

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Tom Berry, on January 29, 2013 at 8:30 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. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Carolyn Squires (D)
Rep. Tom Steenberg (D)
Rep. Jeffrey W. Welborn (R)

Members Excused: None

Members Absent: None

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 224, 1/22/2013; HB 225, 1/22/2013; HB 109, 1/22/201
Executive Action: HB 109, HB 184, HB 186, HB 232, HB 242

00:12:15 Chair Berry
[EXHIBIT\(buh19a01\)](#)

HEARING ON HB 109

Opening Statement by Sponsor:

00:13:52 Rep. Edith (Edie) McClafferty (D), HD 75, opened the hearing on HB 109, Allow certain boards to issue cease and desist orders for unlicensed practices.

Proponents' Testimony:

00:14:56 Jack Kane, Administrator, Business Standards Division, Department of Labor and Industry (DLI)

00:16:45 Jack Fisher, Past President, Montana State Electrical Board (MSEB)

[EXHIBIT\(buh19a02\)](#)

00:17:36 Scott Lemert, Master Plumber, Board of Plumbers

[EXHIBIT\(buh19a03\)](#)

00:20:06 CE Abramson, Chair, Montana Board of Realty Regulation

00:23:13 John Forkan, Montana State Association of Plumbers and Pipefitters

00:25:07 Keith Allen, International Board of Electrical Workers (IBEW) Local 233

00:27:03 J.D. Lynch, Montana State Building and Construction Trades

00:27:20 Peggy Trenk, Montana Association of Realtors (MAR)

Opponents' Testimony:

00:28:02 Margaret Morgan, Montana Independent Electrical Contractors (IEC)

Informational Testimony:

00:34:20 Tyler Moss, Attorney, Board of Plumbers, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

00:35:12 Rep. Hunter

00:35:29 Mr. Moss, DLI

00:35:36 Rep. Moore

00:36:31 Rep. McClafferty

00:37:01 Rep. Clark

00:37:15 Mr. Kane, DLI

00:37:21 Rep. Clark

00:37:29 Mr. Kane, DLI

00:37:59 Rep. Curtis

00:38:49 Mr. Fisher, MSEB

00:39:02 Rep. Lang

00:39:20 Mr. Moss, DLI

00:39:50 Rep. Lang

00:40:02 Mr. Moss, DLI

00:41:09 Rep. Lang

00:41:21 Mr. Moss, DLI

00:42:05 Rep. Squires

00:43:30 Mr. Allen, IBEW

00:44:26 Rep. Squires

00:45:34 Mr. Allen, IBEW

00:45:41 Rep. Squires
00:46:24 Ms. Morgan, IEC
00:46:50 Rep. Squires
00:46:58 Ms. Morgan, IEC
00:47:24 Rep. Squires
00:48:11 Mr. Moss, DLI
00:48:26 Rep. Squires
00:48:54 Mr. Moss, DLI
00:49:29 Rep. Squires
00:49:39 Mr. Moss, DLI
00:50:00 Rep. Squires
00:50:12 Mr. Moss, DLI
00:50:42 Rep. Squires
00:51:04 Mr. Moss, DLI
00:51:13 Rep. Boland
00:51:39 Mr. Fisher, MSEB
00:52:05 Rep. Pierson
00:52:22 Ms. Morgan, IEC
00:52:28 Rep. Pierson
00:52:35 Ms. Morgan, IEC
00:53:37 Rep. Pierson
00:53:42 Mr. Kane, DLI
00:54:02 Rep. Peppers
00:54:16 Mr. Kane, DLI
00:54:46 Rep. Peppers
00:54:54 Mr. Kane, DLI

Closing by Sponsor:

00:55:22 Rep. McClafferty

HEARING ON HB 224

Opening Statement by Sponsor:

00:56:10 Rep. Cary Smith (R), HD 55, opened the hearing on HB 224, Revise appeal bonds in civil cases.

