

MONTANA CHAMBER

2007

VOTING REVIEW



A PUBLICATION OF THE MONTANA CHAMBER OF COMMERCE

2007 MONTANA CHAMBER VOTING REVIEW

The Montana Chamber of Commerce is pleased to present the 2007 Voting Review of the 60th Session of the Montana Legislature. The review is the most comprehensive look at the business and economic issues addressed during the 90-day session and the May 2007 special session. Our intent in releasing the review is to provide our members and Montana voters with information on pro-business bills, anti-business bills, and how the legislators and governor voted on both.

Montana's employers are the fabric of our communities. They take risks everyday to keep Montana's economy working. This Legislative Session added to those risks as we dealt with an unusually large number of anti-business bills. Montana's businesses are also resilient. The business community, working together and with business-minded legislators, was able to stop the vast majority of those efforts to increase taxes, expand government regulation, decrease availability of health insurance, and mandate employment policies best left to a free and competitive marketplace. We also were able to achieve some positive changes for the business community.

We want to thank our 150 citizen legislators. Whether we agree or disagree on any particular business issue, we have the utmost respect and appreciation for every legislator. Legislators spend countless hours wading through hundreds of proposals, balancing competing interests, debating the issues that face the state, and voting for what they believe is best for their constituents and our state. Thank you for your service to Montana.



Recap of the 60th Legislative Session

This session marked the first time in fourteen years that Montana had a split legislature – Democrats controlled the Senate (26-24), and Republicans controlled the House (50-49-1). The result was many close votes in committees and on the floor. Tensions were high as legislators advanced their agendas and tried to work out their differences.

Two political compacts made during the 2006 election cycle were central to both parties' agendas. The governor's "Square Deal" and the Republicans' "Handshake with Montana" both brought many different proposals to the public table on issues ranging from property tax relief to education funding. By February 2007, the debate over the state biennial budget took center stage as Republicans tabled House Bill 2 (the general appropriations budget) and divided the spending proposals into eight different budget bills. These bills were eventually paired down to four bills in the Senate.



While other recent legislative sessions often dealt with budget shortfalls, legislators in the 60th Session faced a projected budget surplus of over one billion dollars. The surplus was the result of healthy business activity in the natural resource industries, construction and agriculture. The Montana Chamber was a vocal reminder throughout the session that healthy businesses are essential to the long-term sustainability of our state's economy and our state government.

At the end of the 90-day session, leaders of both parties were at an impasse over state spending levels, school funding, and tax relief. Neither side was willing to budge on their major proposals. On the final day, the Senate and House adjourned without even passing a state budget for the next biennium. This led to the prompt call of a special session for May 10th.

During the 5-day special session, a majority of legislators and the governor agreed to large increases in new government spending, increased school funding, some one-time tax relief in the form of rebates, and minimal permanent tax relief. Businesses saw next to no relief in their taxes despite the historic surplus created in large part by business activity. With opposition from the administration and legislators from the Senate, there was also no business equipment tax relief from the session.



In addition to the snub on tax relief, the Montana Chamber, along with many other business and taxpayer groups, narrowly defeated bad tax proposals from the Department of Revenue. Under the guise of going after “out-of-state tax cheaters,” the DOR tried to lengthen the corporate statute of limitations, force Montana businesses to do the job of the DOR by becoming tax-collectors, raise taxes on companies during a time of record budget surpluses, and more.

The primary issues for the Montana Chamber during the session were taxation, worker’s compensation, intrusive government regulations, health care costs, legal reform and natural resource development. While we are pleased with the overall results of the legislature, we know that many bad bills were only a few votes short of passage. The 60th Legislative Session reemphasized our desire to encourage more business-minded citizens to consider serving in the legislature.

Recognition of Pro-Business Legislators

Most lawmakers do not get the thanks they deserve for their sacrifice and hard work. This is especially true of those legislators who stand up for business and economic development. This year, we decided to do more to recognize the many legislators that are reliable voices for job creation, free enterprise and entrepreneurship.

For starters, the Montana Chamber named two representatives as business’ Most Valuable Policymakers (MVPs). In June, representatives Bob Lake (Hamilton) and Scott Mendenhall (Clancy) were named MVPs of the 2007 session. Both worked hard as chairman of their respective committees. Lake fought throughout the session to lower the state’s antiquated business equipment tax. Mendenhall worked hard to bring good solutions to Montana’s expensive worker’s compensation solution. The 2007 legislative session would have looked a lot different without their efforts for business.

Additionally, the Chamber will also recognize dozens of other pro-business representatives throughout the interim break with a new “Champion of Business” award. To be considered for the “Champion of Business” award, we used the following criteria: (1) must have a 50% Business Score or higher; (2) no sponsorship of anti-business legislation; (3) a Business score that is not more than 10 percentage points less than the P-Base score for their district; (4) other factors including pro-business floor speeches, sponsorship of pro-business legislation and authoring pro-business op-eds.

Legislators who receive the MVP or “Champion of Business” awards will be honored in their hometowns in the company of local businesses, friends and family.

About the Legislative Voting Record

This report is the most comprehensive look at business issues in the 2007 Legislature. Following each general session of the Montana Legislature, the Montana Chamber publishes the Legislative Voting Review. The intent of the Legislative Voting Review is to provide Chamber members and voters with an indication of a legislator's support for, or opposition to, business-related issues when other competing interests are present.

Every voting study has a degree of subjectivity, and this report is no different. It is impossible, or at least very impractical, to report on each of the 300+ bills the Chamber followed. Neither can any voting record tell the entire story of a legislator's attitude and actions on issues important to business, including labor issues, overregulation, taxes and the environment. We try and select bills that were very important not only to the Montana Chamber, but to the business community as a whole.

Methodology Behind the Business Score

This year, we are compiling the most comprehensive review the Montana Chamber has ever done. In fact, it may be one of the most comprehensive legislative and gubernatorial reviews in the country. As always, we have selected a handful of floor votes from each house. In addition, we looked at the votes of members who sat on important business-related committees, such as Business & Labor, Taxation, Natural Resources, and Judiciary. Finally, we added and subtracted points for legislators who introduced either pro-business or anti-business bills.

Here is how the Legislative Business Score was calculated:

- **FLOOR VOTES:** On floor votes, legislators were given 3 points for each bill when the legislator supported the Chamber position. No points were awarded for votes against the Chamber position. For bills that were debated on the House or Senate floor, this review usually used third reading votes as taken from the House and Senate Journals. The third reading vote is the last vote on each bill, and represents a legislator's final decision on any matter before them. Because many important bills may have passed out of one body and never made it to the floor of the other, or were changed substantially in the process, we often used different bills for the Senate and House.
- **COMMITTEE ACTION:** On committee votes, legislators were given 1 point for each bill when the legislator supported the Chamber position. No points were awarded for votes against the Chamber position. If a legislator did not sit on the evaluated committee, it did not affect their final score.
- **BILL SPONSORSHIP:** For bill sponsorship, 2 points were awarded to a legislator who sponsored a pro-business bill that was supported by Chamber. If a legislator sponsored an anti-business bill that was opposed by the Chamber, 2 points were subtracted. Although this may mathematically lead to some legislators having a score of more than 100% or less than 0%, all scores awarded fall within the range of 0% - 100%.
- **FINAL SCORE:** Finally, the legislator's individual points earned were divided by the total points possible for that legislator. This final number is the legislator's Business Score.

We also included the Power Base (P-base) number for each district to the left of the Business Score. The P-base number is an indication of each district's support for business as measured by the 2006 scientific P-base poll of 800 Montana voters. A higher number reflects a more pro-business attitude among voters in the district.



Floor Bills Selected to Determine Business Score

HOUSE BILLS

HB 529: (Rep. Bob Lake – Hamilton) Reduce the Business Equipment Tax

HB 529 raises the current \$20,000 threshold exemption to a \$100,000 true exemption for all Class 8 businesses that pay personal property (business equipment) tax. Under current law, a business with just one dollar over \$20,000 pays taxes on the whole amount. HB 529 also lowers the tax rate from 3% to 2%. The House passed the bill on 3rd reading on a 73-26 vote. The Senate Taxation Committee stripped the bill to almost nothing and it died in conference committee. A “yes” vote reflects the Chamber position.

HB 469: (Rep. Walt McNutt – Sidney) Clarify Taxes of Wireless Companies

HB 469 reaffirmed the current tax rates of wireless telephone companies. The Department of Revenue intended to “reclassify” wireless companies as centrally assessed properties, which would double their property tax rate. HB 469 was important to set a precedent for the Department of Revenue to consult the legislature before changing rates or reclassifying any business property. The House passed the bill on 3rd reading on an 82-16 vote. The Senate passed the bill on 3rd reading on a 42-8 vote. The governor vetoed the bill. Both the House and the Senate failed to override the governor’s veto. For purposes of this review, the Chamber looked at the final votes to override the veto. A “yes” vote reflects the Chamber position.

