

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Tom Berry, on January 25, 2013 at 9:00 A.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Tom Berry, Chair (R)
Rep. Carlie Boland, Vice Chair (D)
Rep. Daniel R. Salomon, Vice Chair (R)
Rep. Christy Clark (R)
Rep. Amanda Curtis (D)
Rep. Steve Fitzpatrick (R)
Rep. Edward Greef (R)
Rep. Roger A. Hagan (R)
Rep. Chuck Hunter (D)
Rep. Mike Lang (R)
Rep. Jonathan McNiven (R)
Rep. David (Doc) Moore (R)
Rep. Reilly Neill (D)
Rep. Rae Peppers (D)
Rep. Gordon Pierson Jr (D)
Rep. Cary Smith (R)
Rep. Carolyn Squires (D)
Rep. Tom Steenberg (D)
Rep. Jeffrey W. Welborn (R)

Members Excused: None

Members Absent: Rep. Scott Reichner (R)

Staff Present: Ellen Bush, Committee Secretary
Bart Campbell, Legislative Branch

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 184, 1/18/2013; HB 186, 1/18/2013; HB 274, 1/22/2013
Executive Action: HB 259, HB 261, HJ 4

00:27:32 Chair Berry

[EXHIBIT\(buh16a01\)](#)

HEARING ON HB 184

Opening Statement by Sponsor:

00:29:20 Rep. Clayton Fiscus (R), HD 46, opened the hearing on HB 184, Revise law on real estate broker liability for sale by owner by salesperson.

Proponents' Testimony: None

Opponents' Testimony:

00:34:08 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony: None

Questions from Committee Members and Responses:

00:36:09 Rep. Clark

00:36:16 Rep. Fiscus

00:36:45 Rep. Clark

00:36:53 Rep. Fiscus

00:37:44 Chair Berry

00:38:23 Rep. Fiscus

Closing by Sponsor:

00:38:35 Rep. Fiscus

HEARING ON HB 186

Opening Statement by Sponsor:

00:39:37 Rep. Clayton Fiscus (R), HD 46, opened the hearing on HB 186, Require losing party in litigation to pay litigation costs in certain lawsuits.

[EXHIBIT\(buh16a02\)](#)

Proponents' Testimony: None

Opponents' Testimony:

00:51:50 John Alke, Montana Defense Trial Law Association

00:57:02 Bruce Spencer, Property Casualty Insurers Association of America

00:58:17 John Barrows, Montana Newspaper Association (MNA)

[EXHIBIT\(buh16a03\)](#)

[EXHIBIT\(buh16a04\)](#)

01:02:39 Greg Van Horssen, State Farm Insurance

01:03:52 Alan Hulse, Montana Municipal Interlocal Authority (MMIA)

01:04:24 Harold Blattie, Executive Director, Montana Association of Counties (MACO)

[EXHIBIT\(buh16a05\)](#)

01:05:12 Mr. Smith, MTLA

01:11:16 Webb Brown, Montana Chamber of Commerce

Informational Testimony: None

Questions from Committee Members and Responses:

01:12:17 Rep. Clark
01:12:42 Mr. Smith, MTLA
01:12:58 Rep. Clark
01:13:47 Mr. Smith, MTLA
01:15:56 Chair Barry
01:16:31 Mr. Smith, MTLA
01:17:23 Chair Barry

Closing by Sponsor:

01:17:33 Rep. Fiscus

HEARING ON HB 274

Opening Statement by Sponsor:

01:21:07 Rep. Edward Greef (R), HD 90, opened the hearing on HB 274, Revise laws related to licensing of outfitters and guides

[EXHIBIT\(buh16a06\)](#)

Proponents' Testimony:

01:24:01 Jean Johnson, Montana Outfitters and Guides Association (MOGA)

[EXHIBIT\(buh16a07\)](#)

01:30:22 Patrick Tabor, President, Professional Wilderness Outfitters Association (PWOA)

[EXHIBIT\(buh16a08\)](#)

01:37:07 Rob Arnaud, Montana Outfitters and Guides Association (MOGA)

01:40:12 Jack Rich, Rich Ranch

01:42:53 Lee Kinsey, Fishing Outfitter Association of Montana (FOAM)

01:44:38 Robin Cunningham, Fishing Outfitters Association of Montana (FOAM)

01:46:43 Sen. Scott Boulanger

Opponents' Testimony:

01:47:40 Sam Milodragovich, Montana Sportsman Alliance (MSA)

[EXHIBIT\(buh16a09\)](#)

Informational Testimony:

02:01:03 Jim Kropps, Enforcement Bureau, Fish Wildlife and Parks (FWP)

02:05:17 Trudy Phippen, Executive Officer, Montana Board of Outfitters

Questions from Committee Members and Responses:

02:05:44 Rep. Pierson
02:06:36 Mr. Tabor, PWOA
02:07:43 Rep. Hunter
02:08:59 Ms. Johnson, MOGA
02:09:31 Rep. Hunter
02:09:45 Ms. Johnson, MOGA
02:10:05 Rep. Hunter
02:10:17 Ms. Johnson, MOGA

02:10:24 Rep. Hunter
02:11:22 Ms. Johnson, MOGA
02:13:10 Mr. Tabor, PWOA
02:14:39 Ms. Phippen, Montana Board of Outfitters
02:15:12 Rep. Hunter
02:15:30 Ms. Phippen, Montana Board of Outfitters
02:16:45 Rep. Neill
02:17:19 Ms. Johnson, MOGA
02:18:02 Rep. Hagan
02:19:12 Rep. Greef

Closing by Sponsor:

02:20:09 Rep. Grief

02:21:57 Recessed
02:45:48 Reconvened

02:45:58 Chair Berry

EXECUTIVE ACTION ON HB 259

02:46:07 **Motion/Vote:** Rep. Salomon moved that **HB 259 DO PASS**. Motion carried unanimously by voice vote. Rep. Lang, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HB 261

02:46:47 **Motion:** Rep. Salomon moved that **HB 261 DO PASS**.

02:47:23 **Motion:** Rep. Salomon moved that **HB 261 BE AMENDED**.
[**EXHIBIT\(buh16a10\)**](#)

Discussion:

02:47:39 Mr. Campbell, LSD

02:48:00 **Vote:** Motion carried unanimously by voice vote. Rep. Lang, Rep. Reichner and Rep. Welborn voted by proxy.

02:48:19 **Motion/Vote:** Rep. Salomon moved that **HB 261 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Lang, Rep. Reichner and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HJ 4

02:48:45 **Motion:** Rep. Salomon moved that **HJ 4 DO PASS.**

Discussion:

02:49:01 Rep. Clark

02:49:22 **Vote:** Motion failed 5-15 by roll call vote with Rep. Berry, Rep. Curtis, Rep. Neill, Rep. Pierson and Rep. Steenberg voting aye. Rep. Lang, Rep. Reichner and Rep. Welborn voted by proxy.

02:50:32 **Motion/Vote:** Rep. Salomon moved that **HJ 4 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

02:50:42 Rep. Berry

ADJOURNMENT

Adjournment: 02:50:56

Ellen Bush, Secretary

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Additional Documents:

EXHIBIT([buh16aad.pdf](#))