

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS AND LABOR

**Call to Order:** Chair Tom Berry, on February 21, 2013 at 8:00 AM, in Room 172 Capitol

#### ROLL CALL

**Members Present:**

Rep. Tom Berry, Chair (R)  
Rep. Carlie Boland, Vice Chair (D)  
Rep. Christy Clark (R)  
Rep. Amanda Curtis (D)  
Rep. Steve Fitzpatrick (R)  
Rep. Edward Greef (R)  
Rep. Roger A. Hagan (R)  
Rep. Chuck Hunter (D)  
Rep. Mike Lang (R)  
Rep. Jonathan McNiven (R)  
Rep. David (Doc) Moore (R)  
Rep. Reilly Neill (D)  
Rep. Rae Peppers (D)  
Rep. Gordon Pierson Jr (D)  
Rep. Scott Reichner (R)  
Rep. Cary Smith (R)  
Rep. Carolyn Squires (D)  
Rep. Tom Steenberg (D)  
Rep. Jeffrey W. Welborn (R)

**Members Excused:** Rep. Daniel R. Salomon, Vice Chair (R)

**Members Absent:** None

**Staff Present:** Ellen Bush, Committee Secretary  
Bart Campbell, Legislative Services Division (LSD)

**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 490, 2/18/2013; HB 534, 2/18/2013; HB 519, 2/20/2013; HB 544, 2/20/2013; HB 545, 2/20/2013  
Executive Action HB 490, HB 518, HB 511, HB 519, HB 488, HB 524, HB 489

00:09:09 Chair Berry

### **HEARING ON HB 519**

#### **Opening Statement by Sponsor:**

00:09:40 Rep. Reilly Neill (D), HD 62, opened the hearing on HB 519, Revise permanent partial disability benefits in workers' compensation.

### **EXECUTIVE ACTION ON HB 519**

00:10:00 **Motion/Vote:** Rep. Neill moved that **HB 490 BE TABLED**. Motion carried 19-0 by voice vote.

### **HEARING ON HB 490**

#### **Opening Statement by Sponsor:**

00:11:17 Rep. Amanda Curtis (D), HD 76, opened the hearing on HB 490, Provide for the Hire Montana First Act.

#### **Proponents' Testimony:**

00:15:19 Ali Bovingdon, Governor's Office (GOV)

#### **EXHIBIT(buh39a01)**

00:18:23 Chris Cavazos, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

00:19:10 Sheena Rice, Montana Organizing Project (MOP)

00:19:53 John Gordon, International Brotherhood of Electrical Workers (IBEW)

00:20:20 John Forkan, Montana Association of Plumbers and Pipefitters (MAPP)

00:20:41 Jay Reardon, Laborers Local 1686

00:21:36 Rebecca Barger, Teamsters Local 190

00:22:20 Eusepio Diaz, Bakery, Confectionary, Tobacco Workers and Grain Miller International Union (BCTWGM) Local 466

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:22:44 Rep. Smith

00:23:15 Ms. Bovingdon, GOV

00:23:34 Mark Cadwallader, Attorney, Department of Labor and Industry (DLI)

00:24:50 Rep. Pierson

00:25:27 Ms. Bovingdon, GOV

00:26:16 Rep. Reichner

00:26:37 Ms. Bovingdon, GOV

00:27:08 Rep. Reichner

00:27:21 Mr. Cadwallader, DLI

00:29:04 Rep. Reichner

00:29:44 Mr. Cadwallader, DLI

00:31:00 Rep. Squires

00:31:26 Mr. Cadwallader, DLI

00:32:14 Rep. Squires  
00:33:09 Mr. Cadwallader, DLI  
00:34:00 Rep. Squires  
00:34:07 Mr. Cadwallader, DLI  
00:34:29 Rep. Salomon  
00:35:11 Mr. Cadwallader, DLI  
00:35:36 Chair Berry  
00:35:55 Mr. Cadwallader, DLI  
00:35:59 Chair Berry  
00:36:28 Mr. Campbell, LSD  
00:37:12 Rep. Peppers  
00:37:30 Mr. Cadwallader, DLI  
00:38:13 Rep. Boland  
00:39:13 Mr. Cadwallader, DLI  
00:40:22 Rep. Boland  
00:40:39 Mr. Cadwallader, DLI  
00:41:13 Rep. Lang  
00:41:49 Mr. Cadwallader, DLI

**Closing by Sponsor:**

00:42:48 Rep. Curtis

**HEARING ON HB 534**

**Opening Statement by Sponsor:**

00:44:50 Rep. Kathleen Williams (D), HD 65, opened the hearing on HB 534, Authorize social benefit corporations.

