

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Tom Berry, on February 13, 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. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Tom Steenberg (D)
Rep. Jeffrey W. Welborn (R)

Members Excused: Rep. Carolyn Squires (D)

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 297, 2/7/2013; HB 402, 2/7/2013; HB 424, 2/7/2013; HB 425,
2/7/2013

Executive Action: HB 48, HB 284, HB 345, HB 362, HB 400

00:06:59 Chair Berry

HEARING ON HB 402

Opening Statement by Sponsor:

00:07:51 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 402, License and regulate wineries selling and shipping wine directly to MT consumers.

[EXHIBIT\(buh32a01\)](#)

Proponents' Testimony:

00:14:54 Mona Jamison, Attorney, Wine Institute

[EXHIBIT\(buh32a02\)](#)

00:28:08 Bill Warden, Self

00:29:20 Chase Hibbard, Self, Helena

00:34:39 Rachel Conn, Self, Helena

Opponents' Testimony:

00:37:03 Kristi Blazer, Montana Beer and Wine Distributors Association

[EXHIBIT\(buh32a03\)](#)

00:52:06 Carter Mollgaard, M & C Beverage

[EXHIBIT\(buh32a04\)](#)

00:53:21 Dan Haney, Summit Beverage

00:55:55 Kurt Winegardner, Owner, Winegardner's Wines

Informational Testimony:

01:02:14 Shauna Helfert, Administrator, Liquor Control Division, Department of Revenue (DOR)

Questions from Committee Members and Responses:

01:02:40 Rep. Boland

01:02:59 Ms. Helfert, DOR

01:03:42 Rep. Boland

01:04:10 Ms. Jamison, Wine Institute

01:04:33 Rep. Boland

01:04:53 Ms. Jamison, Wine Institute

Closing by Sponsor:

01:06:00 Rep. Hunter

HEARING ON HB 297

Opening Statement by Sponsor:

01:07:16 Rep. David Howard (R), HD 60, opened the hearing on HB 297, Provide that employment of an unauthorized alien is unlawful.

Proponents' Testimony:

01:11:40 Brad Griffin, Montana Restaurant Association and Montana Retail Association

01:15:57 Riley Johnson, National Federation of Independent Business (NFIB)

01:17:23 Roger Nummerdor, Self, Helena

01:19:05 Paul Nackman, Self, Bozeman

[EXHIBIT\(buh32a05\)](#)

[EXHIBIT\(buh32a06\)](#)

01:23:42 Cary Hegreberg, Executive Director, Montana Contractors Association (MCA)

01:26:36 Glenn Oppel, Montana Chamber of Commerce

Opponents' Testimony:

01:27:33 Niki Zupanic, American Civil Liberties Union (ACLU)

01:31:45 Bruce Spencer, Montana Automobile Dealers Association (MADA)

01:32:58 Jamie Greer, Montana Human Rights Network (MHRN)

[EXHIBIT\(buh32a07\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:34:54 Chair Berry

01:35:05 Rep. Howard

01:35:24 Rep. Boland

01:36:18 Rep. Howard

01:36:23 Mr. Campbell, LSD

01:37:05 Rep. Curtis

01:37:53 Mr. Hegreberg, MCA

01:38:06 Rep. Peppers

01:38:51 Rep. Howard

01:39:10 Rep. Peppers

01:39:13 Rep. Howard

01:39:43 Rep. Steenberg

01:40:12 Ms. Zupanic, ACLU

Closing by Sponsor:

01:41:32 Rep. Howard

HEARING ON HB 424

Opening Statement by Sponsor:

01:44:06 Rep. JP Pomnichowski (D), HD 66, opened the hearing on HB 424, Allow tasting event by limited sellers of wine consumed off-premises.

Proponents' Testimony:

01:48:51 Tim Christiansen, Owner, Vino Per Tutti, Bozeman

01:52:53 Doug Badenoch, Owner, Wine Gallery, Bozeman

Opponents' Testimony:

01:57:33 John Iverson, Montana Tavern Association

02:01:52 Neil Peterson, Gaming Industry Association

02:04:08 Brad Griffin, Montana Restaurant Association

Informational Testimony:

02:04:21 Shauna Helfert, DOR

Questions from Committee Members and Responses:

02:04:37 Rep. Boland
02:05:07 Rep. Pomnichowski
02:05:55 Rep. Boland
02:06:15 Ms. Helfert, DOR
02:06:59 Rep. Lang
02:07:07 Mr. Christiansen
02:08:02 Rep. Lang
02:08:05 Mr. Christiansen
02:08:13 Rep. Welborn
02:08:52 Mr. Christiansen
02:09:46 Rep. Hagan
02:10:37 Ms. Helfert, DOR

Closing by Sponsor:

02:11:32 Rep. Pomnichowski

HEARING ON HB 425**Opening Statement by Sponsor:**

02:13:38 Rep. JP Pomnichowski (D), HD 66, opened the hearing on HB 425, Revise laws related to the sale of fortified wine.

