

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JIM KEANE**, on February 18, 2005 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Jim Keane, Chairman (D)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Joe McKenney, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Bob Bergren (D)
Rep. Tim Dowell (D)
Rep. Kevin T. Furey (D)
Rep. Dave Gallik (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Mike Jopek (D)
Rep. Harry Klock (R)
Rep. Scott Mendenhall (R)
Rep. Mike Milburn (R)
Rep. Don Roberts (R)
Rep. Wayne Stahl (R)
Rep. Dan Villa (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, 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 661, 2/14/2005; HB 579,
2/14/2005; HB 537, 2/14/2005
Executive Action: HB 228, HB 41, HB 502, HB 533, HB
588, HB 534, HB 565, HB 589, HB
537, HB 579, HB 661

HEARING ON HB 661

Opening Statement by Sponsor:

REP. BOB BERGREN (D), HD 33, opened the hearing on **HB 661**, Gaming business subject to Clean Indoor Air Act -- local ordinances prohibited.

00:02:34

Proponents' Testimony:

00:05:54 Mark Staples, Montana Tavern Association

00:10:48 Rich Miller, Gaming Industry Association

EXHIBIT (buh40a01)

00:14:27 Andrew Cetraro, Mayor Bozeman

00:15:28 Mike Clasby, Helena Bar Owner

00:18:26 William Holmes, Self

00:19:15 Ralph Ferraro, Rocking R Bar, Bozeman

00:19:49 Laura Fix, Hospitality Owner and Operator

00:21:28 Bob Gilbert, Nickels Gaming Casino

00:23:03 Teri Bingham, Employee Nickels Gaming Parlor

00:24:15 Jacquie Helt, Vice President AFL-CIO

00:26:12 Rhonda Carpenter Wiggers, Coin Operators
Association

Bridget Prout, Employee Nickels Casino

Carol Udick, Red Garter Casino

00:27:23 Steve Morris, Montana Tavern Association

Opponents' Testimony:

00:27:32 Cliff Christian, American Heart Association

00:33:09 Lora Wier, Public Health Association

00:35:30 Robert Shepard, Health Insurance Company

EXHIBIT (buh40a02)

00:39:23 Dr. Richard Sargent, Self

EXHIBIT (buh40a03)

00:45:36 **REP. JOHN WARD, HD 84, HELENA**

00:47:25 Harris Himes, Montana Family Coalition

00:47:45 Jim Ahrens, Alliance for A Healthy Montana

EXHIBIT (buh40a04)

00:48:30 Joan Miles, Lewis and Clark County Health Office
00:48:57 Priscilla Robinson, Self
00:49:17 Kristin Nei, American Lung Association
00:49:45 Dr. Jay Horton, Self
00:50:02 Dan Haffey, Health Educator from Butte
00:50:28 Florence Anderson, Self

[EXHIBIT](#)(buh40a05)

Informational Testimony: None

Questions from Committee Members and Responses:

00:50:56

[EXHIBIT](#)(buh40a06)

Closing by Sponsor:

01:16:03

HEARING ON HB 579

Opening Statement by Sponsor:

REP. VERONICA SMALL-EASTMAN (D) , HD 42, opened the hearing on HB 579, Revise coal board grant restrictions.

01:24:12

[EXHIBIT](#)(buh40a07)

Proponents' Testimony:

01:27:07 Dave Cole, Montana Department of Commerce

[EXHIBIT](#)(buh40a08)

Opponents' Testimony: None

Informational Testimony:

01:33:06 Bud Clinch, Montana Coal Council

[EXHIBIT](#)(buh40a09)

01:37:59 Willy Duffield, Oil Gas and Coal Producing
Counties

Questions from Committee Members and Responses:

01:38:23

Closing by Sponsor:

01:39:32

HEARING ON HB 537

Opening Statement by Sponsor:

REP. DAVID WANZENRIED (D), HD 97, opened the hearing on HB 537, Prohibit adverse use of inquiries regarding insurance coverage.
01:41:59

Proponents' Testimony:

01:46:09 Patrick Driscoll, State Auditors Office

EXHIBIT(buh40a10)

01:47:13 Kristin Marshall, Self

EXHIBIT(buh40a11)

01:54:41 Glenn Oppel, Montana Association of Realtors

01:56:48 Rhonda Wodnik, Self

Opponents' Testimony:

02:03:02 Jacqueline Lenmark, American Insurance Association

Informational Testimony: None

Questions from Committee Members and Responses:

02:08:12

Closing by Sponsor:

02:10:35

EXECUTIVE ACTION ON HB 228

Executive action happened at a previous meeting on HB 228. In that previous meeting HB 228 was amended. Then executive action was postponed for further consideration.

Motion: REP. GALVIN-HALCRO moved that HB 228 DO PASS as amended.

