

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Steve Fitzpatrick, on February 25, 2021 at 8:00 AM, in Room 422 Capitol

#### ROLL CALL

**Members Present in the Committee Room:**

Sen. Steve Fitzpatrick, Chair (R)  
Sen. Gordon Vance, Vice Chair (R)  
Sen. Jason W. Ellsworth (R)  
Sen. Terry Gauthier (R)  
Sen. Bruce Gillespie (R)  
Sen. Jason D. Small (R)  
Sen. Mark Sweeney (D)

**Members Present by Zoom Video Conference:**

Sen. Carlie Boland, Vice Chair (D)  
Sen. Mike Fox (D)  
Sen. Christopher Pope (D)

**Members Excused:**

Sen. Cary Smith (R)

**Members Absent:** None

**Staff Present:** Olivia Hopkins, Committee Secretary  
Clara Bentler, Remote Meeting Coordinator  
Sonja Nowakowski, Legislative Branch  
Erin Sullivan, Legislative Branch

**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 273, 2/22/2021; SB 275, 2/22/2021; SB 296, 2/22/2021; SB 297, 2/22/2021; SB 301, 2/22/2021; SB 323, 2/22/2021; SB 363, 2/22/2021; SB 364, 2/22/2021

Executive Action: SB 234, SB 251, SB 278, SB 289

08:01:45 Chair Fitzpatrick  
08:02:06 Sen. Boland  
08:02:11 Chair Fitzpatrick

**HEARING ON SB 296**

**Opening Statement by Sponsor:**

08:02:48 Sen. Steve Hinebauch (R), SD 18, opened the hearing on SB296, Revise civil liability laws related to an estate in real property.

**Proponents' Testimony:**

08:04:37 Charles Denowh, United Property Owners of Montana (UPOM)  
[EXHIBIT\(bus40a01\)](#)

08:07:10 Conner Nicklas, PRO Wyoming  
[EXHIBIT\(bus40a02\)](#)

**Opponents' Testimony:**

08:11:08 Alan Olson, Montana Petroleum Association (MPA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:14:47 Sen. Gillespie  
08:15:19 Mr. Denowh, UPOM  
08:15:35 Sen. Gauthier  
08:15:58 Mr. Olson, MPA  
08:16:23 Sen. Boland  
08:16:43 Mr. Olson

**Closing by Sponsor:**

08:16:58 Sen. Hinebauch

**HEARING ON SB 323**

**Opening Statement by Sponsor:**

08:19:13 Sen. Chris Friedel (R), SD 26, opened the hearing on SB323, Generally revise Montana Administrative Procedure Act.

[EXHIBIT\(bus40a03\)](#)

**Proponents' Testimony:**

08:22:12 Kendall Cotton, Frontier Institute  
08:25:17 Henry Kriegel, Americans for Prosperity - Montana  
08:28:44 Beth Brenneman, Disability Rights Montana

**Opponents' Testimony:**

08:30:41 Anne Hedges, Montana Environmental Information Center

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:34:23 Sen. Pope  
08:35:12 Sen. Friedel  
08:36:05 Sen. Pope  
08:37:28 Sen. Friedel  
08:37:44 Sen. Pope  
08:37:52 Sen. Gillespie  
08:38:02 Sen. Friedel

**Closing by Sponsor:**

08:38:42 Sen. Friedel

**HEARING ON SB 301**

**Opening Statement by Sponsor:**

08:39:17 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB301, Provide statewide uniformity regarding wages/benefits for political subdivisions.

**Proponents' Testimony:** None

**Opponents' Testimony:**

08:41:42 Tim Burton, Montana League of Cities and Towns  
[EXHIBIT\(bus40a04\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:43:28 Sen. Pope  
08:44:32 Sen. Manzella  
08:45:45 Sen. Pope  
08:46:19 Sen. Manzella  
08:46:32 Sen. Pope

**Closing by Sponsor:**

08:46:41 Sen. Manzella

08:47:18 Vice Chair Vance assumed the duties of the chair.

**HEARING ON SB 363**

**Opening Statement by Sponsor:**

08:47:23 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB363, Revise insurance laws related to annuities.

**Proponents' Testimony:**

08:49:02 Jon Metropoulos, American Council of Life Insurers

**Opponents' Testimony:**

08:51:43 Jackie Jones, Office of the Montana State Auditor, Commissioner of Securities and Insurance

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

08:57:16 Sen. Fitzpatrick

**HEARING ON SB 364**

**Opening Statement by Sponsor:**

08:57:32 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB364, Revise insurance laws.