Proponents' Testimony:

02:20:53 Mr. Badenoch, Wine Gallery
02:22:57 Mr. Christensen, Vino Per Tutti

Opponents' Testimony:

02:23:46 John Iverson, MTA
02:25:28 Mr. Peterson, Montana Gaming Industry

Informational Testimony:

02:26:30 Ms. Helfert, DOR

Questions from Committee Members and Responses:

02:26:51 Rep. Boland
02:27:13 Rep. Pomnichowski
02:27:44 Mr. Campbell, LSD
02:28:07 Chair Berry
02:28:18 Rep. Pomnichowski

Closing by Sponsor:

02:28:30 Rep. Pomnichowski

02:29:13 Chair Berry

02:29:20 Recessed
02:50:28 Reconvened. Rep. Reichner and Rep. McNiven did not return.

EXECUTIVE ACTION ON HB 345

02:50:45 **Motion:** Rep. Salomon moved that **HB 345 DO PASS.**

Discussion:

02:51:00 Rep. Smith

02:51:28 **Motion:** Rep. Salomon moved that **HB 345 BE AMENDED.**
EXHIBIT(buh32a08)

Discussion:

02:52:00 Chair Berry

02:52:06 Rep. Smith

02:52:16 Kenneth Varnes, Assistant Attorney General, Department of Justice (DOJ)

02:55:53 **Vote:** Motion carried unanimously by voice vote. Rep. Hunter, Rep. McNiven and Rep. Squires voted by proxy.

02:56:00 **Motion:** Rep. Salomon moved that **HB 345 DO PASS AS AMENDED.**

Discussion:

02:56:08 Rep. Smith

02:56:26 **Vote:** Motion carried unanimously by voice vote. Rep. Hunter, Rep. McNiven and Rep. Squires voted by proxy.

EXECUTIVE ACTION ON HB 281

02:56:49 **Motion:** Rep. Salomon moved that **HB 281 DO PASS.**

Discussion:

02:56:56 Rep. Smith

02:57:20 **Motion:** Rep. Salomon moved that **HB 281 BE AMENDED.**
EXHIBIT(buh32a09)

Discussion:

02:57:32 Rep. Smith

02:57:54 **Vote:** Motion carried unanimously by voice vote. Rep. Hunter, Rep. McNiven and Rep. Squires voted by proxy.

02:58:01 **Motion:** Rep. Salomon moved that **HB 281 DO PASS AS AMENDED.**

Discussion:

02:58:06 Rep. Smith

02:58:17 Rep. Boland

02:58:52 Rep. Smith

03:00:27 **Vote:** Motion carried 13-7 by roll call vote with Rep. Boland, Rep. Curtis, Rep. Hunter, Rep. Neill, Rep. Peppers, Rep. Pierson and Rep. Squires voting no. Rep. Hunter, Rep. McNiven and Rep. Squires voted by proxy.

EXECUTIVE ACTION ON HB 284

03:00:33 **Motion:** Rep. Salomon moved that **HB 284 DO PASS.**

Discussion:

03:00:44 Mr. Campbell, LSD

03:01:05 **Motion:** Rep. Salomon moved that **HB 284 BE AMENDED.**
[EXHIBIT\(buh32a10\)](#)

Discussion:

03:01:16 Mr. Campbell, LSD

03:02:11 Rep. "Doc" Moore

03:03:00 **Vote:** Motion carried unanimously by voice vote.

03:03:08 **Motion/Vote:** Rep. Salomon moved that **HB 284 DO PASS AS AMENDED.** Motion carried 17-3 by roll call vote with Rep. McNiven, Rep. Reichner and Rep. Salomon voting no. Rep. Hunter, Rep. McNiven and Rep. Squires voted by proxy.

EXECUTIVE ACTION ON HB 362

03:04:24 **Motion:** Rep. Salomon moved that **HB 362 DO PASS.**

03:04:45 **Motion:** Rep. Salomon moved that **HB 362 BE AMENDED.**
[EXHIBIT\(buh32a11\)](#)

Discussion:

03:05:00 Mr. Campbell, LSD

03:05:57 **Vote:** Motion carried unanimously by voice vote. Rep. McNiven, Rep. Reichner and Rep. Squires voted by proxy.

03:06:02 **Motion:** Rep. Salomon moved that **HB 262 DO PASS AS AMENDED.**

Discussion:

03:06:25 Ms. Grmoljez, Montana Captive Insurance Association

03:09:00 Chair Berry

03:09:16 **Vote:** Motion carried unanimously by voice vote. Rep. McNiven, Rep. Reichner and Rep. Squires voted by proxy.

EXECUTIVE ACTION ON HB 48

03:09:50 **Motion/Vote:** Rep. Salomon moved that **HB 48 DO PASS**. Motion carried unanimously by voice vote. Rep. McNiven, Rep. Reichner and Rep. Squires voted by proxy.

EXECUTIVE ACTION ON HB 400

03:10:14 **Motion:** Rep. Salomon moved that **HB 400 DO PASS**.

03:10:25 **Substitute Motion/Vote:** Rep. Reichner made a substitute motion that **HB 400 BE TABLED**. Substitute Motion carried unanimously by voice vote. Rep. Hunter, Rep. McNiven and Rep. Squires voted by proxy.

03:10:58 Chair Berry

ADJOURNMENT

Adjournment: 03:11:23

Ellen Bush, Secretary

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Additional Documents:

EXHIBIT([buh32aad.pdf](#))