Discussion:

02:12:24

Vote: Motion carried 11-7 by roll call vote with REP. ARNTZEN, REP. KLOCK, REP. MCKENNEY, REP. MENDENHALL, REP. MILBURN, REP. ROBERTS, and REP. STAHL voting no.

EXECUTIVE ACTION ON HB 41

Motion: REP. GALVIN-HALCRO moved that HB 41 DO PASS.

Discussion:

02:14:41

[EXHIBIT](#) (buh40a12)

Motion: REP. GALVIN-HALCRO moved HB 41 be amended.

Vote: Motion carried unanimously by voice vote.

Motion: REP. GALVIN-HALCRO moved that HB41 DO PASS AS AMENDED.

Vote: Motion failed 9-9 by roll call vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. KEANE, REP. VILLA, and REP. WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 502

Motion: REP. VILLA moved that HB 502 DO PASS.

Motion: REP. VILLA moved that HB 502 DO PASS AS AMENDED.

Discussion:

02:20:09

[EXHIBIT](#) (buh40a13)

Without objection REP. VILLA withdrew his motion to amend.

Vote: Motion that HB 502 DO PASS carried 16-2 by voice vote with REP. BERGREN and REP. WINDY BOY voting no.

EXECUTIVE ACTION ON HB 533

Motion: REP. GALLIK moved that HB 533 DO PASS.

Discussion:

02:26:37

Vote: Motion failed 9-9 by roll call vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. KEANE, REP. VILLA, and REP. WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 588

Motion: REP. DOWELL moved that HB 588 DO PASS.

Vote: Motion failed 9-9 by roll call vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. KEANE, REP. VILLA, and REP. WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 534

Motion: REP. GALLIK moved that HB 534 DO PASS.

Discussion:

02:32:46

Vote: Motion failed 9-9 by roll call vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. KEANE, REP. VILLA, and REP. WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 565

Motion: REP. VILLA moved that HB 565 DO PASS.

Discussion:

02:35:05

[EXHIBIT](#)(buh40a14)

Motion: REP. VILLA moved that HB 565 BE AMENDED.

Discussion:

02:35:46

Vote: Motion carried unanimously by voice vote.

Motion: REP. VILLA moved that HB 565 DO PASS AS AMENDED.

Discussion:

02:38:03

Vote: Motion failed 8-10 by roll call vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. VILLA, and REP. WINDY BOY voting aye.

Motion/Vote: REP. GALVIN-HALCRO moved that HB 565 BE TABLED AND THE VOTE REVERSED. Motion carried 10-8 by voice vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. VILLA, and REP. WINDY BOY voting no.

EXECUTIVE ACTION ON HB 589

Motion: REP. STAHL moved that HB 589 DO PASS.

Motion: REP. STAHL moved that HB 589 BE AMENDED.

Discussion:

02:41:10

[EXHIBIT](#) (buh40a15)

Vote: Motion carried 14-4 by voice vote with REP. BERGREN, REP. DOWELL, REP. GALLIK, and REP. JOPEK voting no.

Motion: REP. STAHL moved that HB 589 DO PASS AS AMENDED.

Discussion:

02:47:23

Vote: Motion carried 13-5 by roll call vote with REP. BERGREN, REP. GALLIK, REP. JOPEK, REP. MCKENNEY, and REP. VILLA voting no.

EXECUTIVE ACTION ON HB 537

Motion: REP. WINDY BOY moved that HB 537 DO PASS.

Motion: REP. ARNTZEN moved that HB 537 BE AMENDED.

Discussion:

02:57:45

[EXHIBIT](#) (buh40a16)

Vote: Motion carried 17-1 by voice vote with REP. GALLIK voting no.

Motion/Vote: REP. DOWELL moved that HB 537 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 579

Motion: REP. GALVIN-HALCRO moved that HB 579 DO PASS.

Motion: REP. GALVIN-HALCRO moved that HB 579 BE AMENDED.

Discussion:

03:01:08

[EXHIBIT](#) (buh40a17)

Vote: Motion carried unanimously by voice vote.

Motion: REP. GALVIN-HALCRO moved that HB 579 DO PASS AS AMENDED.

Discussion:

03:02:20

Vote: Motion failed 9-9 by roll call vote with REP. BERGREN, REP. DOWELL, REP. FUREY, REP. GALLIK, REP. GALVIN-HALCRO, REP. JOPEK, REP. KEANE, REP. VILLA, and REP. WINDY BOY voting aye.

EXECUTIVE ACTION ON HB 661

Motion: REP. BERGREN moved that HB 661 DO PASS.

Discussion:

03:12:23

Vote: Motion carried 12-6 by roll call vote with REP. DOWELL, REP. FUREY, REP. GALLIK, REP. JOPEK, REP. ROBERTS, and REP. VILLA voting no.

ADJOURNMENT

Adjournment: 11:45 A.M.

REP. JIM KEANE, Chairman

KYANNE KELLY, Secretary

JK/kk

Additional Exhibits:

EXHIBIT ([buh40aad0.PDF](#))