

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Elsie Arntzen, on February 15, 2011 at 8:00 AM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Elsie Arntzen, Chairman (R)
Rep. Tom Berry, Vice Chairman (R)
Rep. Chuck Hunter, Vice Chairman (D)
Rep. Carlie Boland (D)
Rep. Christy Clark (R)
Rep. Virginia Court (D)
Rep. Lila Walter Evans (R)
Rep. Timothy Furey (D)
Rep. Edward Greef (R)
Rep. Harry Klock (R)
Rep. Jonathan McNiven (R)
Rep. Scott Reichner (R)
Rep. Michele Reinhart (D)
Rep. Matthew M. Rosendale Sr (R)
Rep. Daniel R. Salomon (R)
Rep. Sterling Small (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)

Members Excused: Rep. Pat Noonan (D)
Rep. Carolyn Squires (D)
Rep. Jeffery W. Welborn (R)

Members Absent: None

Staff Present: Bart Campbell, Legislative Branch
Sandra Sullivan, 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 275, 2/4/2011; HB 405, 2/4/2011; HB 416, 2/4/2011; HB 440, 2/4/2011; HB 500, 2/4/2011; HB 531, 2/4/2011

Executive Action: HB 105; HB 124; HB 128; HB 188; HB 311; HB 378; HB 394; HB 399; HB 408; HB 427; HB 428; and HB 500

00:02:47 Rep. Welborn, Rep. Noonan and Rep. Squires arrived.

HEARING ON HB 275

Opening Statement by Sponsor:

00:03:50 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 275, Provide offset of personal consumption expenses in survival actions.

Proponents' Testimony:

00:05:07 Mark Taylor, Montana Hospital Association

00:05:56 Kiely Keane, Billings Clinic

00:09:55 Dr. Mike Priddy, Utah Medical Insurance Association

EXHIBIT(buh37a01)

00:18:12 Dr. Michael Brown, Pathologist

00:20:24 Dr. Paul Cook, President, Rocky Mountain Health Clinic

00:21:28 Dr. Dick Brown, President, Montana Medical Association and Director, Medical Lab, St. Vincent Hospital

00:22:46 Erin MacLean, Montana Medical Association

00:23:12 Mike Foster, Catholic Hospitals of Montana

00:23:28 Bill Warden, Benefis, Deaconess and St. Joseph Hospitals

00:23:46 John Bennion, Montana Chamber of Commerce

Opponents' Testimony:

00:24:02 Rep. Ken Peterson, HD 46

00:29:26 Rep. Rosendale

00:29:48 Rep. Peterson

00:30:13 Rep. Rosendale

00:30:28 Rep. Peterson

00:30:44 Rep. Rosendale

00:30:55 Rep. Peterson

00:31:33 Vice Chairman Hunter

00:31:43 Rep. Peterson

00:32:42 Monte Beck, Attorney

00:37:21 Jim Hunt, Attorney

00:42:45 Al Smith, Montana Trial Lawyers Association

EXHIBIT(buh37a02)

Informational Testimony: None

Questions from Committee Members and Responses:

00:49:07 Rep. Clark

00:49:35 Dr. Priddy
 00:49:45 Rep. Clark
 00:49:55 Dr. Priddy
 00:50:00 Rep. Clark
 00:50:23 Dr. Priddy
 00:50:37 Rep. Hunter
 00:51:15 Mr. Brown
 00:51:54 Rep. Hunter
 00:51:58 Mr. Brown
 00:52:07 Rep. Court
 00:52:34 Mr. Smith
 00:52:56 Rep. Court
 00:54:02 Dr. Priddy
 00:55:01 Rep. Boland
 00:56:17 Chairwoman Arntzen

Closing by Sponsor:

00:56:30 Rep. Reichner

HEARING ON HB 416

Opening Statement by Sponsor:

01:01:26 Rep. Harry Klock (R), HD 83, opened the hearing on HB 416, Provide for confidentiality for medical practices quality assurance.

