

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Steve Fitzpatrick, on February 15, 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: HB 65, 2/12/2019; HB 92, 2/12/2019; SB 233, 2/08/2019; SB 234, 2/08/2019

Executive Action: SB 106, SB 219: Tabled; SB 125, Do Pass As Amended; SB 223, Do Pass.

08:31:09 Chairman Fitzpatrick

**HEARING ON HB 92**

**Opening Statement by Sponsor:**

08:32:08 Rep. Julie Dooling (R), HD 70, opened the hearing on HB 92. Generally revise insurance laws.

**Proponents' Testimony:**

08:34:06 Kendall Cotton, policy advisor, Office of the Commissioner of Securities and Insurance, State Auditor (CSI)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:37:43 Sen. Malek

08:38:57 Mr. Cotton, CSI

08:39:20 Sen. Boland

08:39:38 Mr. Cotton

**Closing by Sponsor:**

08:40:38 Rep. Dooling

08:40:57 Chairman Fitzpatrick

**HEARING ON HB 65**

**Opening Statement by Sponsor:**

08:41:47 Rep. Matt Regier (R), HD 4, opened the hearing on HB 65. Revise laws related to service of process with the insurance commissioner.

**Proponents' Testimony:**

08:44:56 Kris Hansen, Office of the Commissioner of Securities and Insurance, State Auditor (CSI)

**Opponents' Testimony:**

08:48:16 Pat Fox, Montana Trial Lawyers Association

**[EXHIBIT\(bus32a01\)](#)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:51:31 Chairman Fitzpatrick

08:51:42 Ms. Hansen, CSI

08:52:01 Sen. Boland

08:52:18 Ms. Hansen

08:52:47 Sen. Malek

08:53:53 Ms. Hansen

08:55:06 Chairman Fitzpatrick  
 08:55:10 Rep. Regier

**Closing by Sponsor:**

08:55:25 Rep. Regier

08:55:32 Chairman Fitzpatrick

**HEARING ON SB 233**

**Opening Statement by Sponsor:**

08:56:18 Sen. Terry Gauthier (R), SD 40, opened the hearing on SB 233. Establish the small business retirement program.

**[EXHIBIT\(bus32a02\)](#)**

**Proponents' Testimony:**

09:00:08 Jackee Jones, American Association of Retired Persons (AARP)

**[EXHIBIT\(bus32a03\)](#)**

09:09:01 Adam Haight, AFL-CIO

09:09:29 Riley Johnson, National Federation of Independent Business

**Opponents' Testimony:**

09:10:33 Peter Dan Sullivan, certified financial planner, National Association of Plan Advisors (NAPA)

09:21:05 Rep. Julie Dooling, HD 70

**Informational Testimony:**

09:23:33 Mark Cadwallader, Department of Labor and Industry (DLI)

**Questions from Committee Members and Responses:**

09:24:06 Sen. Brown

09:26:28 Ms. Jones, AARP

09:27:43 Sen. Brown

09:28:05 Sen. Gauthier redirect

09:31:37 Ms. Jones

09:31:53 Chairman Fitzpatrick

09:35:19 Ms. Jones

09:35:56 Chairman Fitzpatrick

09:36:10 Mr. Cadwallader, DLI

09:36:42 Sen. Malek

09:38:11 Mr. Cadwallader

09:39:00 Sen. Malek

09:43:33 Ms. Jones

09:44:12 Chairman Fitzpatrick

09:45:31 Ms. Jones

09:45:52 Sen. Brown

09:46:16 Sen. Smith

09:46:22 Mr. Sullivan, NAPA

**[EXHIBIT\(bus32a04\)](#)**

09:47:30 Sen. Boland  
 09:50:23 Sen. Gauthier  
 09:51:32 Sen. Boland  
 09:51:48 Ms. Jones  
 09:53:03 Sen. Brown  
 09:54:04 Mr. Sullivan  
 09:56:56 Chairman Fitzpatrick  
 09:57:02 Mr. Sullivan

**Closing by Sponsor:**

09:57:12 Sen. Gauthier

10:02:14 Chairman Fitzpatrick

10:02:37 Recess

10:09:07 Reconvene

Chairman Fitzpatrick passed the duties of the chair to Vice Chair Brown.

10:09:16 Chair Brown

**HEARING ON SB 234**

**Opening Statement by Sponsor:**

10:09:39 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 234. Allow Department of Administration to insure state under plans 1 or 2 or 3.

