

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**HOUSE BUSINESS AND LABOR COMMITTEE**

**Date:** Tuesday, March 24, 2009  
**Place:** Capitol

**Time:** 8:30 am  
**Room:** 172

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

\_\_\_\_\_  
\_\_\_\_\_

**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 598 DPAA SB 151 BC SB 275 BC SB 444 BC  
SB 84 BC SB 174 BCAA SB 356 BC  
SB 86 BC SB 189 Tie SB 388 BC  
SB 133 BCAA SB 271 Tie SB 431 Tabled

**COMMENTS:**



\_\_\_\_\_  
REP. Bill Wilson, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**BUSINESS AND LABOR COMMITTEE**

DATE: 3/24/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare	X	
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock	X	
Rep. Mike Milburn	X	
Rep. Pat Noonan	X	
Rep. Scott Reichner	X	
Rep. Cary Smith	X	
Rep. Gordon Vance	X	
Rep. Jeffery Welborn	X	
Rep. Bill Wilson	X	

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**BUSINESS AND LABOR COMMITTEE**

DATE 3/23/09 BILL NO HB 598 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck	/		
Rep. Elsie Arntzen	/		
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry	/		
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock	/		
Rep. Mike Milburn	/		
Rep. Pat Noonan	/		
Rep. Scott Reichner	/		
Rep. Cary Smith	/		
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	/		
Rep. Bill Wilson	/		

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**BUSINESS AND LABOR COMMITTEE**

DATE 3/24/09 BILL NO SB 189 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

Be concurred IN

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart		/	
Rep. Bill Beck	/		
Rep. Elsie Arntzen	/		
Rep. Shannon Augare		/	
Rep. Paul Beck		/	
Rep. Tom Berry	/		
Rep. Carlie Boland		/	
Rep. John Fleming		/	
Rep. Timothy Furey		/	
Rep. Chuck Hunter		/	
Rep. Harry Klock	/		
Rep. Mike Milburn	/		
Rep. Pat Noonan		/	
Rep. Scott Reichner	/		
Rep. Cary Smith	/		
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	/		
Rep. Bill Wilson		/	

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**BUSINESS AND LABOR COMMITTEE**

DATE 3/24/09 BILL NO SB 271 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

Be Concurred In...

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**BUSINESS AND LABOR COMMITTEE**

DATE 3/24/09 BILL NO 388 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

Be concurred in

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck	/		
Rep. Elsie Arntzen	/		
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry	/		
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock	/		
Rep. Mike Milburn	/		
Rep. Pat Noonan	/		
Rep. Scott Reichner	/		
Rep. Cary Smith	/		
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	/		
Rep. Bill Wilson	/		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**BUSINESS AND LABOR COMMITTEE**

DATE 3/24/09 BILL NO SB 431 MOTION NO. \_\_\_\_\_

MOTION: \_\_\_\_\_  
 \_\_\_\_\_  
Be concurred in...

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart		/	
Rep. Bill Beck	/		
Rep. Elsie Arntzen		/	
Rep. Shannon Augare		/	
Rep. Paul Beck		/	
Rep. Tom Berry		/	
Rep. Carlie Boland		/	
Rep. John Fleming		/	
Rep. Timothy Furey		/	
Rep. Chuck Hunter		/	
Rep. Harry Klock	/		
Rep. Mike Milburn	/		
Rep. Pat Noonan		/	
Rep. Scott Reichner	/		
Rep. Cary Smith	/		
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	✓		
Rep. Bill Wilson		/	

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**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

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Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 598** (first reading copy – white) **do pass as amended.**

Signed: *Bill Wilson*  
*Representative Bill Wilson, Chair*

**And, that such amendments read:**

1. Title, line 4.

**Strike:** "AN ENTERTAINER"

**Insert:** "A CONTRACT MUSICIAN"

2. Title, line 5 through line 6.

**Strike:** "PROVIDING" on line 5 through "EXEMPTION;" on line 6

3. Page 4, line 6.

**Strike:** "an entertainer" through "(7)"

**Insert:** "a contract musician"

4. Page 5, line 15 through line 20.

**Strike:** subsection (7) in its entirety

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

HB0598001SC.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 84** (third reading copy – blue) **be concurred in.**

Signed: \_\_\_\_\_

*Bill Wilson*  
*Representative Bill Wilson, Chair*

To be carried by Representative Cynthia Hiner

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

SB0084001SC03862.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 86** (third reading copy – blue) **be concurred in.**

Signed:

A handwritten signature in cursive script that reads "Bill Wilson".