HB 271: (Rep. Walt McNutt – Sidney) Revise the Makeup of the BER

HB 271 revises the qualifications and professional experiences required for members of the board of environmental review. The bill states that at least one person must be from the natural resource industry and another from the governor’s office of economic development. The House passed the bill on 3rd reading on a 54-44 vote. The Senate Natural Resources Committee tabled the bill. A “yes” vote reflects the Chamber position.

HB 276: (Rep. Walt McNutt – Sidney) Revise Rulemaking Power of the BER

HB 276 prevents the board of environmental review from considering implementation of any rule that the legislature failed to enact into law during the previous legislative session. In the past few years, Montanans has seen the board enact rules that were directly related to a subject the legislature rejected. The bill is meant to clarify who the real policymakers are in the state. The House passed the bill on 3rd reading on a 59-39 vote. The Senate Natural Resources Committee tabled the bill. A “yes” vote reflects the Chamber position.

HB 738: (Rep. Scott Mendenhall – Clancy) Worker’s Comp Reform

HB 738 is a positive step forward in addressing the high cost of worker’s compensation premiums in Montana. It allows the state to adjust medical reimbursement schedules to more competitive rates and set medical utilization guidelines. The House version would have also provided for closure of medical and indemnity benefits if the benefits go unused for 5 years. This was amended out in the Senate. The House passed the bill on 3rd reading on an 83-16 vote. The amended bill passed the Senate and was signed by the governor. A “yes” vote reflects the Chamber position.

HB 565: (Rep. Ken Peterson – Billings) Clarify Comparative Negligence Law in Workplace Safety Act

HB 565 allows a judge or jury to consider evidence of comparative negligence in lawsuits involving the Workplace Safety Act. In some cases, sub-contractor workers who have received work comp benefits from a workplace injury are also filing lawsuits against landowners and general contractors under the Workplace Safety Act. HB 565 allows the judge or jury to hear evidence on any negligence of the injured employee. The bill died on the House floor on 3rd reading on a 49-50 vote. A “yes” vote reflects the Chamber position.

**SB 426: (Sen. Larry Jent – Bozeman)
Attorney Fees in Work Comp**

SB 426 changes the standard for work comp insurers when evaluating new claims. Currently, a work comp insurer must have acted unreasonably when denying a claim in order for a judge to award attorney fees on top of medical benefits. SB 426 would remove the reasonableness standard and subject insurers to more lawsuits. The Senate passed the bill 47-3. The House Business and Labor committee failed to pass it out on an 8-8 vote. The House declined to “blast” it out of committee on a 46-52 vote. A “no” vote reflects the Chamber position.



**HB 610: (Rep. Jim Keane – Butte)
Revise MEPA**

HB 610 revises the Montana Environmental Protection Act by clarifying the legislature’s intent that an environmental impact analysis or statements are planning documents which cannot be used as a basis for legal action. It would promote more responsible natural resource development and job creation without harming the environment. The House passed the bill on 3rd reading on a 59-40 vote. The Senate Judiciary voted to table the bill. A “yes” vote reflects the Chamber position.

**HB 766: (Rep. Jon Sonju – Kalispell)
Expand Insure Montana**

HB 766 expands the successful Insure Montana program, which allows small businesses to pool together to buy cheaper health insurance and offers tax credits for some employers who offer health insurance. HB 766 would increase the number of

employees a business may have in order to qualify for the program and provide clarity in qualifying association health plans. The House passed the bill on 3rd reading on a 50-49 vote. The Senate heavily amended the bill and passed it out on a voice vote. It died in conference committee. A “yes” vote reflects the Chamber position.

HB 492: (Rep. Dennis Himmelberger – Billings) Establish a Tip Credit

HB 492 establishes a tip credit for restaurant waiters and bartenders. Montana is only one of seven states in the country without a tip credit. HB 492 would set the tip credit wage at \$6.15 an hour, which would be the highest tip credit in the country. The House passed the bill on 3rd reading on a 51-49 vote. The Senate Taxation Committee voted to table the bill. A “yes” vote reflects the Chamber position.

**HB 695: (Rep. Walt McNutt – Sidney)
Medical Malpractice Reform**

HB 695 states that if damages are awarded in a malpractice claim for a deceased or disabled party's lost future earnings, the deceased or disabled party's economic consumption, which is what the person would have spent on basic necessities and personal expenditures, must be deducted from the award. The House passed the bill on 3rd reading on a 50-49 vote. The Senate Judiciary Committee voted to table the bill. Later, a motion failed 24-26 to blast it out of committee onto the Senate floor. A “yes” vote reflects the Chamber position.

**HB 464: (Rep. Ken Peterson – Billings)
Revise Damages for Unfair Claims Settlement Practices**

HB 464 allows an award of attorney fees and expenses of an underlying liability claim as damages to the plaintiff in a subsequent insurance bad faith action. The bill would encourage more litigation, discourage insurers from defending defensible claims, and drive up the cost of insurance for all Montanans when our rates are already the highest in the region. The House passed the bill on 3rd reading on a 75-24 vote. The Senate rejected the bill on 2nd reading on a 22-26 vote. A “no” vote reflects the Chamber position.

SENATE BILLS

SB 242: (Sen. Jim Elliott – Trout Creek) Confidentiality of Corporate Tax Records

SB 242 is another attempt to undo laws protecting the confidentiality of corporate income tax records. In October of 2006, the Montana Supreme Court upheld the confidentiality laws of corporate income tax records. The issue will likely be litigated and debated again in the near future. The Senate passed the bill on 3rd reading on a 27-23 vote. The bill was tabled in the House Taxation Committee. A “no” vote reflects the Chamber position.

SB 254: (Sen. Dave Wanzenried – Missoula) Card Check Neutrality

SB 254 takes away an employer’s right to take a position on union organization if the employer wants to be eligible to perform state service contract work. “Card Check” is a process whereby employees are asked by union organizers to sign a card in support of establishing a union without a secret ballot election. The bill was amended in the Senate to require secret ballots, but provisions to gag employers remained. The U.S. Congress is also looking at this issue with even more harmful restrictions on employers. The Senate passed the bill on 3rd reading on a 27-23 vote. The bill died in the House Judiciary Committee. A “no” vote reflects the Chamber position.

SB 220: (Sen. Jim Elliott – Trout Creek) State IRS Expansion Plan

SB 220 adds 23 sections of new tax law to the code in an effort to go after “tax cheaters.” It greatly increases the tax code’s complexity and gives overreaching new powers to the Director of Revenue not seen in any other state. Although the bill contained a relatively good section to raise the threshold on the business equipment tax, as a whole the bill was viewed as very anti-taxpayer and anti-business. The Senate passed the bill on 3rd reading on a 27-23 vote. The bill was heavily amended in the House. A “no” vote reflects the Chamber position.

SB 99: (Sen. Dan Harrington – Butte) Extend Statute of Limitations for Corporate License Tax

SB 99 extends the current three year statute of limitations for corporate license taxes to five years. The bill would make Montana’s statute of limitations the longest in the country and two years longer than federal law. The Senate passed the bill on 3rd reading on a 26-24 vote. The bill died in the House Taxation Committee. A “no” vote reflects the Chamber position.

SB 539: (Sen. Dave Wanzenried – Missoula) Property Tax Protest Fund

SB 539 is an attempt by the Department of Revenue to buy off local governments for taxes under protest. It establishes a property tax protest risk management account, which would apply to taxes protested by centrally assessed companies and a new category of industrial property that qualifies for “special assessment.” The bill creates the incentive for the department to use taxpayer dollars to artificially increase property values of businesses in Montana and force compliant taxpayers through a lengthy appeals process. The Senate passed the bill on 3rd reading on a 30-20 vote. The House Taxation committee tabled the bill. A “no” vote reflects the Chamber position.



HB 469: (Rep. Walt McNutt – Sidney) Clarify Taxes of Wireless Companies

HB 469 reaffirmed the current tax rates of wireless telephone companies. The Department of Revenue intended to “reclassify” wireless companies as centrally assessed properties, which would double

their property tax rate. HB 469 was important to set a precedent for the Department of Revenue to consult the legislature before changing rates or reclassifying any business property. The House passed the bill on 3rd reading on an 82-16 vote. The Senate passed the bill on 3rd reading on a 42-8 vote. The governor vetoed the bill. Both the House and the Senate failed to override the governor's veto. For purposes of this review, the Chamber looked at the final votes to override the veto. A "yes" vote reflects the Chamber position.



**HB 464: (Rep. Ken Peterson – Billings)
Revise Damages for Unfair Claims
Settlement Practices**

HB 464 allows an award of attorney fees and expenses of an underlying liability claim as damages to the plaintiff in a subsequent insurance bad faith action. The bill would encourage more litigation, discourage insurers from defending defensible claims, and drive up the cost of insurance for all Montanans when our rates are already the highest in the region. The House passed the bill on 3rd reading on a 75-24 vote. The Senate rejected the bill on 2nd reading on a 22-26 vote. A "no" vote reflects the Chamber position.