[EXHIBIT\(buh39a02\)](#)

[EXHIBIT\(buh39a03\)](#)

**Proponents' Testimony:**

00:59:00 Rep. Hunter  
01:02:04 Web Brown, Montana Chamber of Commerce

**Opponents' Testimony:** None

**Informational Testimony:**

01:03:22 Liz Moore, Montana Nonprofit Association

**Questions from Committee Members and Responses:**

01:03:52 Rep. Clark  
01:04:27 Rep. Williams  
01:06:37 Rep. Lang  
01:07:02 Rep. Williams  
01:07:27 Rep. Lang  
01:08:02 Rep. Williams  
01:09:06 Rep. Fitzpatrick  
01:10:16 Rep. Williams  
01:10:48 Rep. Fitzpatrick  
01:11:38 Rep. Williams

01:12:32 Rep. Moore  
01:13:06 Ms. Moore, MNA

**Closing by Sponsor:**

01:13:57 Rep. Williams

**HEARING ON HB 544****Opening Statement by Sponsor:**

01:15:12 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 544, Revising insurance provisions related to provider networks.

**Proponents' Testimony:**

01:19:02 Frank Cote, Blue Cross Blue Shield (BCBS)  
01:22:36 Web Brown, Montana Chamber of Commerce  
01:22:57 Steve Turkiewicz, Montana Bankers Association (MBA)  
01:24:09 Riley Johnson, National Federation of Independent Business (NFIB)  
01:24:44 Allen Hulse, Montana Municipal Interlocal Authority (MMIA)

**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

01:25:20 Rep. Lang  
01:25:50 Mr. Cote, BCBS  
01:27:07 Rep. Steenberg  
01:27:31 Mr. Cote, BCBS  
01:28:06 Rep. Steenberg  
01:28:19 Mr. Cote, BCBS  
01:29:32 Rep. Moore  
01:30:24 Mr. Cote, BCBS  
01:31:34 Rep. Squires  
01:32:22 Mr. Cote, BCBS  
01:32:39 Rep. Squires  
01:33:15 Mr. Cote, BCBS  
01:33:40 Rep. Boland  
01:34:14 Mr. Cote, BCBS  
01:34:34 Rep. Boland  
01:34:50 Mr. Cote, BCBS  
01:35:03 Rep. Boland  
01:35:11 Mr. Cote, BCBS

**Closing by Sponsor:**

01:36:10 Rep. Reichner

**HEARING ON HB 545****Opening Statement by Sponsor:**

01:36:53 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 545, Allow employer to fund total cost of qualifying employee's health insurance.

**Proponents' Testimony:**

01:38:55 Mr. Cote, BCBS  
01:39:46 Mr. Brown, Montana Chamber of Commerce  
01:40:33 Mr. Riley, NFIB

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:41:37 Rep. Boland  
01:41:56 Mr. Cote, BCBS  
01:42:28 Rep. Boland  
01:42:40 Mr. Cote, BCBS  
01:44:06 Rep. Boland  
01:44:33 Mr. Cote, BCBS  
01:45:17 Rep. Boland  
01:45:25 Mr. Cote, BCBS  
01:45:59 Rep. Lang  
01:46:22 Mr. Cote, BCBS  
01:47:08 Rep. Lang  
01:47:17 Mr. Cote, BCBS  
01:47:24 Rep. Pierson  
01:48:19 Rep. McNiven  
01:48:57 Mr. Cote, BCBS  
01:49:29 Rep. McNiven  
01:49:33 Mr. Cote, BCBS  
01:50:05 Rep. Curtis  
01:50:49 Mr. Cote, BCBS

**Closing by Sponsor:**

01:51:27 Rep. Reichner  
  
01:51:40 Chair Berry  
  
01:51:47 Recessed.  
02:24:20 Reconvened.

**EXECUTIVE ACTION ON HB 488**

02:24:46 **Motion:** Rep. Boland moved that **HB 488 DO PASS.**

02:25:12 Mr. Campbell, LSD

02:25:35 **Motion:** Rep. Boland moved that **HB 488 BE AMENDED.**  
[EXHIBIT\(buh39a04\)](#)

**Discussion:**

02:26:04 Rep Hagan  
02:26:25 Mr. Campbell, LSD  
02:27:16 Rep. Hagan

02:28:43 **Vote:** Motion carried unanimously by voice vote. Rep. Salomon voted by proxy.

02:28:58 **Motion/Vote:** Rep. Boland moved that **HB 488 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Salomon voted by proxy.