*Representative Bill Wilson, Chair*

To be carried by Representative Mark Blasdel

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

SB0086001SC05141.hjd



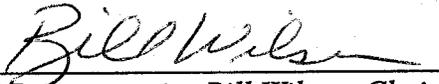
## HOUSE STANDING COMMITTEE REPORT

March 24, 2009

Page 1 of 4

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 133** (third reading copy – blue) be concurred in as amended.

Signed: 

*Representative Bill Wilson, Chair*

To be carried by Representative Robin Hamilton

**And, that such amendments read:**

1. Title, line 13.

**Following:** "PROVISIONS;"

**Insert:** "REQUIRING THAT INSURED PAY ONLY THE REQUIRED COPAYMENT OR OTHER COST-SHARING REQUIREMENT FOR COVERED PRESCRIPTION DRUGS AT THE TIME OF PURCHASE;"

2. Title, line 16.

**Following:** "33-21-113,"

**Insert:** "33-22-101,"

3. Title, line 17.

**Following:** "33-22-530,"

**Insert:** "33-22-602,"

**Following:** "33-31-311, MCA;"

**Strike:** "AND"

4. Title, line 18.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

5. Page 22, line 10.

**Insert:** "**Section 23.** Section 33-22-101, MCA, is amended to read:

"33-22-101. **Exceptions to scope.** (1) Subject to subsection (2), parts 1 through 4 of this chapter, except 33-22-107,

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

33-22-110, 33-22-111, 33-22-114, 33-22-125, 33-22-129, 33-22-130 through 33-22-136, 33-22-140, 33-22-141, 33-22-142, 33-22-243, and 33-22-304, and part 19 of this chapter do not apply to or affect:

(a) any policy of liability or workers' compensation insurance with or without supplementary expense coverage;  
 (b) any group or blanket policy;  
 (c) life insurance, endowment, or annuity contracts or supplemental contracts that contain only those provisions relating to disability insurance that:

(i) provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means;  
 or

(ii) operate to safeguard contracts against lapse or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled as defined by the contract or supplemental contract;

(d) reinsurance.

(2) Sections 33-22-150 through 33-22-152, [section 24], and 33-22-301 apply to group or blanket policies."

**Insert:** "NEW SECTION. Section 24. Cost-sharing requirements -

- applicability. (1) Each group or individual health insurance policy, certificate of insurance, and membership contract that covers prescription drugs and that is delivered, issued for delivery, renewed, extended, or modified in this state must provide that after the applicable deductible is met, the insured shall pay only the required copayment or other cost-sharing requirement for a covered prescription drug at the time of purchase if the prescription drug dispenser, third-party administrator, or health insurance issuer can determine that amount at the time of purchase.

(2) This section applies to blanket policies issued pursuant to Title 33, chapter 22, part 6.

(3) This section does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, or long-term care policies."

**Renumber:** subsequent sections

6. Page 25, line 10.

**Insert:** "Section 29. Section 33-22-602, MCA, is amended to read:

**"33-22-602. Required provisions of blanket policies.** Any An insurer authorized to write disability insurance in this state ~~shall have~~ has the power to issue blanket disability insurance. ~~No such A~~ blanket policy may not be issued or delivered in this state unless a copy of the policy form thereof ~~shall have been~~ is filed in accordance with 33-1-501. ~~Every such A~~ blanket policy ~~shall must~~ must contain provisions which that in the opinion of the commissioner are at least as favorable to the policyholder and the individual insured as the following, ~~a provision that~~ provisions:

(1) the policy and the application ~~shall~~ constitute the

entire contract between the parties, ~~and that~~ all statements made by the policyholder ~~shall are~~, in absence of fraud, ~~be deemed considered~~ representations and not warranties, ~~and that no such statements shall may not~~ be used in defense to a claim under the policy, unless it is contained in a written application;

(2) written notice of sickness or of injury must be given to the insurer within 20 days after the date when ~~such the~~ sickness or injury occurred. Failure to give notice within ~~such time shall 20 days may~~ not invalidate or reduce ~~any a~~ claim if it ~~shall be shown not to have been the insured shows that it was not~~ reasonably possible to give ~~such the required~~ notice and that notice was given as soon as was reasonably possible.

(3) the insurer will furnish to the policyholder ~~such forms as are usually furnished by it~~ for filing proof of loss. If ~~such forms are not furnished before the expiration of within~~ 15 days after the ~~giving of such notice insured provided notice of~~ sickness or injury, the claimant ~~shall be deemed is considered~~ to have complied with the requirements of the policy as to proof of loss upon submitting, within the time ~~fixed established~~ in the policy for filing proof of loss, written proof covering the occurrence, character, and extent of the loss for which claim is made.

