

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on March 27, 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 351, 3/25/2019; SB 358, 3/26/2019

Executive Action: SB 351, SB 358, Do Pass As Amended;
HB 481, HB 617, Be Concurred In As Amended
HB 584, Be Concurred In

08:32:15 Chairman Fitzpatrick

HEARING ON SB 351

Opening Statement by Sponsor:

08:33:32 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SB 351. Revise State Fund board composition and term requirements.

EXHIBIT(bus63a01)

Proponents' Testimony: None

Opponents' Testimony:

08:34:44 Kevin Braun, Montana State Fund (MSF)

Informational Testimony: None

Questions from Committee Members and Responses:

08:35:52 Sen. Brown
08:35:56 Sen. Ellsworth
08:37:01 Sen. Malek
08:40:08 Mr. Braun, MSF
08:40:46 Sen. Malek
08:42:18 Sen. Ellsworth defer
08:42:34 Mr. Braun
08:43:04 Sen. Malek
08:43:16 Mr. Braun
08:43:26 Chairman Fitzpatrick
08:44:06 Mr. Braun
08:44:12 Sen. Boland
08:45:13 Mr. Braun
08:45:34 Sen. Brown
08:45:38 Mr. Braun

Closing by Sponsor:

08:46:06 Sen. Ellsworth

08:46:34 Chairman Fitzpatrick

HEARING ON SB 358

Opening Statement by Sponsor:

08:46:51 Sen. Terry Gauthier (R), SD 40, opened the hearing on SB 358. Revise resort area alcoholic beverage license laws.

Proponents' Testimony:

08:49:18 John Iverson, Montana Tavern Association (MTA)
08:52:08 Mark Taylor, attorney, Spanish Peaks and Moonlight Basin

Opponents' Testimony: None

Informational Testimony:

08:53:08 Shauna Helfert, deputy director, Department of Revenue (DOR)

Questions from Committee Members and Responses:

08:53:43 Sen. Boland
 08:55:59 Mr. Iverson, MTA
 08:56:10 Sen. Boland
 08:58:57 Ms. Helfert, DOR
 08:59:01 Chairman Fitzpatrick
 08:59:37 Mr. Iverson
 09:00:18 Sen. Boland
 09:00:23 Mr. Iverson
 09:03:13 Sen. Brown
 09:04:23 Sen. Gauthier
 09:04:48 Sen. Malek
 09:05:29 Ms. Helfert
 09:05:50 Sen. Brown
 09:06:33 Ms. Helfert
 09:06:52 Sen. Brown
 09:07:55 Mr. Iverson
 09:09:08 Chairman Fitzpatrick
 09:12:10 Ms. Helfert
 09:12:14 Sen. Boland
 09:12:58 Ms. Helfert

Closing by Sponsor:

09:14:15 Sen. Gauthier

Committee Business:

09:15:46 Chairman Fitzpatrick
 09:19:13 Sen. Brown
 09:19:28 Chairman Fitzpatrick

 09:20:03 Recess
 09:45:36 Reconvened

EXECUTIVE ACTION ON SB 351

09:45:53 **Motion:** Sen. D. Brown moved that **SB 351 DO PASS.**

09:46:04 **Motion/Vote:** Sen. D. Brown moved that **SB 351 BE AMENDED.** Motion carried unanimously by voice vote. (see exhibit 1)

09:46:38 **Motion:** Sen. D. Brown moved that **SB 351 DO PASS AS AMENDED.**

09:46:53 **Motion:** Sen. Malek moved that **SB 351 BE CONCEPTUALLY AMENDED.**

Discussion:

09:48:21 Chairman Fitzpatrick
 09:48:23 Sen. Brown

09:48:29 Chairman Fitzpatrick
 09:49:17 Sen. Malek
 09:49:50 Chairman Fitzpatrick

09:50:08 **Vote:** Motion carried 9-1 by roll call vote with Sen. D. Brown voting no.

09:51:16 **Motion/Vote:** Sen. D. Brown moved that **SB 351 DO PASS AS AMENDED.**
 Motion carried 9-1 by voice vote with Sen. D. Brown voting no.

