

MINUTES

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

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: By **CHAIRMAN VICKI COCCHIARELLA**, on February 18, 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. Joseph (Joe) Tropila (D)

Members Excused:

Sen. Jon Tester (D)

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 424, 2/15/2005; SB 425,
2/15/2005; SB 451, 2/15/2005; SB
454, 2/15/2005; SB 457, 2/15/2005;
SB 443, 2/15/2005
Executive Action: SB 443, SB 454, SB 451, SB 424, SB
425, SB 388, SB 114, SB 380, SB
481, SB 311

00:00:01

DUAL HEARING ON SB 424 AND SB 425

Opening Statement by Sponsor:

SEN. COREY STAPLETON (R), SD 27, opened the hearing on **SB 424**, Transfer state financial institution functions to state auditor.

SEN. COREY STAPLETON (R), SD 27, opened the hearing on **SB 425**, Change name of state auditor to commissioner of financial services.

EXHIBIT (bus40a01)

Proponents' Testimony:

00:06:56 **Mr. John Morrison, State Auditor, Commissioner of Insurance**

Opponents' Testimony:

00:14:23 **Mr. Keith Colbo, Executive Director, Montana Independent Bankers**

00:17:25 **Mr. Steve Turkiewicz, President, Montana Banker's Association**

00:20:32 **Mr. Russ Ritter, Executive, Washington Corporation, Former board member, Wells Fargo, Former Mayor, Helena, State Banking Board**

EXHIBIT (bus40a02)

00:28:28 **Ms. Tracie Kenyon, President, Montana Credit Union Network**

EXHIBIT (bus40a03)

Informational Testimony:

00:29:47 **Ms. Annie Goodwin, Commissioner of Banking and Financial Institutions**

EXHIBIT (bus40a04)

EXHIBIT (bus40a05)

00:30:15

Questions from Committee Members and Responses:

00:37:28

Closing by Sponsor:

00:41:43 Break.

00:43:39 Resume.

00:43:51

HEARING ON SB 451

Opening Statement by Sponsor:

SEN. MIKE WHEAT (D), SD 32, opened the hearing on **SB 451**, Revise speech-language and audiologists licensing laws.

EXHIBIT (bus40a06)

Proponents' Testimony:

00:45:21 **Mr. Darrell Micken, Audiologist, Speech Pathology and Audiology Licensure Board**

00:55:08 **Ms. Laura Jo McKamey, President, Montana Speech and Hearing Association**

00:58:44 **Ms. Nanette Smith, Montana Speech and Hearing Association**

Opponents' Testimony:

01:00:04 **Dr. Scott Pargot, Ear, Nose and Throat Physician, Montana Association of Otolaryngologists**

01:01:18 **Mr. Pat Melby, Montana Medical Association**

01:01:57 **Ms. Laura Hermenson, Montana Society of Otolaryngology**

Informational Testimony:

01:02:35 **Ms. Marilyn Kelly-Clark, Department of Labor and Industry**

01:03:18

Questions from Committee Members and Responses:

01:03:51

Closing by Sponsor:

01:04:29 Break.

01:07:14 Resume.

01:07:26

HEARING ON SB 454

Opening Statement by Sponsor:

SEN. KELLY GEBHARDT (R), SD 23, opened the hearing on **SB 454**,
Revise requirements for add-on basis consumer loan.

Proponents' Testimony:

01:08:34 **Mr. Jerry Loendorf, Montana Consumer Finance
Association**

01:19:03 **Ms. Mona Jamison, Wells Fargo Financial**

01:25:43 **Mr. Mark Staples, Citi Financial**

Opponents' Testimony: None.

Informational Testimony:

01:27:55 **Ms. Annie Goodwin, Commissioner of Banking and
Financial Institutions**

01:28:30

Questions from Committee Members and Responses:

01:35:32

Closing by Sponsor:

01:36:10

HEARING ON SB 457

Opening Statement by Sponsor:

SEN. KELLY GEBHARDT (R), SD 23, opened the hearing on **SB 457**,
Clarify requirements for cancellation of insurance for nonpayment
of premiums.

EXHIBIT (bus40a07)

Proponents' Testimony:

01:37:49 **Mr. Roger McGlenn, Executive Director, Independent
Insurance Agents of Montana**

01:41:47 **Mr. Larry Kibbee, Property Casualty Insurers
Association of America**

Opponents' Testimony:

01:45:33 **Ms. Alicia Pichette, State Auditor's Office**

EXHIBIT (bus40a08)

Informational Testimony: None.

01:47:24

Questions from Committee Members and Responses:

02:00:33

Closing by Sponsor:

02:02:39

HEARING ON SB 443

Opening Statement by Sponsor:

SEN. GLENN ROUSH (D), SD 8, opened the hearing on **SB 443,** Auto insurance premium reductions for certain national guard members.

Proponents' Testimony:

02:05:49 **Mr. Roger Hagan, Officer and Enlisted Associations
of the Montana National Guard**

EXHIBIT (bus40a09)

EXHIBIT (bus40a10)

EXHIBIT (bus40a11)

EXHIBIT (bus40a12)

Opponents' Testimony:

02:09:55 **Mr. Jon Metropoulos, Farmer's Insurance Group, and
on behalf of Mr. Greg Van Horssen, State Farm, and
Ms. Jacqueline Lenmark, American Insurance
Association**

Informational Testimony: None.

