

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Vice Chair Verdell Jackson, on March 4, 2011 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Verdell Jackson, Vice Chairman (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)

Members Excused: Sen. Joe Balyeat, Chairman (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Bruce Tutvedt (R)
Sen. Gene Vuckovich (D)
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: HB 110, 2/21/2011; HB 125, 2/21/2011; HB 268, 2/21/2011

Executive Action: HB 268, Do Concur; HB 110, Do Concur As Amended; HB 63, Do Concur; HB 359, Do Concur; HB 127, Do Concur; HB 17, Do Concur; HB 307, Do Concur. HB 125 and HB 94 had discussion only.

HEARING ON HB 110

Opening Statement by Sponsor:

00:01:18 Rep. Jeffery Welborn (R), HD 72, opened the hearing on HB 110, Generally revise workers' compensation laws.

EXHIBIT(bus49a01)

00:02:05 Sen. Stewart-Peregoy arrived.

Proponents' Testimony:

00:03:58 Jerry Keck, Employment Relations Division, Department of Labor and Industry (DOLI)

EXHIBIT(bus49a02)

00:06:47 Bob Worthington, Co-Vice Chair, Labor Management Advisory Council (LMAC)

00:07:53 Jason Miller, Co-Vice Chair for Labor, LMAC

00:08:18 Jacqueline Lenmark, American Insurance Association (AIA); also speaking for Bruce Spencer, Property Casualty Insurers Association of America PCIAA; and Dwight Easton, Farmers Insurance Group (FIG)

00:09:13 Nancy Butler, Montana State Fund (MSF)

00:09:42 Vicki Cocchiarella, Montana Hospital Association (MHA), Montana Medical Association (MMA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:10:45 Sen. Facey

00:11:00 Mr. Keck, DOLI

00:12:31 Sen. Mowbray

00:12:59 Mr. Keck

00:13:28 Sen. Moore

00:14:38 Mr. Worthington, LMAC

00:15:23 Vice Chair Jackson

00:15:40 Mr. Keck

Closing by Sponsor:

00:16:10 Sen. Welborn

HEARING ON HB 125

Opening Statement by Sponsor:

00:19:06 Rep. Harry Klock (R), HD 83, opened the hearing on HB 125, Generally revise insurance and securities laws.

EXHIBIT(bus49a03)

Proponents' Testimony:

00:20:05 Jesse Laslovich, State Auditor's Office

EXHIBIT(bus49a04)

00:24:28 Sen. Balyeat arrived and took over as Chair.

00:28:18 Sen. Jackson left the room.

00:30:32 Frank Cote, Blue Cross Blue Shield (BCBS)

00:31:36 Dennis Lopach, America Health Insurance Plans (AHIP)

00:32:00 Roger McGlenn, Attorney Liability Protection Society (ALPS)

00:32:38 Jacqueline Lenmark, American Insurance Association (AIA), American Council of Life Insurers (ACLI), and American Family Life Assurance Company (AFLAC); also speaking for Bruce Spencer, Property Casualty Insurers Association of America (PCIAA); and Dwight Easton, Farmers Insurance

00:33:40 Greg Van Horssen, State Farm Insurance (SFI)

00:33:54 Todd Lovshin, Allegiance Life and Health Insurance Company, Missoula

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:34:30 Sen. Tropila

00:34:41 Mr. Laslovich

00:35:18 Chairman Balyeat

00:35:32 Mr. Laslovich

Closing by Sponsor:

00:36:19 Rep. Klock

00:36:47 Chairman Balyeat

HEARING ON HB 268

Opening Statement by Sponsor:

00:37:56 Rep. Harry Klock (R), HD 83, opened the hearing on HB 268, Revise laws associated with bad check fees.

Proponents' Testimony:

00:38:28 Jessie Luther, Consumer Data Industry Association (CDIA); also speaking for Jon Bennion, Montana Chamber of Commerce

00:40:03 Sen. Vuckovich arrived.

00:41:27 Brad Griffin, Montana Retail Association (MRA)

00:42:03 Aimee Grmoljez, Montana Bankers Association (MBA)
00:43:24 Bruce Spencer, Montana Automobile Dealers Association (MADA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:43:53 Rep. Klock
00:44:11 Chairman Balyeat

EXECUTIVE ACTION ON HB 268

00:44:18 **Motion/Vote:** Sen. Facey moved that **HB 268 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Steinbeisser will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 125

00:46:44 **Motion:** Sen. Mowbray moved that **HB 125 BE CONCURRED IN**.
00:46:52 **Motion:** Sen. Facey moved that **HB 125 BE AMENDED**.

Discussion:

00:47:09 Sen. Facey
00:47:25 Chairman Balyeat explained that more information was needed before the committee could take Executive Action.
00:47:29 Sen Facey withdrew his motion without objection.
00:47:42 Sen. Mowbray withdrew her motion without objection.

EXECUTIVE ACTION ON HB 110

00:47:56 **Motion:** Sen. Facey moved that **HB 110 BE CONCURRED IN**.
00:48:06 **Motion:** Sen. Facey moved that **HB 110 BE AMENDED**.

