

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** Chairman Joe Balyeat, on January 28, 2009 at 9 A.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. Jim Keane (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Joseph (Joe) Tropila (D)  
Sen. Jonathan Windy Boy (D)

**Members Excused:** Sen. Gregory D. Barkus (R)  
Sen. Jim Peterson (R)  
Sen. Carolyn Squires (D)

**Members Absent:** None.

**Staff Present:** Linda Keim, Committee Secretary  
Pat Murdo, 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: SB 253, SB 254, SB 224 1/20/2009

Executive Action: None

**HEARING ON SB 253**

**Opening Statement by Sponsor:**

00:01:54 Sen. Donald Steinbeisser (R), SD 19, opened the hearing on SB 253, Allow tips as credit against minimum wage.

**Proponents' Testimony:**

00:03:04 Brad Griffin, Montana Restaurant Association  
00:05:58 Blu Funk, Chairman, Montana Restaurant Association  
00:07:10 Bob Miller, Bear Claw Bar & Grill, McAllister

**EXHIBIT (bus20a01)**

00:11:56 Jeff Knowles, Pizza Hut, Great Falls  
00:13:38 Lonnie Bergstrom, Four Aces Casino, Lewistown  
00:18:02 Linda Vap, Hu Hot Mongolian Grill, Missoula  
00:21:37 Joel Bowman, Owner, Eddy's Corner  
00:24:27 Rob Smith, represents Outback Steak Houses, Billings, Bozeman, Missoula  
00:26:04 Jon Bennion, Montana Chamber of Commerce  
00:27:13 Casey Ryan, Ryan Restaurant Corporation  
00:28:20 Ralph Ferro, Ferro's Italian Restaurant, Bozeman  
00:29:04 Chuck Denowh, Flathead Business and Industry Association  
00:29:37 Riley Johnson, National Federation of Independent Business (NFIB)  
00:29:55 David Smith, President, CEO, Bozeman Chamber of Commerce  
00:30:57 Ronda Wiggers, Montana Coin Machine Operators, Great Falls and Helena Chambers of Commerce, and representing Neil Peterson with Gambling Association  
00:32:04 Stuart Doggett, Montana Innkeepers Association  
00:32:26 Brad Ridgeway, Chief Operating Officer, Glacier Restaurant Association, Mackenzie River Pizza Chain  
00:33:15 Peter Mollet, Owner, Perkins Restaurants, four cities in Montana

**Opponents' Testimony:**

00:37:18 Keith Kelly, Commissioner, Montana Department of Labor and Industry (DOLI)  
00:42:29 Andrea Martin, Self, Server at Benney's Bistro, Helena  
**EXHIBIT (bus20a02)**

00:45:53 Mark Anderlik, Executive Officer, Montana Restaurant Workers Union Local #427  
00:52:37 Rep. Franke Wilmer, HD 64, Bozeman, Professor, Montana State University

00:56:26 Jacquie Helt, former Executive Officer of Restaurant Workers Union

00:59:17 Tracey Duncan, Self, bartender at Overland Express; Queen City Ballet, dance teacher; and full time student

**EXHIBIT (bus20a03)**

01:00:34 Judy White, Self, Missoula

**EXHIBIT (bus20a04)**

01:03:07 Stephanie Padavich, Intern at AFL-CIO and Senior at Carroll College, formerly worked as barista at Starbucks, Helena

01:06:09 Jim McGarvey, Executive Secretary, AFL-CIO speaking on behalf of 36,000 union members and families

**EXHIBIT (bus20a05)**

01:08:17 Rachel Conn, waitress and sous chef at a Montana restaurant

01:13:50 Don Judge, Boilermakers Local D235, Three Forks

01:16:58 Terry Minow, MEA-MFT

01:17:24 Jason Miller, Local Unions in Montana, International Brotherhood of Teamsters and International Brotherhood of Carpenters

01:18:06 Maureen Weiland, representing Associated Students at Montana State University, Bozeman

01:18:48 Robert Johnson, AFL-CIO

01:19:28 Jamee Greer, Montana Human Rights Network

01:21:34 Emily Koffler, represents Associated Students of University of Montana and is former restaurant employee

01:22:29 Dennis Danake, Carpenter's Union, Missoula

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:23:57 Chairman Balyeat

01:25:16 Brad Griffin

01:25:51 Chairman Balyeat

01:35:53 Keith Kelly

01:37:40 Chairman Balyeat

01:43:33 Rachel Conn

01:43:55 Chairman Balyeat left the room; Sen. Jackson assumed the chair.

