

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Elsie Arntzen, on February 17, 2011 at 8:00 AM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Elsie Arntzen, Chairman (R)
Rep. Carlie Boland (D)
Rep. Christy Clark (R)
Rep. Virginia Court (D)
Rep. Lila Walter Evans (R)
Rep. Timothy Furey (D)
Rep. Harry Klock (R)
Rep. Michele Reinhart (D)
Rep. Daniel R. Salomon (R)
Rep. Sterling Small (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery W. Welborn (R)

Members Excused: Rep. Tom Berry, Vice Chairman (R)
Rep. Chuck Hunter, Vice Chairman (D)
Rep. Edward Greef (R)
Rep. Jonathan McNiven (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Matthew M. Rosendale Sr (R)
Rep. Carolyn Squires (D)

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 415, 2/14/2011; HB 461, 2/14/2011; HB 487, 2/14/2011; HB 505, 2/14/2011; HB 511, 2/14/2011; HB 525, 2/14/2011; HJ 10, 2/14/2011; HB 547, 2/14/2011

Executive Action: HB 396, HB 405, HB 451 and HB 511

HEARING ON HB 415

Opening Statement by Sponsor:

00:01:43 Rep. Dick Barrett (D), HD 93, opened the hearing on HB 415, Revise limited liability company law to allow low-profit companies.

Proponents' Testimony: None

00:01:49 Vice Chairman Berry and Rep. McNiven arrived.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:03:13 Rep. Barrett

HEARING ON HB 511

Opening Statement by Sponsor:

00:03:23 Rep. Gordon Hendrick (R), HD 14, opened the hearing on HB 511, Revise electrician laws.

Proponents' Testimony: None

00:04:09 Rep. Reichner arrived.

00:04:30 Vice Chairman Berry left.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:04:42 Rep. Hendrick

EXECUTIVE ACTION ON HB 415

00:05:27 **Motion/Vote:** Rep. Arntzen moved that **HB 415 BE TABLED**. Motion carried 15-0 by voice vote present and voting

EXECUTIVE ACTION ON HB 511

00:05:37 **Motion/Vote:** Rep. Arntzen moved that **HB 511 BE TABLED**. Motion carried 15-0 by voice vote present and voting.

HEARING ON HB 461

Opening Statement by Sponsor:

00:06:00 Rep. Kathleen Williams (D), HD 65, opened the hearing on HB 461, Provide opt-out policy for phone books.

[**EXHIBIT\(buh39a01\)**](#)

[**EXHIBIT\(buh39a02\)**](#)

Proponents' Testimony: None

00:07:46 Rep. Squires and Rep. Noonan arrived.

00:09:34 Rep. Rosendale arrived and Vice Chairman Berry returned.

Opponents' Testimony:

00:12:53 Larry Angove, President and Chief Executive Officer, Association of Directory Publishers

[**EXHIBIT\(buh39a03\)**](#)

[**EXHIBIT\(buh39a04\)**](#)

00:19:10 Phil Maxwell, 3 Rivers Telephone Cooperative

00:21:26 Bonnie Lorang, General Manager, Montana Independent Telephone Systems (MITS)

Informational Testimony:

00:22:50 Ed Thamke, Bureau Chief, Waste and Underground Tank Management Division, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:23:19 Rep. Furey

00:23:34 Mr. Angove

00:23:42 Rep. Furey

00:23:57 Mr. Angove

00:24:35 Rep. Furey

00:24:55 Mr. Angove

00:25:32 Rep. Furey

00:26:09 Mr. Angove

00:26:54 Rep. Squires

00:27:36 Mr. Angove
00:28:40 Rep. Squires
00:29:12 Mr. Angove
00:30:07 Rep. Court
00:30:26 Mr. Angove
00:31:01 Rep. Court
00:31:33 Mr. Angove
00:32:22 Chairwoman Arntzen
00:32:30 Mr. Angove

Closing by Sponsor:

00:33:44 Rep. Williams

HEARING ON HB 487

Opening Statement by Sponsor:

00:37:28 Rep. Christy Clark (R), HD 17, opened the hearing on HB 487, Provide life insurance for certain nonspecified discretionary groups.

