

## MINUTES

### MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Joe Balyeat, on February 16, 2011 at 9:00 A.M., in Room 422  
Capitol

#### ROLL CALL

**Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Tom Facey (D)  
Sen. Frederick (Eric) Moore (R)  
Sen. Carmine Mowbray (R)  
Sen. Donald J. Steinbeisser (R)  
Sen. Mitch Tropila (D)  
Sen. Gene Vuckovich (D)

**Members Excused:** Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Bruce Tutvedt (R)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Linda Keim, 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 270, 2/8/2011; SB 275, 2/8/2011; SB 287, 2/8/2011; SB 293, 2/8/2011

Executive Action: SB 275, Do Pass; SB 101, Table; SB 269, Do Pass As Amended; SB 228, Do Pass; SB 272, Do Pass As Amended; SB 294, Discussion only; SB 293, Table; SB 270, Do Pass.

**HEARING ON SB 270**

**Opening Statement by Sponsor:**

00:00:49 Sen. Art Wittich (R), SD 35, opened the hearing on SB 270, Revise appeal process for unemployment claims.

**Proponents' Testimony:**

00:05:04 Webb Brown, Montana Chamber of Commerce

00:05:34 Riley Johnson, National Federation of Independent Business (NFIB)

**Opponents' Testimony:**

00:05:59 Chis Cavazos, Montana State American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

00:06:47 Keith Allen, International Brotherhood of Electrical Workers (IBEW), #233

00:07:00 Sen. Stewart-Peregoy arrived

00:07:28 Jason Miller, Teamsters Union Local #190

**Informational Testimony:**

00:08:24 Roy Mulvaney, Administrator, Unemployment Insurance Program, Department of Labor and Industry (DOLI)

**Questions from Committee Members and Responses:**

00:17:19 Sen. Facey

00:18:32 Mr. Mulvaney, DOLI

00:18:50 Sen. Jackson arrived.

00:18:58 Chairman Balyeat

00:19:10 Sen. Vuckovich

00:24:55 Sen. Wittich

00:25:51 Sen. Mowbray

00:26:05 Sen. Wittich

00:28:09 Sen. Moore

00:28:12 Mr. Mulvaney

00:29:19 Sen. Tropila

00:30:00 Mr. Miller, Teamsters Union

00:30:53 Sen. Tropila

00:34:30 Sen. Wittich

00:35:50 Chairman Balyeat

00:36:50 Mr. Mulvaney

**Closing by Sponsor:**

00:37:15 Sen. Wittich

00:39:44 Chairman Balyeat

**HEARING ON SB 275**

**Opening Statement by Sponsor:**

00:40:01 Sen. Ryan Zinke (R), SD 2, opened the hearing on SB 275, Revise laws relating to public cemeteries.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:42:40 Sen. Facey

00:42:44 Sen. Zinke

**Closing by Sponsor:**

00:43:02 Sen. Zinke

**EXECUTIVE ACTION ON SB 275**

00:43:12 **Motion/Vote:** Sen. Facey moved that **SB 275 DO PASS**. Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

**HEARING ON SB 287**

**Opening Statement by Sponsor:**

Sen. Jim Keane (D), SD 38, opened the hearing on SB 287, Require certain corporate officers or managers of LLC's to obtain work comp.

**Proponents' Testimony:**

00:45:52 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry (DOLI)

00:48:02 Jason Miller, Teamsters Local Union #190

00:48:37 Riley Johnson, National Federation of Independent Business (NFIB)

00:49:08 Bob Worthington, Montana Self Insurers Association (MSIA)

00:49:37 Jessie Luther, Montana Contractors Association

00:50:22 John Forkan, Montana State Association of Plumbers and Pipefitters (MSAPP)

00:50:56 Keith Allen, International Brotherhood of Electrical Workers (IBEW) #133  
00:51:06 Chris Cavazos, American Federation of Labor-Congress of Industrial  
Organizations (AFL-CIO)  
00:51:17 Dan Flynn, International Brotherhood of Electrical Workers (IBEW) Local #44

