

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on April 11, 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 405, 4/1/2019; HB 632, 4/2/2019; HB 694, 4/1/2019; HB 727, 4/2/2019

Executive Action: HB 405, HB 632, HB 475, HB 725, HB 751, Be Concurred In
HB 515, HB 727, HB 626, HB 732, Be Concurred In As Amended
HB 694, Tabled

08:30:46 Chairman Fitzpatrick

HEARING ON HB 694

Opening Statement by Sponsor:

08:31:54 Rep. Jim Hamilton (D), HD 61, opened the hearing on HB 694. Revise certain licensing fees for investment-related advisors.

Proponents' Testimony:

08:37:01 Peter Daniel Sullivan, certified financial planner, Helena; National Association of Insurance and Financial Advisors (NAIFA)

08:37:58 Ralph Franklin, lead revenue analyst, Office of Budget and Program Planning, Governor's Office (GOV)

Opponents' Testimony:

08:38:29 Kendall Cotton, policy advisor, Office of the Montana State Auditor, Commissioner of Securities and Insurance

Informational Testimony: None

Questions from Committee Members and Responses:

08:43:05 Sen. Brown
08:43:31 Mr. Sullivan, NAIFA
08:43:44 Sen. Brown
08:43:58 Mr. Franklin, GOV
08:44:24 Sen. Brown
08:44:27 Rep. Edward Buttrey, HD 21
08:44:53 Sen. Brown
08:46:45 Mr. Franklin
08:46:58 Chairman Fitzpatrick
08:48:42 Mr. Sullivan
08:48:48 Sen. Malek
08:53:57 Rep. Hamilton

Closing by Sponsor:

08:54:33 Rep. Hamilton

08:56:59 Chairman Fitzpatrick

HEARING ON HB 727

Opening Statement by Sponsor:

08:57:15 Rep. Edward Buttrey (R), HD 21, opened the hearing on HB 727. Generally revise alcohol and gaming licensing laws.

Proponents' Testimony:

09:01:23 Neil Peterson, Gaming Industry Association of Montana

09:02:24 Brad Griffin, Montana Restaurant Association

09:02:55 John Iverson, Montana Tavern Association

Opponents' Testimony:

09:05:54 Michael Lawlor, attorney, Lawlor & Company, Missoula
09:13:08 Andy Holloran, HomeBase Montana

Informational Testimony:

09:17:06 Becky Schlauch, administrator, Alcohol Beverage Control Division, Department of Revenue (DOR)
09:17:25 Angela Nunn, administrator, Gambling Control Division, Department of Justice

Questions from Committee Members and Responses:

09:17:55 Sen. Malek
09:20:24 Rep. Buttrey
09:21:36 Sen. Malek
09:22:02 Mr. Lawlor, self
09:24:27 Sen. Malek
09:27:13 Ms. Schlauch, DOR
09:27:59 Rep. Buttrey
09:28:33 Sen. Gauthier
09:31:27 Mr. Holloran, self
09:31:35 Chairman Fitzpatrick
09:31:40 Mr. Lawlor
09:33:02 Chairman Fitzpatrick
09:33:09 Rep. Buttrey
09:34:30 Chairman Fitzpatrick
09:34:37 Ms. Schlauch
09:35:37 Sen. Malek
09:38:13 Rep. Buttrey

Closing by Sponsor:

09:38:44 Rep. Buttrey

09:39:29 Chairman Fitzpatrick

HEARING ON HB 632

Opening Statement by Sponsor:

09:39:55 Rep. Jade Bahr (D), HD 50, opened the hearing on HB 632. Require decennial report on economic impact of Indian reservations.

