

**MINUTES**

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

**COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By Chairman Scott Mendenhall, on February 9, 2007  
at 8:00 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: HB 565, 2/6/2007; HJ 28, 2/6/2007  
Executive Action: HB 499; HB 360

**HEARING ON HB 565****Opening Statement by Sponsor:**

00:02:36 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 565, Clarifying negligence principles in workplace safety act.

**EXHIBIT (buh29a01)****Proponents' Testimony:**

00:09:45 Cary Hegreberg, Montana Contractors' Association  
00:12:01 Paul Thompson, Gilman Construction, Butte, Montana  
00:18:12 Joe Aline, Shumaker Trucking and Excavating Contractors  
00:22:25 Ed Venetz, Dick Anderson Construction  
00:24:54 Ronald Buentemeier, F.H. Stoltze Land and Lumber Company

**EXHIBIT (buh29a02)**

00:28:22 Jon Bennion, Montana Chamber of Commerce  
00:29:25 Carl Schweitzer, Montana Sub-Contractors, Greater Montana Electrical Contractors  
00:30:01 Dustin Stewart, Montana Building Industry Association  
00:30:54 Bob Worthington, Montana Municipal Insurance Authority  
00:31:45 Jason Todhunter, Montana Logging Association  
00:32:31 John Youngberg, Montana Farm Bureau and Montana Stockgrowers' Association  
00:34:06 Chris Hindoiien, Flynn Insurance Agency  
00:35:21 Jacqueline Lenmark, American Insurance Association and Farmers' Insurance Group  
00:36:07 Riley Johnson, National Federation of Independent Business  
00:36:25 Larry Kibbee, Property Casualty Insurance Company of America  
00:36:40 Loren Darby, Cogswell Agency, Great Falls, Montana  
00:36:58 John Alke, Montana Defense Trial Lawyers  
00:37:20 Bob Nommensen, Sletten Construction  
00:38:03 Spook Stang, Montana Motor Carriers

**Opponents' Testimony:**

00:38:44 Lucas Foust, Attorney, Bozeman, Montana

**EXHIBIT (buh29a03)**

00:45:06 Jason Miller, Montana State AFL-CIO

**Informational Testimony:**

00:47:11 Jerry Keck, Department of Labor and Industry

**Questions from Committee Members and Responses:**

00:47:34 Rep. Dutton  
00:47:59 Mr. Foust  
00:49:51 Rep. Keane  
00:52:09 Mr. Foust  
00:53:43 Rep. Heinert  
00:54:07 Mr. Foust  
00:55:20 Rep. Heinert  
00:55:43 Mr. Alke  
01:00:04 Rep. Furey  
01:00:25 Mr. Foust  
01:03:19 Rep. Jones  
01:04:11 Mr. Alke  
01:05:31 Rep. Jones  
01:06:07 Mr. Alke  
01:06:10 Rep. Milburn  
01:08:28 Mr. Foust  
01:09:24 Rep. Keane  
01:10:31 Mr. Darby  
01:12:00 Rep. Reinhart  
01:12:30 Mr. Foust  
01:13:58 Rep. Reinhart  
01:14:15 Mr. Keck  
01:14:43 Rep. Dutton  
01:15:01 Mr. Thompson  
01:15:41 Rep. Mendenhall  
01:16:32 Rep. Peterson  
01:18:08 Rep. Mendenhall  
01:22:49 Mr. Thompson

**Closing by Sponsor:**

01:23:56 Rep. Peterson

**HEARING ON HJ 28****Opening Statement by Sponsor:**

01:30:54 Rep. Jill Cohenour (D), HD 78, opened the hearing on HJ 28, Study state business infrastructure.

**Proponents' Testimony:**

01:33:02 Jim Kembel, American Institute of Architects Montana  
01:33:57 Michael O'Brien, Secretary of State's Office

**Opponents' Testimony: None**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:35:21 Rep. Mendenhall  
01:35:42 Rep. Dutton  
01:36:05 Rep. Cohenour  
01:37:14 Rep. Mendenhall

**Closing by Sponsor:**

01:37:47 Rep. Cohenour  
01:38:45 Break

**EXECUTIVE ACTION ON HB 499**

01:53:12 **Motion:** Rep. Keane moved that HB 499 **DO PASS.**

**Discussion:**

01:53:28 Rep. Keane  
01:54:27 Rep. Mendenhall

01:55:36 **Vote:** Motion failed 6-10 by roll call vote with Reps. Augare, Furey, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Reps. Windy Boy, Stahl, and Augare voted by proxy.

01:56:40 **Substitute Motion/Vote:** Rep. Keane made a substitute motion that HB 499 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote. Reps. Windy Boy, Stahl, and Augare voted by proxy.

**EXECUTIVE ACTION ON HB 360**

01:57:10 **Motion:** Rep. Keane moved that HB 360 **DO PASS.**

**Discussion:**

01:57:19 Rep. Milburn  
01:58:59 Rep. Arntzen  
01:59:42 Rep. Mendenhall  
02:00:45 Rep. Van Dyk  
02:02:12 Rep. Keane  
02:03:51 Rep. Klock  
02:04:21 Rep. Mendenhall

02:04:49 **Vote:** Motion failed 4-12 by roll call vote with Reps. Keane, Rep. Reinhart, Rep. Stahl, and Rep. Windy Boy voting aye. Reps. Windy Boy and Augare voted by proxy.

02:05:46 **Substitute Motion/Vote:** Rep. Keane made a substitute motion that HB 360 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote. Reps. Windy Boy and Augare voted by proxy.

**Additional Exhibits:**

Documents Pertaining to HB 360, Hearing Date 02/06/07

**EXHIBIT (buh29a04)**

Document Pertaining to HB 378, Hearing Date 01/24/07

**EXHIBIT (buh29a05)**

**ADJOURNMENT**

02:05:56 Adjournment: 10:15 A.M.

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REP. SCOTT MENDENHALL, Chairman

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NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

**EXHIBIT ([buh29aad.pdf](#))**