(4) in the case of a claim for loss of time for disability, written proof of ~~such the~~ loss must be furnished to the insurer within 30 days after the commencement of the period for which the insurer is liable and ~~that subsequent written proofs proof~~ of the continuance of ~~such the~~ disability must be furnished to the insurer at ~~such intervals as established by the insurer, may reasonably require and that in In~~ the case of a claim for any other loss, written proof of ~~such the~~ loss must be furnished to the insurer within 90 days after the date of ~~such the~~ loss. Failure to furnish ~~such proof within such time shall 90 days may~~ not invalidate or reduce ~~any a~~ claim if it ~~shall be shown not to have been the insured shows it was not~~ reasonably possible to furnish ~~such the required~~ proof and that ~~such proof~~ was furnished as soon as was reasonably possible.

(5) except as provided in [section 24], all benefits payable under the policy other than benefits for loss of time ~~will be are~~ payable immediately upon receipt of ~~due~~ written proof of ~~such the~~ loss, ~~and that, subject Subject~~ to ~~due~~ proof of loss, all accrued benefits payable under the policy for loss of time ~~will must~~ be paid ~~not later than at the expiration of each period of at least every 30 days during the continuance of the period for which the insurer is liable, and that any Any~~ balance remaining unpaid at the termination of ~~such period will the~~ period of liability must be paid immediately upon receipt of ~~such the proof, of loss.~~

(6) the insurer at its own expense ~~shall have has~~ the right and opportunity to examine the person of the insured when and ~~so as~~ often as it ~~may reasonably require required~~ during the pendency of a claim under the policy and also the right and

opportunity to make an autopsy in case of death ~~where~~ when it is not prohibited by law;

(7) ~~no~~ an action at law or in equity ~~shall~~ may not be brought to recover a loss under the policy ~~prior to the expiration of sooner than~~ 60 days after written proof of loss has been furnished in accordance with the requirements of the policy and ~~that no such action shall be brought after the expiration of~~ no later than 3 years after the time written proof of loss is required to be furnished.""

**Renumber:** subsequent sections

7. Page 32, line 14.

**Following:** "33-22-152,"

**Insert:** "[section 24],"

8. Page 33, line 11.

**Following:** "33-22-152,"

**Insert:** "[section 24],"

9. Page 33, line 23.

**Insert:** "NEW SECTION. **Section 36. Codification instruction.**

[Section 24] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 24]."

**Renumber:** subsequent section

10. Page 33, line 25.

**Insert:** "NEW SECTION. **Section 38. Applicability.** [Section 24] applies to policies, certificates, and membership contracts that are delivered, issued, renewed, extended, or modified on or after January 1, 2010."

- END -



**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 151** (third reading copy – blue) **be concurred in.**

Signed:

A handwritten signature in cursive script that reads "Bill Wilson".

*Representative Bill Wilson, Chair*

To be carried by Representative Timothy Furey

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

SB0151001SC06216.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 174** (third reading copy – blue) **be concurred in as amended.**

Signed: *Bill Wilson*  
*Representative Bill Wilson, Chair*

To be carried by Representative Elsie Arntzen

**And, that such amendments read:**

1. Page 7, line 14.  
**Following:** "certified"  
**Insert:** "clinical"

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

SB0174001SC03853.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 275** (third reading copy – blue) be concurred in.

Signed:

*Bill Wilson*  
Representative Bill Wilson, Chair

To be carried by Representative Timothy Furey

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

SB0275001SC06216.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 356** (third reading copy – blue) **be concurred in.**

Signed:

  
*Representative Bill Wilson, Chair*

To be carried by Representative Scott Reichner

- END -

**Committee Vote:**

**Yes 17, No 1**

Fiscal Note Required

SB0356001SC06480.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 26, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 388** (third reading copy – blue) be concurred in.

Signed:

  
*Representative Bill Wilson, Chair*

To be carried by Representative Elsie Arntzen

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

SB0388001SC03853.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 24, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 444** (third reading copy – blue) be **concurred in**.

Signed:   
*Representative Bill Wilson, Chair*

To be carried by Representative Michele Reinhart

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

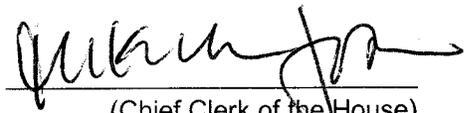
SB0444001SC05158.hjd

**COMMITTEE FILE COPY**

**TABLED BILL**

The **HOUSE BUSINESS AND LABOR COMMITTEE** TABLED **SB 431**, by motion, on **Tuesday, March 24, 2009**.

\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(Chief Clerk of the House)

\_\_\_\_\_, 3/24  
(Time) (Date)

March 24, 2009

Santella Baglivo, Secretary

Phone: 4457

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