

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Tom Berry, on March 15, 2013 at 8:30 A.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Tom Berry, Chair (R)
Rep. Carlie Boland, Vice Chair (D)
Rep. Daniel R. Salomon, Vice Chair (R)
Rep. Steve Fitzpatrick (R)
Rep. Edward Greef (R)
Rep. Roger A. Hagan (R)
Rep. Chuck Hunter (D)
Rep. Mike Lang (R)
Rep. Gordon Pierson Jr (D)
Rep. Cary Smith (R)
Rep. Tom Steenberg (D)

Members Excused: Rep. Christy Clark (R)
Rep. Amanda Curtis (D)
Rep. Jonathan McNiven (R)
Rep. David (Doc) Moore (R)
Rep. Reilly Neill (D)
Rep. Rae Peppers (D)
Rep. Scott Reichner (R)
Rep. Carolyn Squires (D)
Rep. Jeffrey W. Welborn (R)

Members Absent: None

Staff Present: Sally Speer, Committee Secretary
Bart Campbell, 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 127, 3/11/2013; SB 128, 3/11/2013; SB 323, 3/11/2013; HB 582, 3/11/2013
Executive Action: SB 148; HB 572; SB 195; SJ 11

00:05:37 Chair Berry

HEARING ON HB 582

Opening Statement by Sponsor:

00:05:46 Rep. Greg Hertz (R), HD 11, opened the hearing on HB 582, Generally revise laws related to the board of public accountants.

Proponents' Testimony:

00:07:46 Rick Reisig, Self

EXHIBIT(buh56a01)

00:11:24 Gary Carlson, Anderson Zurmuellen CPA's

00:14:33 Holly Franz, Montana Society of Certified Public Accountants (MSCPA)

EXHIBIT(buh56a02)

EXHIBIT(buh56a03)

Opponents' Testimony:

00:20:05 Andrew Huff, Governor's Office (GOV)

Informational Testimony:

00:21:50 Tori Hunthausen, Legislative Audit Division (LAD)

00:24:11 Jack Kane, Administrator, Business Standards Division, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

00:24:33 Rep. Greef
00:25:54 Chair Berry
00:26:13 Mr. Kane, DLI
00:26:25 Ms. Hunthausen, LAD
00:28:14 Rep. Greef
00:29:03 Ms. Hunthausen, LAD
00:29:20 Chair Berry
00:29:51 Rep. Hunter
00:31:05 Ms. Hunthausen, LAD
00:33:03 Rep. Hunter
00:33:21 Ms. Hunthausen, LAD
00:33:31 Rep. Hunter
00:33:53 Mr. Kane, DLI
00:34:40 Rep. Hunter
00:35:17 Mr. Kane, DLI
00:35:28 Rep. Hunter
00:36:00 Ms. Franz, MSCPA
00:36:36 Rep. Hunter
00:36:52 Ms. Franz, MSCPA
00:36:58 Rep. Hunter
00:37:04 Ms. Franz, MSCPA
00:37:30 Rep. Hunter
00:38:12 Mr. Huff, GOV
00:38:48 Rep. Squires
00:39:15 Mr. Kane, DLI

00:39:25 Rep. Squires
00:39:30 Mr. Kane, DLI
00:41:36 Rep. Squires
00:42:48 Mr. Kane, DLI
00:44:02 Rep. Squires
00:44:18 Mr. Kane, DLI
00:44:32 Rep. Squires
00:45:48 Mr. Kane, DLI
00:46:14 Rep. Hunter
00:47:40 Mr. Kane, DLI
00:47:47 Rep. McNiven
00:49:23 Rep. Hertz
00:50:00 Rep. McNiven
00:50:31 Rep. Hertz
00:51:50 Rep. McNiven
00:51:57 Rep. Hertz
00:52:08 Rep. Hunter
00:52:14 Rep. Hertz
00:52:54 Rep. Hunter

Closing by Sponsor:

00:53:04 Rep. Hertz

00:54:00 Chair Berry

00:55:10 Recessed.
01:00:53 Reconvened.

HEARING ON SB 323

Opening Statement by Sponsor:

01:01:26 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 323, Revise workers' compensation laws on prescribing schedule II and III drugs.

