

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Edward Buttrey, on February 17, 2015 at 8:00 AM, in Room 422 Capitol

#### ROLL CALL

**Members Present:**

Sen. Edward Buttrey, Chair (R)  
Sen. Elsie Arntzen, Vice Chair (R)  
Sen. Dee Brown (R)  
Sen. Pat Connell (R)  
Sen. Tom Facey (D)  
Sen. Cary Smith (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Gene Vuckovich (D)  
Sen. Lea Whitford (D)

**Members Excused:** Sen. Gordon Vance (R)

**Members Absent:** None

**Staff Present:** Linda Keim, Committee Secretary  
Jameson Walker, 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, 2/9/2015; SB 271, 2/9/2015; HB 299, 2/9/2015; SB 288, 2/9/2015

Executive Action: SB 66, HB 78, HB 126, SB 254, SB 259, SB 280, SB 281

**HEARING ON SB 288**

**Opening Statement by Sponsor:**

00:01:23 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 288. Medical recovery of work comp payment from at-fault parties.

**[EXHIBIT\(bus36a01\)](#)**

**Proponents' Testimony:**

00:05:15 Bob Worthington, Montana Self Insurers Association (MSIA)  
00:07:17 Oliver Goe, attorney, Montana Self Insurers Association (MSIA)  
00:13:38 Ron Pike, Simon Construction, Bozeman  
00:15:41 Steve Wade, Montana Contractors Compensation Fund  
00:17:52 Mark Staples, Plum Creek Timber Company  
00:18:06 Ron Bartsch, owner, construction company  
00:21:00 Mike Waldenberg, owner, Central Plumbing and Heating  
00:22:08 Dustin Stewart, Montana Building Industry Association  
00:22:57 Barry 'Spook' Stang, Motor Carriers of Montana  
00:23:24 Glenn Oppel, Montana Chamber of Commerce  
00:23:41 Cary Hegreberg, Montana Contractors Association  
00:25:46 Alan Hulse, Montana Municipal Interlocal Authority  
00:26:30 Julia Altemus, Montana Wood Products Association  
00:26:51 Tim Fitzpatrick, Montana School Boards Association, Montana School Group Insurance Authority (MSGIA)

**Opponents' Testimony:**

00:27:44 Richard Martin, attorney, Fair Claim Law Firm

**[EXHIBIT\(bus36a02\)](#)**

00:31:08 Al Smith, Montana Trial Lawyers Association (MTLA)

**[EXHIBIT\(bus36a03\)](#)**

**Informational Testimony:**

00:35:28 Kevin Braun, Montana State Fund (MSF)

**Questions from Committee Members and Responses:**

00:35:49 Sen. Facey  
00:36:05 Mr. Smith, MTLA  
00:36:52 Sen. Facey  
00:36:58 Mr. Worthington, MSIA  
00:37:16 Sen. Whitford  
00:39:41 Mr. Smith  
00:39:55 Sen. Vuckovich  
00:40:57 Sen. Tutvedt  
00:42:37 Sen. Brown  
00:43:23 Mr. Braun, MSF

00:43:43 Sen. Facey  
00:45:37 Mr. Braun  
00:46:24 Sen. Facey  
00:48:49 Mr. Goe, MSIA  
00:49:48 Sen. Facey  
00:50:29 Mr. Smith  
00:51:04 Sen. Connell  
00:53:59 Mr. Goe  
00:54:18 Sen. Arntzen  
00:54:39 Mr. Goe  
00:56:46 Sen. Vuckovich  
00:58:01 Mr. Braun

**Closing by Sponsor:**

00:58:41 Sen. Tutvedt  
01:00:31 Chairman Buttrey

**HEARING ON SB 270**

**Opening Statement by Sponsor:**

01:01:02 Sen. Janna Taylor (R), SD 6, opened the hearing on SB 270. Exempt seasonal entities from minimum wage.

[EXHIBIT\(bus36a04\)](#)

[EXHIBIT\(bus36a05\)](#)

**Proponents' Testimony:**

01:03:50 Abigail St. Lawrence, Montana Association of Christians  
01:06:13 Rev. Blessing, Episcopal priest, Camp Marshall (CM)  
01:08:00 Baird Linke, college student, Flathead Lutheran Bible Camp  
01:11:17 Jim Neifert, Beartooth Mountain Christian Ministries (BMCM)

**Opponents' Testimony:**

01:14:14 Keith Allen, International Brotherhood of Electrical Workers #233  
01:15:54 Chris Cavazos, Montana American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

**Informational Testimony:**

01:16:56 Diana Ferriter, Employment Relations Division, Department of Labor and Industry (DLI)

