

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN VICKI COCCHIARELLA**, on January 11, 2005 at 9:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Vicki Cocchiarella, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Duane Grimes (R)
Sen. Dave Lewis (R)
Sen. Glenn Roush (D)
Sen. Frank Smith (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Bill Tash (R)
Sen. Jon Tester (D)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Annie Glover, 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: SB 64, 1/6/2005; SB 53, 1/6/2005;
SB 108, 1/6/2005
Executive Action: SB 61, SB 135, SB 99, SJ 3, SB 100

00:00:01

HEARING ON SB 53

Opening Statement by Sponsor: SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on SB 53, Revise law on reduction-in-force and relocation expenses.

00:03:39

Proponents' Testimony:

Mr. Steve Bender, Deputy Director, Department of Administration

Mr. Tom Schneider, Montana Public Employees Association

Opponents' Testimony: None.

Informational Testimony: None.

00:05:25

Questions from Committee Members and Responses

00:07:19

Closing by Sponsor

00:07:39

HEARING ON SB 64

Opening Statement by Sponsor: SEN. JOHN BRUEGGEMAN (R), SD 6, opened the hearing on SB 64, Revise contractor registration laws.

00:09:02

Proponents' Testimony:

Mr. Jerry Keck, Department of Labor and Industry

[EXHIBIT](#)(bus07a01)

Mr. Byron Roberts Executive Director, Montana Building Association

Opponents' Testimony: None.

Informational Testimony: None.

00:12:42

Questions from Committee Members and Responses

00:13:08

Closing by Sponsor

00:13:34

EXECUTIVE ACTION ON SB 61

Motion: SEN. TASH moved that SB 64 DO PASS.

Discussion:

SEN. DUANE GRIMES (R), SD 39, CLANCY proposed then withdrew an amendment.

00:24:27 SEN. JON TESTER (D), SD 15, BIG SANDY entered

Motion/Vote: SEN. TASH moved that SB 64 DO PASS. Motion carried 10-1 by roll call vote with BALYEAT voting no.

00:35:43

EXECUTIVE ACTION ON SB 135

Put aside for a minute

00:36:44

EXECUTIVE ACTION ON SB 99

Motion: SEN. ROUSH moved that SB 99 DO PASS.

Discussion:

Motion/Vote: SEN. BALYEAT moved that SB 99 BE AMENDED. Motion carried unanimously.

00:42:42 SEN. CAROLYN SQUIRES (D), SD 48, MISSOULA entered

Motion/Vote: SEN. BALYEAT moved that SB 99 DO PASS AS AMENDED. Motion carried unanimously.

00:46:00

EXECUTIVE ACTION ON SB 135

Motion: SEN. SQUIRES moved that SB 135 DO PASS.

Discussion:

Motion/Vote: SEN. SQUIRES moved that SB 135 BE AMENDED. Motion carried unanimously.

Motion/Vote: SEN. TROPILA moved that SB 135 DO PASS AS AMENDED. Motion carried unanimously.

01:03:11

EXECUTIVE ACTION ON SJ 3

Motion: SEN. ROUSH moved that SJ 3 DO PASS.

Discussion:

Motion/Vote: SEN. BALLYEAT moved that SJ 3 BE AMENDED. Motion carried unanimously.

Motion/Vote: SEN. ROUSH moved that SJ 3 DO PASS AS AMENDED. Motion carried unanimously.

01:07:31

EXECUTIVE ACTION ON SB 100

Motion: SEN. ROUSH moved that SB 100 DO PASS.

Discussion:

Motion/Vote: SEN. BALLYEAT moved that SB 100 BE AMENDED. Motion carried unanimously.

Motion/Vote: SEN. ROUSH moved that SB 100 DO PASS AS AMENDED. Motion carried unanimously.

01:09:45

EXECUTIVE ACTION ON SB 53

Motion/Vote: SEN. SQUIRES moved that SB 53 DO PASS. Motion carried unanimously.

Break at 11:00 A.M.

Restart timer at 5:00 P.M.

00:00:01

HEARING ON SB 108

Opening Statement by Sponsor: SEN. DAVE LEWIS (R), SD 42, opened the hearing on SB 108, Revise laws governing independent contractors.

EXHIBIT(bus07a02)

EXHIBIT(bus07a03)

00:05:45

Proponents' Testimony:

Mr. Keith Kelly, Commissioner, Department of Labor and Industry

EXHIBIT(bus07a04)

EXHIBIT(bus07a05)

Mr. Jerry Keck, Administrator, Department Relations Division,
Department of Labor and Industry

[EXHIBIT](#)(bus07a06)

Mr. Dave Cogley, Building Contractor, Wildwood Log Homes

[EXHIBIT](#)(bus07a07)

Mr. Jason Miller, United Brotherhood of Carpenters Union

Mr. Derek Brown, General Contractor

Mr. Michael Whistler, President, Whistler Tiles and Stone

Mr. Spook Stang, Executive Vice President, Montana Motor
Carriers Association

[EXHIBIT](#)(bus07a08)

Mr. Bob Nommenson, Montana Contractors Compensation Fund

Mr. Tom Evans, Lewistown Century Companies Independent Contractor

Ms. Barbara Ranf, Montana Chamber of Commerce

Mr. Carl Schweitzer, Montana Subcontractors Association

Mr. Jason Todhunter, Montana Logging Association

Mr. Cary Hegreberg, Montana Contractors Association

Mr. John Youngberg, Montana Farm Bureau

Mr. Byron Roberts, Montana Building Association

Mr. Glenn Oppel, Montana Association of Realtors

Ms. Nancy Butler, Montana State Fund

Mr. Larry Jones, Liberty Northwest Insurance

Mr. Bob Worthington, Montana Municipal Insurance Authority

Mr. Harold Blattie, Montana Association of Counties

00:47:56

Opponents' Testimony:

Mr. Albert McGuigan, Independent Contractor

[EXHIBIT](#)(bus07a09)

Mr. Brad Molnar, former Representative speaking for son,
independent contractor

01:05:47

Informational Testimony:

Mr. Riley Johnson, National Federation of Independent Business

01:08:27

Questions from Committee Members and Responses:

Question referred to Mr. Kevin Braun, Council, Department of
Labor and Industry

02:03:35

Closing by Sponsor:

ADJOURNMENT

Adjournment: 7:30 P.M.

SEN. VICKI COCCHIARELLA, Chairman

ANNIE GLOVER, Secretary

VC/ag

Additional Exhibits:

EXHIBIT ([bus07aad0.PDF](#))