Proponents' Testimony:

00:39:45 Jacqueline Lenmark, American Council of Life Insurers

EXHIBIT(buh39a05)

00:42:41 Rep. Greef arrived.

00:42:50 Dwight Easten, Farmers Insurance Group

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:25 Chairwoman Arntzen

00:43:38 Ms. Lenmark

Closing by Sponsor:

00:44:21 Rep. Clark

HEARING ON HB 505

Opening Statement by Sponsor:

00:45:08 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 505, Revise workers compensation for certain firefighter conditions.

Proponents' Testimony:

00:56:10 Joseph Sands, Billings Fire Department

EXHIBIT(buh39a06)

00:57:53 Rep. Hunter returned.

01:03:47 Dan Lacey, Fire Fighter, Butter Silverbow Fire Department and Montana Firemen's Association

01:06:48 Kurt Bushnell, Montana State Firemen's Association

EXHIBIT(buh39a07)

01:09:59 Leonard Lundby, Montana Fire Alliance

01:10:44 Rick Ryan, Butte Silverbow Fire Department

EXHIBIT(buh39a08)

01:11:41 Doug Neil, Montana State Firemen's Association

01:14:05 Al Smith, Montana Trial Lawyers' Association

Opponents' Testimony:

01:15:02 Mike Sehestedt, Montana Association of Counties

EXHIBIT(buh39a09)

01:21:46 Kevin Braun, Montana State Fund

EXHIBIT(buh39a10)

01:27:54 Jacqueline Lenmark, American Insurance Association

01:29:02 Stave Wade, Montana Municipal Interlocal Authority (MMIA)

01:31:07 Bob Worthington, Montana Self Insurers Association

01:32:45 Harold Blattie, Montana Association of Counties and Former Firefighter

Informational Testimony: None

Questions from Committee Members and Responses:

01:35:39 Rep. Noonan

01:35:55 Mr. Blattie

01:36:34 Rep. Noonan

01:37:04 Mr. Braun

01:37:14 Rep. Noonan

01:37:40 Rep. McNiven

01:38:38 Mr. Sands

01:39:16 Rep. McNiven

01:39:36 Mr. Sands

01:40:11 Rep. McNiven

01:40:25 Mr. Sands

01:41:36 Mr. Ryan

01:43:45 Rep. Furey

01:44:20 Mr. Sands

01:44:41 Mr. Neil

01:45:05 Rep. Furey

01:45:41 Mr. Braun

01:45:58 Rep. Furey

01:46:31 Mr. Braun

01:47:02 Rep. Furey

01:47:34 Mr. Neil

01:49:08 Rep. Furey

01:50:02 Mr. Sehestedt

01:52:21 Rep. Reinhart

01:52:38 Mr. Smith

01:53:38 Rep. Reinhart

01:53:49 Mr. Smith

01:53:51 Vice Chairman Hunter
01:55:24 Mr. Sehestedt
01:56:45 Vice Chairman Hunter
01:57:09 Mr. Wade
01:57:39 Vice Chairman Hunter
01:58:30 Mr. Wade
01:59:06 Vice Chairman Hunter
01:59:38 Mr. Worthington
02:00:20 Chairwoman Arntzen
02:00:30 Mr. Neil
02:02:01 Chairwoman Arntzen
02:02:03 Mr. Neil
02:03:35 Rep. Boland
02:04:18 Mr. Braun
02:04:33 Rep. Boland
02:04:34 Mr. Braun
02:05:09 Rep. Furey
02:06:00 Mr. Braun
02:06:54 Rep. Squires
02:07:09 Mr. Braun
02:07:27 Rep. Squires
02:07:41 Mr. Braun
02:07:54 Rep. Squires
02:08:02 Mr. Braun
02:08:12 Rep. Squires
02:08:14 Mr. Bruan
02:08:20 Rep. Squires
02:09:40 Mr. Braun
02:09:47 Rep. Squires
02:10:34 Vice Chairwoman Arntzen
02:11:02 Mr. Sands
02:12:01 Vice Chairwoman Arntzen
02:12:22 Mr. Sands
02:13:11 Vice Chairwoman Arntzen
02:13:30 Mr. Sands
02:15:41 Vice Chairwoman Arntzen
02:16:07 Mr. Sands

Closing by Sponsor:

02:17:02 Rep. Hill

HEARING ON HB 547**Opening Statement by Sponsor:**

02:20:13 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 547, Provide insurance coverage for RN specialists who assist physicians.

