

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on February 14, 2019 at 8:30 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Steve Fitzpatrick, Chair (R)
Sen. Dee Brown, Vice Chair (R)
Sen. Sue Malek, Vice Chair (D)
Sen. Carlie Boland (D)
Sen. Jason W. Ellsworth (R)
Sen. Terry Gauthier (R)
Sen. Jason D. Small (R)
Sen. Frank Smith (D)
Sen. Gordon Vance (R)
Sen. Gene Vuckovich (D)

Members Excused: None

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Jameson Walker, Legislative Services Division

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 219, 2/8/2019; SB 221, 2/8/2019; SB 223, 2/8/2019

Executive Action: HB 160, HB 162, HB 163, HB 196: Be Concurred In; SB 71, SB 78: Do Pass As Amended; SB 125: Motion Withdrawn; SB 106: Bill Tied. Remains in committee

08:30:35 Chairman Fitzpatrick

HEARING ON SB 219

Opening Statement by Sponsor:

08:31:21 Sen. Mike Cuffe (R), SD 1, opened the hearing on SB 219. Increase time for filing contractor, subcontractor liens.

Proponents' Testimony:

08:36:29 Riley Johnson, National Federation of Independent Business (NFIB)

EXHIBIT(bus31a01)

08:39:09 Jason Todhunter, Montana Logging Association

08:39:53 Josh Letcher, self, Butte contractor

Opponents' Testimony:

08:40:58 William Gowen, Montana Land Title Association (MLTA)

08:43:51 Carl Schweitzer, Northwest Notice Service (NNS)

08:49:21 Jim Brown, Montana Independent Bankers Association (MIBA)

08:52:30 Steve Turkiewicz, Montana Bankers Association (MBA)

08:54:18 Karen Smith, Montana's Credit Unions

Informational Testimony: None

Questions from Committee Members and Responses:

08:54:51 Sen. Brown

08:55:24 Mr. Schweitzer, NNS

08:55:42 Sen. Gauthier

08:56:27 Mr. Schweitzer

08:57:50 Sen. Malek

09:02:37 Mr. Letcher, self

09:02:49 Sen. Malek

09:03:34 Mr. Schweitzer

09:04:34 Sen. Malek

09:09:55 Mr. Turkiewicz, MBA

09:10:32 Sen. Gauthier

09:11:13 Mr. Turkiewicz

09:11:31 Sen. Gauthier

09:11:39 Mr. Gowen, MLTA

09:13:09 Sen. Gauthier

09:13:58 Mr. Schweitzer

09:15:34 Sen. Gauthier

09:17:12 Mr. Letcher

09:17:22 Sen. Smith

09:17:39 Mr. Brown (MIBA)

Closing by Sponsor:

09:18:21 Sen. Cuffe

09:22:44 Chairman Fitzpatrick

HEARING ON SB 223

Opening Statement by Sponsor:

09:24:04 Sen. Tom Jacobson (D), SD 11, opened the hearing on SB 223. Generally revise execution and judgment laws.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:28:12 Sen. Brown
09:28:17 Sen. Jacobson
09:28:29 Chairman Fitzpatrick
09:28:54 Sen. Jacobson
09:28:59 Sen. Ellsworth
09:29:29 Sen. Jacobson
09:30:11 Sen. Brown
09:30:30 Sen. Ellsworth

Closing by Sponsor:

09:31:54 Sen. Jacobson

09:32:11 Chairman Fitzpatrick

HEARING ON SB 221

Opening Statement by Sponsor:

09:35:11 Sen. Mike Phillips (D), SD 31, opened the hearing on SB 221. Prohibit sale of ivory.

[EXHIBIT\(bus31a02\)](#)

Proponents' Testimony:

09:44:34 Dave Pauli, Humane Society of the United States; also speaking for deputy director, African Wildlife Foundation, Republic of Botswana
09:47:55 Ben Lamb, National Wildlife Federation
09:50:18 Amy Seaman, Montana Audubon

Opponents' Testimony: None

Informational Testimony:

09:52:32 Dave Loewen, chief of law enforcement, Department of Fish, Wildlife and Parks (FWP)

Questions from Committee Members and Responses:

09:53:00 Sen. Brown
09:55:18 Sen. Phillips
09:55:43 Sen. Gauthier

09:59:48 Sen. Phillips
 10:01:10 Chairman Fitzpatrick
 10:01:15 Sen. Phillips
 10:01:45 Sen. Ellsworth
 10:05:15 Sen. Phillips
 10:05:53 Sen. Ellsworth
 10:08:35 Mr. Loewen, FWP
 10:08:40 Chairman Fitzpatrick
 10:11:10 Mr. Loewen
 10:11:33 Sen. Gauthier
 10:11:46 Mr. Loewen
 10:12:31 Sen. Malek
 10:12:51 Sen. Phillips

Closing by Sponsor:

10:13:38 Sen. Phillips
 10:15:33 Chairman Fitzpatrick
 10:17:02 Recess
 10:36:36 Reconvene

EXECUTIVE ACTION ON HB 160

10:36:43 **Motion/Vote:** Sen. D. Brown moved that **HB 160 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 162

10:37:38 **Motion/Vote:** Sen. D. Brown moved that **HB 162 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Ellsworth will carry the bill.

