

**MINUTES**

**MONTANA SENATE  
59th LEGISLATURE - REGULAR SESSION**

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

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on February 15, 2005 at 8:00 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 427, 2/11/2005; SB 373,  
2/11/2005; SB 114, 2/11/2005; SB  
380, 2/11/2005; SB 168, 2/11/2005  
Executive Action: SB 427, SB 373, SB 401, SB 354,  
SB 72, SB 422, SB 192, SB 168,  
SB 327

00:00:00

**HEARING ON SB 427**

**Opening Statement by Sponsor:** None.

**SEN. LYNDA MOSS (D), SD 26,** opened the hearing on **SB 427,** Clarify on-premise consumption for alcoholic beverages.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

**Closing by Sponsor:** None.

00:01:00

**HEARING ON SB 373**

**Opening Statement by Sponsor:**

**SEN. JEFF ESSMANN (R), SD 28,** opened the hearing on **SB 373,** Revise laws for professional employer organizations and groups.

**Proponents' Testimony:**

00:05:43           **Mr. Jerry Keck, Administrator, Employment  
Relations Division, Department of Labor and  
Industry**

**EXHIBIT** (bus37a01)

00:06:17           **Mr. Art Geiger, President, Better Business Systems**

00:09:30           **Ms. Jacqueline Lenmark, American Insurance  
Association**

00:10:02           **Ms. Nancy Butler, Montana State Fund**

**Opponents' Testimony:** None.

**Informational Testimony:** None.

00:10:27

**Questions from Committee Members and Responses:**

00:24:47

**Closing by Sponsor:**

00:26:52

**DUAL HEARING ON SB 114 AND SB 380**

**Opening Statement by Sponsor:**

**SEN. JON TESTER (D), SD 15**, opened the hearing on **SB 114**, Penalty for unauthorized insurance transactions.

**SEN. JON TESTER (D), SD 15**, opened the hearing on **SB 380**, Regulate medical care discount cards and pharmacy discount cards.

**Proponents' Testimony:**

00:34:13           **Mr. John Morrison, State Auditor, Commissioner of Insurance**

**EXHIBIT (bus37a02)**

**EXHIBIT (bus37a03)**

00:45:47           **Mr. Allen Erenbaum, Attorney, Consumer Health Alliance**

00:50:41           **Mr. Boyce Fowler, American Association of Retired People**

**EXHIBIT (bus37a04)**

00:52:14           **Ms. Mary Williams, American Association of Retired People**

**EXHIBIT (bus37a05)**

**EXHIBIT (bus37a06)**

00:53:28           **Mr. Jim Smith, Montana Pharmacy Association**

00:55:34           **Ms. Betty Beverly, Executive Director, Montana Senior Citizens Association**

00:58:40           **Mr. Frank Cote, Blue Cross Blue Shield, America's Health Insurance Plans**

**EXHIBIT (bus37a07)**

01:01:01           **Ms. Mary Allen, Montana Association of Insurance and Financial Advisors**

**Opponents' Testimony:**

01:01:57           **Ms. Susan Witte, Vice President, Chief Legal Counsel, Allegiance Benefit Plan Management, Inc.**



02:16:06 Break.  
00:00:00 Resume.

00:00:00 SEN. BALLYEAT exited.

EXECUTIVE ACTION ON SB 427

Motion/Vote: SEN. TROPILA moved that SB 427 BE TABLED. Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.

SEN. LEWIS proxied for SEN. BALLYEAT.

00:00:50

EXECUTIVE ACTION ON SB 373

Motion: SEN. ROUSH moved that SB 373 DO PASS.

Motion: SEN. ROUSH moved that SB 373 BE AMENDED WITH SB037301.APM.

Discussion:

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

Vote: Motion carried unanimously by voice vote.

Motion: SEN. ROUSH moved that SB 373 DO PASS AS AMENDED.

Discussion:

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

Vote: Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.

SEN. LEWIS proxied for SEN. BALLYEAT.

