

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Steve Fitzpatrick, on February 26, 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 311, 2/22/2019; SB 307, 2/22/2019; HB 85, 2/22/2019

Executive Action: SB 269, SB 311, Do Pass; SB 240, SB 307, Do Pass As Amended

08:30:44 Chairman Fitzpatrick

**HEARING ON HB 85**

**Opening Statement by Sponsor:**

08:31:45 Rep. Greg DeVries (R), HD 75, opened the hearing on HB 85. Revising laws relating to insurance entity organizational filings.

**Proponents' Testimony:**

08:32:34 Brett Olin, Office of the Commissioner of Securities and Insurance, State Auditor (CSI)

08:37:04 Aimee Grmoljez, Montana Captive Insurance Association

**[EXHIBIT\(bus41a01\)](#)**

Sen. Vance left the hearing.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:37:53 Sen. Boland

08:39:52 Mr. Olin, CSI

08:40:37 Sen. Brown

08:40:45 Mr. Olin

08:42:10 Sen. Malek

08:46:32 Mr. Olin

**Closing by Sponsor:**

08:46:46 Rep. DeVries

08:47:08 Chairman Fitzpatrick

Sen. Ellsworth entered the hearing.

**HEARING ON SB 307**

**Opening Statement by Sponsor:**

08:48:03 Sen. Jeffrey Welborn (R), SD 36, opened the hearing on SB 307. Generally revising alternative project delivery laws.

**[EXHIBIT\(bus41a02\)](#)**

**Proponents' Testimony:**

08:51:34 Cary Hegreberg, Montana Chamber of Commerce (MCC)

**[EXHIBIT\(bus41a03\)](#)**

08:55:41 Darryl James, Montana Infrastructure Coalition (MIC)

**[EXHIBIT\(bus41a04\)](#)**

08:59:24 Russ Katherman, Architectural Engineering Division, Department of Administration (DOA)  
 09:00:01 Ron Muffick, director of Operations and Administration, Office of the Commissioner of Higher Education (OCHE)  
 09:00:20 Kelly Lynch, Montana League of Cities and Towns  
 09:00:43 Jon Metropoulos, Montana Association of Oil, Gas, and Coal Counties  
 09:01:06 Adam Haight, American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)  
 09:01:23 Marty Schuma, Dick Anderson Construction  
 09:01:42 Jay Skoog, American Council of Engineering Companies of Montana; Montana Infrastructure Coalition  
 09:02:09 David Smith, Montana Contractors Association; Montana Infrastructure Coalition (MIC)  
 09:04:08 Ed Bartlett, Bozeman Area Chamber of Commerce; Billings Chamber of Commerce  
 09:05:45 Brian Solan, Ameresco  
 09:06:45 Brent Campbell, WGM Group  
 09:08:59 John Scully, Board of Livestock (BOL)

**Opponents' Testimony:** None

**Informational Testimony:**

09:10:56 Duane Kailey, Montana Department of Transportation

**Questions from Committee Members and Responses:**

09:11:19 Sen. Brown  
 09:11:53 Mr. Skully, BOL  
 09:13:40 Sen. Brown  
 09:15:44 Mr. James, MIC  
 09:16:10 Sen. Ellsworth  
 09:20:35 Mr. Hegreberg, MCC redirect  
 09:20:43 Sen. Ellsworth  
 09:23:17 Mr. Katherman, DOA  
 09:23:27 Chairman Fitzpatrick  
 09:24:09 Mr. Katherman

Sen. Vuckovich entered the hearing.

09:24:43 Sen. Gauthier  
 09:25:48 Mr. James  
 09:26:14 Sen. Malek  
 09:27:06 Mr. Muffick, OCHE  
 09:27:36 Sen. Malek  
 09:29:08 Mr. Smith, MIC  
 09:29:12 Sen. Boland  
 09:29:38 Sen. Welborn

**Closing by Sponsor:**

09:30:01 Sen. Welborn

09:31:10 Chairman Fitzpatrick

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

09:32:34 Vice Chair Brown

**HEARING ON SB 311**

**Opening Statement by Sponsor:**

09:32:40 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 311. Creating laws relating to financial institutions and elder exploitation.

