

## MINUTES

### MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Joe Balyeat, on February 11, 2011 at 9:00 A.M., in Room 422  
Capitol

#### ROLL CALL

**Members Present:**

Sen. Joe Balyeat, Chairman (R)  
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)  
Sen. Gene Vuckovich (D)  
Sen. Jonathan Windy Boy (D)

**Members Excused:** Sen. Sharon Stewart-Peregoy (D)  
Sen. Bruce Tutvedt (R)

**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 272, 2/5/2022; SB 264, 2/4/2011; HB 57, 2/4/2011;  
HB 84, 2/4/2011

Executive Action: SB 259, Tabled; SB 242, Do Pass As Amended; SB 168, Do Pass  
As Amended; SB 243, Tabled; SB 260, not completed.

00:00:01 Chairman Balyeat

**EXECUTIVE ACTION ON SB 259**

00:00:03 Sen. Facey

00:00:09 **Motion/Vote:** Sen. Facey moved that **SB 259 BE TABLED**. Motion carried 10-1 by voice vote with Sen. Mowbray voting no. Sen. Tutvedt voted by proxy.

00:00:26 Chairman Balyeat

**EXECUTIVE ACTION ON SB 242**

00:02:19 Sen. Facey

00:02:31 **Motion:** Sen. Facey moved that **SB 242 DO PASS**.

**Discussion:**

00:02:46 Ms. Murdo, Legislative Services Division

00:03:10 Chairman Balyeat

00:03:13 Ms. Murdo

00:05:05 Chairman Balyeat

00:05:10 Ms. Murdo

00:06:15 Sen. Moore

00:06:29 Ms. Murdo

00:06:48 Sen. Facey

00:06:53 Ms. Murdo

00:07:15 **Motion:** Sen. Balyeat moved that **SB 242 BE AMENDED**.

**EXHIBIT(bus34a01)**

00:07:36 Vice Chair Jackson

00:07:39 Ms. Murdo

00:08:44 Chairman Balyeat

00:08:58 Ms. Murdo

00:09:18 Sen. Facey

00:09:34 Chairman Balyeat

00:09:43 Sen. Tropila

00:09:54 Ms. Murdo

00:09:57 Sen. Windy Boy

00:10:18 Ms. Murdo

00:11:03 Sen. Tropila

00:11:17 Chairman Balyeat

00:12:21 Ms. Murdo

00:13:30 Chairman Balyeat

00:13:36 **Vote:** Motion carried 10-1 by voice vote with Sen. Stewart-Peregoy voting no. Sen. Tutvedt voted by proxy.

00:13:54 **Motion:** Sen. Balyeat moved that **SB 242 DO PASS AS AMENDED.**

**Discussion:**

00:14:12 Sen. Stewart-Peregoy  
00:15:22 Chairman Balyeat  
00:15:26 Sen. Windy Boy  
00:15:38 Sen. Tropila  
00:16:36 Sen. Moore  
00:17:24 Chairman Balyeat

00:18:16 **Vote:** Motion carried 7-4 by roll call vote with Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt voted by proxy.

**EXECUTIVE ACTION ON SB 260**

00:20:19 **Motion:** Sen. Windy Boy moved that **SB 260 DO PASS.**  
**EXHIBIT(bus34a02)**

**Discussion:**

00:20:40 Sen. Windy Boy  
00:22:06 Chairman Balyeat  
00:22:09 Ms. Murdo  
00:22:54 Sen. Facey  
00:24:29 Sen. Mowbray  
00:24:42 Ms. Murdo  
00:25:19 Sen. Moore  
00:26:55 Ms. Murdo  
00:27:19 Chairman Balyeat  
00:27:28 Sen. Windy Boy  
00:28:13 Chairman Balyeat

00:28:55 Sen. Windy Boy withdrew his motion to work further on amendments, without objection.

**EXECUTIVE ACTION ON SB 168**

00:29:10 **Motion:** Sen. Facey moved to **TAKE SB 168 OFF THE TABLE** for reconsideration.  
**EXHIBIT(bus34a03)**

**Discussion:**

00:29:26 Sen. Facey  
00:30:05 Chairman Balyeat  
00:31:31 Sen. Facey  
00:31:44 Sen. Moore  
00:31:58 Chairman Balyeat

- 00:32:05 Sen. Tropila  
00:32:47 Chairman Balyeat  
00:32:52 Vice Chairman Jackson  
00:33:53 Sen. Mowbray  
00:34:25 Sen. Moore  
00:34:52 Sen. Facey  
00:35:09 Sen. Stewart-Peregoy
- 00:35:51 **Vote:** Motion carried 6-4 by roll call vote of those present, with Sen. Balyeat, Sen. Jackson, Sen. Mowbray, and Sen. Steinbeisser voting no.
- 00:37:30 **Motion/Vote:** Sen. Facey moved that **SB 168 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Tutvedt voted by proxy.
- 00:38:23 **Motion/Vote:** Sen. Facey moved that **SB 168 DO PASS AS AMENDED**. Motion carried 7-4 by roll call vote with Sen. Jackson, Sen. Mowbray, Sen. Steinbeisser and Sen. Tutvedt voting no. Sen. Tutvedt voted by proxy.

