

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Friday, February 18, 2011
Place: Capitol

Time: 8:00 AM
Room: 422

BILLS and RESOLUTIONS HEARD:

- SB 341 - Revise certain unemployment insurance charges to employers
- SB 342 - Define misconduct for unemployment insurance laws
- SB 352 - Allow adverse driving record use in setting auto insurance risk classifications
- SB 361 - Generally revise gambling laws

EXECUTIVE ACTION TAKEN:

SB 342 Do Pass As Amended.
SB 352 "
SB 341 "
SB 294 "
SB 361 Do Pass
SB 102 Table
SB 264 Table

Comments:



SEN. Joe Balyeat, Chair

MONTANA STATE SENATE
ROLL CALL
 BUSINESS, LABOR, AND
 ECONOMIC AFFAIRS

DATE: 2-18-, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Jackson	✓	
Senator Facey	✓	
Senator Steinbeisser	✓	
Senator Moore	✓	
Senator Stewart-Peregoy	✓	
Senator Tropila	✓	
Senator Tutvedt		✓
Senator Mowbray	✓	
Senator Vuckovich	✓	
Senator Windy Boy		✓
Chairman Balyeat	✓	

11 Committee Members

BILL TABLED NOTICE

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED **SB 102 - Revise law on payment of subcontractors on public contracts** and **SB 264 - Revise junk vehicle law**, by motion, on **Friday, February 18, 2011**.

Comments: SB 102 was reconsidered, then placed back on the table.

Linda Keim
(For the Committee)

Sean Anderson
(For the Secretary of the Senate)

11:00 2/18/11
(Time) (Date)

February 18, 2011

Linda Keim, Secretary

Phone: 444-4618



SENATE STANDING COMMITTEE REPORT

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Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 352** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Joe Balyeat, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "PASSENGER"

Insert: "AND COMMERCIAL"

2. Title, page 1, line 6.

Strike: "INDIVIDUAL'S DRIVING"

Insert: "EXPERIENCE"

3. Page 2.

Following: line 14

Insert: "(c) Special risk classifications may be established for commercial automobile policies. Special risk classifications for commercial automobile policies may be based upon favorable aspects of an insured's claims history that is 5 years old or older. Special risk classifications for commercial automobile policies may not be established based upon loss experience that is 5 years old or older."

ReNUMBER: subsequent subsections

4. Page 4.

Following: line 7

Insert: "(b) An insurer may use no more than 5 years of loss experience when determining whether to refuse to insure, refuse to continue to insure, charge higher rates, or limit the amount of coverage available under a commercial automobile policy. An insurer may provide discounts to an

Committee Vote:

Yes 11, No 0

Fiscal Note Required ___

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insured under a commercial automobile policy based on favorable aspects of an insured's claims history that is 5 years old or older."

Renumber: subsequent subsection

- END -

SB0352001SC.sdr



SENATE STANDING COMMITTEE REPORT

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Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 342** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Joe Balyeat, Chair

And, that such amendments read:

1. Page 4, line 7 through line 9.

Following: "(19)"

Insert: "(a)"

Strike: "means" on line 7 through "employer" on line 9

Insert: "includes but is not limited to the following conduct by an employee:

(i) willful or wanton disregard of the rights, title, and interests of a fellow employee or the employer;

(ii) deliberate violations or disregard of standards of behavior that the employer has the right to expect of an employee;

(iii) carelessness or negligence that causes or is likely to cause serious bodily harm to the employer or a fellow employee;
or

(iv) carelessness or negligence of a degree or that reoccurs to a degree to show an intentional or substantial disregard of the employer's interest.

(b) The term does not include:

(i) inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(ii) inadvertent or ordinary negligence in isolated instances; or

(iii) good faith errors in judgment or discretion"

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required

SB0342001SC.sdr



SENATE STANDING COMMITTEE REPORT

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Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 361** (first reading copy -- white) **do pass**.

Signed: _____


Senator Joe Balyeat, Chair

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required

SB0361001SC.sdr



SENATE STANDING COMMITTEE REPORT

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Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 294** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Joe Balyeat, Chair

And, that such amendments read:

1. Title, page 1, line 9.

Following: "EMPLOYED;"

Insert: "PROVIDING ALTERNATE CRITERIA FOR WAGES FOR NEW JOBS;"

2. Page 3, line 30.

Following: "~~employed.~~"

Insert: "A grant may be provided only for a new job for which the average weekly wage is at least 75% of the current average weekly wage of the county in which the employee is to be principally employed or 150% of the state's minimum wage, whichever is less, provided minimum wage requirements are met."

- END -

Committee Vote:

Yes 9, No 2

Fiscal Note Required

SB0294001SC.sdr



SENATE STANDING COMMITTEE REPORT

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Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 341** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Joe Balyeat, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "AND"

- END -

2. Title, page 1, line 7.

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 2.

Following: line 2

Insert: "NEW SECTION. **Section 2. Delayed effective date.**

[This act] is effective January 1, 2012."

Insert: "NEW SECTION. **Section 3. Contingent voidness.** If the U.S. department of labor declares Montana out of conformity with the Federal Unemployment Tax Act, 26 U.S.C. 3301, et seq., based on the provisions of [this act], [this act] is void. The department of labor and industry shall notify the secretary of state and the code commissioner regarding notification by the U.S. department of labor on the conformity issue by December 31, 2011."

Committee Vote:

Yes 6, No 5

Fiscal Note Required

SB0341001SC.sdr

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 2-18, 2011

BILL NO. SB 341 DPAA

6-5

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓ m	
Senator Jackson	✓	
Senator Windy Boy		✓ m
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 2-18- _____, 2011
Reverse + Table

BILL NO. *SB264* *D.P.* *Fails* *38*

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser		✓
Senator Facey		✓
Senator Tutvedt		✓ <i>μ</i>
Senator Jackson	✓ <i>μ</i>	
Senator Windy Boy		✓ <i>μ</i>
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray		✓
Chairman Balyeat	✓	

11 Committee Members

AUTHORIZED SENATE COMMITTEE PROXY

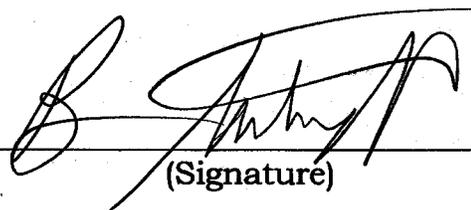
I, Senator Bruce Tutvedt, request to be excused from the
**Business, Labor, and Economic Affairs
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 342	X				
Amendment - Conceptual	X				
SB 361	X				
SB 352	X				
Amendment SB 352 1/6 pm	X				
SB 294 AMEND	X				
SB 294	X				
SB 264		X			
SB 341	X				
Amendment	X				

Sen.  _____
(Signature)

Date 2/18/11

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from B+L Committee because of other commitments. I desire to leave my proxy vote with:

Sen Trovilo

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

BILL/AMENDMENT	AYE	NO
SB 342	X	
SB 342 AMEND	X	
SB 34	X	
SB 352	X	
SB 294	X	
SB 294 AMEND	X	
SB 264		X
SB 341		X
SB 341 AMENDMENT	X	

BILL/AMENDMENT AYE NO

BILL/AMENDMENT	AYE	NO

Sen. 
(Signature)

Date 2-18-11

