

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on February 26, 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. Terry Gauthier (R)
Sen. Bruce Gillespie (R)
Sen. Jason D. Small (R)
Sen. Cary Smith (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. Jason W. Ellsworth (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 317, 2/24/2021; SB 316, 2/24/2021; SB 345, 2/24/2021; SB 362, 2/24/2021; SB 367, 2/24/2021; SB 369, 2/24/2021

Executive Action: SB 268, SB 273, SB 275, SB 296, SB 297, SB 301, SB 316, SB 317, SB 322, SB 323, SB 345, SB 362, SB 363, SB 364, SB 367, SB 369

08:02:37 Chair Fitzpatrick

08:03:13 Vice Chair Vance assumed the duties of the chair.

HEARING ON SB 345

Opening Statement by Sponsor:

08:03:28 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 345, Revise distributions under the Montana false claims act.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:05:36 Sen. Pope

08:06:05 Sen. Fitzpatrick

Closing by Sponsor:

08:06:51 Sen. Fitzpatrick

HEARING ON SB 316

Opening Statement by Sponsor:

08:07:07 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 316, Generally revise civil liability laws regarding restoration.

Proponents' Testimony: None

Opponents' Testimony:

08:11:05 Derf Johnson, Montana Environmental Information Center

Informational Testimony: None

Questions from Committee Members and Responses:

08:12:43 Sen. Gillespie

08:13:09 Sen. Fitzpatrick

08:13:45 Sen. Gauthier

08:14:10 Sen. Fitzpatrick

08:14:40 Sen. Gauthier

08:14:41 Sen. Fitzpatrick

Closing by Sponsor:

08:14:50 Sen. Fitzpatrick

HEARING ON SB 317

Opening Statement by Sponsor:

08:15:17 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 317, Revise insurance laws relating to the duty to defend.

Proponents' Testimony: None

Opponents' Testimony:

08:19:13 Bruce Spencer, Montana Association of National Insurance Companies (MANIC)

08:26:39 Greg VanHorssen, State Farm Insurance Company

08:27:53 Aimee Grmoljez, American Property Casualty Insurance Association

Informational Testimony: None

Questions from Committee Members and Responses:

08:28:32 Sen. Boland

08:29:20 Sen. Fitzpatrick

08:32:23 Sen. Boland

08:32:43 Sen. Fitzpatrick

08:34:01 Sen. Gillespie

08:34:43 Mr. Spencer, MANIC

08:36:49 Sen. Gillespie

08:37:05 Mr. Spencer

08:37:32 Sen. Pope

08:38:43 Sen. Fitzpatrick

08:39:42 Sen. Pope

08:39:55 Sen. Fitzpatrick

08:41:13 Sen. Gauthier

08:41:59 Sen. Fitzpatrick

Closing by Sponsor:

08:43:13 Sen. Fitzpatrick

08:43:37 Sen. Fitzpatrick assumed the duties of the chair.

HEARING ON SB 367

Opening Statement by Sponsor:

08:43:59 Sen. Shane Morigeau (D), SD 48, opened the hearing on SB 367, Generally revise labor laws relating to independent contractor certification.

Proponents' Testimony:

08:49:35 Steve Wade, Montana Contractors Association

Opponents' Testimony:

08:51:42 AL Ekblad, American Federation of Labor and Congress of Industrial Organizations

Informational Testimony:

08:55:00 Quinlan O'Connor, Department of Labor and Industry (DLI)

[EXHIBIT\(bus41a01\)](#)

Questions from Committee Members and Responses:

08:55:26 Sen. Gauthier
08:56:11 Sen. Morigeau
08:56:22 Sen. Gauthier
08:56:56 Chair Fitzpatrick
08:57:17 Mr. O'Connor, DLI
08:58:26 Chair Fitzpatrick
08:58:33 Mr. O'Connor
08:59:18 Chair Fitzpatrick
08:59:35 Mr. O'Connor
09:00:50 Chair Fitzpatrick
09:01:08 Mr. O'Connor
09:01:56 Chair Fitzpatrick
09:02:02 Sen. Gauthier
09:02:33 Mr. O'Connor
09:03:16 Sen. Gauthier
09:04:02 Sen. Pope
09:05:47 Mr. O'Connor
09:08:09 Sen. Pope
09:08:54 Sen. Morigeau
09:12:16 Sen. Gauthier
09:12:34 Mr. O'Connor

