

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS
May include the following:

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

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Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

*** Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

*** Witness Statements that were not presented as exhibits.**

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2015 Legislative

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BUSINESS REPORT

**MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Wednesday, April 1, 2015
Place: Capitol

Time: 10:00 A.M.
Room: 422

BILLS and RESOLUTIONS HEARD:

HB 78 - Clarify vehicle owner's privacy rights for event data recorders - Rep. Ryan Lynch

HB 515 - Revise Montana's probate code - Rep. Willis Curdy

EXECUTIVE ACTION TAKEN:

HB 29, HB 470

HB 115, HB 119, HB 538

Be Concurred In

Be Concurred In As Amended

Comments:



SEN Edward Buttrey, Chair



SENATE STANDING COMMITTEE REPORT

April 1, 2015
Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 29**
(third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Edward Buttrey, Chair

To be carried by Senator Edward Buttrey

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required

HB0029001SC12545.spt



SENATE STANDING COMMITTEE REPORT

April 1, 2015
Page 1 of 2

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 115** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

A handwritten signature in black ink, appearing to read "Edward Battrey".

Senator Edward Battrey, Chair

To be carried by Senator Elsie Arntzen

And, that such amendments read:

1. Title, page 1, line 7.

Following: "LICENSEES;"

Strike: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 12.

Following: "check"

Strike: "-- rulemaking"

3. Page 1, line 17.

Following: line 17

Insert: "(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check."

4. Page 1, line 18 through line 20.

Strike: line 18 through line 20

Insert: "(3) The board may require licensees renewing their licenses to submit a full set of their fingerprints to the board for the purpose of obtaining a state and federal criminal history background check. The Montana department of justice may share this fingerprint data with the federal bureau of investigation."

5. Page 2, line 7.

Committee Vote:

Yes 7, No 0

Fiscal Note Required X

Following: "and"
Insert: "and"

- END -



SENATE STANDING COMMITTEE REPORT

April 1, 2015

Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 119** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Edward Buttrely, Chair

To be carried by Senator Fred Thomas

And, that such amendments read:

1. Page 3, line 17.

Following: "(3)"

Insert: "(a)"

Following: "AND"

Strike: "THIS SECTION"

Insert: "subsections (b)"

2. Page 3, line 20.

Following: line 19

Insert: "(b) The review of the ORSA summary report, and any additional requests for information, must be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups."

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required X



SENATE STANDING COMMITTEE REPORT

April 1, 2015
Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 470** (third reading copy -- blue) be concurred in.

Signed: _____

A handwritten signature in black ink, appearing to read "E. Buttrey".

Senator Edward Buttrey, Chair

To be carried by Senator Gordon Vance

- END -

Committee Vote:

Yes 8, No 0

Fiscal Note Required

HB0470001SC13696.spt



SENATE STANDING COMMITTEE REPORT

April 1, 2015

Page 1 of 2

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 538** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Edward Buttrely, Chair

To be carried by Senator Elsie Arntzen

And, that such amendments read:

1. Title, page 1, line 5.

Strike: "ANOTHER STATE"

Insert: "NORTH DAKOTA"

2. Title, page 1, line 6.

Strike: "THE OTHER STATE"

Insert: "NORTH DAKOTA"

3. Title, page 1, line 7.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 1, line 25.

Strike: "ANOTHER STATE"

Insert: "North Dakota"

5. Page 1, line 28.

Strike: "THE OTHER STATE"

Insert: "North Dakota. For purposes of this section, "work solely in North Dakota" means the employee does not perform job duties in Montana and coverage is required by the state of North Dakota. Travel that is commuting to and from a job site in North Dakota from a location in Montana does not constitute performing job duties in Montana even if the

Committee Vote:

Yes 9, No 0

Fiscal Note Required

employer pays for all or a portion of the costs of travel or if the worker is paid for the travel time."

6. Page 1, line 30.

Strike: "THE OTHER STATE AND RECORDS OF WORK IN THE OTHER STATE"

Insert: "North Dakota and records of work in North Dakota. An insurer may use a verification of employment form, developed by the department, to request an attestation by the employer regarding the employees working solely in North Dakota."

7. Page 2, line 1 through line 2.

Strike: subsection (3) in its entirety

Insert: "(3) (a) This section does not exempt an employee from coverage under this chapter when the employee's usual job duties begin in this state and the employee is otherwise covered under 39-71-407(4)(a).

(b) This section exempts an employee from coverage under this chapter when the employee is engaged in travel while commuting as provided in subsection (1)."

8. Page 6, line 19.

Following: line 18

Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2019."

- END -

Date: 4-1-2015Bill No. HB ~~515~~ 515**Keim, Linda**

From: Walker, Jameson
Sent: Wednesday, April 01, 2015 10:53 AM
To: 'Sen. Gordon Vance'; Stewart-Peregoy, Sharon (Sen); Brown, Dee (Sen); Whitford, Lea (Sen); Keim, Linda; Ed Buttrey; 'Sen. Elsie Arntzen'; 'Tom'; 'Sen. Pat Connell'; Vuckovich, Gene (Sen); Smith, Cary (Sen)
Subject: HB515

Greetings Senate Business and Labor,

Today, a case was mentioned in connection with HB ~~155~~⁵¹⁵. Also, Senator Connell mentioned common law marriage. Below is the information:

1. *Estate of Bennett*, 2013 MT 228. <http://applicationengine.mt.gov/getContent?vsId={3D96ED32-88A5-43E3-8301-506F7A866404}&impersonate=true&objectStoreName=PROD%20OBJECT%20STORE&objectType=document>.
 - a. **Summary:** Appointment of Ex-Wife as Personal Representative Based on Her Being Custodial Parent, Guardian, and Conservator of Heirs Affirmed -- Best Interest of Estate Considered: The father of two young children died intestate and his father was appointed the personal representative of the estate. The decedent's former wife, the guardian and mother of the children, sought to remove the decedent's father as the personal representative and appoint herself instead based on her being the custodial parent, guardian, and conservator of the heirs. The District Court agreed that it was in the best interest of the estate to remove the decedent's father and appoint the former wife as its personal representative. The decedent's father appealed to the Supreme Court, which affirmed his removal and the appointment of his former daughter-in-law. Under the Uniform Probate Code, the conservator has the right to nominate the personal representative of the estate even if it is the former spouse of the decedent. In re Estate of Bennett, 2013 MT 228, 371 Mont. 270, 312 P.3d 400.
2. Common Law Marriage. Montana statutorily recognizes common law marriage in 40-1-408. This statute simply recognizes that common law marriage may exist. The elements of common law marriage are defined through Montana jurisprudence. Indeed, in *Snetsinger v. Mont. Univ. Sys.*, 2004 MT 390, the court stated:

Common law marriage in Montana is an equitable doctrine used to ensure people are treated fairly once a relationship ends. Under our common law, such a marriage is established when a couple: (1) is competent to enter into a marriage, (2) mutually consents and agrees to a common law marriage, and (3) cohabits and is reputed in the community to be husband and wife. A common law marriage cannot be established prospectively. No jurisdiction permits a statement of future intent to create a common law marriage. There are no Montana case in which a common law marriage was established without one of the parties involved in the relationship using extrinsic evidence to prove that the three elements of common-law marriage all existed at one time.

Snetsinger v. Mont. Univ. Sys., 2004 MT 390, P1, 325 Mont. 148, 150, 104 P.3d 445, 447, 2004 Mont. LEXIS 675, 1 (Mont. 2004)

Let me know if you need anything else.

Thank you,

jim

Jameson C. Walker