[EXHIBIT\(bus76a01\)](#)

Proponents' Testimony:

09:42:10 Jordan Thompson, Confederated Salish and Kootenai Tribes (CSKT)
09:44:23 Susan Fenner, Montana Native Vote

[EXHIBIT\(bus76a02\)](#)

Opponents' Testimony: None

Informational Testimony:

09:46:11 Jennifer Pelej, division administrator, Office of Tourism and Business Development, Department of Commerce (DOC)

Questions from Committee Members and Responses:

09:46:37 Sen. Ellsworth
 09:48:04 Ms. Pelej, DOC
 09:48:31 Sen. Ellsworth
 09:48:50 Rep. Bahr
 09:49:30 Chairman Fitzpatrick
 09:50:55 Ms. Pelej
 09:51:25 Sen. Malek
 09:52:43 Ms. Pelej
 09:53:03 Chairman Fitzpatrick
 09:53:08 Rep. Bahr
 09:53:30 Sen. Small
 09:54:41 Ms. Pelej
 09:55:24 Sen. Gauthier
 09:56:01 Ms. Pelej

Closing by Sponsor:

09:56:37 Rep. Bahr

 09:58:06 Chairman Fitzpatrick

 09:58:49 Recess
 10:04:18 Reconvene

 10:04:23 Chairman Fitzpatrick

HEARING ON HB 405

Opening Statement by Sponsor:

10:04:34 Rep. Joel Krautter (R), HD 35, opened the hearing on HB 405. Create catch and keep program for rural economic development.

[**EXHIBIT\(bus76a03\)**](#)

Proponents' Testimony:

10:16:16 Bridger Mahlum, Montana Chamber of Commerce
 10:18:11 Allen Lloyd, executive director, Montana Society of Certified Public Accountants
 10:20:00 Daniel Farr, Northeast Rural Schools
 10:22:04 Sam Forstag, Montana Associated Students
 10:22:51 Brad Griffin, Montana Retail Association
 10:23:18 John Forkan, Montana State Association of Plumbers and Pipefitters
 10:23:55 Brenna Love, Associated Students of Montana
 10:24:22 Ed Bartlett, State Bar of Montana
 10:25:57 Julian Adler, student lobbyist, Montana Public Interest Research Group
 10:27:32 Darrell Holzer, Montana Building and Construction Trades
 10:29:16 Geneva Zoltek, Associated Students of Montana State University
 10:30:02 Cindy Palmer, Montana Farmers Union
 10:31:12 Connie McCafferty, Lincoln

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:35:47 Sen. Brown
 10:38:09 Rep. Krautter
 10:39:06 Chairman Fitzpatrick
 10:40:38 Rep. Krautter
 10:42:31 Sen. Boland
 10:42:54 Rep. Krautter
 10:43:34 Chairman Fitzpatrick
 10:43:40 Rep. Krautter
 10:44:15 Sen. Brown
 10:44:21 Rep. Krautter

Closing by Sponsor:

10:45:17 Rep. Krautter

 10:46:01 Chairman Fitzpatrick

 10:48:29 Recess
 11:05:19 Reconvene

Sen. Small was excused.

EXECUTIVE ACTION ON HB 405

11:06:33 **Motion/Vote:** Sen. D. Brown moved that **HB 405 BE CONCURRED IN**. Motion carried 8-2 by roll call vote with Sen. D. Brown and Sen. Vance voting no. Sen. Small voted by proxy. Sen. Bogner will carry the bill.

Discussion:

11:08:28 Sen. Brown
 11:08:31 Chairman Fitzpatrick

EXECUTIVE ACTION ON HB 632

11:08:54 **Motion:** Sen. D. Brown moved that **HB 632 BE CONCURRED IN**.

Discussion:

11:09:06 Sen. Smith

 11:09:39 **Vote:** Motion carried 7-3 by roll call vote with Sen. D. Brown, Sen. Ellsworth and Sen. Vance voting no. Sen. Small voted by proxy. Sen. Small will carry the bill.

EXECUTIVE ACTION ON HB 694

11:09:59 **Motion:** Sen. D. Brown moved that **HB 694 BE CONCURRED IN**.

