

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on April 2, 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 376, 3/26/2019; HB 416, 3/26/2019; HB 558, 3/26/2019;
SR 46, 3/29/2019

Executive Action: HB 578, HB 558, Be Concurred In
SR 36, Be Adopted As Amended
SR 46, Be Adopted
HB 214, HB 547, Tabled

Voted to create a new resolution for Jim Molloy, Governor's appointee, State Compensation Insurance Fund

08:30:38 Chairman Fitzpatrick

HEARING ON HB 558

Opening Statement by Sponsor:

08:31:29 Rep. Thomas Winter (D), HD 96, opened the hearing on HB 558. Reducing the number of boards and advisory councils.

Proponents' Testimony:

08:32:49 Carolyn Jones, Department of Commerce (DOC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:33:42 Sen. Brown
08:34:07 Ms. Jones, DOC
08:34:26 Sen. Vuckovich
08:34:39 Ms. Jones
08:35:12 Chairman Fitzpatrick
08:35:58 Ms. Jones
08:36:04 Sen. Ellsworth
08:36:25 Ms. Jones
08:36:30 Chairman Fitzpatrick
08:37:36 Rep. Winter

Closing by Sponsor:

08:38:02 Rep. Winter

08:39:11 Chairman Fitzpatrick

HEARING ON HB 416

Opening Statement by Sponsor:

08:39:32 Rep. Ross Fitzgerald (R), HD 17, opened the hearing on HB 416. Require professional liability coverage for certain real estate licensees.

Proponents' Testimony:

08:42:33 Sam Sill, Montana Association of Realtors (MAR)
08:48:48 Cynthia Lanier, real estate broker, industry member, Board of Realty Regulations
08:50:37 James Anderson, president, Montana Association of Realtors (MAR)
08:56:17 William Leininger, chairman, Montana Association of Realtors, real estate broker (MAR)

[EXHIBIT\(bus68a01\)](#)

[EXHIBIT\(bus68a02\)](#)

Opponents' Testimony: None

Informational Testimony:

08:58:53 Bob Biskupiak, Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI)

Questions from Committee Members and Responses:

08:59:18 Sen. Brown
 09:01:27 Rep. Fitzgerald
 09:02:04 Sen. Brown
 09:05:02 Mr. Anderson, MAR
 09:05:21 Sen. Ellsworth
 09:08:35 Mr. Sill, MAR
 09:09:03 Sen. Ellsworth
 09:14:05 Mr. Leininger, MAR
 09:14:19 Chairman Fitzpatrick
 09:14:32 Mr. Leininger
 09:14:58 Chairman Fitzpatrick
 09:17:15 Mr. Sill
 09:17:23 Sen. Smith
 09:18:11 Mr. Sill
 09:19:04 Sen. Boland
 09:21:41 Mr. Sill
 09:21:48 Sen. Ellsworth
 09:23:13 Mr. Sill
 09:23:23 Sen. Gauthier
 09:24:20 Mr. Sill
 09:24:34 Sen. Brown

Closing by Sponsor:

09:25:01 Rep. Fitzgerald
 09:25:13 Chairman Fitzpatrick

HEARING ON HB 376

Opening Statement by Sponsor:

09:25:35 Rep. Ross Fitzgerald (R), HD 17, opened the hearing on HB 376. Repeal the real estate recovery account.

Proponents' Testimony:

09:27:12 Sam Sill, Montana Association of Realtors (MAR)
 09:30:33 Cynthia Lanier, member, Board of Realty Regulations
 09:31:48 James Anderson, president, Montana Association of Realtors (MAR)
 09:33:21 Peggy Trenk, Montana Housing Coalition

Opponents' Testimony: None

Informational Testimony:

09:34:16 Bruce Brensdal, executive director, Montana Board of Housing, Department of Commerce (DOC)

Questions from Committee Members and Responses:

09:34:54 Sen. Brown
09:35:31 Rep. Fitzgerald
09:36:11 Sen. Brown
09:38:19 Mr. Sill, MAR
09:38:49 Sen. Malek
09:41:47 Mr. Anderson, MAR
09:42:19 Sen. Boland
09:42:45 Mr. Brensdal, DOC
09:43:44 Sen. Boland
09:45:51 Mr. Anderson
09:46:01 Chairman Fitzpatrick
09:46:10 Mr. Anderson
09:46:25 Sen. Boland
09:46:47 Mr. Anderson

Closing by Sponsor:

09:47:27 Rep. Fitzgerald

09:47:50 Chairman Fitzpatrick

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

09:47:57 Chair Brown

HEARING ON SR 46

Opening Statement by Sponsor:

09:48:10 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SR 46. Confirm Governor's appointees for Board of Personnel Appeals.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:52:04 Sen. Malek
09:52:10 Sen. Fitzpatrick
09:52:39 Chair Brown
09:52:46 Mr. Walker

Closing by Sponsor:

09:52:58 Sen. Fitzpatrick

09:53:07 Chair Brown

09:53:41 Sen. Fitzpatrick assumed the duties of the chair.