Proponents' Testimony:

01:02:36 Dr. Brown
[EXHIBIT\(buh37a03\)](#)
 01:09:00 Dr. Cook
 01:11:27 Greg Drapes, Monida Healthcare Network
 01:16:30 Dr. George Bentzel, General Surgeon
 01:18:03 Ms. Keane
 01:20:28 John Flink, Montana Hospital Association
 01:20:51 Mr. Foster

Opponents' Testimony:

01:21:22 Mr. Smith
[EXHIBIT\(buh37a04\)](#)
[EXHIBIT\(buh37a05\)](#)
[EXHIBIT\(buh37a06\)](#)
[EXHIBIT\(buh37a07\)](#)
 01:29:41 Mr. Beck
 01:33:18 Mr. Hunt

Informational Testimony: None

Questions from Committee Members and Responses:

01:34:38 Rep. Clark

01:35:16 Mr. Beck

Closing by Sponsor:

01:36:38 Rep. Klock

HEARING ON HB 405

Opening Statement by Sponsor:

01:37:28 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 405, Medical malpractice reform.

Proponents' Testimony:

01:42:36 Dr. Robert Stears, Radiologist, St. Vincent's Hospital

[EXHIBIT\(buh37a08\)](#)

01:48:56 Dr. Carter Beck, Missoula Physician

01:54:53 Ms. MacLean

02:00:12 Dr. Cook

02:01:21 Dr. Brown

[EXHIBIT\(buh37a09\)](#)

02:04:15 Dr. Bentzel

02:07:13 Mr. Flink

02:07:36 Mr. Foster

02:08:19 Aimee Grmoljez, Billings Clinic

02:08:49 Mr. Bennion

Opponents' Testimony:

02:09:28 Mr. Hunt

02:16:32 Mr. Smith

[EXHIBIT\(buh37a10\)](#)

[EXHIBIT\(buh37a11\)](#)

[EXHIBIT\(buh37a12\)](#)

[EXHIBIT\(buh37a13\)](#)

[EXHIBIT\(buh37a14\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

02:29:06 Rep. Furey

02:30:05 Mr. Smith

02:31:00 Rep. Furey

02:31:18 Mr. Smith

02:32:01 Rep. Furey

02:32:34 Mr. Smith

02:33:15 Rep. Reinhart

02:33:39 Mr. Smith

02:34:42 Rep. Reinhart

02:34:58 Mr. Smith
02:35:30 Rep. Reinhart
02:35:37 Mr. Smith
02:35:52 Rep. Reinhart
02:35:58 Mr. Smith
02:36:05 Rep. Reinhart
02:36:14 Ms. MacLean
02:36:20 Rep. Reinhart
02:36:28 Ms. MacLean
02:38:04 Rep. Reinhart
02:38:23 Ms. MacLean
02:39:02 Rep. Reinhart
02:39:10 Ms. MacLean
02:39:55 Rep. Hunter
02:40:12 Ms. MacLean
02:40:35 Rep. Hunter
02:41:19 Ms. MacLean
02:42:14 Rep. Hunter
02:42:20 Ms. MacLean
02:42:57 Rep. Clark
02:43:40 Mr. Hunt
02:44:28 Rep. Rosendale
02:45:18 Ms. MacLean

Closing by Sponsor:

02:45:33 Rep. Taylor

02:49:14 Recessed
03:15:16 Resumed
03:15:30 Rep. Small and Rep. Squires did not return.

HEARING ON HB 440**Opening Statement by Sponsor:**

03:15:40 Rep. Daniel Salomon (R), HD 12, opened the hearing on HB 440, Require all public and private employers to use E-Verify program.

