

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By Chairman Scott Mendenhall, on February 20, 2007 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Mike Milburn, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Scott Boggio (R)
Rep. Ernie Dutton (R)
Rep. Kevin T. Furey (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Harry Klock (R)
Rep. Michele Reinhart (D)
Rep. Wayne Stahl (R)
Rep. Bill Thomas (D)
Rep. Kendall Van Dyk (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None

Members Absent: None

Staff Present: Bart Campbell, Legislative Branch
Nancy Kraft, Committee Secretary

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: HB 665, 2/14/2007; HB 666,
2/14/2007; HB 668, 2/14/2007; HB
755, 2/19/2007; HB 757, 2/19/2007

Executive Action: HB 587; HB 605; HB 654; HB 724; HB
725; HB 741; HB 755; HB 757; HB
665; HB 666

HEARING ON HB 757

Opening Statement by Sponsor:

00:03:04 Rep. Diane Rice (R), HD 71, opened the hearing on HB
757, Revise state fund laws.

Proponents' Testimony:

00:06:58 Brad Griffin, Montana Retail Association

Opponents' Testimony:

00:07:18 Matthew Cohn, Montana State Fund

[EXHIBIT\(buh38a01\)](#)

00:18:44 Tom Schneider, Montana Public Employees' Association

00:19:53 Jacqueline Lenmark, American Insurance Association

Informational Testimony: None

Additional Proponents' Testimony:

00:23:49 Mable Deane, Mable's Tax Service, Three Forks, Montana

[EXHIBIT\(buh38a02\)](#)

Questions from Committee Members and Responses:

00:25:17 Rep. Milburn

00:28:05 Mr. Cohn

Closing by Sponsor:

00:28:18 Rep. Rice

HEARING ON HB 665

Opening Statement by Sponsor:

00:30:36 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB
665, License and regulate athletic trainers.

[EXHIBIT\(buh38a03\)](#)

Proponents' Testimony:

00:33:46 Christian Oberquell, President, Montana Trainers' Association
00:38:47 Scott Richter, University of Montana
00:44:09 Mike Diede, Montana State University-Billings
00:47:51 Janet Trethewey, Certified Athletic Trainer, Havre, Montana
00:49:37 Gary Lusin, Licensed Physical Therapist, Certified Athletic Trainer

EXHIBIT (buh38a04)

00:50:51 Lorena Pettit, Physical Therapist
00:51:43 Dr. Elizabeth Ikeda, University of Montana

EXHIBIT (buh38a05)

00:53:28 Jim McClain, Frenchtown, Montana
00:53:48 Rachel Romanelli, American Massage Therapy Association
00:54:34 Deborah Kimmett, Business League of Massage Therapy and Body Work
00:54:58 Diane Allen, Physical Therapist
00:55:17 Mary McCue, Montana Athletic Trainers' Association
00:55:42 Mona Jamison, Montana Chapter of American Physical Therapy Association

Opponents' Testimony: None

Informational Testimony:

00:56:40 Marilyn Kelly-Clark, Department of Labor and Industry

Questions from Committee Members and Responses:

00:56:56 Rep. Reinhart
00:57:13 Ms. Kelly-Clark
00:57:54 Rep. Keane
00:59:46 Ms. Kelly-Clark
01:00:34 Rep. Mendenhall
01:00:55 Mr. Oberquell
01:01:48 Rep. Mendenhall
01:02:05 Rep. Arntzen
01:03:02 Mr. Oberquell

Closing by Sponsor:

01:03:52 Rep. Arntzen

HEARING ON HB 668

Opening Statement by Sponsor:

01:06:41 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB 668, Revise criminal justice agency status of licensing boards.

Proponents' Testimony:

01:09:00 Mike Batista, Department of Justice

Opponents' Testimony:

01:09:35 Gene Allison, Chief Legal Counsel, Business Standards Division, Department of Labor and Industry

01:15:24 Keith Allen, International Brotherhood of Electrical Workers

Informational Testimony: None

Questions from Committee Members and Responses:

01:19:22 Rep. Keane
01:21:13 Mr. Allison
01:21:59 Rep. Mendenhall
01:22:23 Rep. Stahl
01:24:38 Rep. Van Dyk
01:25:07 Rep. Mendenhall
01:25:19 Mr. Allison
01:26:02 Rep. Mendenhall
01:26:51 Mr. Allison
01:27:39 Rep. Reinhart
01:27:48 Mr. Allison
01:28:40 Rep. Keane
01:28:53 Mr. Allison

Closing by Sponsor:

01:29:36 Mr. Stahl

HEARING ON HB 755

Opening Statement by Sponsor:

01:32:00 Rep. Jim Keane (D), HD 75, opened the hearing on HB 755, Exempt certain gift certificate from abandoned property law.

