47 Rep. Vance  
00:22:56 Sen. Jackson  
00:23:55 Rep. Vance  
00:24:07 Sen. Mowbray  
00:24:44 Mr. Spencer, PCI  
00:25:33 Chairman Balyeat  
00:25:39 Ms. Murdo

**Closing by Sponsor:**

00:26:20 Rep. Vance  
00:27:41 Chairman Balyeat

**HEARING ON HB 525**

**Opening Statement by Sponsor:**

00:31:27 Rep. Jonathan McNiven (R), HD 44, opened the hearing on HB 525. Revise  
business and professional licensing laws to provide termination review.

**Proponents' Testimony:**

00:34:22 Jack Kane, Department of Labor and Industry (DOLI)

**Opponents' Testimony:**

00:34:46 Don Judge, Montana Nurses Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:36:26 Sen. Facey  
00:37:35 Rep. McNiven  
00:38:29 Sen. Facey  
00:38:37 Mr. Kane, DOLI  
00:39:34 Sen. Tropila

00:43:54 Rep. McNiven  
00:44:47 Sen. Facey  
00:46:13 Rep. McNiven  
00:46:19 Sen. Mowbray  
00:46:25 Mr. Kane  
00:48:57 Chairman Balyeat

**Closing by Sponsor:**

00:50:03 Rep. McNiven  
00:52:19 Chairman Balyeat

**HEARING ON SB 375**

**Opening Statement by Sponsor:**

00:53:03 Sen. Edward Walker (R), SD 29, opened the hearing on SB 375. Generally revise workers' compensation.

**[EXHIBIT\(bus67a03\)](#)**

**Proponents' Testimony:**

01:00:15 Sen. Ryan Zinke, SD 2, Whitefish  
01:04:20 Greg Chilcott, Commissioner, Ravalli County, MACo trust  
01:05:34 Jacqueline Lenmark, American Insurance Association (AIA); also speaking for Bruce Spencer, Property Casualty Insurers Association of America (PCIAA); Dwight Easton, Farmers Insurance Group (FIG)

**Opponents' Testimony:**

01:10:37 Nancy Butler, Montana State Fund (MSF)  
**[EXHIBIT\(bus67a04\)](#)**  
01:22:05 Jason Todhunter, Montana Logging Association (MLA); also speaking for Riley Johnson, National Federation of Independent Business (NFIB)  
01:24:19 Barry 'Spook' Stang, Motor Carriers of Montana (MCM)  
01:27:16 Bob Worthington, Montana Self Insurers Association (MSIA)  
01:27:45 John Youngberg, Montana Farm Bureau (MFB)  
01:29:02 Patrick Heffernan, Montana Wood Products Association (MWPA)

**Informational Testimony:**

01:29:57 Jerry Keck, Department of Labor and Industry (DOLI)

**Questions from Committee Members and Responses:**

01:30:22 Sen. Vuckovich  
01:32:02 Sen. Zinke  
01:33:20 Sen. Facey  
01:33:23 Chairman Balyeat

01:34:48 Ms. Butler, MSF  
01:36:29 Sen. Facey  
01:36:32 Mr. Worthington  
01:37:43 Sen. Facey  
01:39:35 Sen. Zinke  
01:40:22 Sen. Steinbeisser  
01:40:54 Ms. Butler  
01:41:13 Sen. Tropila  
01:44:01 Ms. Butler  
01:44:28 Chairman Balyeat

**Closing by Sponsor:**

01:44:43 Rep. Walker  
01:53:36 Chairman Balyeat  
01:54:11 Recess  
02:14:44 Resume

**EXECUTIVE ACTION ON HB 71**

02:16:28 **Motion/Vote:** Sen. Facey moved that **HB 71 BE TABLED**. Motion carried 8-3 by voice vote with Sen. Balyeat, Sen. Jackson and Sen. Mowbray voting no. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 535**

02:17:34 **Motion:** Sen. Facey moved that **HB 535 BE CONCURRED IN**.  
02:17:54 Sen. Facey **WITHDREW THE MOTION ON HB 535**.

**EXECUTIVE ACTION ON HB 547**

02:18:25 **Motion:** Sen. Facey moved that **HB 547 BE CONCURRED IN**.

**Discussion:**

02:18:39 Sen. Facey  
02:17:46 Chairman Balyeat

02:19:14 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 508**

02:20:18 **Motion:** Sen. Vuckovich moved that **HB 508 BE CONCURRED IN**.

**Discussion:**

02:20:26 Sen. Mowbray  
02:20:29 Sen. Moore

02:22:42 **Vote:** Motion carried 6-5 by roll call vote with Sen. Balyeat, Sen. Jackson, Sen. Moore, Sen. Steinbeisser and Sen. Tutvedt voting no. Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill.