**Proponents' Testimony:**

10:11:21 Jon Metropoulos, Farmers Insurance Group; Victory Insurance

10:13:54 Aimee Grmoljez, American Property Casualty Insurance Corporation

[EXHIBIT\(bus32a05\)](#)

**Opponents' Testimony:**

10:16:11 Adam Haight, AFL-CIO

10:17:15 Morgan Smith, Montana Federation of Public Employees (MFPE)

10:17:55 Jason Todhunter, Montana Logging Association

10:19:32 Spook Stang, Motor Carriers of Montana

**Informational Testimony:**

10:21:03 Lance Zanto, Workers Compensation Program, Montana State Fund

10:21:33 Kevin Braun, Montana State Fund

**Questions from Committee Members and Responses:**

10:22:14 Sen. Malek

10:22:49 Mr. Smith, MFPE redirect

10:23:55 Chair Brown

10:25:18 Mr. Braun

10:25:27 Sen. Small

10:26:39 Mr. Braun

10:27:20 Chair Brown

10:27:32 Mr. Braun  
 10:28:18 Sen. Gauthier  
 10:30:52 Mr. Braun  
 10:31:29 Chair Brown  
 10:31:53 Mr. Braun  
 10:32:05 Chair Brown  
 10:33:36 Sen. Fitzpatrick  
 10:33:41 Sen. Malek  
 10:34:34 Mr. Smith

**Closing by Sponsor:**

10:34:46 Sen. Fitzpatrick  
 10:34:54 Chair Brown

Sen. Fitzpatrick assumed the duties of the chair.

10:35:14 Sen. Malek  
 10:35:28 Jameson Walker, Legislative Services Division (LSD)  
 10:35:41 Chairman Fitzpatrick  
 10:36:49 Recess  
 10:50:42 Reconvene

Sen. Ellsworth and Sen. Vance did not return to the hearing.

10:50:47 Chair Fitzpatrick

**EXECUTIVE ACTION ON SB 106**

10:50:50 **Motion:** Sen. D. Brown moved that **SB 106 DO PASS AS AMENDED.**

**Discussion:**

10:50:59 Sen. Small  
 10:51:16 Sen. Gauthier  
 10:51:39 Sen. Brown  
 10:51:52 Sen. Smith

10:52:18 **Vote:** Motion failed 5-5 by roll call vote with Sen. Ellsworth, Sen. Gauthier, Sen. Malek, Sen. Small and Sen. F. Smith voting aye. Sen. Ellsworth and Sen. Vance voted by proxy.

**Discussion:**

10:52:30 Sen. Vuckovich  
 10:52:45 Sen. Brown  
 10:52:55 Chairman Fitzpatrick

10:53:13 **Substitute Motion/Vote:** Chairman Fitzpatrick made a substitute motion that **SB 106 BE TABLED.** Substitute Motion carried 8-2 by roll call vote with Sen. Small and Sen. F. Smith voting no. Sen. Ellsworth and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 125**

10:53:55 **Motion:** Sen. D. Brown moved that **SB 125 DO PASS.**

10:55:13 **Motion:** Sen. Fitzpatrick moved that **SB 125 BE AMENDED.**  
**EXHIBIT(bus32a06)**

**Discussion:**

10:55:20 Sen. Malek

10:57:52 Mr. Walker

11:08:06 Sen. Boland

11:08:50 Mr. Walker

11:09:10 **Vote:** Motion carried unanimously by voice vote. Sen. Ellsworth and Sen. Vance voted by proxy.

11:09:40 **Motion:** Sen. D. Brown moved that **SB 125 DO PASS AS AMENDED.**

**Discussion:**

11:09:51 Chairman Fitzpatrick

11:10:06 Sen. Malek

11:10:20 **Vote:** Motion carried unanimously by voice vote. Sen. Ellsworth and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 219**

11:10:47 **Motion:** Sen. D. Brown moved that **SB 219 DO PASS.**

**Discussion:**

11:11:07 Chairman Fitzpatrick

11:11:48 Sen. Gauthier

11:12:25 **Vote:** Motion failed 3-7 by roll call vote with Sen. Boland, Sen. Malek and Sen. F. Smith voting aye. Sen. Ellsworth and Sen. Vance voted by proxy.

11:12:59 **Substitute Motion/Vote:** Sen. D. Brown made a substitute motion that **SB 219 BE TABLED AND THE VOTE REVERSED.** Substitute Motion carried 8-0 by voice vote of those present and voting. Sen. Ellsworth and Sen. Vance were excused.

**EXECUTIVE ACTION ON SB 223**

11:14:03 **Motion/Vote:** Sen. D. Brown moved that **SB 223 DO PASS.** Motion carried unanimously by voice vote. Sen. Ellsworth and Sen. Vance voted by proxy.

11:14:42 Chairman Fitzpatrick

11:15:03 Mr. Walker

**ADJOURNMENT**

Adjournment: 11:15 AM

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT([bus32aad.pdf](#))**