Discussion:

11:10:55 Sen. Malek

- 11:12:24 Sen. Brown
 11:13:40 Sen. Malek
 11:14:28 Chairman Fitzpatrick
 11:14:57 Sen. Malek
 11:15:47 Jamison Walker, Legislative Services Division (LSD)
 11:16:13 Sen. Vance
 11:16:19 Mr. Walker, LSD
 11:17:20 Sen. Ellsworth
 11:17:38 Chairman Fitzpatrick
 11:17:47 Sen. Brown

 11:17:51 **Motion:** Sen. Malek moved that **HB 694 BE CONCEPTUALLY AMENDED** to take the bill back to its original form.

Discussion:

- 11:18:16 Chairman Fitzpatrick
 11:18:24 Mr. Walker
 11:19:06 Sen. Brown
 11:19:21 Mr. Walker
 11:19:35 Sen. Brown
 11:19:49 Sen. Malek
 11:19:59 Chairman Fitzpatrick

 11:20:35 **Vote:** Motion carried 8-2 by roll call vote with Sen. Fitzpatrick and Sen. Vance voting no. Sen. F. Smith voted by proxy.

 11:21:38 **Motion/Vote:** Sen. D. Brown moved that **HB 694 BE CONCURRED IN AS AMENDED**. Motion failed 5-5 by roll call vote with Sen. Boland, Sen. Ellsworth, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting aye. Sen. Small voted by proxy.

 11:22:54 **Motion/Vote:** Sen. D. Brown moved that **HB 694 BE TABLED**. Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Malek, Sen. F. Smith and Sen. Vuckovich voting no. Sen. Small voted by proxy.

EXECUTIVE ACTION ON HB 727

- 11:24:15 **Motion:** Sen. D. Brown moved that **HB 727 BE CONCURRED IN**.

 11:24:30 **Motion:** Sen. Fitzpatrick moved that **HB 727 BE AMENDED**.
[**EXHIBIT\(bus76a04\)**](#)

Discussion:

- 11:25:19 Jamison Walker, Legislative Services Division (LSD)
 11:25:55 Sen. Brown
 11:26:10 Chairman Fitzpatrick

 11:26:26 **Vote:** Motion carried 9-1 by voice vote with Sen. Vance voting no. Sen. Small voted by proxy.

11:26:47 **Motion:** Sen. Fitzpatrick moved that **HB 727 BE AMENDED.**
[EXHIBIT\(bus76a05\)](#)

Discussion:

11:27:03 Mr. Walker, LSD
 11:28:57 Sen. Malek
 11:29:26 Mr. Walker
 11:30:20 Sen. Malek
 11:32:15 Mr. Walker

11:34:11 **Vote:** Motion carried unanimously by voice vote. Sen. Small voted by proxy.

11:34:24 **Motion:** Sen. D. Brown moved that **HB 727 BE CONCURRED IN AS AMENDED.**

Discussion:

11:35:56 Sen. Brown
 11:36:27 Mr. Walker
 11:37:14 Sen. Malek

11:37:51 **Vote:** Motion carried 9-1 by roll call vote with Sen. D. Brown voting no. Sen. Small voted by proxy. Sen. Fitzpatrick will carry the bill.

EXECUTIVE ACTION ON HB 475

11:38:52 **Motion/Vote:** Sen. D. Brown moved that **HB 475 BE CONCURRED IN.** Motion carried 8-2 by roll call vote with Sen. D. Brown and Sen. Malek voting no. Sen. Small voted by proxy. Sen. Blasdel will carry the bill.

EXECUTIVE ACTION ON HB 626

11:40:44 **Motion:** Sen. D. Brown moved that **HB 626 BE CONCURRED IN.**

11:40:49 **Motion:** Sen. Fitzpatrick moved that **HB 626 BE AMENDED.**
[EXHIBIT\(bus76a06\)](#)

Discussion:

11:42:10 Sen. Brown
 11:42:39 Jamison Walker, Legislative Services Division (LSD)
 11:42:58 Chairman Fitzpatrick
 11:43:05 Sen. Brown
 11:43:19 Chairman Fitzpatrick
 11:43:23 Sen. Boland
 11:43:27 Sen. Malek

11:43:42 **Vote:** Motion carried 7-3 by roll call vote with Sen. D. Brown, Sen. Fitzpatrick and Sen. Vance voting no. Sen. Small voted by proxy.