Proponents' Testimony:

03:07:29 Rep. McNiven left.
03:19:55 Paul Nachman, Citizen
03:25:56 Rep. Squires and Rep. Small returned.
03:27:51 Bob Winger, President, Local 11, United Brotherhood of Boilermakers

Opponents' Testimony:

03:29:23 Jason Todhunter, Montana Logging Association
03:32:27 Mr. Bennion
03:34:56 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

EXHIBIT(buh37a15)

03:38:16 Deborah Smith, American Immigration Lawyers Association (AILA)
03:44:41 Aimee Grmoljez, Montana Bankers' Association
03:45:13 Rep. Vance left.
03:45:16 Shahal Haque-Haushuh, Citizen
03:53:07 Willy Duffield, Duffield Express Trucking
03:57:34 Cindy Swank, Citizen

Informational Testimony:

04:00:19 Mark Cadwallader, Staff Attorney, Department of Labor and Industry (DLI)
[EXHIBIT\(buh37a16\)](#)

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:03:08 Rep. Salomon

04:05:05 Rep. Vance returned.

HEARING ON HB 500

Opening Statement by Sponsor:

04:06:08 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 500, Make daylight savings time official in Montana; don't return to standard time.

[EXHIBIT\(buh37a17\)](#)

[EXHIBIT\(buh37a18\)](#)

Proponents' Testimony: None

Opponents' Testimony:

04:11:47 Ms. Swank
[EXHIBIT\(buh37a19\)](#)
[EXHIBIT\(buh37a20\)](#)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:17:00 Rep. Hansen

HEARING ON HB 531

Opening Statement by Sponsor:

04:18:10 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 531, Revise civil liability for multiple defendants.

Proponents' Testimony:

04:28:38 Mr. Taylor
04:30:20 Ms. Keane

Opponents' Testimony:

04:35:42 Mr. Beck
04:46:47 Brenda Lindlief Hall, Attorney
04:47:40 Mr. Smith

Informational Testimony: None

Questions from Committee Members and Responses:

04:50:09 Rep. Clark
04:50:45 Rep. Fitzpatrick
04:52:16 Rep. Clark
04:52:57 Rep. Fitzpatrick
04:53:23 Rep. Furey
04:53:43 Rep. Fitzpatrick

Closing by Sponsor:

04:54:38 Rep. Fitzpatrick

04:57:29 Recessed
05:10:21 Resumed
05:11:00 Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn did not return.

EXECUTIVE ACTION ON HB 105

05:11:06 **Motion:** Rep. Berry moved that **HB 105 DO PASS.**

05:11:23 **Motion:** Rep. Berry moved that **HB 105 BE AMENDED.**

[EXHIBIT\(buh37a21\)](#)

[EXHIBIT\(buh37a22\)](#)

Discussion:

05:11:38 Mr. Campbell
05:12:49 Chairwomen Arntzen
05:13:10 Mr. Campbell
05:13:30 Rep. Squires
05:13:41 Mr. Campbell
05:15:20 Rep. Squires

05:15:40 **Motion:** Rep. Berry moved that **HB 105 BE INDEFINITELY POSTPONED** with out objection.

EXECUTIVE ACTION ON HB 124

05:16:06 **Motion:** Rep. Hunter moved that **HB 124 DO PASS.**

05:16:57 **Motion:** Rep. Hunter moved that **HB 124 BE AMENDED.**
EXHIBIT(buh37a23)

Discussion:

05:17:00 Vice Chairman Hunter

05:17:40 **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven,
Rep. Reichner and Rep. Welborn voted by proxy.

05:17:55 **Motion:** Rep. Hunter moved that **HB 124 BE INDEFINITELY POSTPONED**
without objection .

EXECUTIVE ACTION ON HB 128

05:18:24 **Motion:** Rep. Noonan moved that **HB 128 DO PASS.**

Discussion:

05:18:37 Chairwoman Arntzen

05:19:51 **Motion:** Rep. Noonan moved that **HB 128 BE AMENDED.**
EXHIBIT(buh37a24)

Discussion:

05:20:00 Mr. Campbell

05:21:22 **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven,
Rep. Reichner and Rep. Welborn voted by proxy.