01:08:58 Chair Berry

Proponents' Testimony:

01:09:09 Kevin Braun, Montana State Fund (MSF)
01:11:25 Aimee Grmoljez, Billings Clinic
01:12:28 Mike Foster, Catholic Hospitals of Montana
01:13:37 Aidan Myhre, Kalispell Regional Healthcare
01:14:22 Jean Branscum, Montana Medical Association (MMA)
01:16:20 Steve Wade, Montana Contractors Compensation Fund (MCCF), Montana Self Insurers Association (MSIA), Montana Municipal Interlocal Authority (MMIA)

Opponents' Testimony:

01:16:59 Al Smith, Montana Trial Lawyers Association (MTLA)
01:20:24 Chair Berry

Informational Testimony: None

Questions from Committee Members and Responses:

01:20:40 Rep. Pierson
01:21:03 Sen. Thomas
01:22:06 Rep. Boland
01:23:02 Sen. Thomas
01:24:03 Rep. Boland
01:24:28 Sen. Thomas
01:24:42 Rep. Boland
01:25:03 Sen. Thomas
01:26:11 Rep. Boland
01:26:34 Sen. Thomas
01:26:39 Rep. Boland
01:26:56 Sen. Thomas
01:27:41 Rep. Boland
01:27:49 Sen. Thomas
01:28:00 Rep. Lang
01:28:35 Sen. Thomas
01:29:26 Rep. Lang
01:29:48 Sen. Thomas
01:30:18 Rep. Squires
01:30:46 Mr. Braun, MSF
01:31:20 Rep. Squires
01:31:34 Mr. Braun, MSF
01:32:03 Rep. Squires
01:32:10 Mr. Braun, MSF
01:32:17 Rep. Squires
01:32:22 Mr. Braun, MSF
01:32:42 Rep. Squires
01:33:15 Mr. Braun, MSF
01:33:48 Rep. Squires
01:33:55 Mr. Braun, MSF
01:34:00 Rep. Hunter
01:35:33 Ms. Branscum, MMA
01:35:55 Rep. Berry
01:36:41 Sen. Thomas
01:37:12 Rep. Berry

Closing by Sponsor:

01:37:31 Sen. Thomas
01:40:39 Chair Berry
01:41:02 Rep. Squires
01:41:32 Chair Berry
01:41:38 Sen. Thomas
01:41:45 Chair Berry

01:47:14 Recessed.
01:51:39 Reconvened.

HEARING ON SB 127**Opening Statement by Sponsor:**

01:51:59 Sen. Edward Buttrey (R), SD 13, opened the hearing on SB 127, Revise unemployment law, revise def. of misconduct.

Proponents' Testimony:

01:54:00 Barry "Spook" Stang, Montana Motor Carriers Association (MMCA)
01:54:57 Webb Brown, Montana Chamber of Commerce (MCC)
01:55:44 Jim Smith, Montana Rural Education Association (MREA)
01:56:29 Ronda Wiggers, Great Falls and Helena Area Chambers of Commerce

Opponents' Testimony:

01:57:32 Keith Allen, International Brotherhood of Electrical Workers (IBEW 233)
01:58:57 Chris Cavazos, Montana State AFL-CIO (MTAFL-CIO)
01:59:30 J.D. Lynch, Montana Teamster Local Union #2

Informational Testimony:

02:00:50 Roy Mulvaney, Unemployment Insurance Division, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

02:01:14 Rep. Boland
02:01:49 Sen. Buttrey
02:02:24 Rep. Boland
02:02:53 Sen. Buttrey
02:03:17 Mr. Mulvaney, DLI
02:03:34 Rep. Boland
02:03:56 Mr. Mulvaney, DLI
02:04:05 Rep. Squires
02:05:11 Mr. Mulvaney, DLI
02:05:55 Rep. Squires
02:06:03 Mr. Mulvaney, DLI
02:06:13 Rep. Squires
02:07:02 Sen. Buttrey
02:07:53 Rep. Hunter
02:08:21 Sen. Buttrey
02:08:53 Rep. Hunter
02:09:07 Sen. Buttrey
02:10:08 Rep. McNiven
02:11:34 Sen. Buttrey
02:12:34 Rep. Fitzpatrick
02:13:02 Sen. Buttrey
02:13:10 Rep. Boland
02:13:45 Mr. Mulvaney, DLI
02:14:10 Don Gilbert, DLI
02:15:24 Rep. Berry
02:15:37 Mr. Gilbert, DLI

Closing by Sponsor:

02:15:52 Sen. Buttrey
02:19:19 Chair Berry

HEARING ON SB 128**Opening Statement by Sponsor:**

02:19:28 Sen. Edward Buttrey (R), SD 13, opened the hearing on SB 128, Revise when unemployment insurance rates not affected by benefits paid.