Committee Business:

09:53:41 Chairman Fitzpatrick

09:56:35 Recess

10:11:40 Reconvene

Sen. Vance did not return to the hearing.

EXECUTIVE ACTION ON HB 214

10:11:51 **Motion:** Sen. D. Brown moved that **HB 214 BE CONCURRED IN.**

Discussion:

10:12:11 Sen. Malek

10:12:33 Sen. Brown

10:12:45 Sen. Malek

10:14:00 Sen. Ellsworth

10:14:12 Sen. Gauthier

10:14:33 **Vote:** Motion failed 5-5 by roll call vote with Sen. D. Brown, Sen. Ellsworth, Sen. Fitzpatrick, Sen. Gauthier and Sen. Vance voting aye. Sen. Vance voted by proxy.

10:14:45 **Motion/Vote:** Sen. D. Brown moved that **HB 214 BE TABLED.** Motion carried 8-2 by voice vote with Sen. D. Brown and Sen. Vance voting no. Sen. Vance voted by proxy.

EXECUTIVE ACTION ON HB 547

10:15:55 **Motion:** Sen. D. Brown moved that **HB 547 BE CONCURRED IN.**

Discussion:

10:16:17 Sen. Malek

10:18:37 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 547 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Vance voted by proxy.

EXHIBIT(bus68a03)

10:18:59 **Motion:** Sen. D. Brown moved that **HB 547 BE CONCURRED IN AS AMENDED.**

Discussion:

10:19:17 Sen. Boland

10:20:20 Sen. Brown

10:21:48 Sen. Vuckovich

10:21:56 Sen. Brown

10:22:21 Sen. Small

10:23:24 **Vote:** Motion failed 5-5 by roll call vote with Sen. Boland, Sen. Fitzpatrick, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting aye. Sen. Vance voted by proxy.

10:24:14 **Motion/Vote:** Sen. D. Brown moved that **HB 547 BE TABLED**. Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting no. Sen. Vance voted by proxy.

EXECUTIVE ACTION ON HB 558

10:25:40 **Motion/Vote:** Sen. D. Brown moved that **HB 558 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Vance voted by proxy. Sen. Boland will carry the bill.

Sen. Vance entered the hearing.

EXECUTIVE ACTION ON HB 578

10:26:20 **Motion:** Sen. D. Brown moved that **HB 578 BE CONCURRED IN**.

Discussion:

10:26:27 Sen. Malek
10:27:19 Chairman Fitzpatrick
10:27:21 Sen. Ellsworth
10:28:11 Sen. Brown

10:28:14 **Vote:** Motion carried unanimously by voice vote. Sen. Ellsworth will carry the bill.

EXECUTIVE ACTION ON SR 36

10:28:29 **Motion:** Sen. D. Brown moved that **SR 36 BE ADOPTED**.

10:29:04 **Motion:** Sen. Fitzpatrick moved that **SR 36 BE AMENDED**.
[EXHIBIT\(bus68a04\)](#)

Discussion:

10:29:14 Sen. Malek
10:29:38 Chairman Fitzpatrick

10:30:09 **Vote:** Motion carried 8-2 by roll call vote with Sen. Boland and Sen. Malek voting no.

10:31:21 **Motion/Vote:** Sen. D. Brown moved that **SR 36 BE ADOPTED AS AMENDED**. Motion carried unanimously by voice vote.

10:31:58 **Motion/Vote:** Sen. D. Brown moved **TO CREATE A NEW RESOLUTION FOR JIM MOLLOY**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SR 46

10:32:17 **Motion/Vote:** Sen. D. Brown moved that **SR 46 BE ADOPTED**. Motion carried unanimously by voice vote.

10:32:43 Chairman Fitzpatrick

Committee Business:

10:33:49 Chairman Fitzpatrick

10:34:23 Sen. Brown

10:34:34 Mr. Walker

10:35:14 Chairman Fitzpatrick

ADJOURNMENT

Adjournment: 10:35 AM

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus68aad.pdf](#))