05:21:40 **Motion:** Rep. Noonan moved that **HB 128 DO PASS AS AMENDED.**

Discussion:

05:21:52 Rep. Noonan

05:22:29 Rep. Arntzen

05:22:35 **Vote:** Motion failed 7-14 by roll call vote with Rep. Boland, Rep. Court, Rep.
Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting aye.
Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:23:58 **Motion/Vote:** Rep. Berry moved that **HB 128 BE TABLED AND THE VOTE**
REVERSED. Motion carried 14-7 by voice vote with Rep. Boland, Rep. Court,
Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting
no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 188

05:24:28 **Motion:** Rep. Berry moved that **HB 188 DO PASS**.

05:25:20 **Motion:** Rep. Berry moved that **HB 188 BE AMENDED**.

[**EXHIBIT**](#)(buh37a25)

[**EXHIBIT**](#)(buh37a26)

Discussion:

05:25:40 Mr. Campbell

05:26:42 **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:27:07 **Motion/Vote:** Rep. Berry moved that **HB 188 DO PASS AS AMENDED**. Motion failed 7-14 by roll call vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting aye. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:28:30 **Motion/Vote:** Rep. Berry moved that **HB 188 BE TABLED AND THE VOTE REVERSED**. Motion carried 19-2 by voice vote with Rep. Boland and Rep. Reinhart voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 311

05:28:54 **Motion:** Rep. Berry moved that **HB 311 DO PASS**.

Discussion:

05:29:14 Rep. Hunter

05:29:54 Rep. Reinhart

05:30:17 **Vote:** Motion failed 3-18 by roll call vote with Rep. Greef, Rep. Smith and Rep. Vance voting aye. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:31:33 **Motion/Vote:** Rep. Berry moved that **HB 311 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 378

05:31:53 **Motion:** Rep. Berry moved that **HB 378 DO PASS**.

Discussion:

05:32:04 Chairwoman Arntzen

05:32:32 **Vote:** Motion failed 7-14 by roll call vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting aye. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

05:33:28 **Motion/Vote:** Rep. Berry moved that **HB 378 BE TABLED AND THE VOTE REVERSED**. Motion carried 14-7 by voice vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 395

05:34:30 **Motion:** Rep. Berry moved that **HB 395 DO PASS**.

Discussion:

05:34:35 Rep. Squires

05:34:57 Rep. Noonan

05:35:19 **Motion/Vote:** Rep. Berry moved that **HB 395 BE INDEFINITELY POSTPONED**. Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 399

05:36:25 **Motion:** Rep. Berry moved that **HB 399 DO PASS**.

Discussion:

05:36:39 Chairwomen Arntzen

05:37:06 **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 408

05:37:34 **Motion:** Rep. Berry moved that **HB 408 DO PASS**.

Discussion:

05:37:37 Chairwoman Arntzen

05:37:54 Rep. Smith

05:38:47 Rep. Reinhart

05:39:40 Rep. Court

05:41:05 Rep. Furey

05:41:43 Rep. Hunter

05:41:57 **Vote:** Motion carried 13-8 by voice vote with Rep. Berry, Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart and Rep. Squires voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 427

05:43:55 **Motion/Vote:** Rep. Noonan moved that **HB 427 BE TABLED**. Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 428

05:44:28 **Motion:** Rep. Berry moved that **HB 428 DO PASS**.

Discussion:

05:44:33 Vice Chairman Berry

05:44:49 **Vote:** Motion carried unanimously by voice vote. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 500

05:45:16 **Motion:** Rep. Berry moved that **HB 500 DO PASS**.

05:45:22 **Motion/Vote:** Rep. Vance moved that **HB 500 BE TABLED**. Motion carried 18-3 by voice vote with Rep. Court, Rep. Noonan and Rep. Salomon voting no. Rep. Klock, Rep. McNiven, Rep. Reichner and Rep. Welborn voted by proxy.

ADJOURNMENT

01:48:00 Adjournment

Sandra Sullivan, Secretary

ss

Additional Documents:

EXHIBIT([buh37aad.pdf](#))