Proponents' Testimony:

01:32:32 Brad Griffin, Montana Retail Association; and for Riley Johnson, National Federation of Independent Business; and Ronda Wiggers, Helena and Great Falls Chambers of Commerce
01:32:54 Jon Bennion, Montana Chamber of Commerce

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:34:04 Rep. Furey
01:34:47 Mr. Griffin
01:35:27 Rep. Reinhart
01:35:51 Rep. Keane
01:36:02 Bart Campbell
01:38:21 Rep. Reinhart
01:38:30 Mr. Campbell

Closing by Sponsor:

01:39:39 Rep. Keane

HEARING ON HB 666

Opening Statement by Sponsor:

01:40:29 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 666, Allow direct action lawsuits against motor vehicle insurers.

Proponents' Testimony: None

Opponents' Testimony:

01:45:37 Randall Nelson, Mountain West Farm Bureau Mutual Insurance Company
01:52:17 Greg VanHorssen, State Farm Insurance Company
01:54:13 Jacqueline Lenmark, American Insurance Association
01:56:27 John Metropoulos, Farmers' Insurance Group
01:57:44 Larry Kibbee, Property Casualty Insurance Association of America
01:58:15 Bob Worthington, Montana Municipal Insurance Authority
01:58:43 John Prinkki, Montana Association of Counties

Informational Testimony: None

Questions from Committee Members and Responses:

01:59:27 Rep. Keane
01:59:39 Roger McGlenn, Independent Insurance Agents of Montana
02:00:21 Rep. Furey
02:01:11 Rep. Gallik

Closing by Sponsor:

02:01:58 Rep. Gallik
02:05:23 Break

EXECUTIVE ACTION

Discussion of Banking Bills that are Pending in Committee:

02:31:53 Rep. Mendenhall
02:32:46 Mr. Campbell
02:33:22 Rep. Mendenhall

EXECUTIVE ACTION ON HB 587

02:34:39 **Motion:** Rep. Milburn moved that HB 587 **DO PASS.**

Discussion:

02:35:25 Mr. Campbell
02:35:46 Without objection, Rep. Milburn withdrew his motion on HB 587.

EXECUTIVE ACTION ON HB 605

02:36:01 **Motion:** Rep. Keane moved that HB 605 **DO PASS.**
02:36:28 **Motion:** Rep. Keane moved that HB 605 **BE AMENDED.**
[**EXHIBIT**](#) (buh38a06)

Discussion:

02:38:23 Mr. Campbell
02:39:02 Rep. Keane
02:39:42 **Vote:** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.
02:40:04 **Motion:** Rep. Keane moved that HB 605 **BE AMENDED.**
[**EXHIBIT**](#) (buh38a07)

Discussion:

02:40:09 Mr. Campbell

02:41:29 **Vote:** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

02:41:48 **Motion:** Rep. Keane moved that HB 605 **DO PASS AS AMENDED.**

Discussion:

02:41:59 Rep. Stahl

02:43:44 Rep. Milburn

02:45:16 Rep. Arntzen

02:46:34 Rep. Keane

02:48:40 Rep. Jones

02:50:04 Rep. Stahl

02:53:05 Rep. Keane

02:53:47 Rep. Mendenhall

02:54:08 Rep. Keane

02:55:16 Rep. Arntzen

02:55:42 Rep. Keane

02:56:13 **Vote:** Motion failed 7-9 by roll call vote with Reps. Augare, Furey, Keane, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Reps. Van Dyk and Windy Boy voted by proxy.

02:57:17 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 605 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried 15-1 by voice vote with Rep. Keane voting no. Reps. Van Dyk and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 654

02:58:11 **Motion:** Rep. Keane moved that HB 654 **DO PASS.**

02:59:05 **Motion:** Rep. Keane moved that HB 654 **BE AMENDED.**

EXHIBIT (buh38a08)

03:00:06 **Vote:** Motion carried 12-4 by voice vote with Reps. Arntzen, Klock, Mendenhall, and Thomas voting no. Reps. Van Dyk and Windy Boy voted by proxy.