**HB 833: (Rep. Wayne Stahl – Saco)
Stuffed State IRS Bill**

HB 833 was originally a tax relief bill that was passed out of the House on a 76-23 vote. When it reached the Senate Taxation Committee, legislators voted to stuff 14+ bills into HB 833. Many of these

bills were proposals from the Department of Revenue that failed to pass in the House and/or Senate. While the bill had some tax relief within it, the majority of the proposals would be detrimental to Montana taxpayers and Montana businesses. The Senate passed the bill on 3rd reading on a 27-23 vote. A "no" vote reflects the Chamber position.

**HB 687: (Rep. Bill Jones – Bigfork)
New Health Insurance Mandate**

HB 687 creates a new health insurance mandate by increasing the age on the well child benefit. While many health insurance mandates stem from very legitimate needs, every new mandate or regulation increases the cost of health insurance for everyone. As the cost of health insurance rises, more people are unable to afford any coverage. The House passed the bill on 3rd reading on a 71-18 vote. The Senate passed the bill on 3rd reading on a 31-19 vote. A "no" vote reflects the Chamber position.

**HB 695: (Rep. Walt McNutt – Sidney)
Medical Malpractice Reform**

HB 695 states that if damages are awarded in a malpractice claim for a deceased or disabled party's lost future earnings, the deceased or disabled party's economic consumption, which is what the person would have spent on basic necessities and personal expenditures, must be deducted from the award. The House passed the bill on 3rd reading on a 50-49 vote. The Senate Judiciary Committee voted to table the bill. Later, a motion failed 24-26 to blast it out of committee onto the Senate floor. A "yes" vote reflects the Chamber position.

**SB 138: (Sen. Dave Wanzonried –
Missoula) Insurance "Stuffing"**

SB 138 would require new disclosure rules for any corporation with an insurance subsidiary. It is another DOR bill, which amounts to a California solution to a California problem. By the DOR's own admission, the proposal, which would affect hundreds of corporations, was in response to the alleged activities of only 2-4 companies. The Senate passed the bill on 3rd reading on a 30-20 vote. The House Taxation Committee voted to table the bill. A "no" vote reflects the Chamber position.

HOUSE

Voting Record/Business Score Key
 + = vote for Chamber position
 - = vote against Chamber position
 A= Absent (not counted in score)
 E= Excused (not counted in score)
 NV= Not Voting (not counted in score)

Representative	Dist #	Chamber Position													Sponsor Points	Committee Votes	P-Base	Business Score											
		Equipment Tax		Wireless Taxes		Revise BER		BER Rulemaking		Work Comp Reform		Comp Negligence		Fees in Work Comp					Revise MEPA		Insure Montana		Tip Credit		Medical Malpractice		Unfair Claim		
		yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes					no	HB 529	HB 469	HB 271	HB 276	HB 738	HB 565	SB 426	HB 610	HB 766	HB 492
Ankney, Duane	43	+	+	+	+	+	+	+	+	+	+	+	-	2	4/4 (100%)	70	98%												
Arntzen, Elsie	53	+	+	+	+	+	+	+	+	+	+	+	-		8/9 (88%)	37	91%												
Augare, Shannon	16	+	-	-	-	-	-	-	-	-	-	-	-		2/9 (22%)	5	11%												
Barrett, Debby	72	+	+	+	+	+	+	+	+	+	+	+	+		4/4 (100%)	83	100%												
Beck, Bill	6	+	+	+	+	+	-	+	+	+	+	+	-			91	83%												
Becker, Arlene	52	-	-	-	+	+	-	-	-	-	-	-	-			27	17%												
Bergren, Bob	33	+	-	-	-	+	-	-	+	-	-	-	-	-2		33	19%												
Bixby, Norma	41	-	-	-	-	-	-	+	-	-	-	-	-		0/7 (0%)	18	7%												
Blasdel, Mark	10	+	+	+	+	+	+	+	+	+	+	+	+		7/7 (100%)	73	100%												
Boggio, Scott	59	+	+	+	+	+	+	A	+	+	+	+	+		9/9 (100%)	63	100%												
Branae, Gary	54	+	-	-	-	+	-	+	-	-	-	-	-			28	25%												
Butcher, Edward	29	+	+	+	+	+	+	+	+	+	+	+	+		7/7 (100%)	93	100%												
Cafferro, Mary	80	-	-	-	-	+	-	-	-	-	-	-	-			43	8%												
Callahan, Tim	21	-	-	-	-	-	-	-	-	-	-	-	-	-2		30	0%												
Campbell, Margaret	31	+	-	-	-	+	-	-	+	-	-	-	-			17	25%												
Clark, Edith	28	+	+	+	+	+	+	E	+	+	+	+	-			76	91%												
Cohenour, Jill	78	-	-	-	-	-	-	-	-	-	-	-	-	-4	0/11 (0%)	56	0%												
Cordier, Douglas	3	+	-	-	-	+	-	+	-	-	-	-	-		0/6 (0%)	68	21%												
Dickenson, Sue	25	-	-	-	-	+	-	-	-	-	-	-	-	-4	0/4 (0%)	53	0%												
Driscoll, Robyn	51	+	-	-	-	-	-	-	-	-	-	-	-		2/6 (33%)	13	12%												
Dutton, Ernie	56	+	+	+	+	+	+	+	+	+	+	+	-		9/9 (100%)	63	93%												
Ebinger, Bob	62	+	-	-	-	+	-	-	-	-	-	-	-	-2	0/6 (0%)	37	10%												
Erickson, Ron	93	-	-	-	-	+	-	-	-	-	-	-	-	-6	0/11 (0%)	10	0%												
Everett, George	5	+	+	+	+	+	+	+	+	+	+	+	+		3/6 (50%)	100	93%												
Franklin, Eve	24	-	-	-	-	-	-	-	-	-	-	+	-			45	8%												
French, Julie	36	+	+	-	-	+	-	-	-	-	-	-	-		0/6 (0%)	70	21%												
Furey, Kevin	91	+	-	-	-	+	-	-	-	-	-	-	-		0/9 (0%)	46	13%												
Gallik, Dave	79	-	-	-	-	-	-	-	-	-	-	-	-	-2	0/6 (0%)	40	0%												
Glaser, Bill	44	+	+	+	+	+	+	+	+	+	+	+	-			61	91%												
Grinde, Wanda	48	-	-	-	-	-	-	+	-	-	-	-	-		0/7 (0%)	45	7%												
Groesbeck, George	74	+	+	+	+	+	-	-	+	-	-	-	-			33	50%												
Hamilton, Robin	92	-	-	-	-	+	-	-	+	-	+	-	-	-2	0/7 (0%)	27	16%												
Hands, Betsy	99	-	-	-	-	-	-	-	-	-	-	-	-	-2	0/4 (0%)	3	0%												
Hawk, Ray	90	+	+	+	+	+	+	+	+	+	+	+	+			73	100%												
Heinert, Ralph	1	+	+	+	+	+	+	+	+	+	+	+	+		13/13 (100%)	58	100%												
Hendrick, Gordon	14	+	+	+	+	+	+	+	+	+	+	+	-		4/4 (100%)	70	93%												
Henry, Teresa	96	-	-	-	-	+	-	-	-	-	-	-	-			17	8%												
Hilbert, Edward	38	+	+	+	+	+	+	+	+	+	+	+	-		7/7 (100%)	61	93%												
Himmelberger, Dennis	47	+	+	+	+	+	+	+	+	+	+	+	+	4		58	100%												
Hiner, Cynthia	85	+	-	-	+	+	-	-	+	-	-	-	-			51	33%												
Hollenbaugh, Galen	81	-	-	-	-	+	-	-	-	-	-	-	-			12	8%												
Ingraham, Pat	13	+	+	+	+	+	+	+	+	+	+	+	+			71	100%												
Jacobson, Hal	82	-	-	-	-	+	-	-	-	-	-	-	-			42	8%												
Jayne, Joey	15	-	+	-	-	-	-	-	-	-	-	-	-			13	8%												
Jones, Lew	27	+	+	+	+	+	+	+	+	+	+	+	-	4	9/9 (100%)	78	100%												
Jones, Bill	9	+	+	+	+	+	+	-	+	+	+	+	-	-2		71	78%												
Jopek, Mike	4	+	-	-	-	+	-	-	-	-	-	-	-	-8	0/7 (0%)	42	0%												
Jore, Rick	12	+	+	A	A	+	+	+	+	+	+	+	-	2	3/6 (50%)	48	89%												
Kasten, Dave	30	+	+	+	+	+	+	+	+	+	+	+	+			91	100%												
Keane, Jim	75	+	+	+	+	+	-	-	+	-	-	-	-	8	0/9 (0%)	15	58%												