Proponents' Testimony:

00:59:27 Glen Oppel, Montana Chamber of Commerce (MCC)
01:03:10 Mark Baker, American Tort Reform Association (ATRA)
01:06:41 Renny Hellickson, Kalispell Chamber of Commerce (KCC)
01:07:37 Jack Walsh, Montana Building Industry Association (MBIA)
01:08:21 Ronda Wiggers, Great Falls Chamber of Commerce (GFCC) and Helena Chamber of Commerce (HCC)

Opponents' Testimony:

01:08:52 Al Smith, Montana Trial Lawyers Association (MTLA)

[EXHIBIT\(buh19a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:17:04 Rep. Smith

HEARING ON HB 225

Opening Statement by Sponsor:

01:18:45 Rep. Cary Smith (R), HD 55, opened the hearing on HB 225, Revise interest payments in civil cases.

Proponents' Testimony:

01:21:19 Mr. Oppel, MCC

[EXHIBIT\(buh19a05\)](#)

01:22:38 Mr. Baker, ATRA

[EXHIBIT\(buh19a06\)](#)

01:26:04 Ms. Wiggers, GFCC, HCC

01:27:05 Aimee Grmoljez, Montana Bankers Association

01:28:16 Mr. Hellickson, KCC

01:28:50 Mr. Walsh, MBIA

Opponents' Testimony:

01:29:06 Mr. Smith, MTLA

[EXHIBIT\(buh19a07\)](#)

[EXHIBIT\(buh19a08\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:37:59 Rep. Clark

01:38:57 Mr. Smith, MTLA

01:39:58 Rep. Clark

01:40:16 Mr. Smith, MTLA

01:40:31 Rep. Hunter

01:41:05 Mr. Baker, ATRA

01:42:34 Rep. McNiven

01:43:11 Mr. Smith, MTLA

01:43:50 Rep. McNiven

01:43:59 Mr. Smith, MTLA

01:44:15 Rep. McNiven

01:44:50 Mr. Smith, MTLA

Closing by Sponsor:

01:45:38 Rep. Smith

01:48:19 Recessed

02:25:16 Reconvened

02:25:20 Chair Barry
[EXHIBIT\(buh19a09\)](#)

EXECUTIVE ACTION ON HB 184

02:25:26 **Motion/Vote:** Rep. Salomon moved that **HB 184 DO PASS**. Motion carried 12-8 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Squires and Rep. Steenberg voting no.

02:25:41 Chair Berry

EXECUTIVE ACTION ON HB 186

02:27:02 **Motion:** Rep. Salomon moved that **HB 186 DO PASS**.

02:27:25 **Motion/Vote:** Rep. Clark moved that **HB 186 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 242

02:27:42 **Motion:** Rep. Salomon moved that **HB 242 DO PASS**.

Discussion:

02:27:57 Chair Berry

02:28:08 Rep. Boland

02:29:54 **Vote:** Motion failed 3-17 by roll call vote with Rep. Berry, Rep. Reichner and Rep. Salomon voting aye.

02:29:49 **Motion/Vote:** Rep. Salomon moved that **HB 242 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 232

Motion: Rep. Salomon moved that **HB 232 DO PASS**.

Discussion:

02:30:32 Rep. Hunter

02:31:39 Chair Berry

02:31:47 Rep. Reichner

02:32:00 **Vote:** Motion carried 12-8 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Squires and Rep. Steenberg voting no.

EXECUTIVE ACTION ON HB 109

01:33:20 **Motion:** Rep. Salomon moved that **HB 109 DO PASS**.

02:33:25 Chair Berry

[EXHIBIT\(buh19a10\)](#)

02:33:31 **Motion/Vote:** Rep. Curtis moved that **HB 109 BE AMENDED**. Motion carried unanimously by voice vote.

02:34:48 **Motion:** Rep. Salomon moved that **HB 109 DO PASS AS AMENDED**.

Discussion:

02:34:55 Rep. Boland

02:35:24 Rep. Hunter

02:36:15 Rep. Clark

02:37:59 **Vote:** Motion failed 10-10 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Greef, Rep. Hagan, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Squires and Rep. Steenberg voting aye.

02:38:06 **Motion/Vote:** Rep. Salomon moved that **HB 109 BE TABLED**. Motion carried 18-2 by voice vote with Rep. Boland and Rep. Hunter voting no.

02:38:35 Chair Berry

ADJOURNMENT

Adjournment: 02:39:35

Ellen Bush, Secretary

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Additional Documents:

EXHIBIT([buh19aad.pdf](#))