EXECUTIVE ACTION ON SB 358

09:52:55 **Motion:** Sen. D. Brown moved that **SB 358 DO PASS.**

09:53:06 **Motion:** Sen. D. Brown moved that **SB 358 BE CONCEPTUALLY AMENDED.**

Discussion:

09:53:36 Chairman Fitzpatrick
 09:54:01 Jameson Walker, Legislative Services Division (LSD)
 09:54:27 Sen. Brown
 09:54:39 Sen. Boland
 09:55:05 Mr. Walker, LSD
 09:56:03 Sen. Malek
 09:56:27 Mr. Walker
 09:57:23 Sen. Smith

09:57:46 **Vote:** Motion carried 6-4 by roll call vote with Sen. Fitzpatrick, Sen. Gauthier, Sen. Malek and Sen. F. Smith voting no.

09:58:50 **Motion/Vote:** Sen. D. Brown moved that **SB 358 DO PASS AS AMENDED.**
 Motion carried 8-2 by roll call vote with Sen. D. Brown and Sen. Vance voting no.

EXECUTIVE ACTION ON HB 481

10:00:12 **Motion:** Sen. D. Brown moved that **HB 481 BE CONCURRED IN.**

10:02:15 **Motion/Vote:** Sen. D. Brown moved that **HB 481 BE AMENDED.** Motion carried unanimously by roll call vote.

EXHIBIT(bus63a02)

10:02:14 **Motion:** Sen. Fitzpatrick moved that **HB 481 BE AMENDED.**

EXHIBIT(bus63a03)

Discussion:

10:02:19 Sen. Ellsworth
 10:04:01 Sen. Brown
 10:05:32 Sen. Ellsworth
 10:05:45 Sen. Malek
 10:07:34 Sen. Smith
 10:07:58 Chairman Fitzpatrick

10:08:20 Sen. Boland

10:08:58 Sen. Malek

10:10:03 **Vote:** Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting no.

10:11:09 **Motion:** Sen. Fitzpatrick moved that **HB 481 BE AMENDED.**
[EXHIBIT\(bus63a04\)](#)

Discussion:

10:11:22 Sen. Brown

10:12:00 Mr. Walker

10:12:32 Chairman Fitzpatrick

10:12:42 Mr. Walker

10:13:28 Sen. Brown

10:14:42 Sen. Malek

10:17:20 Mr. Walker

10:17:52 **Vote:** Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Small, Sen. F. Smith and Sen. Vance voting no.

10:19:04 **Motion:** Sen. D. Brown moved that **HB 481 BE CONCURRED IN AS AMENDED.**

Discussion:

10:19:29 Chairman Fitzpatrick

10:19:38 Sen. Malek

10:19:58 Sen. Brown

10:20:46 Sen. Boland

10:21:10 **Vote:** Motion carried 8-2 by roll call vote with Sen. Boland and Sen. F. Smith voting no. Sen. Malek will carry the bill.

EXECUTIVE ACTION ON HB 584

10:22:24 **Motion/Vote:** Sen. D. Brown moved that **HB 584 BE CONCURRED IN.** Motion carried 6-4 by roll call vote with Sen. D. Brown, Sen. Malek, Sen. F. Smith and Sen. Vance voting no. Sen. Fitzpatrick will carry the bill.

DISCUSSION ON HB 617

10:23:56 Chairman Fitzpatrick

10:24:39 Jameson Walker, Legislative Services Division (LSD)

[EXHIBIT\(bus63a05\)](#)

10:25:36 Chairman Fitzpatrick

10:25:52 Sen. Vance

Public Introductions:

10:26:20 Joe Billion, dealer, Billion Auto Group, Bozeman

10:26:40 Craig Charleton, attorney, Montana Automobile Dealers Association (MTADA)
10:26:58 Mayer Grashin, CDK Global
10:27:15 John Bruggeman, chief strategy officer, V2, Whitefish

10:27:58 Chairman Fitzpatrick
10:28:02 Sen. Ellsworth

Amendment HB061701.AJW

Discussion:

10:28:18 Chairman Fitzpatrick

[EXHIBIT\(bus63a06\)](#)

10:29:08 Sen. Brown
10:30:01 Mr. Walker, LSD

Proponents' and Opponents' Testimony:

10:30:27 John MacDonald, Alliance of Automobile Manufacturers (AAM)
10:33:40 Jim Stanger, auto dealer, Helena

Questions from Committee Members and Responses:

10:35:10 Sen. Brown
10:35:43 Mr. MacDonald, AAM
10:36:50 Sen. Brown
10:38:17 Mr. Stanger, Helena
10:39:17 Sen. Gauthier
10:40:38 Mr. Stanger

Amendment HB061702.AJW

Discussion:

10:40:50 Chairman Fitzpatrick

[EXHIBIT\(bus63a07\)](#)