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		Equipment Tax	Wireless Taxes	Revise BER	BER Rulemaking	Work Comp Reform	Comp Negligence	Fees in Work Comp	Revise MEPA	Insure Montana	Tip Credit	Medical Malpractice	Unfair Claim						
Bill		yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	no						
		HB 529	HB 469	HB 271	HB 276	HB 738	HB 565	SB 426	HB 610	HB 766	HB 492	HB 695	HB 464						
Kerns, Krayton	58	+	+	+	+	+	+	+	+	+	+	+	+				4/6 (66%)	55	95%
Klock, Harry	83	+	+	+	+	+	+	+	+	+	+	+	+				8/9 (88%)	88	98%
Koopman, Roger	70	A	+	+	+	+	+	+	+	+	+	+	+	2			4/6 (66%)	63	100%
Kottel, Deborah	20	+	-	-	-	-	-	-	-	-	-	-	-				1/6 (16%)	30	17%
Lake, Bob	88	+	+	+	+	+	+	+	+	+	+	+	+	4			7/7 (100%)	50	100%
Lambert, Carol	39	+	+	+	+	+	+	+	+	+	+	-	+	-			11/11 (100%)	98	87%
Lange, Mike	55	+	+	+	+	+	+	+	+	+	+	+	+	2				60	97%
MacLaren, Gary	89	+	+	+	+	+	+	+	+	+	+	+	+	2			7/7 (100%)	83	98%
Malcolm, Bruce	61	+	+	+	+	+	+	+	+	+	+	+	-					73	91%
McAlpin, Dave	94	-	-	-	-	-	-	-	-	-	-	-	-	-2			0/7 (0%)	23	0%
McChesney, Bill	40	+	+	+	+	+	-	+	+	-	-	-	-	2				55	64%
McGillvray, Tom	50	+	+	+	+	+	+	+	+	+	+	+	+	6			4/6 (66%)	48	100%
McNutt, Walter	37	+	+	+	+	+	+	+	+	+	+	+	-	8			4/4 (100%)	85	100%
Mendenhall, Scott	77	+	+	+	+	+	+	+	+	+	+	+	+	4			13/13 (100%)	60	100%
Milburn, Mike	19	+	+	+	+	+	+	+	+	+	+	+	-				9/9 (100%)	56	93%
Morgan, Penny	57	+	+	+	+	+	+	+	+	+	+	+	-					86	91%
Musgrove, John	34	+	-	+	-	-	-	-	-	-	-	-	-				0/4 (0%)	46	15%
Noonan, Art	73	+	-	-	+	+	-	-	-	-	-	-	-					15	25%
Nooney, Bill	100	+	+	+	+	+	+	+	+	+	+	+	-				7/7 (100%)	65	93%
O'Hara, Jesse	18	+	+	+	+	+	+	+	+	+	+	+	+				4/6 (66%)	56	95%
Olson, Alan	45	+	+	+	+	+	+	+	+	+	+	+	+					93	100%
Parker, John	23	-	-	-	-	+	-	-	-	-	-	-	-					28	8%
Peterson, Ken	46	+	+	+	+	+	+	-	+	+	+	-	-	-6			2/6 (33%)	85	55%
Phillips, Mike	66	-	-	-	-	+	-	-	-	-	-	-	-					37	8%
Pomnichowski, JP	63	+	-	-	-	+	-	-	-	-	-	-	-				0/11 (0%)	48	13%
Raser, Holly	98	-	-	-	-	+	-	-	-	-	-	-	-				2/6 (33%)	25	12%
Reinhart, Michele	97	-	-	-	-	+	-	-	-	-	-	-	-				0/9 (0%)	8	7%
Rice, Diane	71	+	+	+	+	+	+	+	+	+	+	+	+	2			3/6 (50%)	96	98%
Ripley, Rick	17	+	+	+	+	+	+	+	+	+	+	+	+				4/4 (100%)	68	100%
Ross, Jack	60	+	E	+	+	+	+	+	+	+	+	+	+				7/7 (100%)	95	100%
Sales, Scott	68	+	+	+	+	+	+	+	+	+	+	+	+					90	100%
Sands, Diane	95	-	-	-	+	+	-	-	-	-	-	-	-					23	17%
Sesso, Jon	76	+	-	-	+	+	-	-	-	-	-	-	-					1	25%
Sinrud, John	67	+	-	+	+	+	+	+	+	+	+	+	-					66	83%
Small-Eastman, Veronica	42	+	-	+	+	+	-	+	+	-	-	-	-				0/4 (0%)	20	45%
Sonju, Jon	7	+	+	+	+	+	+	+	+	+	+	+	-	4			7/7 (100%)	80	100%
Stahl, Wayne	35	+	+	+	+	+	+	-	+	+	+	+	-				8/9 (88%)	75	84%
Stocker, Ron	87	+	A	+	+	+	+	+	+	+	+	+	-				4/6 (66%)	86	87%
Taylor, Janna	11	+	+	+	+	+	+	+	+	+	+	+	+					58	100%
Thomas, Bill	26	+	-	-	-	+	-	-	+	-	-	-	-				3/9 (33%)	32	27%
Van Dyk, Kendall	49	+	-	-	-	-	-	-	-	-	-	-	-				1/13 (7%)	15	8%
Villa, Dan	86	-	-	-	+	+	-	-	-	-	-	-	-	6				35	33%
Vincent, Chas	2	+	+	+	+	+	+	+	+	+	+	+	-				11/11 (100%)	96	94%
Ward, John	84	+	+	E	E	E	E	+	E	E	+	E	-	2			4/6 (66%)	88	85%
Wells, Jack	69	+	+	+	+	+	+	+	+	+	+	+	-					100	91%
Wilmer, Franke	64	-	-	-	-	+	-	-	-	-	-	-	-					35	8%
Wilson, Bill	22	-	-	-	-	-	-	-	-	-	-	-	-					25	0%
Windy Boy, Jonathan	32	+	+	-	-	-	-	-	-	-	-	-	+	-4			0/9 (0%)	23	11%
Wiseman, Brady	65	-	-	-	-	-	-	-	-	-	-	-	-	-2				15	0%
Witte, Craig	8	+	+	+	+	+	+	+	+	+	+	+	-					48	91%

SENATE

Voting Record/Business Score Key
 += vote for Chamber position
 -= vote against Chamber position
 A= Absent (not counted in score)
 E= Excused (not counted in score)
 NV= Not Voting (not counted in score)

