

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) BUSINESS AND LABOR

Call to Order: Chair Rep. Edward Buttrey-R, on February 28, 2023 at 7:03 AM, in Room 172

ROLL CALL

Members Present: Rep. Edward Buttrey, Chair (R)
Rep. Derek Harvey, Vice Chair (D)
Rep. Kerri Seekins-Crowe, Vice Chair (R)
Rep. Fred Anderson (R)
Rep. James Bergstrom (R)
Rep. Bob Carter (D)
Rep. Ross Fitzgerald (R)
Rep. Steven Galloway (R)
Rep. Steve Gunderson (R)
Rep. Jonathan Karlen (D)
Rep. Denley Loge (R)
Rep. Jennifer Lynch (D)
Rep. Ron Marshall (R)
Rep. Eric Matthews (D)
Rep. Nelly Nicol (D)
Rep. Greg Oblander (R)
Rep. Katie Sullivan (D)

Members Excused: Rep. Steve Gist (R)
Rep. Katie Zolnikov (R)

Staff Present: Jolanda Songer, Secretary
Jameson Walker, Research Analyst

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 636 02/20/2023
HB 638 02/24/2023
HB 651 02/20/2023
HB 652 02/20/2023
HB 678 02/21/2023

HB 768 02/22/2023
HB 777 02/23/2023

Executive Action:

HB 612 DO PASS AS AMENDED
HB 636 DO PASS
HB 638 TO TABLE
HB 651 TO TABLE
HB 652 DO PASS
HB 678 DO PASS
HB 691 DO PASS AS AMENDED
HB 758 DO PASS
HB 768 TO TABLE
HB 771 DO PASS AS AMENDED
HB 777 DO PASS
HB 783 DO PASS AS AMENDED

HEARING ON HB 777 - Adopt the interstate counseling compact

Opening Statement:

07:06:00 Rep. Edward Buttrey (R), HD 21, opened the hearing on HB 777, Adopt the interstate counseling compact.

Proponent Testimony:

07:10:35 Dominique Marsalek, American Counseling Association (ACA)

07:17:23 Aaron Mertes

Opponent Testimony:

None

Informational Witness Testimony:

07:18:45 Eric Strauss, Administrator, Employment Standards Division, Department of Labor and Industry (DLI-ESD)

Questions from Committee:

None

Closing Statement:

07:19:17 Rep. Edward Buttrey (R), HD 21, closed the hearing on HB 777.

HEARING ON HB 636 - Revise workers' compensation laws relating to exemptions from the act

Opening Statement:

07:20:22 Rep. Joshua Kassmier (R), HD 27, opened the hearing on HB 636, Revise workers' compensation laws relating to exemptions from the act.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

07:21:26 Kevin Braun, Montana State Fund (MSF)
07:21:38 Eric Strauss, Administrator, Employment Standards Division, Department of Labor and Industry (DLI-ESD)

Questions from Committee:

07:07:00 Rep. Gist has arrived
07:22:03 Rep. James Bergstrom
07:22:26 Kevin Braun, MSF
07:22:36 Rep. Edward Buttrey
07:22:44 Kevin Braun, MSF
07:23:23 Rep. Edward Buttrey
07:23:33 Kevin Braun, MSF
10:08:31 Recessed
10:16:40 Reconvened
11:13:18 Rep. Zolnikov has arrived
11:56:00 Recessed
12:32:12 Reconvened

Closing Statement:

07:23:58 Rep. Joshua Kassmier (R), HD 27, closed the hearing on HB 636.

HEARING ON HB 678 - Generally revise worker's compensation laws

Opening Statement:

07:24:38 Rep. Nelly Nicol (D), HD 83, opened the hearing on HB 678, Generally revise worker's compensation laws.

Proponent Testimony:

07:25:49 Joe Maynard
07:41:22 Kevin Braun, Montana State Fund (MSF)
07:46:36 Peter Strauss, Montana Self Insurers Association (MSIA)
07:47:08 Charles Robison, Montana Chamber of Commerce (MCC)

Opponent Testimony:

07:47:47 Al Smith, Executive Director, Montana Trial Lawyers Association (MTLA)
[EXHIBIT\(230228BUHa1\)](#)
07:52:26 Lucas Wallace
08:01:50 Amanda Frickle, Montana AFL-CIO
08:03:40 Adam Haight, Laborers Local 1686
08:05:37 Frank Cote, Commissioner of Securities and Insurance (CSI)
08:06:23 Miranda Dalpiaz
08:08:50 Megan Miller
08:11:47 Stacy Tempel-St. John
08:20:59 Leslae Dalpiaz
08:23:07 Kim Schulke
08:28:53 Seth Rogers
08:31:52 James Chrestenson

Informational Witness Testimony:

08:34:14 Quinlan O'Connor, Chief Legal Counsel, Montana Department of Labor & Industry (DLI)

Questions from Committee:

08:34:32 Rep. Greg Oblander
08:35:08 Kevin Braun, MSF

08:36:08 Rep. Greg Oblander
08:36:22 Kevin Braun, MSF
08:36:42 Rep. Greg Oblander
08:37:00 Kevin Braun, MSF
08:37:15 Rep. Greg Oblander
08:37:30 Kevin Braun, MSF
08:37:58 Rep. Jonathan Karlen
08:38:43 Frank Cote, CSI
08:39:30 Quinlan O'Connor, DLI

Closing Statement:

08:41:20 Rep. Nelly Nicol (D), HD 83, closed the hearing on HB 678.

HEARING ON HB 638 - Phase out use of styrofoam in food-related businesses

Opening Statement:

08:51:01 Rep. Marilyn Marler (D), HD 90, opened the hearing on HB 638, Phase out use of styrofoam in food-related businesses.

Proponent Testimony:

08:57:42 Katherine Elam
08:59:39 Isaac Cheek
09:00:48 Jeremy Drake, Strategy Zero Waste Solution
09:02:13 Heidi Noyes, Eco Montana
09:04:34 Youpa Stein
09:06:17 Liz Ametsbichler
09:07:37 Matthew Passini, Montana Environmental Information Center MEIC)
09:08:20 Jocelyn Leroux

09:09:18 Peter Dudley, Montana Audubon

Opponent Testimony:

09:10:23 Brad Griffin, President, Montana Retail and Restaurant Association

09:12:26 Brad Longcake, Montana Petroleum Marketers and Convenience Store Association (MPMCSA)

09:14:37 Ronda Wiggers, National Federation of Independent Business (NFIB)

09:14:47 Charles Robison, Montana Chamber of Commerce (MCC)

Informational Witness Testimony:

09:16:17 Rick Thompson, Chief, Waste Management Bureau, Department of Environmental Quality (DEQ-WMB)

Questions from Committee:

09:16:40 Rep. Edward Buttrey

09:17:18 Heidi Noyes, Eco Montana

09:17:53 Rep. Edward Buttrey

09:18:26 Heidi Noyes, Eco Montana

09:20:04 Rep. James Bergstrom

09:20:36 Rep. Marilyn Marler-D

Closing Statement:

09:20:49 Rep. Marilyn Marler (D), HD 90, closed the hearing on HB 638.

HEARING ON HB 652 - Revise unemployment insurance law relating to benefit duration

Opening Statement:

09:24:18 Rep. Steven Galloway (R), HD 24, opened the hearing on HB 652, Revise unemployment insurance law relating to benefit duration.

Proponent Testimony:

09:28:35 Ronda Wiggers, National Federation of Independent Business (NFIB)

- 09:31:55 John Elizandro, Chief of Staff, Department of Labor and Industry (DLI)
- 09:34:24 Charles Robison, Montana Chamber of Commerce (MCC) and Montana Manufacturing Association (MMA)
- 09:34:50 John Sonju, Opportunity Solutions Project (OSP)

Opponent Testimony:

- 09:35:47 Adam Haight, Laborers Local 1686
- 09:36:42 Al Ekblad, Operating Engineers Local 400
- 09:39:35 Mario Martinez, Montana Carpenters Local 82
- 09:40:47 Amanda Frickle, Montana AFL-CIO
- 09:43:44 Bonnie Lambert, Democratic Socialists of America (DSA)
- 09:45:43 John Forken, Montana State Building and Construction Trade Council (MSBCTC)

Informational Witness Testimony:

- 09:46:46 Quinlan O'Conner, Chief Legal Counsel, Department of Labor and Industry (DLI)

Questions from Committee:

- 09:47:02 Rep. Nelly Nicol
- 09:47:30 Quinlan O'Connor, DLI
- 09:48:27 Rep. Derek Harvey
- 09:48:48 Quinlan O'Connor, DLI
- 09:49:01 Rep. James Bergstrom
- 09:49:23 Quinlan O'Connor, DLI
- 09:49:42 Rep. James Bergstrom
- 09:50:02 Quinlan O'Connor, DLI
- 09:50:25 Rep. Edward Buttrey
- 09:50:43 Quinlan O'Connor, DLI

09:51:55 Rep. Edward Buttrey
09:52:06 Quinlan O'Connor, DLI
09:52:15 Rep. Eric Matthews
09:52:31 Quinlan O'Connor, DLI

Closing Statement:

09:52:44 Rep. Steven Galloway (R), HD 24, closed the hearing on HB 652.