Closing by Sponsor:

09:13:05 Sen. Morigeau

HEARING ON SB 369

Opening Statement by Sponsor:

09:14:49 Sen. Jason Small (R), SD 21, opened the hearing on SB 369, Generally revise laws related to insurance coverage of telemedicine services.

Proponents' Testimony:

09:16:46 Greg Dorrington, Montana Medical Association (MMA)

09:22:24 Jean Branscum, MMA

[EXHIBIT\(bus41a02\)](#)

09:27:36 Rachel Prevost, Montana Farmers Union

09:28:05 Adrienne Cotton, AARP Montana; director, Montana Area Agency on Aging Association

09:30:01 Stacy Anderson, Montana Primary Care Association (MPCA)

09:32:01 Jon Metropoulos, Montana Psychiatric Association

09:33:10 Aimee Grmoljez, Billings Clinic

[EXHIBIT\(bus41a03\)](#)

09:35:23 Jamie VanderLinden, Southwest Montana Community Health Center

09:36:58 Samantha Schmidt, Montana American Physical Therapy Association
[EXHIBIT\(bus41a04\)](#)

09:40:26 Douglas Muir, Montana Medical Association
09:43:33 Heather Zaluski, Shodair Children's Hospital
09:45:05 Shawna Yates, Southwest Montana Community Health Center
09:47:20 Marc Mentel, Western Montana Mental Health Center (WMMHC)

Additional Testimony Received:

[EXHIBIT\(bus41a05\)](#)

Opponents' Testimony:

09:51:06 John Doran, Blue Cross Blue Shield of Montana (BCBSMT)
09:54:43 Sean Slanger, America's Health Insurance Plans (AHIP)
09:55:37 Patrick Webb, Americans for Prosperity - Montana
09:56:43 Nathaniel Sisson, student
09:59:11 Jen Hensley, PacificSource Health Plans (PSHP)

Additional Testimony Received:

[EXHIBIT\(bus41a06\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

10:02:49 Sen. Gauthier
10:03:28 Mr. Doran, BCBSMT
10:04:10 Sen. Gauthier
10:04:31 Mr. Doran
10:05:03 Sen. Gauthier
10:05:17 Mr. Doran
10:05:41 Sen. Gauthier
10:05:44 Mr. Doran
10:06:23 Sen. Gauthier
10:06:58 Mr. Doran
10:07:37 Sen. Gillespie
10:08:08 Mr. Slanger, AHIP
10:08:58 Sen. Gillespie
10:09:36 Mr. Slanger
10:10:06 Sen. Boland
10:10:43 Sen. Small
10:10:58 Sen. Boland
10:11:13 Sen. Small
10:11:26 Sen. Boland
10:12:11 Ms. Anderson, MPCA
10:12:36 Sen. Boland
10:12:47 Ms. Anderson
10:13:41 Sen. Pope
10:15:10 Mr. Mentel, WMMHC
10:17:15 Sen. Pope
10:17:56 Mr. Mentel

10:18:48 Sen. Gauthier
10:19:06 Mr. Doran
10:19:36 Chair Fitzpatrick
10:19:47 Mr. Doran
10:20:25 Sen. Sweeney
10:20:52 Ms. Hensley, PSHP

Closing by Sponsor:

10:22:05 Sen. Small

HEARING ON SB 362

Opening Statement by Sponsor:

10:23:26 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 362, Generally revise the Residential Mobile Home Lot Rental Act.

EXHIBIT(bus41a07)

Proponents' Testimony:

10:37:55 Cindy Newman, citizen

10:37:56 Sen. Smith entered the meeting.