Chamber Position		Tax Confidentiality	Card Check Neutrality	State IRS Expansion	Statute of Limitations	Tax Protest Fund	Wireless Taxes	Unfair Claim	Price Fixing	Stuffed Tax Bill	Health Ins. Mandate	Medical Malpractice	Insurance "Stuffing"	Sponsor Points	Committee Votes	P-Base	Business Score
no	no	no	no	no	no	yes	no	no	no	no	yes	no					
Senator	Dist #	SB 242	SB 254	SB 220	SB 99	SB 539	HB 469	HB 464	SB 67	HB 833	HB 687	HB 695	SB 138				
Bales, Keith	20	+	+	+	+	+	+	+	+	+	+	+	+			83	100%
Balyeat, Joe	34	+	+	+	+	+	+	+	+	+	+	+	+	2	4/5 (80%)	85	100%
Barkus, Gregory	4	+	+	+	+	+	+	+	+	+	+	+	+			63	100%
Black, Jerry	14	+	+	+	+	+	+	E	+	+	+	+	+		4/5 (80%)	70	97%
Brown, Roy	25	+	+	+	+	+	+	+	+	+	+	+	-	2	4/5 (80%)	37	95%
Brueggeman, John	6	+	+	+	+	-	+	+	+	+	-	+	+			55	83%
Cobb, John	9	-	+	-	-	-	+	-	+	-	-	-	-			80	25%
Cocchiarella, Vicki	47	+	-	-	-	-	+	+	-	-	-	-	-	2	3/5 (60%)	12	34%
Cooney, Mike	40	-	-	-	-	-	-	-	-	-	-	-	-			45	0%
Curtiss, Aubyn	1	+	+	+	+	+	+	+	+	+	+	+	+		8/9 (88%)	85	97%
Elliott, Jim	7	-	-	-	-	-	-	-	-	-	-	-	-	-10	0/5 (0%)	71	0%
Esp, John	31	+	+	+	+	+	+	+	+	+	+	+	+		5/5 (100%)	61	100%
Essmann, Jeff	28	+	+	+	+	+	+	+	+	+	+	+	-	6	4/5 (80%)	58	100%
Gallus, Steve	37	+	-	-	-	-	-	-	-	-	-	-	-	-2		25	3%
Gebhardt, Kelly	23	+	+	+	+	+	+	+	+	+	-	+	+		11/11 (100%)	90	94%
Gillan, Kim	24	-	-	-	-	-	+	+	-	-	-	+	-	4	0/5 (0%)	50	32%
Hansen, Ken	17	-	-	-	-	-	-	+	-	-	-	-	-		0/6 (0%)	40	7%
Harrington, Dan	38	-	-	-	-	-	-	-	-	-	-	-	-	-2	0/5 (0%)	8	0%
Hawks, Bob	33	-	-	-	-	-	-	-	-	-	-	-	-			13	0%
Jackson, Verdell	5	+	+	+	+	+	+	+	+	+	+	+	+		3/5 (60%)	83	95%
Jent, Larry	32	-	-	-	-	-	-	-	-	-	-	-	-	-2	0/3 (0%)	38	0%
Juneau, Carol	8	-	-	-	-	-	-	-	-	-	-	-	-		0/3 (0%)	18	0%
Kaufmann, Christine	41	-	-	-	-	-	-	-	-	-	-	-	-	-4	0/11 (0%)	33	0%
Kitzenberg, Sam	18	-	-	-	-	-	+	+	-	-	-	-	-	-2	1/5 (20%)	68	12%
Liabe, Rick	44	+	+	+	+	+	+	+	+	+	-	+	+			66	91%
Larson, Lane	22	-	-	-	+	-	-	-	-	-	-	-	-		3/5 (60%)	60	15%
Laslovich, Jesse	43	-	-	-	-	-	+	-	-	-	-	-	-		0/3 (0%)	37	7%
Lewis, Dave	42	+	-	+	+	-	+	+	+	+	-	+	+			93	75%
Lind, Greg	50	-	-	-	-	-	-	+	-	-	-	-	-	-2	0/6 (0%)	33	2%
McGee, Dan	29	-	+	+	+	+	+	E	+	+	+	-	-	2	2/3 (66%)	61	78%
Moss, Lynda	26	-	-	-	-	-	-	-	-	-	-	-	-		0/3 (0%)	30	0%
Murphy, Terry	39	+	+	+	+	+	+	+	+	+	+	+	+			56	100%
O'Neil, Jerry	3	-	+	+	+	+	+	-	+	+	+	+	+		2/3 (66%)	100	82%
Pease, Gerald	21	-	-	-	-	-	+	+	-	-	-	-	-		0/3 (0%)	23	15%
Perry, Gary	35	+	+	+	+	+	+	+	+	+	+	+	+	2	9/9 (100%)	75	100%
Peterson, Jim	15	+	+	+	+	+	+	+	+	+	+	+	+		5/5 (100%)	96	100%
Ryan, Don	10	-	-	-	-	-	-	-	-	-	-	+	-	-2	1/5 (20%)	43	5%
Schmidt, Trudi	11	-	-	-	-	-	-	-	-	-	-	-	-		0/5 (0%)	32	0%
Shockley, Jim	45	-	+	+	+	-	+	-	+	+	+	+	+		1/3 (33%)	78	72%
Smith, Frank	16	+	-	-	-	-	+	+	-	-	-	-	-		2/5 (40%)	20	27%
Squires, Carolyn	48	-	-	-	-	-	-	-	-	-	-	-	-		1/5 (20%)	17	2%
Stapleton, Corey	27	+	+	+	+	+	+	+	+	+	+	+	+			38	100%
Steinbeisser, Don	19	+	+	+	+	+	+	+	+	+	+	+	+		5/5 (100%)	73	100%
Story, Bob	30	+	+	+	+	+	+	+	+	+	+	+	+		5/5 (100%)	78	100%
Tash, Bill	36	+	+	+	+	+	+	+	+	+	+	+	+		6/6 (100%)	91	100%
Tropila, Joe	13	-	-	-	-	-	+	-	-	-	-	-	-		2/5 (40%)	46	12%
Tropila, Mitch	12	-	-	-	-	-	-	-	-	-	-	-	-	-2	0/6 (0%)	42	0%
Wanzenried, Dave	49	-	-	-	-	-	-	-	-	-	-	-	-	-8	1/9 (11%)	22	0%
Weinberg, Dan	2	-	-	-	-	-	-	-	-	-	-	-	-	-2		53	0%
Williams, Carol	46	-	-	-	-	-	-	-	-	-	-	-	-		0/3 (0%)	37	0%

House Business & Labor Committee

There are nine bills from the House Business & Labor Committee that have been included in committee members' scores. Here are brief descriptions of the bills:

HB 213 (Windy Boy – Box Elder) – Created a new employment tort against an employer for “hostile work environment.” Failed in committee on a 7-9 vote. Chamber opposed.

HB 530 (Peterson – Billings) – Imposed a one-size-fits-all mandate on employee rest breaks. Failed on a 6-10 vote. Chamber opposed.

HJ 11 (Gallik – Helena) – Urged Congress to change corporate “personhood” rights. Failed in committee on a 5-11 vote. Chamber opposed.

HB 508 (Rice – Harrison) – Employers would no longer be required to count tip income when calculating work comp and unemployment insurance. Failed on a 8-8 vote. Chamber supported.

HB 652 (McAlpin – Missoula) – Placed intrusive government regulation on newer, larger business. Failed on a 5-11 vote. Chamber opposed.

HB 212 (Windy Boy – Box Elder) – Disallowed the use of credit scoring for auto insurance. Failed on a 6-10 vote. Chamber opposed.

SB 426 (Jent – Bozeman) – Removed longstanding criteria for awarding attorney fees in work comp cases. Failed on a 8-8 vote. Chamber opposed.

SJ 17 (Elliott – Trout Creek) – Urged Congress to adopt anti-free trade practices. Failed on a 7-9 vote. Chamber opposed.

Amendment to SB 116 (Bruggeman – Polson) – An amendment was proposed that would lift a burdensome requirement on the credit agencies. Failed on an 8-8 vote. Chamber supported.

Chamber Position	Bill	“Healthy Workplace”	Required Rest Breaks	Corporate Rights	Wage Definition	Benefit Agreements	Credit Scoring	Fees in Work Comp	Anti-Trade Resolution	Amendments to SB 116
		no	no	no	yes	no	no	no	no	no
	HB 213	HB 530	HJ 11	HB 508	HB 652	HB 212	SB 426	SJ 17	SB 116	
Representative	Dist #									
Arntzen, Elsie	53	+	+	+	-	+	+	+	+	+
Augare, Shannon	16	-	+	+	-	-	-	-	-	-
Boggio, Scott	59	+	+	+	+	+	+	+	+	+
Dutton, Ernie	56	+	+	+	+	+	+	+	+	+
Furey, Kevin	91	-	-	-	-	-	-	-	-	-
Heinert, Ralph	1	+	+	+	+	+	+	+	+	+
Jones, Llew	27	+	+	+	+	+	+	+	+	+
Keane, Jim	75	-	-	-	-	-	-	-	-	-
Klock, Harry	83	+	+	+	+	+	+	+	+	-
Mendenhall, Scott	77	+	+	+	+	+	+	+	+	+
Milburn, Mike	19	+	+	+	+	+	+	+	+	+
Reinhart, Michele	97	-	-	-	-	-	-	-	-	-
Stahl, Wayne	35	+	+	+	+	+	+	-	+	+
Thomas, Bill	26	-	-	+	-	+	+	-	-	-
Van Dyk, Kendall	49	-	-	-	-	+	-	-	-	-
Windy Boy, Jonathan	32	-	-	-	-	-	-	-	-	-

House Taxation Committee

There are seven bills from the House Taxation Committee that have been included in committee members' scores. Here are brief descriptions of the bills:

SB 99 (Harrington – Butte) – Changes the statute of limitations for corporation license tax from 3 years to 5 years, which would be one of the longest in the country. Failed on an 8-10 vote. Chamber opposed.

SB 242 (Elliott – Trout Creek) – Removes protections on corporate tax confidentiality records by requiring disclosure of sensitive corporate tax records. Failed on an 8-10 vote. Chamber opposed.

HB 109 (Erickson – Missoula) – Makes grantor trusts pass-through entities for tax withholding and reporting. Failed on an 8-10 vote. Chamber opposed.

HB 552 (Erickson – Missoula) – Imposes a new tax on realty transfers. Failed on an 8-10 vote. Chamber opposed.