02:11:03

Questions from Committee Members and Responses:

02:15:20

Closing by Sponsor:

02:16:48 Break.
02:36:35 Resume.

02:36:55

EXECUTIVE ACTION ON SB 443

Motion: SEN. ROUSH moved that SB 443 DO PASS.

Discussion:

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

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALYEAT.

02:38:24

EXECUTIVE ACTION ON SB 454

Motion: SEN. LEWIS moved that SB 454 DO PASS.

Motion/Vote: SEN. LEWIS moved that SB 454 BE AMENDED CONCEPTUALLY. Motion carried unanimously by voice vote.

Motion: SEN. LEWIS moved that SB 454 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALYEAT.

02:41:24

EXECUTIVE ACTION ON SB 451

Motion: SEN. SQUIRES moved that SB 451 DO PASS.

Motion: SEN. SQUIRES moved that SB 451 BE AMENDED CONCEPTUALLY.

Discussion:

Vote: Motion carried unanimously by voice vote.

Motion/Vote: SEN. SQUIRES moved that SB 451 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALYEAT.

02:43:02

EXECUTIVE ACTION ON SB 424

Motion/Vote: SEN. LEWIS moved that SB 424 BE TABLED. Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALLYEAT.

02:43:48

EXECUTIVE ACTION ON SB 425

Motion/Vote: SEN. LEWIS moved that SB 425 BE TABLED. Motion carried unanimously by voice vote.

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALLYEAT.

02:44:40

EXECUTIVE ACTION ON SB 388

Motion: SEN. TROPILA moved RECONSIDER THE MOTION on SB 388.

EXHIBIT(bus40a13)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. ROUSH moved that SB 388 DO PASS.

Motion: SEN. ROUSH moved that SB 388 BE AMENDED WITH SB038805.APM.

Discussion:

Vote: Motion carried unanimously by voice vote.

Motion/Vote: SEN. ROUSH moved that SB 388 DO PASS AS AMENDED.

Motion carried 9-2 by voice vote with SEN. BALLYEAT and SEN. STEINBEISSER voting no.

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALLYEAT.

02:48:54

EXECUTIVE ACTION ON SB 114

Motion: SEN. ROUSH moved that SB 114 DO PASS.

Discussion:

Ms. Christina Goe, State Auditor's Office
Ms. Jacqueline Lenmark, American Insurance Association

Motion: SEN. SQUIRES moved that SB 114 BE AMENDED WITH SB011401.APM.

Discussion:

[EXHIBIT](#)(bus40a14)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. GRIMES moved that SB 114 DO PASS AS AMENDED.

Discussion:

Ms. Christina Goe, State Auditor's Office

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

SEN. COCCHIARELLA proxied for SEN. TESTER.

SEN. LEWIS proxied for SEN. BALYEAT.

03:01:54

EXECUTIVE ACTION ON SB 380

Motion: SEN. SQUIRES moved that SB 380 DO PASS.

Motion: SEN. SQUIRES moved that SB 380 BE AMENDED WITH SB0380003.APM.

Discussion:

[EXHIBIT](#)(bus40a15)

Vote: Motion carried unanimously by voice vote.

SEN. LEWIS proxied for SEN. BALYEAT.

Motion: SEN. SQUIRES moved that SB 380 BE AMENDED WITH SB038001.APM.

Discussion:

[EXHIBIT](#)(bus40a16)

Ms. Christina Goe, State Auditor's Office

03:13:47

SEN. BALYEAT ENTERED

Vote: Motion carried unanimously by voice vote.

Motion: SEN. SQUIRES moved that SB 380 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried unanimously by voice vote.
SEN. COCCHIARELLA proxied for SEN. TESTER.

03:17:16

EXECUTIVE ACTION ON SB 481

Motion: SEN. ROUSH moved that SB 481 DO PASS.

Motion: SEN. COCCHIARELLA moved that SB 481 BE AMENDED WITH
SB048101.AEM.
SEN. COCCHIARELLA proxied for SEN. TESTER.

Discussion:

[EXHIBIT \(bus40a17\)](#)

Ms. Nancy Butler, Montana State Fund

Vote: Motion carried unanimously by voice vote.

Motion: SEN. ROUSH moved that SB 481 DO PASS AS AMENDED.

Discussion:

Vote: Motion carried unanimously by voice vote.

03:27:21

EXECUTIVE ACTION ON SB 311

Motion: SEN. SMITH moved that SB 311 DO PASS.

Discussion:

Motion: SEN. SMITH moved that SB 311 BE AMENDED WITH
SB031102.APM.

Discussion:

[EXHIBIT \(bus40a18\)](#)

Ms. Alicia Pichette, State Auditor's Office
Ms. Jacqueline Lenmark, American Insurance Association

Motion: SEN. COCCHIARELLA made a SUBSTITUTE MOTION that SB 311 BE AMENDED BY SEGREGATING 9D, 10, 11, 12, 13G OUT OF SB031102.APM WHILE MAINTAINING THE REMAINDER OF THE AMENDMENT.

Discussion:

Ms. Alicia Pichette, State Auditor's Office

Ms. Jacqueline Lenmark, American Insurance Association

EXHIBIT(bus40a19)

Note: Action was postponed until a February 19, 2005.

ADJOURNMENT

Adjournment: 12:00 P.M.

SEN. VICKI COCCHIARELLA, Chairman

ANNIE GLOVER, Secretary

VC/ag

Additional Exhibits:

EXHIBIT ([bus40aad0.PDF](#))