Proponents' Testimony:

02:21:23 Webb Brown, MCC
02:21:55 Jim Smith, MREA.
02:22:40 Ronda Wiggers, Great Falls and Helena Chambers of Commerce

Opponents' Testimony: None**Informational Testimony:**

02:23:56 Roy Mulvaney, DLI

Questions from Committee Members and Responses:

02:24:12 Rep. Boland
02:24:40 Mr. Mulvaney, DLI
02:24:49 Rep. Boland
02:25:18 Mr. Gilbert, DLI
02:25:49 Rep. Boland
02:26:19 Mr. Gilbert, DLI
02:27:58 Rep. Hunter
02:28:29 Mr. Gilbert, DLI
02:28:38 Rep. Squires
02:29:46 Mr. Gilbert
02:30:54 Rep. Squires
02:31:21 Mr. Gilbert, DLI
02:31:27 Rep. Hunter
02:32:14 Mr. Gilbert, DLI
02:32:28 Rep. McNiven
02:33:45 Sen Buttrey
02:34:46 Rep. McNiven
02:35:08 Mr. Mulvaney, DLI

Closing by Sponsor:

02:35:58 Sen. Buttrey

02:38:06 Chair Berry

02:39:21 Recessed.
02:54:03 Reconvened.

EXECUTIVE ACTION ON SB 148

02:54:07 Chair Berry

02:54:10 **Motion:** Rep. Salomon moved that **SB 148 BE CONCURRED IN.**

Discussion:

02:54:15 Chair Berry

02:54:44 **Motion:** Rep. Salomon moved that **SB 148 BE AMENDED.**

EXHIBIT(buh56a04)

Discussion:

02:54:48 Chair Berry

02:54:50 Mr. Campbell, LSD

02:55:51 Chair Berry

02:55:55 Mr. Campbell, LSD

02:55:57 Chair Berry

02:55:59 Rep. Clark

02:56:27 Rep Hagan

02:56:52 Mr. Campbell, LSD

02:56:55 Rep. Hagan

02:57:16 Mr. Campbell, LSD

02:57:25 Rep. Curtis

02:58:00 Mr. Campbell, LSD

02:58:30 Chair Berry

02:58:49 Rep. Curtis

02:59:05 Mr. Campbell, LSD

02:59:07 Chair Berry

02:59:09 Rep. Boland

03:00:01 Mr. Campbell, LSD

03:00:05 Rep. Boland

03:00:10 Mr. Campbell

03:00:30 Chair Berry

03:00:58 **Vote:** Motion carried 14-6 by roll call vote with Rep. Boland, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson and Rep. Squires voting no. Rep. Hunter, Rep. Moore, Rep. Neill and Rep. Reichner voted by proxy.

03:01:10 Chair Berry

03:02:41 **Vote:** Motion carried 13-7 by roll call vote with Rep. Boland, Rep. Hunter, Rep. Moore, Rep. Neill, Rep. Peppers, Rep. Pierson and Rep. Squires voting no. Rep. Hunter, Rep. Moore, Rep. Neill and Rep. Reichner voted by proxy. Rep. Smith will carry the bill.

EXECUTIVE ACTION ON HB 572

03:04:00 Chair Berry

03:04:28 **Motion/Vote:** Rep. Salomon moved that **HB 572 DO PASS**. Motion failed 8-12 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Squires and Rep. Steenberg voting aye. Rep. Hunter, Rep. Moore, Rep. Neill and Rep. Reichner voted by proxy.

03:05:50 **Motion/Vote:** Rep. Salomon moved that **HB 572 BE TABLED AND THE VOTE REVERSED**. Motion carried 16-0 by voice vote.

EXECUTIVE ACTION ON SB 195

03:05:57 Chair Berry

03:06:03 **Motion/Vote:** Rep. Salomon moved that **SB 195 BE CONCURRED IN**. Motion failed 9-11 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. McNiven, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Squires and Rep. Steenberg voting aye. Rep. Hunter, Rep. Moore, Rep. Neill and Rep. Reichner voted by proxy.

03:07:40 **Motion/Vote:** Rep. Salomon moved that **SB 195 BE TABLED AND THE VOTE REVERSED**. Motion carried 16-0 by voice vote.

EXECUTIVE ACTION ON SJ 11

03:08:09 **Motion/Vote:** Rep. Salomon moved that **SJ 11 BE CONCURRED IN**. Motion carried 18-2 by voice vote with Rep. Lang and Rep. Squires voting no. Rep. Hunter, Rep. Moore and Rep. Neill voted by proxy. Rep. Greef will carry the bill.

03:08:43 Chair Berry

ADJOURNMENT

Adjournment: 03:08:52

Sally Speer, Secretary

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Additional Documents:

EXHIBIT([buh56aad.pdf](#))