

## MINUTES

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

#### COMMITTEE ON BUSINESS AND LABOR

**Call to Order:** By Chairman Scott Mendenhall, on February 2, 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)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None

**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 492, 2/1/2007; HB 508, 2/1/2007  
Executive Action: HB 59; HB 58; HB 300; HB 393

**HEARING ON HB 508****Opening Statement by Sponsor:**

00:03:12 Rep. Diane Rice (R), HD 71, opened the hearing on HB 508, Revise wages definition to reduce unemployment insurance and workers' compensation contributions.

**Proponents' Testimony:**

00:06:05 Brad Griffin, Montana Restaurant Association  
00:07:34 Jeff Knowles, High Plains Pizza Incorporated  
00:09:07 Bob Miller, Bear Claw Bar and Grill, McAllister, Montana  
00:12:11 Peter Christ, Bridge Creek Kitchen and Wine Bar, Red Lodge, Montana  
00:14:33 Dan Vap, Godfather's Pizza  
00:14:52 Craig Witte, House District 8  
00:17:41 Robert Smith, Outback Steakhouse, Missoula, Montana  
00:17:59 Don Chowning, SYSCO Montana  
00:18:19 Casey Ryan, Applebee's and Denny's  
00:18:33 Blu Funk, Showthyme Restaurant, Bigfork, Montana  
00:18:54 Gary Anderson, Barney's Steakhouse & Grill  
00:19:11 Linda Vap, Huhot Mongolian Grill, Missoula, Montana  
00:19:38 Jon Bennion, Montana Chamber of Commerce  
00:20:09 Riley Johnson, National Federation of Independent Business (NFIB)  
00:20:28 Jim Walker, Perkins Restaurants  
00:20:59 George Schneider, Overland Express Restaurant  
00:21:16 Ronda Wiggers, Great Falls and Helena Chambers of Commerce, Montana Coin Machine Operators  
00:22:33 Carl Schweitzer, Bozeman and Kalispell Chambers of Commerce

**Opponents' Testimony:**

00:23:06 Al Smith, Montana Trial Lawyers' Association  
**EXHIBIT (buh23a01)**  
00:26:00 Jacquie Helt, Unite Here for Local 427, Montana AFL-CIO  
00:26:54 Jason Miller, Montana State AFL-CIO  
00:27:47 Diana Ferriter, Department of Labor and Industry  
00:29:20 Jessica Rhoades, Montana Democratic Party  
00:30:24 Roy Mulvaney, Department of Labor and Industry

**Informational Testimony:**

00:31:17 Nancy Butler, Montana State Fund

**Questions from Committee Members and Responses:**

00:32:08 Rep. Furey

00:32:32 Ms. Butler

**Closing by Sponsor:** None**HEARING ON HB 492****Opening Statement by Sponsor:**

00:33:44 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 492, Quality service allowance for minimum wage.

**Proponents' Testimony:**

00:36:38 Brad Griffin, Montana Restaurant Association  
00:37:56 Blu Funk, Showthyme Restaurant, Bigfork, Montana  
00:40:26 Casey Ryan, Applebee's, Famous Dave's, and Denny's Restaurants  
00:42:04 Peter Christ, Bridge Creek Kitchen and Wine Bar, Red Lodge, Montana  
00:51:58 Linda Vap, Huhot Mongolian Grill and Godfather's Pizza  
00:59:26 Rob Smith, Outback Steakhouse, Missoula, Montana  
01:01:44 Don Chowning, Sysco Montana  
01:03:17 Jeff Knowles, Pizza Hut  
01:04:42 Don Cape, Old Chicago Restaurant, Billings, Montana  
01:05:25 Jim Walker, Perkins' Restaurants  
01:06:06 Mike Hope, Bozeman, Montana  
01:06:23 Mark Staples, Montana Taverns' Association  
01:06:39 Terry Anderson, Kalispell, Montana  
01:06:46 Bob Miller, Bear Claw Bar & Grill  
01:06:56 Dan Vat, Huhot & Godfather's  
01:07:09 Pat Ryan, Applebee's  
01:07:18 Stuart Doggett, Montana Innkeeper's Association  
01:07:28 Mark Blasdel, Vista Linda Restaurant, Somers, Montana  
01:07:44 Eric Worley, Bozeman Apple Incorporated  
01:07:54 Jon Bennion, Montana Chamber of Commerce  
01:08:03 Ronda Wiggers, Great Falls and Helena Chambers of Commerce, Montana Coin Machine Operators  
01:08:17 Riley Johnson, NFIB

**Opponents' Testimony:**

01:08:35 Jacquie Helt, Unite Here for Local 427, Montana AFL-CIO  
01:10:30 Doug Mitchell  
01:14:12 Jessica Rhoades, Montana Democratic Party  
01:15:29 Jason Miller, Montana State AFL-CIO

**EXHIBIT (buh23a02)**

01:16:27 Megan Moore, Jorgenson's Restaurant  
01:17:00 Tonya McCormack, Department of Labor and Industry