**Proponents' Testimony:**

09:34:31 Steve Turkiewicz, Montana Bankers Association (MBA)

[EXHIBIT\(bus41a05\)](#)

09:40:49 Karen Smith, Montana's Credit Unions

09:42:10 Barbara Smith, Department of Public Health and Human Services

09:44:01 Mike Batista, American Association of Retired Persons Montana

09:46:09 Jim Brown, Montana Independent Bankers Association

09:49:35 Bill Warden, National Association of Bankers and Financial Advisors

09:50:40 Brett Olin, Office of the Commissioner of Securities and Insurance, State Auditor

09:53:54 Melanie Hall, Division of Banking and Financial Institutions, Department of Administration (DOA)

**Opponents' Testimony:**

09:56:52 Pat Fox, Montana Trial Lawyers

Vice Chair Brown passed the duties of the Chair to Vice Chair Malek.

Sen. Brown and Sen. Smith left the hearing.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:03:51 Sen. Ellsworth

10:09:02 Ms. Hall, DOA redirect

10:09:40 Sen. Ellsworth

10:11:55 Mr. Turkiewicz, MBA

10:13:14 Sen. Ellsworth

10:13:54 Sen. Fitzpatrick

**Closing by Sponsor:**

10:14:25 Sen. Fitzpatrick

10:16:12 Chair Malek

Sen. Fitzpatrick resumed the duties of the Chair.

10:17:04 Recess  
10:34:02 Reconvene

Sen. Brown, Sen. Smith, and Sen. Vance were absent from the room.

**EXECUTIVE ACTION ON SB 240**

10:34:08 **Motion:** Sen. Small moved that **SB 240 DO PASS**.

10:34:20 **Motion:** Sen. Fitzpatrick moved that **SB 240 BE AMENDED**.  
[EXHIBIT\(bus41a06\)](#)

**Discussion:**

10:34:30 Jameson Walker, Legislative Services Division (LSD)  
10:37:21 Chairman Fitzpatrick  
10:37:48 Sen. Ellsworth  
10:38:36 Sen. Malek  
10:38:40 Chairman Fitzpatrick  
10:38:49 Mr. Walker, LSD

10:39:18 **Vote:** Motion carried unanimously by voice vote. Sen. D. Brown, Sen. F. Smith and Sen. Vance voted by proxy.

Sen. Brown and Sen. Smith entered the room.

10:39:35 **Motion/Vote:** Sen. Small moved that **SB 240 DO PASS AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 269**

10:40:51 **Motion:** Sen. D. Brown moved that **SB 269 DO PASS**.

**Discussion:**

10:41:14 Sen. Malek  
10:41:43 Sen. Brown

10:41:55 **Vote:** Motion carried 8-2 by roll call vote with Sen. D. Brown and Sen. Vance voting no. Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 307**

10:42:51 **Motion:** Sen. D. Brown moved that **SB 307 DO PASS**.

10:43:13 **Motion:** Sen. Fitzpatrick moved that **SB 307 BE AMENDED**.  
[EXHIBIT\(bus41a07\)](#)

**Discussion:**

10:43:19 Mr. Walker

10:46:28 **Vote:** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

10:46:37 **Motion:** Sen. D. Brown moved that **SB 307 DO PASS AS AMENDED.**

10:46:50 **Motion:** Sen. D. Brown moved that **SB 307 BE AMENDED CONCEPTUALLY.**

**Discussion:**

10:47:33 Mr. Walker  
10:48:31 Sen. Boland  
10:48:54 Chairman Fitzpatrick  
10:48:56 Sen. Malek  
10:49:36 Sen. Vuckovich

10:49:56 **Substitute Motion:** Sen. D. Brown made a Substitute Motion **TO CHANGE THE TERMINATION DATE TO EIGHT YEARS.**

**Discussion:**

10:50:00 Sen. Brown  
10:50:36 Sen. Malek  
10:50:55 Chair Fitzpatrick  
10:51:04 Sen. Brown  
10:51:53 Mr. Walker  
10:52:19 Sen. Brown  
10:52:24 Sen. Ellsworth  
10:53:13 Mr. Walker

10:53:29 **Vote:** Substitute Motion carried unanimously by roll call vote. Sen. Vance voted by proxy.

10:54:26 **Motion:** Sen. D. Brown moved that **SB 307 DO PASS AS AMENDED.**

**Discussion:**

10:54:51 Sen. Ellsworth  
10:55:20 Sen. Malek  
10:56:54 Sen. Brown  
10:57:22 Chairman Fitzpatrick

10:57:48 **Vote:** Motion carried 7-3 by roll call vote with Sen. D. Brown, Sen. Ellsworth and Sen. Vance voting no. Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 311**

10:58:48 **Motion/Vote:** Sen. D. Brown moved that **SB 311 DO PASS.** Motion carried unanimously by roll call vote. Sen. Vance voted by proxy.

11:00:05 Chairman Fitzpatrick

**ADJOURNMENT**

Adjournment: 11:00 AM

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT([bus41aad.pdf](#))**