**Questions from Committee Members and Responses:**

01:17:00 Sen. Facey  
01:17:31 Sen. Taylor

01:18:40 Sen. Facey  
 01:18:43 Ms. Ferriter, DLI  
 01:19:23 Chairman Buttrey  
 01:19:29 Ms. Ferriter  
 01:19:44 Sen. Whitford  
 01:23:02 Sen. Taylor  
 01:23:26 Sen. Brown  
 01:23:32 Sen. Taylor  
 01:24:17 Sen. Arntzen  
 01:25:00 Ms. Ferriter  
 01:25:09 Sen. Connell  
 01:27:01 Jameson Walker, Legislative Services Division (LSD)  
 01:27:19 Sen. Facey  
 01:28:16 Mr. Neifert, BMCM  
 01:29:18 Sen. Facey  
 01:29:55 Ms. Ferriter  
 01:30:09 Sen. Smith  
 01:30:12 Sen. Taylor  
 01:30:57 Sen. Connell  
 01:31:39 Sen. Taylor  
 01:32:04 Chairman Buttrey  
 01:32:17 Sen. Taylor  
 01:32:42 Sen. Whitford  
 01:34:32 Ms. Blessing, CM  
 01:35:08 Chairman Buttrey  
 01:35:15 Ms. Blessing

**Closing by Sponsor:**

01:35:58 Sen. Taylor  
 01:37:51 Chairman Buttrey

**HEARING ON HB 299**

**Opening Statement by Sponsor:**

01:38:14 Rep. Mark Noland (R), HD 10, opened the hearing on HB 299. Revise workers' compensation claim penalty laws.

**Proponents' Testimony:**

01:48:13 Mark Staples, Plum Creek Timber Company (PCTC)  
 01:48:56 Kevin Braun, Montana State Fund (MSF)  
 01:49:27 Glenn Oppel, Montana Chamber of Commerce  
 01:49:42 Jacqueline Lenmark, American Insurance Association (AIA); also speaking for Bruce Spencer, Property Casualty Insurers Association of America (PCIAA)

**Opponents' Testimony:**

01:50:54 Lonny Olson, Montana Trial Lawyers Association

[EXHIBIT\(bus36a06\)](#)

[EXHIBIT\(bus36a07\)](#)

01:56:02 Chris Cavazos, Montana American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

**Informational Testimony:**

01:57:01 Diana Ferriter, Department of Labor and Industry (DLI)

**Questions from Committee Members and Responses:**

01:57:28 Sen. Connell  
01:58:55 Mr. Staples, PCTC  
01:59:24 Rep. Noland  
01:59:58 Chairman Buttrey  
02:00:10 Rep. Noland  
02:01:47 Sen. Facey  
02:02:17 Ms. Ferriter, DLI  
02:02:34 Chairman Buttrey  
02:02:45 Sen. Facey  
02:02:55 Mr. Braun, MSF

**Closing by Sponsor:**

02:03:47 Rep. Noland

02:04:47 Chairman Buttrey

**HEARING ON SB 271**

**Opening Statement by Sponsor:**

02:06:23 Sen. Diane Sands (D), SD 49, opened the hearing on SB 271. Designating state auditor investigators as peace officers.

**Proponents' Testimony:**

02:09:20 Jesse Laslovich, Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI)

02:13:42 Jacqueline Lenmark, American Insurance Association, American Council of Life Insurers; also speaking for Bruce Spencer, Property Casualty Insurers Association of America (PCIAA)

**Opponents' Testimony:**

02:15:15 Greg Van Horssen, speaking on his own behalf

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:18:47 Sen. Brown  
02:19:58 Mr. Laslovich, CSI  
02:20:51 Sen. Connell  
02:22:12 Mr. Laslovich  
02:22:51 Sen. Vuckovich  
02:24:16 Mr. Laslovich  
02:25:54 Sen. Facey  
02:25:58 Mr. Laslovich

**Closing by Sponsor:**

02:26:11 Sen. Sands  
02:27:09 Chairman Buttrey  
02:27:13 Recess  
02:49:05 Reconvene

**EXECUTIVE ACTION ON SB 66**

02:49:24 **Motion:** Sen. Arntzen moved that **SB 66 DO PASS.**  
**EXHIBIT(bus36a08)**

02:49:37 Chairman Buttrey  
02:49:56 Sen. Brown

02:50:29 **Motion:** Sen. Arntzen moved that **SB 66 BE AMENDED.**

**Discussion:**

02:50:46 Chairman Buttrey  
02:51:18 Jameson Walker, Legislative Services Division (LSD)  
02:51:41 Sen. Arntzen

02:51:57 **Vote:** Motion carried 9-1 by voice vote with Sen. Stewart-Peregoy voting no.  
Sen. Vance voted by proxy.