HEARING ON HB 768 - Providing the warehouse worker protection act

Opening Statement:

10:16:47 Rep. Jennifer Lynch (D), HD 73, opened the hearing on HB 768, Providing the warehouse worker protection act.

Proponent Testimony:

10:18:24 Jessica Wicks, Teamsters Local 2
10:20:36 Jim Soumas, Teamsters Local 190
10:23:21 Sean Krabs
10:24:47 Chris Hoy
10:26:35 Jeff Grove
10:27:57 Amanda Frickle, Montana AFL-CIO
10:30:33 John Forker, Montana State Building and Construction Trade Council (MSBCTC)
10:31:03 Erin Foley, President, Montana AFL-CIO, and Teamsters Local 2

Opponent Testimony:

10:32:46 Brad Griffin, President, Montana Retail Association (MRA)
10:35:38 Charles Robison, Montana Chamber of Commerce (MCC)
10:36:44 Ronda Wiggers, National Federation of Independent Business (NFIB)

Informational Witness Testimony:

- 10:37:21 Quinlan O'Connor, chief Legal Counsel, Department of Labor and Industry (DLI)
- 10:37:33 Eric Strauss, Administrator, Employment Standards Division, Department of Labor and Industry (DLI-ESD)

Questions from Committee:

- 10:37:52 Rep. Steven Galloway
- 10:38:01 Eric Strauss, DLI
- 10:38:16 Rep. Greg Oblander
- 10:38:37 Rep. Jennifer Lynch-D
- 10:38:52 Rep. Steven Galloway
- 10:39:13 Rep. Jennifer Lynch-D
- 10:39:32 Rep. Steve Gist
- 10:39:49 Eric Strauss, DLI
- 10:40:18 Rep. Steve Gist
- 10:40:33 Eric Strauss, DLI
- 10:40:57 Rep. Steve Gist
- 10:41:16 Jeff Grove
- 10:42:56 Rep. Derek Harvey
- 10:43:30 Rep. Eric Matthews
- 10:43:48 Brad Griffin, MRA
- 10:44:24 Rep. Nelly Nicol
- 10:44:43 Rep. Jennifer Lynch-D
- 10:45:02 Rep. Nelly Nicol
- 10:45:30 Rep. Jennifer Lynch-D
- 10:45:42 Rep. Greg Oblander

10:46:08 Quinlan O'Connor, DLI
10:47:40 Rep. Ross Fitzgerald
10:48:11 Amanda Frickle, MT AFL-CIO

Closing Statement:

10:48:59 Rep. Jennifer Lynch (D), HD 73, closed the hearing on HB 768.

HEARING ON HB 651 - Establish the Montana family and medical leave insurance act

Opening Statement:

10:50:16 Rep. Derek Harvey (D), HD 74, opened the hearing on HB 651, Establish the Montana family and medical leave insurance act.

Proponent Testimony:

10:58:14 Rose Bender, Montana Budget and Policy Center (MBPC)
[EXHIBIT\(230228BUHa2\)](#)
11:00:42 Kathryn Lowe, Montana Chapter of the American Academy of Pediatrics (MTAAP)
11:03:11 Adrianna Cotton, AARP Montana
11:04:53 Keri Yoder, State Lead Ambassador, American Cancer Society Cancer Action Network (ACS-CAN)
11:07:05 Jean Branscum, CEO, Montana Medical Association (MMA)
11:08:47 Adam Haight, Laborers Local 1686
11:10:03 Jasmine Krotkov, Montana Farmers Union (MFU)
11:11:20 Carter Marsh, Montana State Farmers Association (MSFA)
11:13:29 Bonnie Lambert, Democratic Socialists of America (DSA)
11:15:02 Amanda Frickle, Montana AFL-CIO
11:15:33 Al Ekblad, Operating Engineers Local 400

Opponent Testimony:

11:16:44 Ronda Wiggers, National Federation of Independent Business (NFIB)
11:22:35 Charles Robison, Montana Chamber of Commerce (MCC)

Informational Witness Testimony:

None

Questions from Committee:

11:24:26 Rep. Jennifer Lynch
11:24:42 Amanda Frickle, MT AFL-CIO
11:25:49 Rep. James Bergstrom
11:26:14 Rep. Derek Harvey-D
11:26:55 Rep. Steve Gist
11:27:21 Ronda Wiggers, NFIB
11:27:42 Rep. Katie Sullivan
11:28:15 Rose Bender, MBPC
11:28:30 Heather O'Loughlin, MBPC
11:30:07 Rep. Katie Sullivan
11:31:01 Heather O'Loughlin, MBPC

Closing Statement:

11:31:49 Rep. Derek Harvey (D), HD 74, closed the hearing on HB 651.