**EXECUTIVE ACTION ON HB 473**

02:29:23 **Motion:** Rep. Boland moved that **HB 473 DO PASS.**

02:29:53 **Motion:** Rep. Reichner moved that **HB 473 BE AMENDED.**  
[EXHIBIT\(buh39a05\)](#)

**Discussion:**

02:30:28 Jessie Luther, Montana Hospital Association

02:31:32 **Vote:** Motion carried unanimously by voice vote. Rep. Salomon voted by proxy.

02:31:38 **Motion/Vote:** Rep. Boland moved that **HB 473 DO PASS AS AMENDED.**  
Motion carried 12-8 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Squires and Rep. Steenberg voting no. Rep. Salomon voted by proxy.

**Note:** HB 473 awaiting the arrival of fiscal note in Committee. Bill will remain in Committee until further notice.

**EXECUTIVE ACTION ON HB 511**

02:33:23 **Motion:** Rep. Boland moved that **HB 511 DO PASS.**

**Discussion:**

02:33:43 Rep. Clark

02:34:47 **Vote:** Motion failed 3-17 by roll call vote with Rep. Boland, Rep. Curtis and Rep. Pierson voting aye. Rep. Salomon voted by proxy.

02:34:53 **Motion/Vote:** Rep. Boland moved that **HB 511 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 518**

02:35:10 **Motion:** Rep. Boland moved that **HB 518 DO PASS.**

02:36:19 **Motion:** Rep. Boland moved that **HB 518 BE AMENDED.**  
**EXHIBIT(buh39a06)**

**Discussion:**

02:36:30 Mr. Campbell

02:37:21 **Vote:** Motion carried unanimously by voice vote. Rep. Salomon voted by proxy.

02:37:33 **Motion/Vote:** Rep. Boland moved that **HB 518 DO PASS AS AMENDED.**  
Motion failed 8-12 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Squires and Rep. Steenberg voting aye. Rep. Salomon voted by proxy.

02:38:58 **Motion/Vote:** Rep. Boland moved that **HB 518 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by roll call vote. Rep. Salomon voted by proxy.

**EXECUTIVE ACTION ON HB 524**

02:39:15 **Motion:** Rep. Boland moved that **HB 524 DO PASS.**

02:39:39 **Motion:** Rep. Boland moved that **HB 524 BE AMENDED.**  
**EXHIBIT(buh39a07)**

**Discussion:**

02:40:49 Chair Berry

02:41:36 Rep. Clark

02:42:10 **Vote:** Motion carried unanimously by voice vote. Rep. Salomon voted by proxy.

02:42:19 **Motion/Vote:** Rep. Boland moved that **HB 524 DO PASS AS AMENDED.**  
Motion carried 17-3 by voice vote with Rep. Reichner, Rep. Smith and Rep. Squires voting no. Rep. Salomon voted by proxy.

**EXECUTIVE ACTION ON HB 489**

02:42:58 **Motion:** Rep. Boland moved that **HB 489 DO PASS.**

**Discussion:**

02:43:13 Rep. Clark

02:43:41 Rep. Hagan

02:44:07 Rep. Hunter

02:46:18 **Vote:** Motion carried 11-9 by roll call vote with Rep. Clark, Rep. Fitzpatrick, Rep. Hagan, Rep. Lang, Rep. McNiven, Rep. Reichner, Rep. Salomon, Rep. Smith and Rep. Welborn voting no. Rep. Salomon voted by proxy.

02:46:40 Rep. Hunter

**EXECUTIVE ACTION ON HB 490**

02:47:01 **Motion:** Rep. Boland moved that **HB 490 DO PASS.**

**Discussion:**

02:47:15 Rep. Clark  
02:48:11 Rep. Boland  
02:48:51 Rep. Curtis  
02:50:17 Rep. Moore  
02:50:45 Rep. Curtis  
02:51:28 Rep. Boland  
02:52:05 Rep. Squires  
02:53:27 Rep. Reichner  
02:55:23 Rep. Hunter  
02:55:54 Rep. Pierson  
02:56:51 Rep. Curtis

02:58:49 **Vote:** Motion failed 9-11 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Smith, Rep. Squires and Rep. Steenberg voting aye. Rep. Salomon voted by proxy.

02:59:17 **Motion/Vote:** Rep. Boland moved that **HB 490 BE TABLED AND THE VOTE REVERSED.** Motion carried 14-6 by roll call vote with Rep. Boland, Rep. Fitzpatrick, Rep. Neill, Rep. Pierson, Rep. Squires and Rep. Steenberg voting no.

03:02:35 Chair Berry

**ADJOURNMENT**

**Adjournment:** 03:02:28

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**Ellen Bush, Secretary**

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**Additional Documents:**

**EXHIBIT([buh39aad.pdf](#))**