Representative	Dist #	Chamber Position	Statute of Limitations	Tax Confidentiality	Grantor Trusts	Realty Transfer Tax	Tax Protest Fund	Insurance Stuffing	Amendments to SB220
			no	no	no	no	no	no	yes
Bill			SB 99	SB 242	HB 109	HB 552	SB 539	SB 138	SB 220
Bixby, Norma	41		-	-	-	-	-	-	-
Blasdel, Mark	10		+	+	+	+	+	+	+
Butcher, Ed	29		+	+	+	+	+	+	+
Cohenhour, Jill	78		-	-	-	-	-	-	-
Erickson, Ron	93		-	-	-	-	-	-	-
Grinde, Wanda	48		-	-	-	-	-	-	-
Hamilton, Robin	92		-	-	-	-	-	-	-
Hilbert, Edward	38		+	+	+	+	+	+	+
Jopek, Mike	4		-	-	-	-	-	-	-
Lake, Bob	88		+	+	+	+	+	+	+
Lambert, Carol	39		+	+	+	+	+	+	+
MacLaren, Gary	89		+	+	+	+	+	+	+
McAlpin, Dave	94		-	-	-	-	-	-	-
Nooney, Bill	100		+	+	+	+	+	+	+
Pomnichowski, JP	63		-	-	-	-	-	-	-
Ross, Jack	60		+	+	+	+	+	+	+
Sonju, Jon	7		+	+	+	+	+	+	+
Vincent, Chas	2		+	+	+	+	+	+	+

SB 539 (Wanzenried – Missoula) – Establishes a property tax protest risk management account, which would apply to taxes protested by centrally assessed companies and a new category of industrial property that qualifies for “special assessment.” Failed on an 8-10 vote. Chamber opposed.

SB 138 (Wanzenried – Missoula) – Enacts restrictions and new reporting requirements for corporations with insurance subsidiaries. Failed on an 8-10 vote. Chamber opposed.

Amendments to SB 220 (Elliott – Trout Creek) – The amendment struck the bad tax policies out of the bill and inserted permanent property tax relief and tax credits for “clean and green” energy projects. Passed on a 10-8 vote. Chamber supported.

House Judiciary Committee

There are six bills from the House Judiciary Committee that have been included in committee members' scores. Here are brief descriptions of the bills:

HB 229 (Mendenhall – Clancy) – Required judicial recusal when a judge received a campaign contribution from an attorney in a case before the judge. Failed on a 2-15 vote. Chamber supported.

HB 543 (Gallik – Helena) – Imposed greater liability limits disclosure requirements in tort cases. Failed on an 8-9 vote. Chamber opposed.

HB 648 (Ward – Helena) – Removed the prohibition on evidence of seatbelt nonuse in personal injury cases. Failed on a 6-11 vote. Chamber supported.

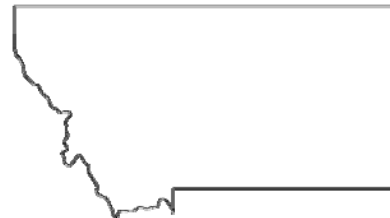


Representative	Dist #	Judicial Recusal		Disclosure on Limits		Seat Belt as Evidence		Card Check Neutrality		Employers & Immigrants		Price Fixing	
		yes	no	yes	no	no	no	no	no	no	no		
		HB	HB	HB	SB	SB	SB	SB					
Chamber Position	Bill	229	543	648	254	346	67						
Cordier, Douglas	3	-	-	-	-	-	-	-	-	-	-	-	-
Driscoll, Robyn	51	+	-	+	-	-	-	-	-	-	-	-	-
Ebinger, Bob	62	-	-	-	-	-	-	-	-	-	-	-	-
Everett, George	5	-	+	-	+	-	-	-	-	-	-	+	-
French, Julie	36	-	-	-	-	-	-	-	-	-	-	-	-
Gallik, Dave	79	-	-	-	-	-	-	-	-	-	-	-	-
Jore, Rick	12	-	+	-	+	-	-	-	-	-	-	+	-
Kerns, Krayton	58	-	+	+	+	-	-	-	-	-	-	+	-
Koopman, Roger	70	-	+	-	+	+	-	-	-	-	-	+	-
Kottel, Deborah	20	-	-	-	-	-	-	-	-	-	+	-	-
McGillvray, Tom	50	+	+	-	+	-	-	-	-	-	-	+	-
O'Hara, Jesse	18	-	+	+	+	-	-	-	-	-	-	+	-
Peterson, Ken	46	-	-	-	+	-	-	-	-	-	-	+	-
Raser, Holly	98	-	-	+	-	-	-	-	-	-	+	-	-
Rice, Diane	71	-	+	-	+	-	-	-	-	-	-	+	-
Stoker, Ron	87	-	+	+	+	-	-	-	-	-	-	+	-
Ward, John	84	-	+	+	+	-	-	-	-	-	-	+	-

SB 254 (Wanzenried – Missoula) – Required employers to remain neutral regarding the unionization process if the employer has state service contracts. Failed on a 7-10 vote. Chamber opposed.

SB 346 (Shockley – Victor) – Allowed the state to take away contracts from employers who knew or “*should have known*” that they hired an unauthorized alien. The bill specified no due process requirements the state must follow before taking away a state contract. Passed on a 14-3 vote. Chamber opposed.

SB 67 (Wanzenried – Missoula) – Imposed random restrictions on merchants when a state of emergency has been declared. Failed on a 7-10 vote. Chamber opposed.



House Natural Resources Committee

There are four bills from the House Natural Resources Committee that have been included in committee members' scores. Here are brief descriptions of the bills:

HB 184 (Jopek – Whitefish) – Requires public access to water via growth policy. Failed on a 7-9 vote. Chamber opposed.

HB 261 (Jopek – Whitefish) – Imposes unworkable mercury disposal standards. Failed on a 7-9 vote. Chamber opposed.

HB 262 (Jopek – Whitefish) – Changes the exemption laws on water right permit. Failed on a 7-9 vote. Chamber opposed.

HB 753 (Hands – Missoula) – Creating a “global warming solutions act.” Failed on a 7-9 vote. Chamber opposed.

Chamber Position	Bill	Water via growth policy	Mercury Disposal	Water in growth counties	Global Warming Act
		no	no	no	no
		HB 184	HB 261	HB 262	HB 753
Representative	Dist #				
Ankney, Duane	43	+	+	+	+
Barrett, Debby	72	+	+	+	+
Cohenour, Jill	78	-	-	-	-
Dickenson, Sue	25	-	-	-	-
Erickson, Ron	93	-	-	-	-
Hands, Betsy	99	-	-	-	-
Heinert, Ralph	1	+	+	+	+
Hendrick, Gordon	14	+	+	+	+
Lambert, Carol	39	+	+	+	+
McNutt, Walter	37	+	+	+	+
Mendenhall, Scott	77	+	+	+	+
Pomnichowski, JP	63	-	-	-	-
Ross, Jack	60	+	+	+	+
Small-Eastman, Veronica	42	-	-	-	-
Van Dyk, Kendall	49	-	-	-	-
Vincent, Chas	2	+	+	+	+

Chamber Position	Bill	Revise MEPA	Fees in Work Comp	Review of Agency Rules
		yes	no	yes
		HB 610	SB 426	SB 408
Representative	Dist #			
Curtiss, Aubyn	1	+	-	+
Jent, Larry	25	-	-	-
Juneau, Carol	47	-	-	-
Laslovich, Jesse	31	-	-	-
McGee, Dan	5	+	-	+
Moss, Lynda	22	-	-	-
O'Neil, Jerry	10	+	-	+
Pease, Gerald	16	-	-	-
Perry, Gary	48	+	+	+
Shockley, Jim	19	+	-	-
Wanzenried, Dave	13	-	+	-
Williams, Carol	19	-	-	-

Senate Judiciary Committee

There are three bills from the Senate Judiciary Committee that have been included in committee members' scores. Here are brief descriptions of the bills:

HB 610 (Keane – Butte) – Revises the Montana Environmental Protection act to clarify its purpose. Failed on a 5-7 vote. Chamber supported.

SB 426 (Jent – Bozeman) – Removed longstanding criteria for awarding attorney fees in work comp cases. Passed on a 10-2 vote. Chamber opposed.

SB 408 (Brown - Billings) – Required governor to review executive agencies rules before implementation. Failed on a 4-8 vote. Chamber supported.

Senate Taxation Committee

There are five bills from the Senate Taxation Committee that have been included in committee members' scores. Here are brief descriptions of the bills:

HB 492 (Himmelberger – Billings) – Establishes the largest tip credit in the country at \$6.15 an hour. Failed on a 5-6 vote. Chamber supported.

Amendment to 529 (Lake – Hamilton) – The amendment stripped out the 1 % business equipment rate reduction and lowered the exemption. Passed on a 8-3 vote. Chamber opposed.

HB 257 (Lake – Hamilton) – Provided more guidance for the Department of Revenue regarding the taxpayer bill of rights. Passed on a 6-5 vote. Chamber supported.

Amendments to 833 (Stahl – Saco) – Stuffed 14 Department of Revenue bills that would complicate the tax code and raise taxes into one bill. Passed on a 6-5 vote. Chamber opposed.

Special Session HB 10 (Lake – Hamilton) – Would change the current \$20,000 threshold for the business equipment tax to an \$80,000 true exemption for all businesses. Tabled on a 6-5 vote.