10:43:13 Ashley Fanyak, citizen

10:44:45 Chris Guenther, citizen

10:45:46 Gregg Wilkinson, citizen

10:49:21 Gary Allison, citizen

10:52:32 Kelly Lynch, Montana League of Cities and Towns

EXHIBIT(bus41a08)

10:53:47 Kenneth Hanks, citizen

10:55:00 Janice Bailey, citizen

Opponents' Testimony:

10:56:21 John Sinrud, Montana Landlords Association

10:59:44 Nathan Grovom, landlord

EXHIBIT(bus41a09)

11:06:06 Dylan Osterhout, real estate broker

11:08:59 Jess Mortensen, citizen

11:11:07 PJ McHugh, citizen

EXHIBIT(bus41a10)

11:11:56 Charles Denowh, Havenpark Communities

EXHIBIT(bus41a11)

11:16:10 Sam Sill, Montana Association of Realtors

11:17:04 Steve Skinner, landlord

11:21:54 Kallee Grovom, citizen

EXHIBIT(bus41a12)

11:22:31 Sharon Lodge, citizen

[EXHIBIT\(bus41a13\)](#)

Additional Testimony Received:

[EXHIBIT\(bus41a14\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

11:23:16 Sen. Gillespie
 11:23:55 Mr. Grovom, landlord
 11:24:14 Sen. Gillespie
 11:24:15 Mr. Grovom
 11:25:10 Sen. Gillespie
 11:25:25 Mr. Grovom
 11:26:51 Sen. Gillespie
 11:27:08 Mr. Grovom
 11:27:44 Sen. Gauthier
 11:28:17 Mr. Skinner, landlord
 11:29:16 Sen. Gauthier
 11:29:47 Mr. Skinner

Closing by Sponsor:

11:30:58 Sen. Hoven

 11:38:58 Chair Fitzpatrick

 11:43:37 Recess
 12:04:22 Reconvene

EXECUTIVE ACTION ON SB 268

12:04:30 **Motion:** Sen. Vance moved that **SB 268 DO PASS.**

 12:04:38 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 268 BE AMENDED.** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

[EXHIBIT\(bus41a15\)](#)

12:05:01 **Motion:** Sen. Vance moved that **SB 268 DO PASS AS AMENDED.**

Discussion:

12:05:16 Sen. Boland

 12:05:40 **Vote:** Motion failed 2-9 by roll call vote with Sen. Boland and Sen. Fox voting aye. Sen. Ellsworth voted by proxy.

 12:06:18 **Motion/Vote:** Sen. Vance moved that **SB 268 BE TABLED.** Motion carried 9-2 by roll call vote with Sen. Boland and Sen. Sweeney voting no. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 273

12:07:04 **Motion:** Sen. Vance moved that **SB 273 DO PASS.**

Discussion:

12:07:20 Sen. Sweeney

12:07:32 Sen. Pope

12:08:07 **Vote:** Motion carried 10-1 by roll call vote with Sen. Fitzpatrick voting no. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 275

12:08:44 **Motion:** Sen. Vance moved that **SB 275 DO PASS.**

12:08:53 **Motion/Vote:** Sen. Vance moved that **SB 275 BE AMENDED.** Motion carried 9-1 by voice vote with Sen. Small voting no. Sen. Ellsworth was excused.

EXHIBIT(bus41a16)

12:09:25 **Motion/Vote:** Sen. Vance moved that **SB 275 DO PASS AS AMENDED.** Motion carried 7-4 by roll call vote with Sen. Fox, Sen. Gauthier, Sen. Pope and Sen. Sweeney voting no. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 296

12:10:41 **Motion/Vote:** Sen. Vance moved that **SB 296 DO PASS.** Motion failed 5-6 by roll call vote with Sen. Ellsworth, Sen. Gillespie, Sen. Small, Sen. C. Smith and Sen. Vance voting aye. Sen. Ellsworth voted by proxy.

12:11:47 **Motion/Vote:** Sen. Vance moved that **SB 296 BE TABLED.** Motion carried unanimously by roll call vote. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 297

12:12:37 **Motion/Vote:** Sen. Vance moved that **SB 297 DO PASS.** Motion carried unanimously by voice vote. Sen. Ellsworth was excused.