Discussion:

00:48:23 Sen. Facey
00:48:35 Chairman Balyeat
00:48:44 **Vote:** Motion carried unanimously by voice vote. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

00:48:56 **Motion:** Sen. Facey moved that **HB 110 BE CONCURRED IN AS AMENDED.**

Discussion:

00:49:08 Chairman Balyeat
 00:49:20 Ms. Murdo
 00:50:11 Sen. Facey
 00:50:55 Sen. Mowbray
 00:51:00 Chairman Balyeat
 00:51:03 Sen. Facey
 00:52:00 Sen. Mowbray
 00:52:19 Sen. Facey
 00:52:33 Ms. Murdo
 00:52:51 Sen. Facey
 00:52:58 Ms. Murdo
 00:53:25 Sen. Facey
 00:53:34 Chairman Balyeat
 00:55:12 Sen. Facey
 00:55:38 Sen. Steinbeisser
 00:55:42 Chairman Balyeat
 00:55:46 Sen. Moore
 00:55:50 Ms. Murdo
 00:56:09 Chairman Balyeat
 00:56:14 Sen. Tropila
 00:56:45 Chairman Balyeat
 00:56:51 Sen. Facey

00:57:01 **Vote:** Motion carried unanimously by voice vote. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

00:57:25 Recess
 01:05:38 Resume

EXECUTIVE ACTION ON HB 63

01:05:38 **Motion:** Sen. Steinbeisser moved that **HB 63 BE CONCURRED IN.**

Discussion:

01:05:55 Chairman Balyeat
 01:07:05 Sen. Mowbray
 01:07:18 Sen. Facey
 01:07:51 Chairman Balyeat

01:07:56 **Vote:** Motion carried 10-1 by voice vote with Sen. Windy Boy voting no. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

01:08:46 Chairman Balyeat

EXECUTIVE ACTION ON HB 359

01:08:57 **Motion:** Sen. Facey moved that **HB 359 BE CONCURRED IN.**

Discussion:

01:09:08 Sen. Facey
01:09:27 Chairman Balyeat
01:09:33 Sen. Moore
01:10:13 Chairman Balyeat
01:11:17 Sen. Mowbray
01:11:53 Sen. Facey
01:12:18 Chairman Balyeat
01:13:11 Sen. Stewart-Peregoy
01:14:31 Sen. Facey
01:15:14 Sen. Stewart-Peregoy
01:15:26 Chairman Balyeat
01:16:11 Sen. Mowbray
01:17:00 Chairman Balyeat

01:17:16 **Vote:** Motion carried unanimously by voice vote. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Tutvedt will carry the bill.

01:18:17 Sen. Tropila changed Sen. Windy Boy's vote on HB 63 to 'No' without objection.

01:18:30 Chairman Balyeat

EXECUTIVE ACTION ON HB 127

01:18:56 **Motion:** Sen. Facey moved that **HB 127 BE CONCURRED IN.**

Discussion:

01:19:16 Sen. Facey
01:19:52 Sen. Mowbray
01:20:05 Sen. Facey
01:20:36 Chairman Balyeat
01:20:54 Sen. Facey
01:21:12 Chairman Balyeat

01:21:18 **Vote:** Motion carried unanimously by voice vote. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Mowbray will carry the bill.

01:23:05 Sen. Tutvedt arrived.

01:23:12 Chairman Balyeat

EXECUTIVE ACTION ON HB 17

01:24:29 **Motion:** Sen. Facey moved that **HB 17 BE CONCURRED IN.**

Discussion:

01:24:41 Chairman Balyeat
01:26:02 Sen. Moore
01:26:12 Sen. Mowbray
01:26:26 Sen. Facey
01:27:08 Sen. Tropila
01:28:36 Ms. Murdo
01:28:56 Chairman Balyeat

01:29:01 **Vote:** Motion carried 9-2 by roll call vote with Sen. Balyeat and Sen. Windy Boy voting no. Sen. Vuckovich will carry the bill.

01:30:39 Chairman Balyeat

EXECUTIVE ACTION ON HB 94

01:31:09 Ms. Murdo
EXHIBIT(bus49a05)

01:31:32 **Motion:** Sen. Tutvedt moved that **HB 94 BE CONCURRED IN.**

Discussion:

01:31:43 Chairman Balyeat
01:31:59 Ms. Murdo
01:38:14 Chairman Balyeat
01:38:25 Sen. Tutvedt
01:38:36 Sen. Facey
01:38:51 Chairman Balyeat
01:39:02 Sen. Stewart-Peregoy
01:39:42 Chairman Balyeat
01:39:46 Sen. Facey
01:40:17 Ms. Murdo
01:43:20 Sen. Tropila
01:43:33 Ms. Murdo
01:43:49 Chairman Balyeat
01:44:01 Sen. Moore
01:44:05 Chairman Balyeat
01:44:36 Sen. Tropila
01:45:16 Sen. Facey

01:45:21 **Motion:** Sen. Facey moved that **HB 94 BE AMENDED.**

Discussion:

01:45:34 Ms. Murdo
01:46:42 Sen. Tropila
01:47:02 Ms. Murdo
01:47:37 Chairman Balyeat
01:48:14 Sen. Tropila explained that more information was needed before the committee could take Executive Action.

01:48:30 Sen. Facey withdrew his motion without objection
01:48:39 Sen. Tutvedt withdrew his motion without objection.

01:48:51 Ms. Murdo

01:49:00 Sen. Tutvedt left the room.

EXECUTIVE ACTION ON HB 307

01:49:41 Chairman Balyeat
EXHIBIT(bus49a06)

01:49:56 **Motion:** Sen. Moore moved that **HB 307 BE CONCURRED IN.**

Discussion:

01:50:39 Sen. Stewart-Peregoy
01:51:48 Sen. Facey
01:53:30 Chairman Balyeat
01:53:37 Sen. Facey
01:53:40 Sen. Mowbray
01:54:24 Sen. Steinbeisser

01:54:37 **Vote:** Motion carried 9-2 by roll call vote with Sen. Stewart-Peregoy and Sen. Vuckovich voting no. Sen. Jackson, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Moore will carry the bill.

01:55:49 Chairman Balyeat
01:55:52 Sen. Facey
01:56:36 Ms. Murdo
01:57:02 Sen. Facey
01:58:08 Chairman Balyeat

ADJOURNMENT

Adjournment: 11:02 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus49aad.pdf](#))