Proponents' Testimony:

02:22:23 Keith Keierleber, Surgical First Assistant, RN, CNOR, and CRNFA

[EXHIBIT\(buh39a11\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:28:54 Chairwoman Arntzen
02:29:09 Rep. Peterson
02:29:51 Chairwoman Arntzen
02:30:04 Mr. Keierleber
02:30:42 Chairwoman Arntzen
02:30:46 Mr. Keierleber
02:33:17 Chairwoman Arntzen
02:33:30 Mr. Keierleber
02:33:37 Rep. Squires
02:34:25 Jack Kane, Department of Labor and Industry (DLI)
02:34:36 Rep. Squires
02:35:23 Mr. Kane
02:35:44 Rep. Squires
02:35:50 Mr. Keierleber
02:36:00 Rep. Squires
02:36:29 Mr. Keierleber
02:36:36 Rep. Squires
02:36:43 Mr. Keierleber
02:38:07 Rep. Squires
02:38:11 Mr. Kane
02:38:39 Rep. Court
02:39:23 Rep. Peterson
02:40:00 Rep. Court
02:40:13 Rep. Peterson
02:40:31 Rep. Court

Closing by Sponsor:

02:40:41 Rep. Peterson

HEARING ON HJ 10

Opening Statement by Sponsor:

02:42:20 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HJ 10, Resolution against Citizens United decision.

[EXHIBIT\(buh39a12\)](#)

[EXHIBIT\(buh39a13\)](#)

Proponents' Testimony:

02:54:36 Rep. Greef returned.

02:55:07 Shelbi Dantic, Montana Public Interest Research Group (MontPIRG)

EXHIBIT(buh39a14)

02:56:11 Robert Filipovich, Citizen

02:59:18 Molly Severtson, The Policy Institute

03:00:54 Mr. Smith

EXHIBIT(buh39a15)

03:03:49 Stan Frasier, Citizen

03:10:36 Cedron Jones, Citizen

03:15:35 Chairwoman Arntzen

03:15:42 Mr. Jones

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:19:56 Rep. Reinhart

03:20:12 Rep. Hill

03:20:15 Rep. Reinhart

03:21:25 Mr. Smith

Closing by Sponsor:

03:22:38 Rep. Hill

HEARING ON HB 525

Opening Statement by Sponsor:

03:26:02 Rep. Jonathan McNiven (R), HD 44, opened the hearing on HB 525, Revise business and professional licensing laws to provide termination review.

Proponents' Testimony:

03:27:49 Jack Kane, Business Standards Division, DLI

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:28:23 Rep. Greef

03:29:08 Rep. McNiven

03:29:19 Chairwoman Arntzen

03:29:40 Mr. Kane

03:30:28 Chairwoman Arntzen

03:30:59 Mr. Kane

03:31:20 Rep. Reinhart

03:31:38 Mr. Kane

03:32:14 Rep. Reinhart
 03:32:20 Mr. Kane
 03:32:49 Rep. Reinhart
 03:33:03 Mr. Kane
 03:33:16 Rep. Reinhart
 03:33:33 Rep. McNiven
 03:34:02 Rep. Reinhart
 03:34:15 Rep. McNiven

Closing by Sponsor:

03:34:48 Rep. McNiven

03:35:14 Recessed
 03:43:29 Resumed
 03:44:16 Rep. Clark and Rep. Furey did not return.