**EXECUTIVE ACTION ON SB 243**

- 00:40:10 Chairman Balyeat
- 00:40:15 **Motion:** Sen. Facey moved that **SB 243 DO PASS**.
- Discussion:**
- 00:40:30 Chairman Balyeat
- 00:41:15 **Substitute Motion:** Sen. Balyeat made a substitute motion that **SB 243 BE TABLED**.
- Discussion:**
- 00:41:31 Sen. Moore  
00:41:48 Chairman Balyeat
- 00:41:57 **Vote:** Motion carried 8-3 by roll call vote with Sen. Facey, Sen. Tropila and Sen. Windy Boy voting no. Sen. Tutvedt voted by proxy.
- 00:43:09 Ms. Murdo  
00:43:13 Chairman Balyeat
- 00:43:19 Recess  
00:53:22 Resume
- 00:53:27 Chairman Balyeat

**HEARING ON HB 57**

**Opening Statement by Sponsor:**

00:53:36 Rep. Cynthia Hiner (D), HD 85, opened the hearing on HB 57, Allow informal service of process in board of personnel appeals proceedings.

**Proponents' Testimony:**

00:54:42 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry (DOLI)

[EXHIBIT\(bus34a04\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:55:58 Chairman Balyeat

00:56:02 Mr. Keck, DOLI

**Closing by Sponsor:**

00:56:20 Rep. Hiner

**HEARING ON HB 84**

**Opening Statement by Sponsor:**

00:56:43 Rep. Carlie Boland (D), HD 23, opened the hearing on HB 84, Clarify Wage Payment Act - re: definitions - wage trust account.

**Proponents' Testimony:**

00:57:37 Jerry Keck, Department of Labor and Industry (DOLI)

[EXHIBIT\(bus34a05\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:00:56 Rep. Boland

01:01:14 Chairman Balyeat

**HEARING ON SB 264**

**Opening Statement by Sponsor:**

01:01:33 Sen. Greg Hinkle (R), SD 7, opened the hearing on SB 264, Revise junk vehicle law.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:06:28 Bob Gilbert, Montana Automobile Dismantlers and Recyclers Association (MADRA); LKQ Corporation; American Recyclers Association (ARA); also speaking for Linda Stoll, Montana Public Health Association

[EXHIBIT\(bus34a06\)](#)

[EXHIBIT\(bus34a07\)](#)

[EXHIBIT\(bus34a08\)](#)

01:14:13 Loretta Miller, owner, Green Meadow Auto Salvage

[EXHIBIT\(bus34a09\)](#)

01:22:12 Chairman Balyeat

01:22:29 Ralph Dennis, owner of AF&T, Belgrade, MADRA

[EXHIBIT\(bus34a10\)](#)

01:28:37 Ed Thamke, Motor Vehicle Wrecking Program, Department of Environmental Quality (DEQ)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:29:22 Sen. Moore  
 01:29:27 Mr. Gilbert, redirect, without objection  
 01:30:26 Mr. Thamke, DEQ  
 01:31:14 Sen. Moore  
 01:34:09 Mr. Thamke  
 01:34:49 Ms. Miller, junk yard owner, redirect, without objection  
 01:37:38 Chairman Balyeat  
 01:38:02 Ms. Miller  
 01:38:17 Sen. Mowbray  
 01:39:46 Mr. Dennis, junk yard owner  
 01:40:12 Sen. Facey  
 01:40:52 Mr. Thamke  
 01:41:44 Sen. Moore  
 01:42:54 Mr. Thamke  
 01:44:04 Sen. Tropila  
 01:47:04 Mr. Thamke  
 01:47:13 Sen. Tropila  
 01:48:34 Sen. Hinkle  
 01:49:47 Chairman Balyeat  
 01:49:58 Sen. Vuckovich  
 01:51:07 Ms. Miller

**Closing by Sponsor:**

01:52:29 Sen. Hinkle

01:58:59 Chairman Balyeat

**HEARING ON SB 272**

**Opening Statement by Sponsor:**

02:02:33 Sen. Terry Murphy (R), SD 39, opened the hearing on SB 272, Revise laws related to psychologists prescriptive authority.