		Tip Credit	Amend HB 529	Taxpayer Rights	Amend HB 833	Equipment Tax
Chamber Position		yes	yes	yes	yes	yes
Bill		HB 492	HB 529	HB 257	HB 833	HB 10
Representative	Dist #					
Black, Jerry	14	+	-	+	+	+
Elliott, Jim	7	-	-	-	-	-
Essmann, Jeff	28	+	-	+	+	+
Gebhardt, Kelly	23	+	+	+	+	+
Gillan, Kim	24	-	-	-	-	-
Harrington, Dan	38	-	-	-	-	-
Kaufmann, Christine	41	-	-	-	-	-
Kitzenberg, Sam	18	-	-	+	-	-
Peterson, Jim	15	+	+	+	+	+
Schmidt, Trudi	11	-	-	-	-	-
Story, Robert	30	+	+	+	+	+

Senate Natural Resources and Energy Committee

There are six bills from the Senate Natural Resources and Energy Committee that have been included in committee members' scores. Here are brief descriptions of the bills:

HB 271 (McNutt – Sidney) – Changes the makeup of the board of environmental review to include an economic developer and someone from the natural resource industry. Failed on a 4-5 vote. Chamber supported.

HB 276 (McNutt – Sidney) – Forbids the board of environmental review from accepting a petition relating to a bill that failed to pass in the prior legislative session. Failed on a 4-5 vote. Chamber supported.

		Revise BER	BER Rulemaking	Energy Projects	Revise Oil & Gas Laws	Mercury Products	Oil & Gas Development
Chamber Position		yes	yes	yes	no	no	no
Bill		HB 271	HB 276	HB 405	SB 241	SB 423	HJ 13
Representative	Dist #						
Curtiss, Aubyn	1	+	+	+	+	+	+
Gebhardt, Kelly	23	+	+	+	+	+	+
Harrington, Dan	38	-	-	-	-	-	-
Kaufmann, Christine	41	-	-	-	-	-	-
Lind, Greg	50	-	-	-	-	-	-
Perry, Gary	35	+	+	+	+	+	+
Tash, Bill	36	+	+	+	+	+	+
Tropila, Mitch	12	-	-	-	-	-	-
Wanzenried, Dave	49	-	-	-	-	-	-

HB 405 (Lange – Billings) – Removed procedural barriers to new energy projects without lowering environmental standards. Failed on a 4-5 vote. Chamber supported.

SB 241 (Kaufmann – Helena) – Places new regulations on oil and gas development. Passed on a 5-4 vote. Chamber opposed.

SB 423 (Kaufmann – Helena) – Places unworkable restrictions on products containing mercury. Passed on a 5-4 vote. Chamber opposed.

HJ 13 (Ankney – Colstrip) – Urged Congress to encourage more domestic oil and gas development. Failed on a 4-5 vote. Chamber supported.

Senate Business, Labor & Economic Affairs Committee

There are five bills from the Senate Business, Labor & Economic Affairs Committee that have been included in committee members’ scores. Here are brief descriptions of the bills:

SB 135 (M. Tropila – Great Falls) – Requires businesses with unused gift certificate money to give 60% to the state after 3 years. Failed on a 3-8 vote. Chamber opposed.

SB 148 (Shockley – Victor) – Establishes a meaningful small business regulatory flexibility act. Failed on a 4-6 vote. Chamber supported.

SB 240 (Kaufmann – Helena) – Created a new legal avenue to sue corporate officers when discharging duties of the corporation. Failed on a 1-10 vote. Chamber opposed.

SJ 17 (Elliott – Trout Creek) – Urged Congress to adopt anti-free trade practices. Passed on a 9-2 vote. Chamber opposed.

SB 304 (Laslovich – Anaconda) – Limits health care information subject to disclosure on worker compensation claim. Failed on a 2-9 vote. Chamber opposed.

Representative	Dist #	Gift Card Tax		Regulatory Flexibility		"Corporate Responsibility"		Anti-Trade Resolution		Work Comp Disclosure	
		no	yes	no	yes	no	yes	no	yes	no	yes
		no	yes	no	yes	no	yes	no	yes	no	yes
		SB 135	SB 148	SB 240	SJ 17	SB 304					
Balyeat, Joe	34	+	+	+	-	+					
Brown, Roy	25	+	+	+	-	+					
Cocchiarella, Vicki	47	+	-	+	-	+					
Esp, John	31	+	+	+	+	+					
Jackson, Verdell	5	+	-	+	-	+					
Larson, Lane	22	+	-	+	-	+					
Ryan, Don	10	-	-	+	-	-					
Smith, Frank	16	-	-	+	-	+					
Squires, Carolyn	48	+	-	-	-	-					
Steinbeisser, Don	19	+	+	+	+	+					
Tropila, Joe	13	-	-	+	-	+					

Bills Selected to Determine Sponsorship Points

Pro-Business Bills (Two points added)

- HB 40 (Gallik – Helena), Revise state movie incentive laws
- HB 59 (Keane – Butte), Revise unemployment insurance assessments and rate schedules
- HB 137 (Villa – Anaconda), Revise microbusiness development law
- HB 229 (Mendenhall – Clancy), Judicial recusal from case where attorney made contribution
- HB 257 (Lake – Hamilton), Revise taxpayer bill of rights
- HB 270 (Lange – Billings), Tax credit for purchase of health care
- HB 271 (McNutt – Sidney), Revise makeup of board of environmental review
- HB 276 (McNutt – Sidney), Revise rulemaking authority of board of environmental review
- HB 315 (Koopman – Bozeman), Property tax reduction for excess budget surplus
- HB 331 (Villa – Anaconda), Increase appropriations to certain economic development programs
- HB 371 (Sonju – Kalispell), Manufacturing extension center program enhancement
- HB 405 (Lange – Billings), Increase natural resource development for low-cost energy
- HB 463 (Villa – Anaconda), Revise taxation of new or expanded business enterprise property
- HB 469 (McNutt – Sidney), Clarify tax classification of wireless communication property
- HB 492 (Himmelberger – Billings), Quality service allowance for minimum wage
- HB 508 (Rice – Harrison), Revise wages definition to reduce unemployment ins. and work com
- HB 529 (Lake – Hamilton), Increase business equipment tax exemption and reduce tax rate
- HB 564 (McGillvray – Billings), Revise and reduce income taxes
- HB 565 (Peterson – Billings), Clarifying negligence principles in workplace safety act
- HB 587 (Himmelberger – Billings), Limit insurance stacking on motor vehicle policies
- HB 610 (Keane – Butte), Revise laws relating to challenges to agency actions
- HB 621 (McGillvray – Billings), Revise health insurance mandates
- HB 621 (McGillvray – Billings), Review of mandated health benefits
- HB 648 (Ward – Helena), Make failure to use a seatbelt admissible evidence
- HB 695 (McNutt – Sidney), Require deduction of economic consumption from med mal award
- HB 738 (Mendenhall – Clancy), Revise work comp law for claim closure and medical service rates
- HB 755 (Keane – Butte), Exempt certain gift certificates from abandoned property law
- HB 766 (Sonju – Kalispell), Revise Insure Montana law regarding employer size & associations
- HB 790 (Jones – Conrad), Revise unemployment insurance contribution rates
- HB 801 (MacLaren – Victor), Health insurance payments as income tax credit for certain individuals
- HB 826 (McChesney – Miles City), Study protested taxes
- HJ 1 (Keane – Butte), Urge Congress to reform health care system
- HJ 13 (Ankney – Colstrip), Encourage oil and gas development
- SB 108 (Cocchiarella – Missoula), Revise work comp laws – ind. contractors – medical fees
- SB 148 (Shockley – Victor), Regulatory flexibility act
- SB 150 (Gillan – Billings), Qualified endowment credit extension
- SB 281 (Balyeat – Bozeman), Simplify income taxation for married couples filing individually
- SB 284 (Moss – Billings), Revise allocation of bed tax and taxes on rental cars
- SB 340 (Gillan – Billings), Authorize governor to withdraw proposed rules
- SB 344 (Essmann – Billings), Revise definition of misconduct under unemployment insurance laws
- SB 375 (McGee – Billings), State tax incentive for National Guard and reserve employers
- SB 378 (Gillan – Billings), Use of comparable federal tax definitions
- SB 408 (Brown – Billings), Governor’s office review of agency rules
- SB 484 (Essmann – Billings), Fund MSU-Billings regional workforce training facility
- SB 494 (Perry – Manhattan), Special capital gains tax rate on employee-owned Montana stock
- SB 562 (Laslovich – Anaconda), Provide tax incentives for renewable energy and energy conservation
- Special Session HB 3 (Jones – Conrad), Tax incentives for energy development
- Special Session HB 8 (Jore – Ronan), Reduce business equipment tax annually until phased out
- Special Session SB 1 (Essmann – Billings), Tax incentives for energy development

Anti-Business Bills (Two points subtracted)