02:52:21 **Motion:** Sen. Arntzen moved that **SB 66 DO PASS AS AMENDED.**

**Discussion:**

02:52:46 Sen. Stewart-Peregoy  
02:53:25 Sen. Arntzen  
02:53:55 Sen. Facey

02:54:09 **Vote:** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON HB 78**

02:54:40 **Motion:** Sen. Arntzen moved that **HB 78 BE CONCURRED IN.**

02:55:04 Jameson Walker, Legislative Services Division (LSD)  
**EXHIBIT**(bus36a09)

02:55:34 **Motion:** Sen. D. Brown moved that **HB 78 BE AMENDED.**

02:56:13 Sen. Brown

02:56:28 **Vote:** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

02:56:36 **Motion:** Sen. D. Brown moved that **HB 78 DO PASS AS AMENDED.**

**Discussion:**

02:56:55 Sen. Facey  
02:57:38 Chairman Buttrey  
02:57:49 Sen. Brown  
02:58:11 Sen. Facey  
02:58:35 Chairman Buttrey

02:58:43 **Vote:** Motion carried 8-2 by roll call vote with Sen. Brown and Sen. Stewart-Peregoy voting no. Sen. Vance voted by proxy. Sen. Facey will carry the bill.

**EXECUTIVE ACTION ON HB 126**

03:00:27 **Motion/Vote:** Sen. Arntzen moved that **HB 126 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Vance voted by proxy. Sen. Larsen will carry the bill.

**EXECUTIVE ACTION ON SB 254**

03:01:13 **Motion:** Sen. Arntzen moved that **SB 254 DO PASS.**

**Discussion:**

03:01:25 Jameson Walker, Legislative Services Division (LSD)  
03:01:29 Sen. Facey  
03:03:44 Chairman Buttrey  
03:04:56 Sen. Connell  
03:06:48 Chairman Buttrey

03:06:59 **Vote:** Motion failed 5-5 by roll call vote with Sen. Brown, Sen. Facey, Sen. Stewart-Peregoy, Sen. Vance and Sen. Vuckovich voting aye. Sen. Vance voted by proxy. Vote tied, to remain in committee.

03:07:06 **Substitute Motion/Vote:** Sen. Facey made a substitute motion that **ACTION ON SB 254 BE POSTPONED UNTIL FRIDAY**. Substitute Motion carried 5-4 by roll call vote with Sen. Arntzen, Sen. Buttrey, Sen. Connell and Sen. Smith voting no. Sen. Vance was excused.

**EXECUTIVE ACTION ON SB 259**

03:08:35 **Motion:** Sen. Arntzen moved that **SB 259 DO PASS**.  
[EXHIBIT\(bus36a10\)](#)

03:09:27 Chairman Buttrey

03:09:29 **Motion:** Sen. D. Brown moved that **SB 259 BE AMENDED**.

**Discussion:**

03:09:35 Sen. Brown

03:09:40 Sen. Facey

03:10:00 Sen. Brown

03:10:57 **Vote:** Motion carried 7-3 by roll call vote with Sen. Buttrey, Sen. Connell and Sen. Facey voting no. Sen. Vance voted by proxy.

03:12:01 **Motion:** Sen. Arntzen moved that **SB 259 DO PASS AS AMENDED**.

03:12:12 Sen. Facey

03:12:25 Sen. Connell

03:12:43 **Vote:** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 280**

03:12:58 **Motion:** Sen. Arntzen moved that **SB 280 DO PASS**.

03:14:10 Jameson Walker, Legislative Services Division (LSD)  
[EXHIBIT\(bus36a11\)](#)

03:13:39 **Motion/Vote:** Sen. Arntzen moved that **SB 280 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

03:14:24 **Motion:** Sen. Arntzen moved that **SB 280 DO PASS AS AMENDED**.

**Discussion:**

03:14:28 Sen. Facey

03:14:45 Sen. Whitford

03:15:43 **Vote:** Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Vuckovich and Sen. Whitford voting no. Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 281**

03:16:34 **Motion:** Sen. Arntzen moved that **SB 281 DO PASS.**

**Discussion:**

03:16:40 Chairman Buttrey

03:16:48 Jameson Walker, Legislative Services Division (LSD)

**EXHIBIT(bus36a12)**

03:17:16 **Motion:** Sen. Arntzen moved that **SB 281 BE AMENDED.**

**Discussion:**

03:18:08 Mr. Walker, LSD

03:18:15 Sen. Brown

03:18:20 Chairman Buttrey

03:18:30 **Vote:** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

03:18:38 **Motion:** Sen. Arntzen moved that **SB 281 DO PASS AS AMENDED.**

**Discussion:**

03:19:02 Sen. Whitford

03:19:30 Sen. Facey

03:20:58 Chairman Buttrey

03:21:54 Sen. Stewart-Peregoy

03:23:20 Sen. Connell

03:24:50 **Vote:** Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Vuckovich and Sen. Whitford voting no. Sen. Vance voted by proxy.

**Committee Business:**

03:25:42 Chairman Buttrey

03:25:57 **Motion:** Sen. Arntzen moved to create a committee bill to study fees commensurate with cost.

**Discussion:**

03:26:20 Sen. Facey

03:26:40 Chairman Buttrey

03:26:54 **Vote:** Motion carried unanimously by voice vote of those present and voting.

**ADJOURNMENT**

Adjournment: 11:33 A.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT([bus36aad.pdf](#))**