

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Tom Berry, on February 18, 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 Services Division (LSD)

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 415, 2/13/2013; HB 463, 2/13/2013; HB 464, 2/14/2013; HB
469 2/14/2013; HB 474 2/14/2013
Executive Action: HB 405, HB 463, HB 469, HB 424

00:12:20 Chair Berry

HEARING ON HB 464

Opening Statement by Sponsor:

00:13:19 Rep. Christy Clark (R), HD 17, opened the hearing on HB 464, Generally revise laws related to prevailing wage.

Proponents' Testimony:

00:16:27 Cary Hegreberg, Executive Director, Montana Contractors Association (MCA)
 00:18:58 Robert Nommenson, Sletten Construction Company and MCA
 00:20:25 Keith Allen, International Brotherhood of Electrical Workers (IBEW) Local 233
 00:21:00 Chris Cavazos, American Federation of Labor and Congress of Industrial Organizations (AFL- CIO)
 00:21:33 Diana Ferriter, Administrator, Employee Relations Division, Department of Labor and Industry (DLI)
 00:22:39 Charles Cashell, International Union of Operating Engineers (IUOE) Local 400,
 00:23:09 J.D. Lynch, Montana Teamsters and Montana State Business Trades

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:23:46 Rep. Salomon
 00:24:04 Mr. Hegreberg, MCA
 00:24:47 Chair Berry
 00:25:00 Rep. Clark

Closing by Sponsor:

00:25:18 Rep. Clark

HEARING ON HB 463

Opening Statement by Sponsor:

00:26:03 Rep. Gerald (Jerry) Bennett (R), HD 1, opened the hearing on HB 463, Revise laws related to nonferrous metal.

Proponents' Testimony:

00:28:42 Mr. Hegreberg, MCA
 00:30:51 Gary Wiens, Montana Electrical Co-operative Association (MECA)
 00:31:27 Jim Gilman, Gilman Construction Excavating
 00:32:39 Eric Meredith, Branch Manager, Pacific Steel and Recycling (PS&R)

EXHIBIT(buh36a01)

00:36:03 Matt Elsaesser, Recycle Montana
 00:36:52 Dustin Stewart, Montana Building Industry Association (MBIA)
 00:37:30 Brad Griffin, Montana Retail Association
 00:38:08 Ron Devlin, Northwestern Energy
 00:38:31 Geoff Feiss, Montana Telecommunications Association
 00:38:54 Steve Wade, Burlington Northern Santa Fe Railway (BNSF)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:39:23 Chair Berry
00:40:00 Mr. Wade, BNSF
00:40:41 Rep. Hagan
00:41:22 Mr. Wade, BNSF
00:42:02 Rep. Squires
00:42:36 Mr. Wade, BNSF
00:43:48 Rep. Squires
00:44:41 Mr. Wade, BNSF
00:45:16 Rep. Moore
00:46:03 Rep. Bennett
00:46:30 Mr. Wade, BNSF
00:47:28 Rep. Clark
00:47:55 Mr. Meredith, PS&R
00:48:18 Rep. Clark
00:48:31 Mr. Meredith, PS&R

Closing by Sponsor:

00:49:33 Rep. Bennett

HEARING ON HB 415

Opening Statement by Sponsor:

00:51:29 Rep. Roger Hagan (R), HD 19, opened the hearing on HB 415, Revise guaranteed asset protection waiver laws.

Proponents' Testimony:

00:55:56 Jacqueline Lenmark, Guaranteed Asset Protection Alliance, and Montana Auto Dealers Association (MADA)

Opponents' Testimony: None

Informational Testimony:

01:00:46 Melanie Hall, Commissioner, Division of Banking and Financial Institutions, Department of Administration (DOA)
01:01:05 Jesse Laslovich, Chief Counsel, Commissioner of Securities and Insurance Office (CSI)

Questions from Committee Members and Responses:

01:01:54 Rep. Clark
01:02:34 Ms. Lenmark, MADA
01:02:56 Rep. Salomon
01:03:22 Mr. Laslovich, CSI

Closing by Sponsor:

01:03:55 Rep. Hagan

HEARING ON HB 469

Opening Statement by Sponsor:

01:05:38 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 469, Allow arbitration for disputes relating to construction liens.