**Proponents' Testimony:**

08:58:10 Jon Metropoulos, American Council of Life Insurers

08:59:48 Jackie Jones, Office of the Montana State Auditor, Commissioner of Securities and Insurance

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

09:02:23 Sen. Fitzpatrick

09:02:34 Sen. Fitzpatrick assumed the duties of the chair.

**HEARING ON SB 273**

**Opening Statement by Sponsor:**

09:03:12 Sen. Mark Sweeney (D), SD 39, opened the hearing on SB273, Generally revise laws related to agricultural equipment repair.

**Proponents' Testimony:**

09:08:16 Rachel Prevost, Montana Farmers Union (MFU)

09:08:54 Dave Kesler, rancher

09:12:42 McKenna Sellers, Northern Plains Resource Council

09:14:03 Walter Schweitzer, MFU

**EXHIBIT(bus40a05)**

09:15:20 Sen. Ellsworth entered the meeting.

09:17:06 Rep. Katie Sullivan, HD 89

09:17:43 Sarah Rachor, MFU

**EXHIBIT(bus40a06)**

09:20:53 Gay Gordon-Byrne, The Repair Association

**EXHIBIT(bus40a07)**

09:24:22 Erik Somerfeld, farmer  
09:28:18 Ron Harmon, Big Equipment

[EXHIBIT\(bus40a08\)](#)

09:31:03 Kevin O'Reilly, United States Public Interest Research Group

[EXHIBIT\(bus40a09\)](#)

Additional Testimony Received:

[EXHIBIT\(bus40a10\)](#)

**Opponents' Testimony:**

09:33:20 Brad Griffin, Montana Equipment Dealers Association (MEDA)

09:35:35 Scott Reichner, former state representative

09:36:26 Brion Torgerson, citizen

[EXHIBIT\(bus40a11\)](#)

09:38:52 Tami Christensen, citizen

[EXHIBIT\(bus40a12\)](#)

Additional Testimony Received:

[EXHIBIT\(bus40a13\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:40:50 Sen. Gillespie  
09:42:11 Mr. Schweitzer, MFU  
09:43:57 Sen. Gillespie  
09:44:43 Mr. Torgerson, citizen  
09:45:24 Sen. Boland  
09:47:38 Mr. Somerfeld, citizen  
09:47:17 Sen. Boland  
09:47:29 Sen. Sweeney  
09:48:59 Chair Fitzpatrick  
09:49:46 Mr. Griffin, MEDA  
09:50:42 Chair Fitzpatrick  
09:50:50 Mr. Griffin  
09:51:35 Sen. Boland  
09:52:39 Mr. Griffin  
09:54:07 Sen. Boland  
09:55:09 Mr. Griffin  
09:55:30 Sen. Boland  
09:55:40 Mr. Griffin  
09:56:10 Sen. Pope  
09:57:19 Mr. Schweitzer  
09:59:42 Sen. Pope  
10:00:33 Mr. Schweitzer  
10:01:41 Sen. Gauthier  
10:02:03 Mr. Prevost, MFU  
10:02:38 Sen. Gillespie

10:03:13 Mr. Harmon, Big Equipment  
10:05:39 Chair Fitzpatrick  
10:06:12 Sen. Sweeney

**Closing by Sponsor:**

10:06:44 Sen. Sweeney

**HEARING ON SB 297**

**Opening Statement by Sponsor:**

10:11:39 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SB297, ConnectMT Act to establish broadband deployment.

**Proponents' Testimony:**

10:17:38 Geoff Feiss, Montana Telecommunications Association (MTA)

[EXHIBIT\(bus40a14\)](#)

10:23:09 Mark Baker, attorney

[EXHIBIT\(bus40a15\)](#)

10:27:02 Tom Ezbery, Century Link  
10:28:02 Margaret Morgan, T-Mobile  
10:28:41 Aimee Grmoljez, Verizon Wireless  
10:30:05 Darryl James, Montana Infrastructure Coalition  
10:31:07 Bridger Mahlum, Montana Chamber of Commerce  
10:31:40 Scott Reichner, former state representative  
10:32:14 Jessie Luther, Big Sky Economic Development  
10:32:50 Nanette Gilbertson, Montana Library Association  
10:33:29 Nicole Rolf, Montana Farm Bureau Federation  
10:34:24 Jean Branscum, Montana Medical Association  
10:35:20 Tim Burton, Montana League of Cities and Towns

[EXHIBIT\(bus40a16\)](#)

Additional Testimony Received:

[EXHIBIT\(bus40a17\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:36:48 Sen. Small  
10:37:31 Sen. Ellsworth  
10:37:44 Chair Fitzpatrick  
10:37:50 Sen. Ellsworth  
10:38:16 Chair Fitzpatrick  
10:38:25 Sen. Ellsworth  
10:38:30 Sen. Pope  
10:40:15 Mr. Feiss, MTA  
10:42:09 Sen. Gauthier

10:42:30 Mr. Feiss  
10:42:55 Sen. Smith entered the meeting.  
10:43:04 Sen. Gauthier  
10:43:31 Sen. Ellsworth

**Closing by Sponsor:**

10:44:33 Sen. Ellsworth

**HEARING ON SB 275**

**Opening Statement by Sponsor:**

10:46:21 Sen. Jeffrey Welborn (R), SD 36, opened the hearing on SB275, Generally revise the board of outfitters and outfitting laws and enforcement.