01:44:03 Sen. Stewart-Peregoy

01:44:41 Jim McGarvey

01:44:58 Jacquie Helt

01:47:05 Sen. Tropila

01:48:52 Mark Anderlik  
01:49:11 Sen. Barkus  
01:50:27 Mr. Anderlik  
01:51:47 Sen. Barkus  
01:52:56 Tracey Duncan  
01:53:08 Sen. Stewart-Peregoy  
01:56:30 Keith Kelly  
01:57:43 Sen. Brown  
01:58:49 Mr. Kelly  
02:00:29 Sen. Squires  
02:05:31 Mr. Kelly  
02:06:22 Sen. Tropila  
02:07:17 Vice Chairman Jackson  
02:08:09 Mr. Griffin  
02:08:54 Vice Chairman Jackson  
02:09:24 Mr. Kelly

**Closing by Sponsor:**

02:10:02 Sen. Steinbeisser  
  
02:11:18 Recess  
02:21:28 Resume

**HEARING ON SB 254**

**Opening Statement by Sponsor:**

02:21:41 Sen. Donald Steinbeisser (R), SD 19, opened the hearing on SB 254, Remove inflation index from minimum wage law.

**Proponents' Testimony:**

02:23:38 Brad Griffin, Montana Restaurant Association  
02:26:28 Jeff Knowles, representing the Coulton family in Great Falls, owners of Pizza Hut and High Plains Pizza in several locations  
02:28:13 Linda Vap, Hu Hot Mongolian Grill  
02:29:25 Blu Funk, Showthyme Restaurant, Big Fork  
02:30:38 Peter Mollet, representing six Perkins Restaurants  
02:32:14 Bob Miller, Bear Paw Bar and Grill, McAllister  
02:33:33 Casey Ryan, representing Applebys, Famous Daves, and Dennys Restaurants  
02:33:49 Robert Smith, representing Outback Steakhouses  
02:34:03 John Bennion, Montana Chamber of Commerce  
02:36:07 David Smith, President, CEO Montana Chamber of Commerce  
02:36:26 Ronda Wiggers, Great Falls and Helena Chambers of Commerce, also representing Riley Johnson, NFIB

**Opponents' Testimony:**

02:37:50 Keith Kelly, Commissioner, Montana DOLI  
02:41:44 Don Judge, representing Boilermakers Local D235, Three  
Forks  
02:45:40 Jim McGarvey, AFL-CIO, on behalf of 36,000 members and  
their families

**EXHIBIT (bus20a06)**

02:49:01 Terry Minow, MEA-MFT, 17,500 members  
02:50:57 Layna George, represents the organization 'Working for  
Economic Equality and Liberation' (WEEL)

**EXHIBIT (bus20a07)**

02:53:31 Linda Gryczan, Montana Women's Lobby, Business and  
Professional Women (BPW)  
02:54:26 Mark Anderlik, Union Local 247

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:56:25 Sen. Tropila  
02:57:02 Robert Smith  
02:57:51 Sen. Barkus  
02:58:17 Blu Funk  
02:58:52 Blu Funk  
02:59:35 Sen. Barkus  
02:60:43 Keith Kelly  
03:00:21 Sen. Tropila

**Closing by Sponsor:**

03:00:33 Sen. Steinbeisser  
03:01:45 Sen. Balyeat assumed the Chair.

**HEARING ON SB 224**

**Opening Statement by Sponsor:**

03:02:10 Sen. Roy Brown (R), SD 25, opened the hearing on SB  
224, Transfer \$30 million from general fund to work  
comp old fund.

**EXHIBIT (bus20a08)**

**EXHIBIT (bus20a09)**

**Proponents' Testimony:**

03:13:41 John Bennion, Montana Chamber of Commerce  
03:16:15 Rick Hill, Montana Building Industry Association,  
former Chairman of the Board at State Fund  
03:20:12 Sen. John Esp, SD 31, Big Timber

**Opponents' Testimony:** None

**Informational Testimony:**

03:20:50 Nancy Butler, Montana State Fund

**Questions from Committee Members and Responses:**

03:21:25 Sen. Keane  
03:23:04 Nancy Butler  
03:23:24 Sen. Tropila  
03:23:32 Mark Barry, Montana State Fund  
03:23:42 Sen. Barkus  
03:25:56 Mr. Barry

**Closing by Sponsor:**

03:26:43 Mr. Brown  
  
03:27:55 Chairman Balyeat  
03:28:22 Pat Murdo  
03:29:08 Sen. Squires  
03:29:18 Chairman Balyeat

**EXHIBIT (bus20a10)** Pertains to request made during Hearing on SB  
142 of 1/27/09.

**ADJOURNMENT**

Adjournment: 12:35 P.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT ([bus20aad.pdf](#))**