03:00:51 **Motion/Vote:** Rep. Keane moved that HB 654 **BE AMENDED.** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

EXHIBIT (buh38a09)

03:02:15 **Motion:** Rep. Keane moved that HB 654 **DO PASS AS AMENDED.**

Discussion:

03:02:25 Rep. Dutton
03:03:18 Rep. Klock
03:03:38 Rep. Milburn
03:04:12 Rep. Keane
03:05:29 Rep. Stahl
03:06:20 Rep. Arntzen
03:07:14 Rep. Furey
03:07:29 Bart Campbell
03:08:12 Rep. Mendenhall
03:09:42 Rep. Reinhart
03:09:56 Rep. Arntzen

03:10:17 **Vote:** Motion failed 6-10 by roll call vote with Reps. Augare, Furey, Keane, Reinhart, Van Dyk, and Windy Boy voting aye. Reps. Van Dyk and Windy Boy voted by proxy.

03:11:07 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 654 **BE TABLED AND THE VOTE REVERSED**. Substitute motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 724

03:11:25 **Motion/Vote:** Rep. Furey moved that HB 724 **DO PASS**. Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 725

03:12:52 **Motion:** Rep. Milburn moved that HB 725 **DO PASS**.

Discussion:

03:13:02 Rep. Keane

03:13:25 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 725 **BE TABLED**. Substitute motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 741

03:13:59 **Motion:** Rep. Jones moved that HB 741 **DO PASS**.

03:14:16 **Motion/Vote:** Rep. Keane moved that HB 741 **BE AMENDED**. Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

EXHIBIT (buh38a10)

03:15:18 **Motion:** Rep. Jones moved that HB 741 **DO PASS AS AMENDED.**

Discussion:

03:18:32 Rep. Keane

03:19:16 **Vote:** Motion carried 14-2 by roll call vote with Reps. Mendenhall and Rep. Milburn voting no. Reps. Van Dyk and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 755

03:20:36 **Motion/Vote:** Rep. Keane moved that HB 755 **DO PASS.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 757

03:23:54 **Motion:** Rep. Milburn moved that HB 757 **DO PASS.**

Discussion:

03:24:01 Rep. Keane

03:26:00 Rep. Heinert

03:27:00 Rep. Milburn

03:27:25 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 757 **BE TABLED.** Substitute motion carried 14-2 by voice vote with Reps. Klock and Stahl voting no. Reps. Van Dyk and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 665

03:28:21 **Motion:** Rep. Arntzen moved that HB 665 **DO PASS.**

03:28:54 **Motion:** Rep. Arntzen moved that HB 665 **BE AMENDED.**

EXHIBIT(buh38a11)

Discussion:

03:30:29 Rep. Keane

03:30:46 Rep. Arntzen

03:30:58 **Vote:** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

03:31:20 **Motion:** Rep. Arntzen moved that HB 665 **DO PASS AS AMENDED.**

Discussion:

03:31:29 Rep. Thomas
03:32:13 Rep. Keane
03:34:07 Rep. Arntzen
03:35:18 Rep. Milburn
03:35:39 Rep. Arntzen
03:36:49 Rep. Milburn
03:37:06 Rep. Dutton
03:37:15 Rep. Arntzen
03:39:23 Rep. Milburn
03:40:47 Rep. Keane
03:41:01 Rep. Dutton
03:41:14 Rep. Arntzen

03:42:09 **Vote:** Motion carried 10-6 by roll call vote with Reps. Augare, Dutton, Furey, Keane, Van Dyk, and Windy Boy voting no. Reps. Van Dyk and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 666

03:43:49 **Motion:** Rep. Keane moved that HB 666 **DO PASS**.

03:44:05 **Substitute Motion/Vote:** Rep. Jones made a substitute motion that HB 666 **BE TABLED**. Substitute motion carried 11-5 by voice vote with Reps. Furey, Keane, Reinhart, Van Dyk, and Windy Boy voting no. Reps. Van Dyk and Windy Boy voted by proxy.

Additional Exhibits:

Documents pertaining to HB 654; Hearing 02/16/07

[EXHIBIT\(buh38a12\)](#)

ADJOURNMENT

03:44:35 Adjournment: 11:45 A.M.

REP. SCOTT MENDENHALL, Chairman

NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

EXHIBIT ([buh38aad.pdf](#))