EXECUTIVE ACTION ON HB 612 - Revise insurance requirements for diabetes self-management

12:32:21 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 612 DO PASS.**
12:32:37 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 612 BE AMENDED.**
12:32:37 **Vote:** Motion carried unanimously by voice vote.

12:34:00 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 612 DO PASS AS AMENDED.**

12:34:00 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 636 - Revise workers' compensation laws relating to exemptions from the act

12:34:22 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 636 DO PASS.**

12:34:22 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 638 - Phase out use of styrofoam in food-related businesses

12:34:57 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 638 DO PASS.**

12:35:24 **Substitute Motion:** Rep. Ron Marshall moved that **HB 638 TO TABLE.**

12:35:24 **Vote:** Substitute Motion carried 13 - 6 by roll call vote with Rep. Carter, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, Rep. Sullivan, voting no.

EXECUTIVE ACTION ON HB 651 - Establish the Montana family and medical leave insurance act

12:36:40 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 651 DO PASS.**

Discussion:

12:36:56 Rep. Derek Harvey

12:37:15 Rep. Jennifer Lynch

12:37:43 Rep. Eric Matthews

12:36:40 **Vote:** Motion failed 10 - 9 by roll call vote with Rep. Carter, Rep. Fitzgerald, Rep. Harvey, Rep. Karlen, Rep. Loge, Rep. Lynch, Rep. Matthews, Rep. Sullivan, Rep. Zolnikov, voting yes.

12:39:08 **Motion:** Rep. Edward Buttrey moved that **HB 651 TO TABLE.**

12:39:08 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 652 - Revise unemployment insurance law relating to benefit duration

12:39:15 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 652 DO PASS.**

Discussion:

12:39:53 Rep. Eric Matthews

12:40:28 Rep. Steven Galloway

12:39:15 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Carter, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, Rep. Sullivan, voting no.

EXECUTIVE ACTION ON HB 678 - Generally revise worker's compensation laws

12:42:05 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 678 DO PASS.**

Discussion:

12:43:00 Rep. Steven Galloway

12:43:15 Rep. Nelly Nicol

12:43:32 Rep. Jonathan Karlen

12:42:05 **Vote:** Motion carried 10 - 9 by roll call vote with Rep. Bergstrom, Rep. Carter, Rep. Galloway, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, Rep. Oblander, Rep. Sullivan, voting no.

EXECUTIVE ACTION ON HB 691 - Generally revise department of labor laws

12:45:13 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 691 DO PASS.**

12:45:32 **Motion:** Rep. Greg Oblander moved that **HB 691 BE AMENDED.**

Discussion:

12:45:48 Rep. Greg Oblander

12:46:04 Jameson Walker

12:45:32 **Vote:** Motion carried unanimously by voice vote.

12:46:40 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 691 DO PASS AS AMENDED.**

12:46:40 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 758 - Require insurance coverage of continuous glucose monitoring supplies

12:46:54 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 758 DO PASS.**

12:46:54 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 768 - Providing the warehouse worker protection act

12:47:32 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 768 DO PASS.**

12:47:32 **Vote:** Motion failed 12 - 7 by roll call vote with Rep. Carter, Rep. Fitzgerald, Rep. Harvey, Rep. Karlen, Rep. Lynch, Rep. Matthews, Rep. Sullivan, voting yes.

12:49:00 **Motion:** Rep. Edward Buttrey moved that **HB 768 TO TABLE.**

12:49:00 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 771 - Generally revise alcohol law relating to self-service

12:49:29 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 771 BE AMENDED.**

12:49:29 **Vote:** Motion carried unanimously by voice vote.

12:49:57 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 771 DO PASS.**

12:50:00 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 771 DO PASS AS AMENDED.**

12:50:00 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 777 - Adopt the interstate counseling compact

12:50:29 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 777 DO PASS.**

12:50:29 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 783 - Generally revise laws related to alcohol

12:50:50 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 783 DO PASS.**

- 12:51:04 **Motion:** Rep. Edward Buttrey moved that **HB 783 BE AMENDED.**
- 12:51:04 **Vote:** Motion carried unanimously by voice vote.
- 12:51:45 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 783 BE AMENDED.**
- Discussion:**
- 12:52:10 Rep. Denley Loge
- 12:52:16 Rep. Derek Harvey
- 12:52:45 Rep. Steven Galloway
- 12:53:03 Rep. Edward Buttrey
- 12:53:24 **Motion:** Rep. Derek Harvey moved that **HB 783 BE AMENDED.**
- 12:53:24 **Vote:** Motion carried unanimously by voice vote.
- 12:54:09 **Motion:** Rep. Kerri Seekins-Crowe moved that **HB 783 DO PASS AS AMENDED.**
- 12:54:09 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 12:54:56

Jolanda Songer, Secretary

Additional Documents: [EXHIBIT\(230228BUHaad\)](#)