- HB 88 (Dickenson – Great Falls), Regulate electrical generation facility waste
- HB 100 (Bergren – Havre), Improve management of DOR collection responsibilities
- HB 101 (Ebinger – Livingston), Revise insurance coverage for pediatric audiological services
- HB 104 (Furey – Missoula), Revise exempt water rights laws
- HB 108 (Erickson – Missoula), State withholding for pensions, annuities and other deferred income
- HB 109 (Erickson – Missoula), Make grantor trusts pass-through entities for tax withholding
- HB 119 (Cohenour – East Helena), Revise water quality laws
- HB 184 (Jopek – Whitefish), Protect public access to water via growth policy
- HB 202 (Jopek – Whitefish), Revise laws relating to public officials and lobbyists
- HB 212 (Windy Boy – Box Elder), Ban credit scoring on auto insurance
- HB 213 (Windy Boy – Box Elder), Healthy workplace
- HB 261 (Jopek – Whitefish), Mercury disposal standards
- HB 262 (Jopek – Whitefish), Water rights in growth counties
- HB 408 (Wiseman – Bozeman), Prohibit tire or hazardous waste incineration for energy generation
- HB 464 (Peterson – Billings), Revise damages for unfair claims settlement practices
- HB 482 (Hamilton – Missoula), Disclosure of insurance underwriting information
- HB 501 (Cohenour – East Helena), Revise assessment and taxation of certain property improvements
- HB 530 (Peterson – Billings), Require paid rest breaks for certain employees
- HB 543 (Gallik – Helena), Disclosure of limits on liability insurance
- HB 552 (Erickson – Missoula), Real estate transfer tax
- HB 553 (Callahan – Great Falls), Injured worker choice of rehabilitation services
- HB 652 (McAlpin – Missoula), Community benefit agreements
- HB 687 (Bill Jones – Bigfork), Extend age for well child care coverage
- HB 725 (Peterson – Billings), Revise human rights commission procedure
- HB 753 (Hands – Missoula), Montana global warming solutions act
- HB 799 (Peterson – Billings), Impose real property transfer tax
- HJ 11 (Gallik – Helena), Urge congressional limitation of corporate rights as persons
- HJ 29 (Dickenson – Great Falls), Resolution on protecting family farms & ranch/re: corporate farms
- SB 67 (Wanzenried – Missoula), Prohibit price gouging on essential goods and services
- SB 99 (Harrington – Butte), Five year statute of limitations for corporation license tax
- SB 120 (Elliott – Trout Creek), Revise tax treatment of income and dividends of REITs
- SB 135 (M. Tropila – Great Falls), Equity in gift certificates
- SB 138 (Wanzenried – Missoula), Prevent corps from channeling income to insurance subsidiary
- SB 151 (Ryan – Great Falls), Mandatory hearing aid coverage in health insurance
- SB 189 (Kitzenberg – Glasgow), Clarify PSC authority to initiate rate cases
- SB 220 (Elliott – Trout Creek), Tax law administration - transactions, compliance, withholding, class 8
- SB 240 (Kaufmann – Helena), Code of corporate responsibility
- SB 241 (Kaufmann – Helena), Generally revise oil and gas laws
- SB 242 (Elliott – Trout Creek), Revise confidentiality of tax records of publicly held corporations
- SB 254 (Wanzenried – Missoula), Require collective bargaining neutrality agreement in state contract
- SB 304 (Laslovich – Anaconda), Limit health care info subject to disclosure on work comp claim
- SB 331 (Gallus – Butte), Eliminate credit scoring for auto insurance
- SB 346 (Shockley – Victor), Prohibiting certain contracts with illegal aliens
- SB 366 (Moss – Billings), Reporting of corporate violations
- SB 420 (Lind – Missoula), Mercury standards for power plants
- SB 426 (Jent – Bozeman), Revise attorney fees for medical benefits in work comp cases
- SB 464 (Weinberg – Whitefish), Property tax relief – local option realty transfer tax
- SB 539 (Wanzenried – Missoula), Revise property tax appeal and create property tax protest fund
- SJ 17 (Elliott – Trout Creek), Jobs, trade, and democracy resolution
- Special Session HB 5 (Lange – Billings) Revise laws relating to taxation
- Special Session SB 3 (Elliott – Trout Creek), Education trust funded by real estate investment trust taxes
- Special Session SB 5 (Gillan – Billings), Revise tax laws



About the Governor's Voting Record

Much like the legislative voting review, this report is the most comprehensive look that we have ever done on the governor's record on business issues. For the first time, we have included more than just bills that get to the governor's desk. In addition to bills that are signed and vetoed, this review also looks at the lobbying efforts of the executive branch and bills that originate from the executive branch. This broad approach recognizes the true impact of the governor and executive agencies on the legislative process. Like the legislative review, the state's overall P-base score was shown to give Montanans a comparison of the governor's record to their own feeling towards business.

Here is how the governor's Business Score was calculated:

- **BILL SIGNINGS/VETOES:** For every pro-business bill the governor signed, he received three points. For every anti-business bill the governor vetoed, he received three points. No points were awarded for signing anti-business bills or vetoing pro-business bills.
- **COMMITTEE ACTION:** The governor was also scored on the lobbying efforts of the agencies and departments he oversees in legislative committees. If an agency he oversees supported a pro-business bill or opposed an anti-business bill, he received one point. If an agency he oversees supported an anti-business bill or opposed a pro-business bill, he received no points.
- **BILL SPONSORSHIP:** For bill sponsorship, one point was awarded to the governor if an agency he oversees proposed a pro-business bill. If an agency he oversees sponsored an anti-business bill, one point was subtracted.
- **FINAL SCORE:** Finally, the governor's individual points were divided by the total points possible. This final number is the governor's Business Score.

Chamber Position	Wireless Bill	Movie Incentives	Energy Bill	Health Ins. Mandate	Unemployment Ins.	Tourism Promotion	Tax Simplification	Sponsor Points	Committee Action	State P-Base	Business Score
	yes	yes	yes	no	yes	yes	yes				
Bill	HB 469	HB 40	HB 3	HB 687	HB 790	SB 284	SB 514				
Governor Schweitzer, Brian	-	+	+	-	+	-	-	-5	0/12 (0%)	53	12%

Committee Action

While the governor rarely lobbies in legislative committee hearings, many representatives from various executive departments and agencies weigh in on bills. Since the governor is the head of the executive branch, these representatives speak on behalf of the governor and support his agenda. Bills selected for the sponsorship score were not used to determine the committee action score. The following bills were used to calculate points for committee action:

- HB 271 (McNutt – Sidney), Revise makeup of board of environmental review
- HB 276 (McNutt – Sidney), Revise rulemaking authority of board of environmental review
- HB 405 (Lange – Billings), Increase natural resource development for low-cost energy
- HB 492 (Himmelberger – Billings), Quality service allowance for minimum wage
- HB 529 (Lake – Hamilton), Increase business equipment tax exemption and reduce tax rate
- HB 766 (Sonju – Kalispell), Revise Insure Montana law regarding employer size & associations
- HB 826 (McChesney – Miles City), Study protested taxes
- SB 148 (Shockley – Victor), Regulatory flexibility act
- SB 340 (Gillan – Billings), Authorize governor to withdraw proposed rules
- SB 408 (Brown – Billings), Governor’s office review of agency rules
- Special Session HB 10 (Lake – Hamilton), Increase business equipment tax exemption
- Special Session HB 5 (Lange – Billings), Revising laws related to taxation

		Revise BER	BER Rulemaking	Energy Projects	Tip Credit	Equipment Tax	Expand Insure MT	Study Protested Taxes	Regulatory Flexibility	Withdraw Agency Rules	Agency Oversight	Equipment Tax	DOR Tax Revisions
Chamber Position	Bill	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no
	Bill	HB 271	HB 276	HB 405	HB 492	HB 529	HB 766	HB 826	SB 148	SB 340	SB 408	HB 8	HB 5
Governor		-	-	-	-	-	-	-	-	-	-	-	-
Schweitzer, Brian		-	-	-	-	-	-	-	-	-	-	-	-

Bills Selected to Determine Sponsorship Points

Pro-Business Bills (One point added)

- HB 40 (Department of Commerce), Revise state movie incentive laws
- HB 137 (Department of Commerce), Revise microbusiness development law
- SB 108 (Department of Labor), Revise work comp laws – ind. contractors – medical fees
- SB 562 (Office of Economic Development), Provide tax incentives for renewable energy and conservation

Anti-Business Bills (One point subtracted)

- HB 104 (DNRC), Revise exempt water rights laws
- HB 109 (Department of Revenue), Make grantor trusts pass-through entities for tax withholding
- HB 119 (DEQ), Revise water quality laws
- SB 99 (Department of Revenue), Five year statute of limitations for corporation license tax
- SB 120 (Department of Revenue), Revise tax treatment of income and dividends of REITs
- SB 135 (Department of Revenue), Equity in gift certificates
- SB 138 (Department of Revenue), Prevent corps from channeling income to insurance subsidiary
- SB 220 (Department of Revenue), Tax law administration - transactions, compliance, withholding
- SB 539 (Department of Revenue), Revise property tax appeal and create property tax protest fund