

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on February 22, 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 269, 2/19/2019; SB 288, 2/20/2019; SB 305, 2/21/2019

Executive Action: SB 288, SB 305, Do Pass; SB 272, SB 279 Tabled

08:31:25 Chairman Fitzpatrick

HEARING ON SB 288

Opening Statement by Sponsor:

08:33:09 Sen. Dee Brown (R), SD 2, opened the hearing on SB 288. Revise laws related to audits of the chiropractic legal panel.

Proponents' Testimony:

08:34:59 Brad Griffin, Montana Chiropractic Association (MCA)

[EXHIBIT\(bus38a01\)](#)

Opponents' Testimony: None

Informational Testimony:

08:37:09 Angus Maciver, legislative auditor, Legislative Audit Division

Questions from Committee Members and Responses:

08:37:43 Sen. Boland

08:37:49 Mr. Griffin, MCA

Closing by Sponsor:

08:38:35 Sen. Brown

08:39:18 Chairman Fitzpatrick

HEARING ON SB 269

Opening Statement by Sponsor:

08:39:41 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 269. Revise home inspector laws.

[EXHIBIT\(bus38a02\)](#)

Proponents' Testimony:

08:42:25 Steve Jenicek, American Society of Home Inspectors (ASHI)

[EXHIBIT\(bus38a03\)](#)

[EXHIBIT\(bus38a04\)](#)

08:51:01 Mark Simonich, Montana Association of Realtors (MAR)

08:52:36 Steve Netschert, realtor

08:55:23 Max Polsak, home inspector

Chairman Fitzpatrick turned over the duties of the chair to Vice Chair Brown and left the hearing.

Sen. Vance left the hearing.

08:57:32 Mark Putman, Timberage Homes, American Society of Home Inspectors

Opponents' Testimony:

09:00:50 Abigail St. Lawrence, Montana Building Industry Association

Informational Testimony:

09:02:23 Eric Strauss, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

09:02:51 Sen. Ellsworth
09:05:02 Mr. Strauss, DLI
09:05:31 Sen. Malek
09:06:37 Mr. Strauss
09:07:03 Sen. Malek
09:08:43 Mr. Simonich, MAR
09:09:14 Chair Brown
09:09:33 Mr. Simonich
09:10:57 Sen. Gauthier
09:15:05 Mr. Strauss
09:15:15 Chair Brown
09:16:00 Mr. Strauss
09:16:15 Sen. Vuckovich
09:17:19 Mr. Simonich
09:18:12 Sen. Boland
09:22:08 Mr. Jenicek, ASHI
09:22:37 Chair Brown
09:25:05 Mr. Simonich
09:26:00 Chair Brown
09:26:44 Mr. Polsak, home inspector

Closing by Sponsor:

09:28:08 Sen. MacDonald

09:32:26 Chair Brown

HEARING ON SB 305

Opening Statement by Sponsor:

09:33:21 Sen. Terry Gauthier (R), SD 40, opened the hearing on SB 305. Revise the unemployment insurance appeals board membership.

Proponents' Testimony:

09:39:03 Brad Griffin, Montana Restaurant Association (MRA)

Opponents' Testimony:

09:39:40 Brenda Nordlund, Unemployment Insurance Division, Department of Labor and Industry (DLI)

Sen. Fitzpatrick returned to the hearing and assumed the duties of the Chair.

Informational Testimony: None

Questions from Committee Members and Responses:

09:45:58 Sen. Brown
 09:51:01 Ms. Nordlund, DLI
 09:53:31 Sen. Boland
 09:54:31 Ms. Nordlund

Closing by Sponsor:

09:54:42 Sen. Gauthier

 09:58:48 Chairman Fitzpatrick

 09:58:58 Recess
 10:14:03 Reconvene

EXECUTIVE ACTION ON SB 272

10:14:20 **Motion:** Sen. D. Brown moved that **SB 272 DO PASS.**

Discussion:

10:14:30 Jameson Walker, Legislative Services Division (LSD)
 10:14:34 Sen. Brown
 10:15:04 Sen. Small
 10:16:26 Sen. Boland
 10:18:11 Sen. Malek

10:18:49 **Vote:** Motion failed 5-5 by roll call vote with Sen. D. Brown, Sen. Ellsworth, Sen. Fitzpatrick, Sen. F. Smith and Sen. Vance voting aye.

10:19:30 **Motion/Vote:** Sen. D. Brown moved that **SB 272 BE TABLED.** Motion carried unanimously by roll call vote. Sen. Vance voted by proxy.

EXECUTIVE ACTION ON SB 279

10:21:19 **Motion:** Sen. D. Brown moved that **SB 279 DO PASS.**

Discussion:

10:21:27 Sen. Ellsworth
 10:22:27 Sen. Brown
 10:22:55 Sen. Boland

10:23:32 **Vote:** Motion failed 4-6 by roll call vote with Sen. Boland, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting aye. Sen. Vance voted by proxy.

10:24:37 **Motion/Vote:** Sen. D. Brown moved that **SB 279 BE TABLED.** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

EXECUTIVE ACTION ON SB 288

10:24:57 **Motion/Vote:** Sen. D. Brown moved that **SB 288 DO PASS.** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

EXECUTIVE ACTION ON SB 305

10:25:27 **Motion:** Sen. D. Brown moved that **SB 305 DO PASS.**

Discussion:

10:25:41 Mr. Walker

10:27:57 **Motion:** Sen. Fitzpatrick moved that **SB 305 BE AMENDED CONCEPTUALLY.**

Discussion:

10:28:09 Sen. Boland

10:28:49 Sen. Gauthier

10:29:36 Chairman Fitzpatrick

10:29:46 **Vote:** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

Discussion:

10:30:12 Chairman Fitzpatrick

10:30:16 Sen. Boland

10:32:03 Sen. Gauthier

10:32:06 Sen. Boland

10:32:09 Sen. Brown

10:32:40 Sen. Gauthier

10:32:50 Sen. Ellsworth

10:34:03 Sen. Malek

10:35:20 Sen. Brown

10:35:35 Mr. Walker

10:35:56 Sen. Brown

10:36:03 Sen. Malek

10:36:19 Sen. Boland

10:36:56 **Motion/Vote:** Sen. Gauthier moved that **SB 305 BE AMENDED CONCEPTUALLY.** Motion carried 8-2 by voice vote with Sen. Boland and Sen. Malek voting no. Sen. Vance voted by proxy.

10:37:48 **Motion:** Sen. D. Brown moved that **SB 305 DO PASS AS AMENDED.**

Discussion:

10:38:00 Sen. Ellsworth

10:38:31 Chairman Fitzpatrick

10:38:56 Sen. Boland

10:39:06 **Vote:** Motion carried 7-3 by roll call vote with Sen. Boland, Sen. Malek and Sen. Vuckovich voting no. Sen. Vance voted by proxy.

10:40:17 Mr. Walker

10:40:21 Chairman Fitzpatrick

ADJOURNMENT

Adjournment: 10:41 AM

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus38aad.pdf](#))