**Proponents' Testimony:**

10:50:25 Mac Minard, Montana Outfitters and Guides Association (MOGA)  
[EXHIBIT\(bus40a18\)](#)

10:56:41 Tyler Moss, MOGA  
11:00:17 John Way, Montana Board of Outfitters  
11:04:06 Scott Vollmer, MOGA  
11:07:00 Mike Bias, Fishing Outfitters Association of Montana (FOAM)  
11:09:34 Jeffrey Florry, FOAM  
11:10:17 Colin Cooney, Trout Unlimited

**Opponents' Testimony:**

11:12:29 Eric Melson, Backcountry Hunters and Anglers  
11:14:13 Eric Clewis, Montana Wildlife Federation (MWF)  
11:16:32 Kathleen Hadley, citizen  
[EXHIBIT\(bus40a19\)](#)

**Additional Testimony Received:**

[EXHIBIT\(bus40a20\)](#)

**Informational Testimony:**

11:19:21 Ron Jendro, Department of Fish Wildlife and Parks (FWP)

**Questions from Committee Members and Responses:**

11:19:51 Sen. Pope  
11:21:05 Mr. Jendro, FWP  
11:21:43 Chair Fitzpatrick  
11:22:11 Mr. Jendro  
11:22:28 Chair Fitzpatrick  
11:23:26 Mr. Jendro  
11:23:45 Sen. Gauthier  
11:24:32 Sen. Welborn  
11:25:40 Sen. Gauthier  
11:26:07 Sen. Fox

11:26:40 Mr. Jendro  
 11:27:12 Sen. Sweeney  
 11:28:46 Mr. Jendro  
 11:30:57 Sen. Sweeney  
 11:31:17 Mr. Jendro  
 11:32:51 Sen. Sweeney  
 11:33:06 Mr. Jendro  
 11:34:17 Sen. Sweeney  
 11:34:34 Mr. Jendro  
 11:36:48 Sen. Sweeney  
 11:37:23 Mr. Clewis, MWF  
 11:37:56 Sen. Sweeney  
 11:38:14 Mr. Clewis

**Closing by Sponsor:**

11:39:07 Sen. Welborn  
 11:40:28 Chair Fitzpatrick  
 11:42:20 Recess  
 11:54:37 Reconvene

Sen. Ellsworth was excused.

**EXECUTIVE ACTION ON SB 234**

11:54:44 **Motion:** Sen. Vance moved that **SB 234 DO PASS**.  
 11:54:55 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 234 BE AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

**EXHIBIT(bus40a21)**

11:55:29 **Motion/Vote:** Sen. Vance moved that **SB 234 DO PASS AS AMENDED**. Motion carried 7-3 by voice vote with Sen. Boland, Sen. Fox and Sen. Pope voting no. Sen. Ellsworth was excused.

**EXECUTIVE ACTION ON SB 251**

11:56:02 **Motion:** Sen. Vance moved that **SB 251 DO PASS**.  
 11:56:20 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 251 BE AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

**EXHIBIT(bus40a22)**

11:57:23 **Motion/Vote:** Sen. Vance moved that **SB 251 DO PASS AS AMENDED**. Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting no. Sen. Ellsworth voted by proxy.

**EXECUTIVE ACTION ON SB 278**

11:58:22 **Motion/Vote:** Sen. Vance moved that **SB 278 DO PASS**. Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting no. Sen. Ellsworth voted by proxy.

**EXECUTIVE ACTION ON SB 289**

11:59:12 **Motion:** Sen. Vance moved that **SB 289 DO PASS**.

12:00:11 **Substitute Motion/Vote:** Sen. Vance made a Substitute Motion that **SB 289 BE TABLED**. Substitute Motion carried unanimously by roll call vote. Sen. Ellsworth voted by proxy.

12:00:19 Chair Fitzpatrick

12:01:22 Sen. Boland

12:01:58 Chair Fitzpatrick

**ADJOURNMENT**

Adjournment: 12:02 P.M.

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Olivia Hopkins, Secretary

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Additional Documents:

**EXHIBIT([bus40aad.pdf](#))**