

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
60th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By Chairman Scott Mendenhall, on March 26, 2007  
at 9:00 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)

**Members Excused:** Rep. Jonathan Windy Boy (D)

**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: SB 466, 3/16/2007; SB 467,  
3/16/2007; SB 535, 3/16/2007  
Executive Action: SB 339; SB 540; SB 466; SB 467; SB  
537; SB 206; SB 312

**HEARING ON SB 466**

**Opening Statement by Sponsor:**

00:02:33 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 466, Small business regulatory flexibility act.

**Proponents' Testimony:**

00:05:50 Evan Barrett, Governor's Office of Economic Development  
00:07:43 Riley Johnson, National Federation of Independent Business

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:09:02 Rep. Jones  
00:09:19 Sen. Cocchiarella  
00:09:59 Rep. Dutton  
00:11:03 Sen. Cocchiarella  
00:13:26 Rep. Mendenhall  
00:14:08 Sen. Cocchiarella  
00:19:51 Rep. Mendenhall  
00:19:56 Bart Campbell

**Closing by Sponsor:**

00:23:46 Sen. Cocchiarella

**HEARING ON SB 467**

**Opening Statement by Sponsor:**

00:24:38 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 467, Revise membership and meetings of board of investments.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:28:55 Rep. Thomas  
00:29:10 Sen. Cocchiarella  
00:29:47 Rep. Keane  
00:30:23 Sen. Cocchiarella  
00:31:38 Rep. Van Dyk  
00:32:01 Sen. Cocchiarella  
00:32:49 Rep. Dutton  
00:33:13 Sen. Cocchiarella

**Closing by Sponsor:**

00:37:54 Sen. Cocchiarella

**HEARING ON SB 535**

**Opening Statement by Sponsor:**

00:38:56 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 535, Creating annuity suitability and disclosure act.

**Proponents' Testimony:**

00:39:38 Jacqueline Lenmark, American Council of Life Insurers  
00:44:05 Don Allen, Association of Insurance and Financial  
Advisors  
00:46:05 Greg VanHorssen, State Farm Insurance Company  
00:46:23 Dwight Easton, Farmer's Insurance Group  
00:46:58 Carol Roy, Insurance Department, State Auditor's Office  
[EXHIBIT \(buh64a01\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:49:45 Rep. Mendenhall  
00:50:01 Ms. Roy  
00:50:50 Rep. Dutton  
00:51:33 Sen. Cocchiarella  
00:52:27 Ms. Lenmark

**Closing by Sponsor:**

00:55:41 Sen. Cocchiarella

00:58:02 Break

**EXECUTIVE ACTION ON SB 339**

01:23:35 **Motion/Vote:** Rep. Stahl moved SB 339 **BE RECONSIDERED**. Motion carried 15-0 by voice vote by those present and voting. (Previous action was taken on SB 339 in Business and Labor on 3/22/07.)

**Discussion:**

01:24:07 Rep. Mendenhall

01:24:48 Mr. Campbell

01:25:32 **Motion/Vote:** Rep. Stahl moved **TO REMOVE EXISTING AMENDMENT** to SB 339. Motion carried 16-0 by voice vote. Rep. Windy Boy voted by proxy.

01:26:06 **Motion:** Rep. Milburn moved that SB 339 **BE AMENDED**. **EXHIBIT (buh64a02)**

**Discussion:**

01:27:07 Rep. Mendenhall

01:27:21 Mr. Campbell

01:28:05 Rep. Reinhart

01:28:18 Rep. Stahl

01:28:21 Rep. Arntzen

01:29:42 Rep. Mendenhall

01:30:49 Rep. Arntzen

01:31:17 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy.

01:31:39 **Motion:** Rep. Milburn moved that SB 339 **BE CONCURRED IN AS AMENDED**.

**Discussion:**

01:32:00 Rep. Furey

01:32:40 Rep. Keane

01:32:54 Rep. Arntzen

01:33:38 Rep. Dutton

01:33:51 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy. Rep. Mendenhall will carry the bill.

**EXECUTIVE ACTION ON SB 540**

01:35:06 **Motion:** Rep. Keane moved that SB 540 **BE CONCURRED IN**.

**Discussion:**

01:35:14 Mr. Campbell

01:37:42 **Motion/Vote:** Rep. Keane moved that SB 540 **BE AMENDED.**  
(Exhibit 1 in Business and Labor Committee Meeting on  
3/21/07) Motion carried unanimously by voice vote. Rep.  
Windy Boy voted by proxy.

01:39:49 **Motion:** Rep. Keane moved that SB 540 **BE AMENDED.**  
**EXHIBIT (buh64a03)**

**Discussion:**

01:40:05 Mr. Campbell

01:41:21 Rep. Mendenhall

01:42:20 Rep. Furey

01:42:33 **Vote:** Motion carried unanimously by voice vote. Rep.  
Windy Boy voted by proxy.

**Discussion:**

01:42:19 Mr. Campbell

01:43:20 Rep. Keane

01:43:55 Mr. Campbell

01:44:51 Rep. Keane

01:45:26 Rep. Mendenhall

01:46:07 Without objection, Rep. Mendenhall suspended action  
on this bill until after Executive Action on SB 467.

**EXECUTIVE ACTION ON SB 466**

01:47:38 **Motion:** Rep. Keane moved that SB 466 **BE CONCURRED IN.**

**Discussion:**

01:48:02 Rep. Mendenhall

01:48:36 Rep. Keane

01:49:26 Rep. Van Dyk

01:49:41 Rep. Arntzen

01:49:57 **Vote:** Motion carried unanimously by voice vote. Rep.  
Windy Boy voted by proxy. Rep. Mendenhall will carry  
the bill.