00:07:19

EXECUTIVE ACTION ON SB 401

Motion: SEN. ROUSH moved that SB 401 DO PASS.

Discussion:

Motion: SEN. ROUSH moved that SB 401 BE AMENDED WITH SB040101.APM.

Discussion:

[EXHIBIT](#) (bus37a10)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. ROUSH moved that SB 401 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.

SEN. LEWIS proxied for SEN. BALYEAT.

00:11:15

EXECUTIVE ACTION ON SB 354

Discussion:

Motion/Vote: SEN. GRIMES moved that SB 354 BE TABLED. Motion carried 10-1 by voice vote with SEN. COCCHIARELLA voting no.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.

SEN. LEWIS proxied for SEN. BALYEAT.

00:14:20

EXECUTIVE ACTION ON SB 72

Motion: SEN. LEWIS moved that SB 72 DO PASS.

Motion: SEN. LEWIS moved that SB 72 BE AMENDED WITH SB007201.APM.

Discussion:

[EXHIBIT](#) (bus37a11)

Mr. Randy Morris, Administrator, State Personnel Division,  
Department of Administration

Vote: Motion carried unanimously by voice vote.

Motion: SEN. LEWIS moved that SB 72 DO PASS AS AMENDED.

Discussion:

Mr. Randy Morris, Administrator, State Personnel Division,  
Department of Administration

**Vote:** Motion carried 10-1 by voice vote with SEN. BALYEAT voting no.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.  
SEN. LEWIS proxied for SEN. BALYEAT.

00:29:21

**EXECUTIVE ACTION ON SB 422**

**Motion:** SEN. LEWIS moved that SB 422 DO PASS.

**Discussion:**

**Vote:** Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.  
SEN. LEWIS proxied for SEN. BALYEAT.

00:31:22

**EXECUTIVE ACTION ON SB 192**

**Motion:** SEN. LEWIS moved that SB 192 DO PASS.

**Discussion:**

**Motion:** SEN. LEWIS moved that SB 192 BE AMENDED.

**Discussion:**

**EXHIBIT** (bus37a12)

**Vote:** Motion carried unanimously by voice vote.

**Motion/Vote:** SEN. LEWIS moved that SB 192 DO PASS AS AMENDED.  
Vote left open.

00:34:42

**EXECUTIVE ACTION ON SB 168**

**Motion:** SEN. SMITH moved that SB 168 DO PASS.

**Motion/Vote:** SEN. SMITH moved that SB 168 BE AMENDED WITH SB016801.AGP. Motion carried unanimously.

**Motion:** SEN. SMITH moved that SB 168 DO PASS AS AMENDED.

**Discussion:**

00:36:17 SEN. BALYEAT entered.

Vote: Motion carried 9-2 by voice vote with SEN. BALYEAT and SEN. GRIMES voting no.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.

00:38:41

EXECUTIVE ACTION ON SB 327

Motion: SEN. BALYEAT moved that SB 327 DO PASS.

Motion: SEN. BALYEAT moved that SB 327 BE AMENDED WITH SB032701.APM.

Discussion:

[EXHIBIT](#) (bus37a13)

Vote: Motion carried 6-5 by voice vote with SEN. COCCHIARELLA, SEN. ROUSH, SEN. SMITH, SEN. SQUIRES, and SEN. TESTER voting no.

Motion: SEN. BALYEAT moved that SB 327 DO PASS AS AMENDED.

Discussion:

Substitute Motion/Vote: SEN. TROPILA made a substitute motion that SB 327 BE TABLED. Substitute motion carried 8-3 by voice vote with SEN. BALYEAT, SEN. GRIMES, and SEN. STEINBEISSER voting no.

SEN. COCCHIARELLA proxied for SEN. SQUIRES AND SEN. TESTER.

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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SEN. VICKI COCCHIARELLA, Chairman

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ANNIE GLOVER, Secretary

VC/ag

Additional Exhibits:

**EXHIBIT ([bus37aad0.PDF](#))**