11:44:59 **Motion:** Sen. Fitzpatrick moved that **HB 626 BE AMENDED.**
[EXHIBIT\(bus76a07\)](#)

Discussion:

11:45:49 Mr. Walker, LSD

11:46:54 **Vote:** Motion carried unanimously by voice vote. Sen. Small voted by proxy.

11:47:03 **Motion:** Sen. D. Brown moved that **HB 626 BE CONCURRED IN AS AMENDED.**

Discussion:

11:47:18 Sen. Malek

11:48:19 **Vote:** Motion carried 7-3 by roll call vote with Sen. D. Brown, Sen. Ellsworth and Sen. Vance voting no. Sen. Small voted by proxy. Sen. Malek will carry the bill.

EXECUTIVE ACTION ON HB 725

11:49:30 **Motion/Vote:** Sen. D. Brown moved that **HB 725 BE CONCURRED IN.** Motion carried 8-2 by roll call vote with Sen. D. Brown and Sen. Malek voting no. Sen. Small voted by proxy. Sen. Blasdel will carry the bill.

11:51:00 Jamison Walker, Legislative Services Division

EXECUTIVE ACTION ON HB 732

11:52:06 **Motion:** Sen. D. Brown moved that **HB 732 BE CONCURRED IN.**

11:52:25 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 732 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Small voted by proxy.

EXHIBIT(bus76a08)

11:52:37 **Motion/Vote:** Sen. D. Brown moved that **HB 732 BE CONCURRED IN AS AMENDED.** Motion carried 9-1 by voice vote with Sen. Vance voting no. Sen. Small voted by proxy. Sen. Small will carry the bill.

EXECUTIVE ACTION ON HB 751

11:53:35 **Motion:** Sen. D. Brown moved that **HB 751 BE CONCURRED IN.**

Discussion:

11:53:56 Sen. Vance

11:54:32 Chairman Fitzpatrick

11:54:34 **Vote:** Motion carried 7-3 by roll call vote with Sen. D. Brown, Sen. Ellsworth and Sen. Vance voting no. Sen. Small voted by proxy. Sen. Small will carry the bill.

EXECUTIVE ACTION ON HB 515

11:55:38 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 515 BE REMOVED FROM TABLE.** Motion carried 8-1 by roll call vote with Sen. D. Brown voting no. Sen. Small was excused.

11:56:56 **Motion:** Sen. D. Brown moved that **HB 515 BE CONCURRED IN.**

11:56:59 **Motion:** Sen. Fitzpatrick moved that **HB 515 BE AMENDED.**

Discussion:

11:57:10 Jamison Walker, Legislative Services Division (LSD)

11:57:36 Sen. Brown

11:57:46 Chairman Fitzpatrick

Amendment HB 051501.ajm was added to HB 515 on 4/9/2019 and without objection, the BE AMENDED motion was withdrawn.

11:57:54 **Motion:** Sen. D. Brown moved that **HB 515 BE CONCURRED IN AS AMENDED.**

11:58:04 **Motion:** Sen. Fitzpatrick moved that **HB 515 BE AMENDED.**

[EXHIBIT\(bus76a09\)](#)

Discussion:

11:58:20 Mr. Walker

11:59:05 Sen. Vance

11:59:20 **Vote:** Motion carried unanimously by voice vote. Sen. Small voted by proxy.

11:59:37 **Motion/Vote:** Sen. D. Brown moved that **HB 515 BE CONCURRED IN AS AMENDED.** Motion carried 9-1 by roll call vote with Sen. D. Brown voting no. Sen. Small voted by proxy. Sen. Malek will carry the bill.

Committee Business:

12:00:55 Jamison Walker, Legislative Services Division (LSD)

12:01:20 Chairman Fitzpatrick

12:01:49 Sen. Vance

12:02:00 Sen. Ellsworth

12:02:12 Chairman Fitzpatrick

ADJOURNMENT

Adjournment: 12:02 PM

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus76aad.pdf](#))