EXECUTIVE ACTION ON HB 163

10:38:40 **Motion/Vote:** Sen. D. Brown moved that **HB 163 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Malek will carry the bill.

EXECUTIVE ACTION ON HB 196

10:39:19 **Motion/Vote:** Sen. D. Brown moved that **HB 196 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Gauthier will carry the bill.

EXECUTIVE ACTION ON SB 71

10:40:01 **Motion:** Sen. D. Brown moved that **SB 71 DO PASS**.

10:40:15 **Motion:** Sen. D. Brown moved that **SB 71 BE AMENDED**.
[**EXHIBIT\(bus31a03\)**](#)

10:40:34 Jameson Walker, Legislative Services Division (LSD)

Discussion:

10:42:38 Sen. Malek

10:43:01 **Vote:** Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting no.

10:44:34 **Motion:** Sen. D. Brown moved that **SB 71 BE AMENDED.**
EXHIBIT(bus31a04)

Discussion:

10:44:50 Mr. Walker, LSD

10:45:06 Sen. Malek

10:45:25 **Vote:** Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting no.

10:46:16 **Motion:** Sen. D. Brown moved that **SB 71 DO PASS AS AMENDED.**

Discussion:

10:46:27 Sen. Malek

10:48:14 **Vote:** Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting no.

EXECUTIVE ACTION ON SB 78

10:49:07 **Motion:** Sen. D. Brown moved that **SB 78 DO PASS.**

10:49:18 **Motion:** Sen. D. Brown moved that **SB 78 BE AMENDED.**
EXHIBIT(bus31a05)

10:49:39 Mr. Walker

10:50:23 **Vote:** Motion carried unanimously by voice vote.

10:50:38 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 78 BE AMENDED.** Motion carried unanimously by voice vote.
EXHIBIT(bus31a06)

10:51:16 **Motion/Vote:** Sen. D. Brown moved that **SB 78 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 106

10:51:43 **Motion:** Sen. D. Brown moved that **SB 106 DO PASS AS AMENDED.** (SB 106 was previously amended on 2/8/2019)

Discussion:

10:52:17 Sen. Small

10:53:00 Sen. Brown
10:53:30 Sen. Ellsworth
10:54:13 Sen. Gauthier
10:55:22 Sen. Boland
10:56:13 Sen. Malek
10:57:16 Sen. Smith

10:57:42 **Vote:** Motion failed 5-5 by roll call vote with Sen. Ellsworth, Sen. Gauthier, Sen. Malek, Sen. Small and Sen. F. Smith voting aye.

10:58:49 **Substitute Motion/Vote:** Sen. D. Brown made a substitute motion that **SB 106 BE TABLED**. Substitute Motion failed 5-5 by roll call vote with Sen. Boland, Sen. Brown, Sen. Ellsworth, Sen. Fitzpatrick and Sen. Vance voting aye.

EXECUTIVE ACTION ON SB 125

11:00:18 **Motion:** Sen. D. Brown moved that **SB 125 DO PASS**.

11:00:44 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 125 BE AMENDED**. Motion carried 9-1 by voice vote with Sen. Malek voting no.

EXHIBIT(bus31a07)

11:00:55 Chairman Fitzpatrick

11:01:34 **Motion:** Sen. Fitzpatrick moved that **SB 125 BE AMENDED**.

EXHIBIT(bus31a08)

11:01:55 Chairman Fitzpatrick

Discussion:

11:02:18 Mr. Walker
11:03:07 Sen. Brown
11:03:50 Mr. Walker
11:04:17 Sen. Malek
11:05:04 Chairman Fitzpatrick
11:05:25 Mr. Walker

11:05:39 Without objection, Sen. Brown withdrew the BE AMENDED motion.

Note: The committee decided not to take any further action on SB 125 until additional information is received on the amendment.

11:06:21 Chairman Fitzpatrick

ADJOURNMENT

Adjournment: 11:06 AM

Linda Keim, Secretary

lk

Additional Documents:

Additional Documents:

EXHIBIT([bus31aad.pdf](#))