EXECUTIVE ACTION ON HB 341

03:44:50 **Motion:** Rep. Smith moved that **HB 341 DO PASS.**

Discussion:

03:45:04 Rep. Smith
 03:45:35 Mr. Campbell

03:46:58 **Motion:** Rep. C. Smith moved that **HB 341 BE AMENDED.**

EXHIBIT(buh39a16)

Discussion:

03:46:59 Rep. Smith

03:48:07 **Vote:** Motion carried unanimously by voice vote. Rep. Clark and Rep. Furey voted by proxy. Rep. Clark and Rep. Furey voted by proxy

03:48:36 **Motion:** Rep. C. Smith moved that **HB 341 DO PASS AS AMENDED.**

Discussion:

03:48:41 Rep. Court
 03:48:53 Rep. Smith
 03:49:16 Rep. Squires
 03:49:39 Rep. Smith
 03:49:50 Rep. Squires
 03:50:00 Rep. Smith

03:50:17 **Vote:** Motion carried 19-2 by voice vote with Rep. Boland and Rep. Court voting no. Rep. Clark and Rep. Furey voted by proxy.

EXECUTIVE ACTION ON HB 396

03:51:21 **Motion:** Rep. Small moved that **HB 396 DO PASS.**

03:52:10 **Motion:** Rep. Small moved that **HB 396 BE AMENDED.**

EXHIBIT(buh39a17)

Discussion:

03:52:28 Mr. Campbell
03:54:16 Rep. Squires
03:54:22 Mr. Campbell
03:55:58 Chairwoman Arntzen
03:56:33 Mr. Campbell

03:57:42 **Vote:** Motion carried unanimously by voice vote. Rep. Clark and Rep. Furey voted by proxy.

03:58:06 **Motion:** Rep. Small moved that **HB 396 DO PASS AS AMENDED.**

Discussion:

03:58:13 Rep. Small
03:58:44 Chairwoman Arntzen
03:58:59 Vice Chairman Hunter
03:59:29 Chairwoman Arntzen
03:59:43 Rep. Small
03:59:51 Rep. Squires
04:00:44 Rep. Clark returned.
04:01:28 Rep. Vance
04:01:48 Rep. Boland
04:02:02 Mr. Campbell
04:02:26 Rep. Boland
04:02:38 Mr. Campbell
04:03:34 Gloria Hermanson, Montana Medical Association

04:04:28 **Vote:** Motion failed 9-12 by roll call vote with Rep. Arntzen, Rep. Boland, Rep. Furey, Rep. McNiven, Rep. Noonan, Rep. Reinhart, Rep. Salomon, Rep. Small and Rep. Squires voting aye. Rep. Furey voted by proxy.

04:05:46 **Motion/Vote:** Rep. Berry moved that **HB 396 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Furey voted by proxy.

EXECUTIVE ACTION ON HB 405

04:06:09 **Motion:** Rep. Berry moved that **HB 405 DO PASS.**

Discussion:

04:06:35 Chairwoman Arntzen

04:06:44 **Motion:** Rep. Berry moved that **HB 405 BE AMENDED.**

EXHIBIT(buh39a18)

Discussion:

04:06:58 Mr. Campbell

04:09:57 Rep. Reinhart

04:10:04 Mr. Campbell

04:10:25 Rep. Reinhart

04:10:36 Mr. Campbell

04:10:45 Rep. Reinhart

04:10:57 Mr. Campbell

04:11:20 Rep. Reinhart

04:13:21 Rep. Court

04:14:21 Vice Chairman Hunter

04:14:56 Rep. Clark

04:15:00 Rep. Furey returned and Rep. Klock left.

04:16:50 Chairwoman Arntzen

04:17:25 **Vote:** Motion carried 15-6 by roll call vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Reinhart and Rep. Squires voting no. Rep. Klock voted by proxy.

04:18:26 **Motion:** Rep. Berry moved that **HB 405 DO PASS AS AMENDED.**

Discussion:

04:18:45 Chairwoman Arntzen

04:19:00 Rep. Greef left.

04:19:30 Vice Chairman Berry

04:19:38 **Vote:** Motion failed 9-12 by roll call vote with Rep. Arntzen, Rep. Clark, Rep. Greef, Rep. Klock, Rep. Reichner, Rep. Rosendale, Rep. Salomon, Rep. Smith and Rep. Vance voting aye. Rep. Greef and Rep. Klock voted by proxy.

04:20:41 **Motion/Vote:** Rep. Berry moved that **HB 405 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Greef and Rep. Klock voted by proxy.

ADJOURNMENT

12:25:00 Adjournment

Sandra Sullivan, Secretary

ss

Additional Documents:

EXHIBIT([buh39aad.pdf](#))