**[EXHIBIT\(bus34a11\)](#)**

**Proponents' Testimony:**

02:06:57 Dr. Earl Sutherland, Ph.D., self, Clinical Psychologist, Indian Health Service, licensed under New Mexico State Licensure program, prescribing in Montana

**[EXHIBIT\(bus34a12\)](#)**

02:12:08 Rep. Don Roberts, HD 56, Billings

02:13:53 Dr. Geraldine Mournian, Clinical Physician, self, Indian Health Service (IHS)

02:20:19 Dr. Elaine LeVine, Ph.D., Prescribing Psychologist, New Mexico

**[EXHIBIT\(bus34a13\)](#)**

02:23:16 Sen. Moore left the room.

02:26:52 Dan Aune, Mental Health America (MHA), Bozeman

02:27:38 Gary Spaeth, Montana Psychological Association (MPA)

**[EXHIBIT\(bus34a14\)](#)**

02:35:24 Dr. Laura Wendlandt, Ph.D., self, Billings

**[EXHIBIT\(bus34a15\)](#)**

02:36:00 Chairman Balyeat left the room. Vice Chair Jackson assumed the Chair

02:36:13 Scott Dedous, Clinical Director, Indian Health Services

02:41:31 Dr. Caitlyn Hall, M. D., self, Indian Health Services

02:43:24 Tom Rasmussen, retired Optometrist, former legislator, representing MPA

02:47:41 Rose Hughes, Executive Director, Montana Health Care Association (MHCA)

**[EXHIBIT\(bus34a16\)](#)**

02:48:17 Chairman Balyeat returned and took over as Chair. Sen. Moore also returned.

02:50:32 Barbara Swehla, Montana Nurses Association (MNA)

02:53:12 William Patenaude, Clinical Psychologist, Missoula; past president MPA

02:57:14 Sen. Windy Boy

**Opponents' Testimony:**

03:02:25 Dr. Roman Hendrixson, M.D., self, Family Pediatrician and Geriatrician, Sheridan  
 03:06:55 Matt Kuntz, Executive Director, National Alliance on Mental Illness for Montana  
 (NAMI Montana)

**EXHIBIT(bus34a17)**

03:11:34 Dr. Gary Mihelish, Dentist, Helena; NAMI Montana

**EXHIBIT(bus34a18)**

03:20:10 Quentin Schroeder, NAMI Montana  
 03:26:08 Dr. Donald Harr, retired Psychiatrist, Billings, MPA, MMA

**EXHIBIT(bus34a19)**

03:32:17 Candace Payne, MPA

**EXHIBIT(bus34a20)**

03:36:20 Dr. Evelyn Driscoll, Medical Doctor (M.D.), Board Certified in Psychiatry  
 03:43:17 Dr. Ginny Hill, M.D., Forensic Psychiatrist, Montana State Hospital, MPA

**EXHIBIT(bus34a21)**

03:52:13 Dr. David Carlson, M.D., self, Psychiatrist, Montana State Hospital  
 04:02:51 Chairman Balyeat  
 04:03:25 Dr. Nanette Dowling, Physician, Board Certified in Psychiatry, MMA, MPA  
 04:03:40 Sen. Windy Boy  
 04:03:51 Chairman Balyeat  
 04:04:50 Dr. Brian Sippy, M.D., self, Ophthalmologist, Missoula, MMA Board

**Informational Testimony:**

04:06:10 Jeanine Worsch, Business and Occupational Licensing Bureau, DOLI

**Questions from Committee Members and Responses:**

04:06:36 Sen. Windy Boy  
 04:10:53 Dr. Sutherland  
 04:12:36 Sen. Facey  
 04:12:41 Dr. Dowling, Psychiatrist, redirect, without objection  
 04:16:32 Dr. Mournian, self  
 04:16:49 Sen. Facey  
 04:18:12 Dr. Mihelish, NAMI Montana  
 04:19:20 Sen. Facey  
 04:20:14 Chairman Balyeat  
 04:20:18 Sen. Mowbray  
 04:20:43 Dr. Wendlandt, self  
 04:21:44 Mr. Spaeth, MPA  
 04:22:06 Sen. Tropila  
 04:22:46 Dr. LeVine, Psychologist  
 04:25:19 Chairman Balyeat  
 04:25:41 Dr. LeVine  
 04:26:44 Sen. Tropila  
 04:27:00 Dr. Dowling  
 04:29:35 Sen. Moore  
 04:29:43 Dr. Carlson, self  
 04:32:21 Chairman Balyeat

04:33:17 Ms. Payne  
04:33:52 Chairman Balyeat  
04:34:24 Dr. Carlson  
04:35:40 Sen. Vuckovich  
04:36:11 Dr. Carlson

**Closing by Sponsor:**

04:38:16 Sen. Windy Boy presented the closing, as Sen. Murphy was out of the room

**ADJOURNMENT**

Adjournment: 12:43 P.M.

---

Linda Keim, Secretary

lk

Additional Documents:

**EXHIBIT([bus34aad.pdf](#))**