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:18:03 Rep. Furey  
01:18:26 Ms. Helt  
01:18:52 Rep. Heinert  
01:20:53 Mr. Mitchell  
01:22:21 Rep. Keane  
01:23:09 Mr. Doggett  
01:24:05 Rep. Keane  
01:24:24 Mr. Griffin  
01:24:34 Rep. Jones  
01:25:03 Mr. Mitchell  
01:25:52 Rep. Reinhart  
01:26:19 Mr. Mitchell  
01:27:37 Ms. McCormack  
01:28:15 Rep. Mendenhall  
01:28:43 Ms. McCormack  
01:30:16 Rep. Mendenhall  
01:30:24 Mr. Griffin

**Closing by Sponsor:**

01:31:08 Rep. Himmelberger  
01:32:45 Break

**EXECUTIVE ACTION ON HB 59**

01:56:42 **Motion:** Rep. Keane moved that HB 59 **DO PASS.**  
01:56:00 **Motion/Vote:** Rep. Keane moved that HB 59 **BE AMENDED.**  
Motion carried unanimously by voice vote. Reps. Windy  
Boy, Stahl, and Heinert voted by proxy.

**EXHIBIT (buh23a03)**

01:58:38 **Motion:** Rep. Keane moved that HB 59 **DO PASS AS  
AMENDED.**

**Discussion:**

02:00:00 Rep. Mendenhall  
02:01:37 **Substitute Motion/Vote:** Rep. Milburn moved that HB 59  
**BE TABLED.** Motion carried 9-7 by roll call vote with  
Reps. Augare, Furey, Keane, Reinhart, Thomas, Van Dyk,

and Windy Boy voting no. Reps. Heinert, Windy Boy, and Stahl voted by proxy.

**EXECUTIVE ACTION ON HB 58**

02:03:01 **Motion:** Rep. Keane moved that HB 58 **DO PASS.**

02:03:19 **Motion:** Rep. Keane moved that HB 58 **BE AMENDED.**

**EXHIBIT (buh23a04)**

**Discussion:**

02:03:45 Bart Campbell

02:04:12 Rep. Keane

02:04:51 Mr. Campbell

02:05:57 Rep. Dutton

02:06:17 Rep. Keane

02:06:35 Mr. Campbell

02:07:01 **Motion:** Rep. Keane withdrew his motion.

**EXECUTIVE ACTION ON HB 300**

02:07:51 **Motion:** Rep. Milburn moved that HB 300 **DO PASS.**

02:10:30 **Motion/Vote:** Rep. Milburn moved that HB 300 **BE AMENDED.** Motion carried unanimously by voice vote. Reps. Stahl and Windy Boy voted by proxy.

**EXHIBIT (buh23a05)**

02:12:08 **Motion:** Rep. Milburn moved that HB 300 **DO PASS AS AMENDED.**

**Discussion:**

02:12:30 Rep. Milburn

02:13:11 Rep. Furey

02:14:05 Rep. Milburn

02:15:19 Rep. Furey

02:16:09 Rep. Van Dyk

02:16:32 Rep. Milburn

02:17:10 Rep. Augare

02:17:59 Rep. Milburn

02:20:14 Rep. Keane

02:20:35 Mr. Campbell

02:21:47 Rep. Arntzen

02:22:57 Rep. Reinhart

02:23:20 Rep. Milburn

02:24:07 **Vote:** Motion carried 13-3 by roll call vote with Reps. Augare, Furey, and Van Dyk voting no. Reps. Stahl and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 393**

02:26:05 **Motion:** Rep. Reinhart moved that HB 393 **DO PASS**.  
02:26:33 **Motion:** Rep. Dutton moved that HB 393 **BE AMENDED**.  
**EXHIBIT (buh23a06)**

**Discussion:**

02:28:25 Rep. Keane  
02:29:02 Rep. Dutton  
02:30:34 Rep. Mendenhall  
02:31:28 Rep. Keane  
  
02:31:34 **Vote:** Motion carried unanimously by voice vote. Rep. Stahl voted by proxy.  
02:32:03 **Motion:** Rep. Reinhart moved that HB 393 **DO PASS AS AMENDED**.

**Discussion:**

02:32:15 Rep. Jones  
02:32:59 Rep. Keane  
02:34:17 Rep. Milburn  
02:34:51 Rep. Reinhart  
02:35:09 Rep. Milburn  
02:35:28 Rep. Reinhart  
02:36:40 Rep. Dutton  
  
02:39:24 **Vote:** Motion failed 8-8 with Reps. Augare, Dutton, Furey, Mendenhall, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Reps. Heinert and Stahl voted by proxy.

**ADJOURNMENT**

02:45:03 Adjournment: 10:35 A.M.

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REP. SCOTT MENDENHALL, Chairman

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NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

**EXHIBIT ([buh23aad.pdf](#))**