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:51:39 Sen. Moore  
00:51:45 Mr. Miller  
00:52:27 Sen. Jackson  
00:53:13 Jerry Keck  
00:53:41 Chairman Balyeat  
00:57:38 Jerry Keck  
00:58:00 Sen. Facey  
00:58:19 Chairman Balyeat  
00:58:45 Sen. Facey  
00:58:53 Sen. Keane  
01:00:29 Sen. Facey  
01:00:55 Mr. Worthington  
01:01:34 Sen. Steinbeisser  
01:02:38 Sen. Keane  
01:02:48 Chairman Balyeat  
01:02:58 Mr. Keck

**Closing by Sponsor:**

01:03:49 Sen. Keane  
01:04:18 Chairman Balyeat  
01:04:20 Sen. Tropila left the room.

**HEARING ON SB 293**

**Opening Statement by Sponsor:**

Sen. Jim Keane (D), SD 38, opened the hearing on SB 293, Providing a legislative finding and a transfer of money between state fund accounts.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:10:14 Lawrence Hubbard, President and CEO, Montana State Fund (MSF)  
**EXHIBIT(bus38a01)**  
01:21:12 Bruce Spencer, Property Casualty Insurers Association of America (PCIAA)  
01:21:40 Jason Todhunter, Montana Logging Association (MLA)

01:22:34 Riley Johnson, National Federation of Independent Business (NFIB)  
01:22:45 Webb Brown, Montana Chamber of Commerce (MCCC)  
01:22:57 Barry 'Spook' Stang, Executive Director, Montana Motor Carriers Association (MMCA)  
01:23:25 Jacqueline Lenmark, American Insurance Association (AIA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:26:17 Sen. Jackson  
01:28:19 Sen. Keane, refer question, without objection

**EXHIBIT(bus38a02)**

01:28:36 Mr. Hubbard, MSF  
01:29:52 Chairman Balyeat  
01:33:50 Mr. Hubbard  
01:35:53 Chairman Balyeat  
01:37:36 Mr. Hubbard

**Closing by Sponsor:**

01:37:48 Sen. Keane  
  
01:39:52 Recess  
01:51:40 Resume  
  
01:53:00 Sen. Tutvedt arrived

**EXECUTIVE ACTION ON SB 101**

01:53:11 **Motion:** Sen. Jackson moved that **SB 101 DO PASS.**

**Discussion:**

01:54:03 Sen. Jackson  
01:56:10 Chairman Balyeat  
01:56:38 Sen. Mowbray  
01:56:59 Chairman Balyeat  
01:57:29 Sen. Tropila  
02:00:15 Chairman Balyeat  
  
02:00:26 **Vote:** Motion failed 2-9 by roll call vote with Sen. Balyeat and Sen. Jackson voting aye. Sen. Windy Boy voted by proxy. Without objection, Chairman Balyeat moved to **REVERSE THE VOTE** and **TABLE SB 101.**

**EXECUTIVE ACTION ON SB 269**

02:01:45 Chairman Balyeat  
02:01:52 Ms. Murdo

02:01:56 **Motion:** Sen. Facey moved that **SB 269 DO PASS.**

02:02:19 **Motion/Vote:** Sen. Tropila moved that **SB 269 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

[EXHIBIT\(bus38a03\)](#)

02:03:02 **Motion:** Sen. Facey moved that **SB 269 DO PASS AS AMENDED.**

**Discussion:**

02:03:11 Sen. Moore  
02:04:02 Chairman Balyeat  
02:05:33 Sen. Facey  
02:06:29 Sen. Tropila  
02:08:16 Sen. Mowbray  
02:08:54 Chairman Balyeat  
02:09:46 Sen. Jackson  
02:11:34 Sen. Stewart-Peregoy  
02:13:59 Sen. Vuckovich  
02:15:19 Chairman Balyeat

02:15:29 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Jackson, Sen. Mowbray, Sen. Steinbeisser and Sen. Tutvedt voting no. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SB 228**