**EXECUTIVE ACTION ON HB 563**

02:23:35 **Motion:** Sen. Jackson moved that **HB 563 BE CONCURRED IN.**

**Discussion:**

02:23:58 Sen. Facey  
02:25:09 Sen. Jackson  
02:25:34 Sen. Moore  
02:25:58 Sen. Facey  
02:26:41 Sen. Tropila  
02:28:19 Sen. Stewart-Peregoy  
02:29:25 Sen. Tutvedt  
02:29:40 Sen. Vuckavich  
02:31:01 Chairman Balyeat

02:31:36 **Vote:** Motion failed 5-6 by roll call vote with Sen. Balyeat, Sen. Jackson, Sen. Mowbray, Sen. Steinbeisser and Sen. Vuckovich voting yes. Sen. Windy Boy voted by proxy. Without objection, Chairman Balyeat moved to reverse the vote and **TABLE HB 563.**

**EXECUTIVE ACTION ON HB 416**

02:33:28 Chairman Balyeat  
02:33:44 Sen. Facey, additional question, without objection  
02:33:58 Al Smith, Montana Trial Lawyers Association (MTLA)

02:35:39 **Motion:** Sen. Tutvedt moved that **HB 416 BE CONCURRED IN.**

**Discussion:**

02:35:53 Sen. Tutvedt  
02:36:34 Sen. Jackson  
02:37:07 Chairman Balyeat  
02:37:24 Sen. Jackson  
  
02:37:29 Sen. Tutvedt left the room.  
  
02:37:29 Sen. Tropila  
02:38:09 Sen. Mowbray

02:39:08 **Vote:** Motion carried 7-4 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila and Sen. Windy Boy voting no. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Moore will carry the bill.

**EXECUTIVE ACTION ON HB 249**

02:42:48 Chairman Balyeat

02:42:55 **Motion:** Sen. Facey moved that **HB 249 BE CONCURRED IN.**

02:43:05 **Motion:** Sen. Balyeat moved that **HB 249 BE AMENDED.**  
**EXHIBIT(bus67a05)**

**Discussion:**

02:44:22 Sen. Facey

02:44:25 Mr. Smith, MTLA, without objection

02:45:14 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

02:45:33 **Motion:** Sen. Facey moved that **HB 249 BE CONCURRED IN AS AMENDED.**

02:45:42 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

02:45:59 Sen. Tutvedt returned.

**EXECUTIVE ACTION ON HB 405**

02:46:56 **Motion:** Sen. Jackson moved that **HB 405 BE CONCURRED IN.**

02:47:08 **Motion:** Sen. Mowbray moved that **HB 405 BE AMENDED.**  
**EXHIBIT(bus67a06)**

**Discussion:**

02:47:37 Sen. Mowbray

02:48:29 Sen. Tropila

02:48:51 Sen. Mowbray

02:49:32 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

02:49:48 **Motion:** Sen. Mowbray moved that **HB 405 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:50:00 Sen. Tropila

02:51:40 Sen. Mowbray  
02:53:34 Sen. Stewart-Peregoy  
02:55:01 Sen. Tutvedt

02:55:58 **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. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

**EXECUTIVE ACTION ON HB 525**

02:58:01 **Motion:** Sen. Vuckovich moved that **HB 525 BE CONCURRED IN.**

02:58:16 Chairman Balyeat

02:59:28 Sen. Facey moved that **HB 525 BE CONCEPTUALLY AMENDED.**

**Discussion:**

03:01:31 Sen. Facey  
03:02:09 Sen. Steinbeisser  
03:02:30 Chairman Balyeat

03:03:08 **Vote:** Motion carried 10-1 by voice vote with Sen. Jackson voting no. Sen. Windy Boy voted by proxy.

03:03:21 **Motion:** Sen. Facey moved that **HB 525 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:04:01 Sen. Steinbeisser  
03:04:18 Chairman Balyeat  
03:05:23 Dave Boyer, Legislative Services  
03:06:24 Sen. Facey

03:06:56 **Vote:** Motion carried 10-1 by voice vote with Sen. Moore voting no. Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

**Discussion:**

03:07:43 Sen. Tutvedt  
03:08:13 Sen. Facey  
03:08:36 Chairman Balyeat  
03:10:00 Sen. Facey  
03:10:30 Chairman Balyeat  
  
03:10:34 Recess  
03:10:47 Resume at 3:25 P.M.  
  
03:10:56 Chairman Balyeat

**EXECUTIVE ACTION ON HB 334**

03:11:42     **Motion:** Sen. Tutvedt moved that **HB 334 BE CONCURRED IN.**  
**EXHIBIT**(bus67a07)

03:11:54     **Motion:** Sen. Tutvedt moved that **HB 334 BE AMENDED.**  
**EXHIBIT**(bus67a08)

**Discussion:**

03:12:12     Ms. Murdo  
03:13:15     Sen. Facey  
03:14:18     Sen. Tutvedt  
03:14:22     Sen. Mowbray  
03:14:35     Ms. Murdo  
03:14:44     Sen. Tropila  
03:14:56     Ms. Murdo  
03:15:01     Sen. Stewart-Peregoy  
03:15:31     Ms. Murdo

03:15:58     **Vote:** Motion carried unanimously by voice vote. Sen. Vuckovich and Sen.  
Windy Boy voted by proxy.

03:16:43     Sen. Tropila  
03:17:12     Chairman Balyeat

03:17:22     **Motion/Vote:** Sen. Tutvedt moved that **HB 334 BE CONCURRED IN AS**  
**AMENDED.** Motion carried unanimously by roll call vote. Sen. Vuckovich and  
Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

03:17:40     Chairman Balyeat

**ADJOURNMENT**

Adjournment: 3:35 PM

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT([bus67aad.pdf](#))**