Proponents' Testimony:

01:08:37 Mr. Stewart, MBIA

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:09:52 Rep. Squires
01:10:20 Mr. Stewart, MBIA
01:10:28 Rep. Squires
01:10:31 Rep. Fitzpatrick
01:10:50 Rep. Squires
01:11:06 Rep. Fitzpatrick
01:12:00 Rep. Squires
01:12:05 Rep. Fitzpatrick
01:12:28 Rep. Squires
01:12:36 Rep. Clark
01:12:47 Rep. Fitzpatrick

Closing by Sponsor:

01:13:33 Rep. Fitzpatrick

HEARING ON HB 474

Opening Statement by Sponsor:

01:14:00 Rep. Doug Kary (R), HD 48, opened the hearing on HB 474, Authorize a Montana state bank.

01:14:29 Recessed.

01:20:40 Reconvened.

01:20:47 Rep. Kary

Proponents' Testimony:

01:22:59 Sen. Verdell Jackson

Opponents' Testimony:

01:26:04 Steve Turkiewicz, President, Montana Bankers Association (MBA)

01:28:23 Jim Brown, Montana Independent Bankers Association (MIBA)

01:30:51 Melanie Hall, DOA

Informational Testimony:

01:32:34 David Ewer, Executive Director, Montana Board of Investments (MBI)

01:35:37 Sheena Rice, Montana Organizing Project (MOP)

Questions from Committee Members and Responses:

01:36:04 Rep. Squires
01:36:26 Ms. Rice, MOP
01:36:50 Rep. Squires
01:39:17 Mr. Ewer, MBI
01:42:41 Rep. Squires
01:43:37 Mr. Turkiewicz, MBA
01:45:08 Rep. Squires
01:45:26 Mr. Turkiewicz, MBA

Closing by Sponsor:

01:46:09 Rep. Kary

01:49:02 Chair Berry

01:49:30 Recessed.
02:22:40 Reconvened. Rep. Pierson did not return.

EXECUTIVE ACTION ON HB 405

02:22:45 **Motion:** Rep. Salomon moved that **HB 405 DO PASS.**

02:23:45 **Motion:** Rep. Salomon moved that **HB 405 BE AMENDED.**
[EXHIBIT\(buh36a02\)](#)

Discussion:

02:23:54 Rep. Hagan
02:25:22 Mr. Campbell, LSD
02:25:37 Rep. Hagan

02:26:44 **Vote:** Motion carried unanimously by voice vote. Rep. Pierson voted by proxy.

02:26:53 **Motion:** Rep. Salomon moved that **HB 405 DO PASS AS AMENDED.**

Discussion:

02:27:01 Rep. Hunter
02:28:00 Rep. Hagan
02:28:39 Rep. Hunter
02:28:52 Rep. Hagan
02:29:11 Chair Berry

02:30:26 **Vote:** Motion carried 17-3 by roll call vote with Rep. Berry, Rep. McNiven and Rep. Pierson voting no. Rep. Pierson voted by proxy.

EXECUTIVE ACTION ON HB 463

02:30:39 **Motion/Vote:** Rep. Salomon moved that **HB 463 DO PASS**. Motion carried unanimously by voice vote. Rep. Pierson voted by proxy.

EXECUTIVE ACTION ON HB 469

02:30:49 **Motion/Vote:** Rep. Salomon moved that **HB 469 DO PASS**. Motion carried unanimously by voice vote. Rep. Pierson voted by proxy.

EXECUTIVE ACTION ON HB 424

02:31:24 **Motion:** Rep. Salomon moved that **HB 424 DO PASS**.

Discussion:

02:32:00 Mr. Campbell, LSD

[EXHIBIT\(buh36a03\)](#)

02:32:13 **Motion/Vote:** Rep. Salomon moved that **HB 424 BE AMENDED**. Motion carried 18-2 by voice vote with Rep. Pierson and Rep. Squires voting no. Rep. Pierson voted by proxy.

02:32:56 **Motion/Vote:** Rep. Salomon moved that **HB 424 DO PASS AS AMENDED**. Motion failed 9-11 by roll call vote with Rep. Berry, Rep. Boland, Rep. Clark, Rep. Curtis, Rep. Neill, Rep. Peppers, Rep. Pierson, Rep. Steenberg and Rep. Welborn voting aye. Rep. Pierson voted by proxy.

02:33:00 Rep. Pierson arrived.

02:34:32 **Motion/Vote:** Rep. Salomon moved that **HB 424 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

02:35:11 Chair Berry

ADJOURNMENT

Adjournment: 02:36:36

Ellen Bush, Secretary

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Additional Documents:

EXHIBIT([buh36aad.pdf](#))