EXECUTIVE ACTION ON SB 301

12:12:56 **Motion/Vote:** Sen. Vance moved that **SB 301 DO PASS.** Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope, Sen. Small and Sen. Sweeney voting no. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 316

12:13:52 **Motion:** Sen. Vance moved that **SB 316 DO PASS.**

12:14:03 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 316 BE AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXHIBIT(bus41a17)

12:14:43 **Motion:** Sen. Vance moved that **SB 316 DO PASS AS AMENDED**.

Discussion:

12:14:59 Sen. Boland
12:15:08 Chair Fitzpatrick
12:15:17 Sen. Boland
12:15:22 Chair Fitzpatrick

12:15:27 **Vote:** Motion carried unanimously by roll call vote. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 317

12:16:06 **Motion/Vote:** Sen. Vance moved that **SB 317 DO PASS**. Motion carried unanimously by roll call vote. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 322

12:16:54 **Motion:** Sen. Vance moved that **SB 322 DO PASS**.

12:17:14 **Motion/Vote:** Sen. Vance moved that **SB 322 BE TABLED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXECUTIVE ACTION ON SB 323

12:17:44 **Motion:** Sen. C. Smith moved that **SB 323 DO PASS**.

Discussion:

12:18:13 Sen. Pope
12:18:51 Chair Fitzpatrick

12:18:58 **Vote:** 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. (bill not reported out of committee pending receipt of the fiscal note)

EXECUTIVE ACTION ON SB 345

12:19:38 **Motion/Vote:** Sen. Vance moved that **SB 345 DO PASS**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXECUTIVE ACTION ON SB 363

12:20:24 **Motion:** Sen. Vance moved that **SB 363 DO PASS**.

Discussion:

12:20:55 Sen. Pope

12:21:23 **Vote:** Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Fox, Sen. Gauthier, Sen. Pope and Sen. Sweeney voting no.

EXECUTIVE ACTION ON SB 364

12:22:02 **Motion/Vote:** Sen. Vance moved that **SB 364 DO PASS**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXECUTIVE ACTION ON SB 362

12:22:35 **Motion:** Sen. Vance moved that **SB 362 DO PASS**.

12:22:52 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 362 BE AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXHIBIT(bus41a18)

12:23:31 **Motion:** Sen. Vance moved that **SB 362 DO PASS AS AMENDED**.

Discussion:

12:23:39 Sen. Boland

12:24:00 **Vote:** Motion failed 3-8 by roll call vote with Sen. Boland, Sen. Fox and Sen. Small voting aye. Sen. Ellsworth voted by proxy.

12:24:36 **Motion/Vote:** Sen. Vance moved that **SB 362 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 367

12:25:15 **Motion/Vote:** Sen. Vance moved that **SB 367 DO PASS**. Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Ellsworth, Sen. Gillespie, Sen. C. Smith and Sen. Vance voting no. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SB 369

12:26:12 **Motion:** Sen. Vance moved that **SB 369 DO PASS**.

12:26:36 **Motion:** Sen. Fitzpatrick moved that **SB 369 BE AMENDED**.

EXHIBIT(bus41a19)

Discussion:

12:26:45 Sen. Small

12:26:54 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

12:27:04 **Motion/Vote:** Sen. Vance moved that **SB 369 DO PASS AS AMENDED**. Motion failed 5-6 by roll call vote with Sen. Boland, Sen. Fox, Sen. Gillespie, Sen. Pope and Sen. Small voting aye. Sen. Ellsworth voted by proxy.

12:27:48 **Motion/Vote:** Sen. Vance moved that **SB 369 BE TABLED**. Motion carried 9-2 by roll call vote with Sen. Boland and Sen. Fox voting no. Sen. Ellsworth voted by proxy.

12:28:29 Chair Fitzpatrick

12:29:06 Sen. Boland

ADJOURNMENT

Adjournment: 12:30 P.M.

Olivia Hopkins, Secretary

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Additional Documents:

EXHIBIT([bus41aad.pdf](#))