**EXECUTIVE ACTION ON SB 467**

01:50:22 **Motion:** Rep. Keane moved that SB 467 **BE CONCURRED IN.**

**Discussion:**

01:50:29 Rep. Keane  
01:51:04 Rep. Dutton  
01:51:20 Rep. Keane  
01:51:40 Rep. Stahl  
01:51:52 Rep. Mendenhall

01:52:30 **Vote:** Motion carried unanimously by voice vote. Rep. Windy Boy voted by proxy. Rep. Stahl will carry the bill.

**EXECUTIVE ACTION ON SB 540 (CONTINUED)**

01:53:17 Rep. Keane moved that SB 540 **BE AMENDED.**  
**EXHIBIT (buh64a04)**

**Discussion:**

01:53:32 Mr. Campbell  
01:54:00 Rep. Keane  
01:54:38 Rep. Milburn  
01:55:19 Rep. Stahl  
01:55:35 Mr. Campbell  
01:56:33 Rep. Stahl  
01:57:40 Gene Huntington, Department of Justice  
01:58:39 Rep. Stahl  
01:59:23 Rep. Klock  
01:59:48 Rep. Furey  
02:01:00 Rep. Milburn  
02:01:31 Rep. Keane

02:03:20 **Vote:** Motion failed 7-9 by roll call vote with Reps. Arntzen, Furey, Keane, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Rep. Windy Boy voted by proxy.

**Discussion:**

02:03:37 Rep. Mendenhall  
02:04:15 Rep. Keane  
02:04:50 Rep. Stahl  
02:05:00 Rep. Mendenhall  
02:05:17 Rep. Furey

02:05:54 **Motion/Vote:** Rep. Stahl moved that SB 540 **BE CONCURRED IN AS AMENDED.** Motion carried 12-4 by roll call vote with Reps. Furey, Keane, Thomas, and Windy Boy voting

no. Rep. Windy Boy voted by proxy. Rep. Beck will carry the bill.

**EXECUTIVE ACTION ON SB 537**

02:08:21 **Motion:** Rep. Keane moved that SB 537 **BE CONCURRED IN.**

**Discussion:**

02:08:53 Rep. Reinhart

02:09:47 Mary Arnold, State Auditor's Office

02:11:26 Rep. Keane

02:12:13 **Vote:** Motion carried 15-1 by voice vote with Rep. Reinhart voting no. Rep. Windy Boy voted by proxy. Rep. Stahl will carry the bill.

**EXECUTIVE ACTION ON SB 206**

02:14:35 **Motion:** Rep. Heinert moved that SB 206 **BE CONCURRED IN.**

02:14:59 **Motion:** Rep. Heinert moved that SB 206 **BE AMENDED.**  
**EXHIBIT (buh64a05)**

**Discussion:**

02:16:12 Rep. Furey

02:17:38 Rep. Keane

02:18:48 Rep. Milburn

02:19:16 Rep. Furey

02:20:24 Rep. Mendenhall

02:21:03 Bart Campbell

02:22:22 Rep. Reinhart

02:22:49 Mr. Campbell

02:24:49 **Vote:** Motion failed 4-12 by roll call vote with Reps. Arntzen, Boggio, Heinert, and Mendenhall voting aye. Reps. Windy Boy and Boggio voted by proxy.

02:25:28 **Motion:** **REP. STAHL moved that SB 206 BE AMENDED.**  
**EXHIBIT (buh64a06)**

**Discussion:**

02:26:42 Rep. Thomas

02:29:08 Rep. Reinhart

02:29:15 Mr. Campbell

02:29:30 Rep. Milburn

02:30:27 Rep. Arntzen

02:31:27 Rep. Keane

02:32:11 Rep. Mendenhall  
02:33:42 Rep. Keane  
02:34:09 Rep. Thomas  
02:34:42 Rep. Jones  
02:35:00 Rep. Furey  
02:35:36 Rep. Reinhart

02:35:56 **Vote:** Motion carried 11-5 by roll call vote with Reps. Dutton, Heinert, Klock, Mendenhall, and Milburn voting no. Reps. Dutton, Windy Boy, and Augare voted by proxy.

02:36:59 **Motion/Vote:** Rep. Thomas moved that SB 206 **BE CONCURRED IN AS AMENDED**. Motion carried 14-2 by roll call vote with Reps. Heinert and Mendenhall voting no. Reps. Dutton, Windy Boy, and Augare voted by proxy. Rep. Thomas will carry the bill.

**EXECUTIVE ACTION ON SB 312**

02:39:19 **Motion:** Rep. Milburn moved that SB 312 **BE CONCURRED IN**.

**Discussion:**

02:39:29 Rep. Jones  
02:41:16 Rep. Keane  
02:41:48 Rep. Reinhart  
02:42:33 Rep. Mendenhall

02:44:07 **Vote:** Motion carried 14-2 by roll call vote with Reps. Keane and Windy Boy voting no. Reps. Dutton, Windy Boy, and Augare voted by proxy. Rep. Llew Jones will carry the bill.

**ADJOURNMENT**

02:45:47 Adjournment: 12:00 P.M.

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REP. SCOTT MENDENHALL, Chairman

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NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

**EXHIBIT ([buh64aad.pdf](#))**