

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
59th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN JIM KEANE**, on February 1, 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 441, 1/24/2005; HB 418,  
1/24/2005; HB 281, 1/24/2005; HB  
345, 1/24/2005

Executive Action: HB 400, HB 402, HB 424, HB 348, HB  
419

**HEARING ON HB 441**

**Opening Statement by Sponsor:**

**REP. BRADY WISEMAN (D), HD 65**, opened the hearing on **HB 441**, Sale of pseudoephedrine only by prescription.

00:02:34

**Proponents' Testimony:**

00:08:48 Steven Spanogle, Montana Department of Justice and  
Montana Alliance for Endangered Children

00:16:29 Jim Kembel, Montana Association of Chiefs of  
Police

00:16:52 Mike Batista, Department of Justice

00:18:35 Pat Melby, Montana Medical Association

00:19:17 Pam Langley, Montana Agricultural Business  
Association

**EXHIBIT (buh25a01)**

00:20:16 **REP. BOB BERGREN, HD 33, HAVRE**

**Opponents' Testimony:**

00:22:12 Aidan Myhre, Pharmaceuticals Association

00:26:26 Brad Griffin, Montana Retail Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:28:33

**Closing by Sponsor:**

00:33:17

**HEARING ON HB 418**

**Opening Statement by Sponsor:**

**REP. JIM KEANE (D), HD 75**, opened the hearing on **HB 418**, Revise the definition of supervisory employee regarding collective bargaining.

00:37:13

**Proponents' Testimony:**

00:39:37 J.C. Weingartner, MEA-MFT  
00:50:56 Tom Schneider, Montana Public Employees  
Association  
00:52:08 Art Garrison, Montana State Prison  
00:52:55 Pat Clinch, Professional Firefighters  
00:54:16 Barrie Malcom, Montana State Prison  
00:55:06 Bill Hitchens, Montana State Prison

**Opponents' Testimony:**

00:56:04 Randy Morris, Department of Administration  
00:59:37 Lance Melton, Montana School Board Association

**EXHIBIT (buh25a02)**

01:02:36 Ken McElroy, Department of Corrections  
01:09:23 Matthew Cohen, Montana State Fund

**Informational Testimony:**

01:10:06 John Andrew, Department of Labor and Industry

**Questions from Committee Members and Responses:**

01:10:26

**Closing by Sponsor:**

01:14:25

**HEARING ON HB 281**

**Opening Statement by Sponsor:**

**REP. PAT WAGMAN (R), HD 62**, opened the hearing on **HB 281**, Revise  
guide licensure methods.

01:25:39

**Proponents' Testimony:**

01:27:23 Robin Cunningham, Fishing Association of Montana  
01:32:13 Jean Johnson, Montana Outfitters and Guides  
Association  
01:32:48 Mark Aaganes, Self

**Opponents' Testimony:** None

**Informational Testimony:**

01:33:40 Jill Caldwell, Business & Occupational Licensing

**Questions from Committee Members and Responses:**

01:34:08

**Closing by Sponsor:**

01:39:01

HEARING ON HB 345

Opening Statement by Sponsor:

REP. DAVE GALLIK (D), HD 79, opened the hearing on HB 345, Revise time period for fraudulent transfer statute of limitations.

01:43:18

[EXHIBIT](#) (buh25a03)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:50:58

Closing by Sponsor:

01:54:37

EXECUTIVE ACTION ON HB 400

Motion: REP. KEANE moved that HB 400 DO PASS.

Discussion:

01:55:48

Vote: Motion carried 13-5 by roll call vote with REPS. KLOCK, MCKENNEY, MENDENHALL, MILBURN, and STAHL voting no.

EXECUTIVE ACTION ON HB 402

Motion: REP. GALVIN-HALCRO moved that HB 402 DO PASS.

Discussion:

02:12:27

Vote: Motion failed 7-11 by roll call vote with REPS. BERGREN, DOWELL, FUREY, GALVIN-HALCRO, KEANE, VILLA, and WINDY BOY voting aye.

Motion/Vote: REP. GALVIN-HALCRO moved that HB 402 BE TABLED AND THE VOTE REVERSED. Motion passed 11-7.

EXECUTIVE ACTION ON HB 424

Motion: REP. GALVIN-HALCRO moved that HB 424 DO PASS.

Discussion:

02:15:36

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

Motion/Vote: REP. GALVIN-HALCRO moved that HB 424 BE TABLED AND THE VOTE REVERSED. Motion passed 10-8.

EXECUTIVE ACTION ON HB 348

Motion: REP. GALVIN-HALCRO moved that HB 348 DO PASS.

Discussion:

02:30:19

[EXHIBIT](#) (buh25a04)

Motion: REP. GALVIN-HALCRO moved that HB 348 BE AMENDED.

Discussion:

02:31:00

Vote: Motion carried unanimously by voice vote.

Motion: REP. BERGREN moved that HB 348 DO PASS AS AMENDED.

Motion: REP. BERGREN moved that HB 348 BE AMENDED.

Discussion:

02:32:23

[EXHIBIT](#) (buh25a05)

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

Motion: REP. BERGREN moved that HB 348 DO PASS AS AMENDED.

Discussion:

02:38:21

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 419

Motion: REP. GALVIN-HALCRO moved that HB 419 DO PASS.

Discussion:

02:41:04

Motion: REP. GALVIN-HALCRO withdrew her motion that HB 419 DO PASS.

**ADJOURNMENT**

Adjournment: 10:45 A.M.

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REP. JIM KEANE, Chairman

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KYANNE KELLY, Secretary

JK/kk

Additional Exhibits:

**EXHIBIT ([buh25aad0.PDF](#))**