02:17:48 Chairman Balyeat

02:17:51 **Motion:** Sen. Moore moved that **SB 228 DO PASS.**

[EXHIBIT\(bus38a04\)](#)

**Discussion:**

02:18:15 Sen Tropila  
02:19:03 Sen. Mowbray  
02:19:38 Sen. Jackson  
02:20:34 Chairman Balyeat

02:23:23 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SB 272**

02:25:08 **Motion:** Sen. Facey moved that **SB 272 DO PASS.**

02:25:39 **Motion:** Sen. Facey moved that **SB 272 BE AMENDED.**

[EXHIBIT\(bus38a05\)](#)

**Discussion:**

02:26:31 Sen Facey  
 02:26:36 Ms. Murdo  
 02:27:28 Sen. Tropila  
 02:27:39 Ms. Murdo  
 02:28:40 Sen. Tropila  
 02:29:07 Sen. Jackson  
 02:29:30 Sen. Moore  
 02:29:51 Ms. Murdo  
 02:30:24 Sen. Moore

02:31:13 **Vote:** Motion carried 9-2 by voice vote with Sen. Jackson and Sen. Tropila voting no. Sen. Windy Boy voted by proxy.

02:31:36 **Motion:** Sen. Facey moved that **SB 272 DO PASS AS AMENDED.**

**Discussion:**

02:31:54 Sen. Tropila  
 02:34:22 Sen. Moore  
 02:34:44 Sen. Jackson  
 02:35:25 Sen. Stewart-Peregoy

02:35:52 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Mowbray, Sen. Steinbeisser, Sen. Tropila and Sen. Tutvedt voting no. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SB 294**

02:37:37 Chairman Balyeat

02:38:07 **Motion:** Sen. Facey moved that **SB 294 DO PASS.**

02:38:17 **Motion:** Sen. Facey moved that **SB 294 BE AMENDED.**  
**EXHIBIT(bus38a06)**

**Discussion:**

02:38:48 Sen. Facey  
 02:39:59 Sen. Vuckovich  
 02:40:12 Sen. Mowbray  
 02:41:16 Sen. Facey  
 02:41:48 Chairman Balyeat  
 02:42:19 Sen. Facey  
 02:43:32 Chairman Balyeat  
 02:44:15 Ms. Murdo  
 02:44:22 Sen. Windy Boy arrived

02:45:01 Chairman Balyeat noted they need to wait for further information.

02:45:06 Sen. Facey withdrew his motions without objection.

02:45:16 Sen. Mowbray

02:45:35 Sen. Vuckovich

02:45:45 Chairman Balyeat

**EXECUTIVE ACTION ON SB 293**

02:46:01 **Motion:** Sen. Tutvedt moved that **SB 293 DO PASS.**

02:46:10 Chairman Balyeat

02:46:16 **Substitute Motion:** Sen. Facey made a substitute motion that **SB 293 BE TABLED.**

02:47:56 **Vote:** Motion carried 8-3 by roll call vote with Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no.

**EXECUTIVE ACTION ON SB 270**

02:48:15 Chairman Balyeat

02:48:40 **Motion:** Sen. Mowbray moved that **SB 270 DO PASS.**

**Discussion:**

02:48:51 Chairman Balyeat

02:48:57 Sen. Tropila

02:49:53 Sen. Moore

02:51:01 Chairman Balyeat

02:51:11 Sen. Stewart-Peregoy

02:52:32 Sen. Facey

02:54:35 Sen. Mowbray

02:55:19 Sen. Steinbeisser

02:55:29 Sen. Facey left the room

02:55:38 Sen. Vuckovich

02:56:40 Sen. Moore

02:56:53 Chairman Balyeat

02:57:20 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Facey voted by proxy.

02:58:56 Chairman Balyeat

02:59:02 Sen. Windy Boy

**ADJOURNMENT**

Adjournment: 12:03 P.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT([bus38aad.pdf](#))**