10:41:06 Mr. Walker
10:44:35 Chairman Fitzpatrick

Proponents' and Opponents' Testimony:

10:44:42 Mr. Grashin, CDK

[EXHIBIT\(bus63a08\)](#)

10:51:05 Mr. Billion, Bozeman

[EXHIBIT\(bus63a09\)](#)

10:56:18 Mr. Stanger

[EXHIBIT\(bus63a10\)](#)

10:57:20 John Brueggeman, V2

Questions from Committee Members and Responses:

10:58:07 Sen. Ellsworth
10:59:33 Mr. Grashim
10:59:57 Sen. Vance
11:01:03 Mr. Billion
11:01:20 Sen. Brown
11:05:47 Mr. Billion

Amendment HB061703.AJW

Discussion:

11:06:28 Chairman Fitzpatrick

EXHIBIT(bus63a11)

11:06:51 Mr. Walker
11:12:15 Sen. Brown
11:12:38 Mr. Walker

Proponents' and Opponents' Testimony:

11:13:02 Bruce Knudsen, executive vice president, Montana Automobile Dealers
Association (MTADA)
11:14:02 Mr. MacDonald

Questions from Committee Members and Responses:

11:15:03 Sen. Ellsworth
11:15:36 Mr. MacDonald
11:16:32 Sen. Vance
11:16:45 Mr. MacDonald
11:16:53 Sen. Vance
11:17:01 Mr. Knudsen, MTADA

Amendment HB061704.AJW

Discussion:

11:18:20 Chairman Fitzpatrick

EXHIBIT(bus63a12)

11:19:00 Mr. Walker
11:19:45 Chairman Fitzpatrick

Proponents' and Opponents' Testimony:

11:20:08 Mr. Charlton, MTADA
11:21:13 John MacDonald, AAM

Questions from Committee Members and Responses:

11:22:23 Sen. Brown
11:23:30 Mr. Charlton
11:23:39 Sen. Vance
11:23:52 Chairman Fitzpatrick

Sen. Small was excused.

EXECUTIVE ACTION ON HB 617

11:24:29 **Motion:** Sen. D. Brown moved that **HB 617 BE CONCURRED IN.**

11:24:37 **Motion:** Sen. D. Brown moved that **HB 617 BE AMENDED.** (See Exhibit 11, HB061703.AJW)

Discussion:

11:25:11 Sen. Vance
 11:25:32 Sen. Ellsworth
 11:25:48 Sen. Gauthier

11:25:59 **Vote:** Motion carried unanimously by voice vote. Sen. Small voted by proxy.

11:26:19 **Motion:** Sen. D. Brown moved that **HB 617 BE AMENDED.** (See Exhibit 6, HB061701.AJW)

Discussion:

11:26:34 Sen. Vance
 11:27:01 Chairman Fitzpatrick

11:27:12 **Vote:** Motion failed 1-9 by voice vote with Sen. D. Brown voting aye. Sen. Small voted by proxy.

11:28:03 **Motion:** Sen. Fitzpatrick moved that **HB 617 BE AMENDED.** (See Exhibit 7, HB061702.AJW)

Discussion:

11:28:21 Sen. Vance

11:28:49 **Vote:** Motion failed unanimously by roll call vote. Sen. Small voted by proxy.

11:29:41 **Motion:** Sen. Fitzpatrick moved that **HB 617 BE AMENDED.** (See Exhibit 12, HB061704.AJW)

Discussion:

11:29:58 Sen. Vance
 11:30:09 Chairman Fitzpatrick

11:30:15 **Vote:** Motion failed 2-8 by voice vote with Sen. Malek and Sen. Vance voting aye. Sen. Small voted by proxy.

Discussion:

11:30:38 Sen. Malek
 11:30:48 Mr. Walker
 11:31:01 Chairman Fitzpatrick

11:31:11 **Motion:** Sen. D. Brown moved that **HB 617 BE CONCURRED IN AS AMENDED.**

Discussion:

11:31:40 Sen. Vance

11:32:05 Sen. Brown

11:32:08 **Vote:** Motion carried unanimously by voice vote. Sen. Small voted by proxy. Sen. Vance will carry the bill.

Committee Business:

11:32:36 Chairman Fitzpatrick

11:31:46 Sen. Brown

11:33:46 Chairman Fitzpatrick

ADJOURNMENT

Adjournment: 11:33 AM

Linda Keim, Secretary

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Additional Documents:

Additional Documents:

EXHIBIT([bus63aad.pdf](#))