

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Vice Chair Gordon Vance, on March 16, 2021 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Steve Fitzpatrick, Chair (R)
Sen. Gordon Vance, Vice Chair (R)
Sen. Mike Fox (D)
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. Christopher Pope (D)

Members Excused:

Sen. Jason W. Ellsworth (R)
Sen. Cary Smith (R)

Members Absent: None

Staff Present: Olivia Hopkins, Committee Secretary
Clara Bentler, Remote Meeting Coordinator
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: HB 201, 3/11/2021; HB 446, 3/11/2021; HB 548, 3/11/2021; HB 137, 3/11/2021; HB 157, 3/11/2021

Executive Action: HB 139, HB 217, HB 226, SB 269

HEARING ON HB 201

Opening Statement by Sponsor:

09:01:27 Rep. Kenneth Holmlund (R), HD 38, opened the hearing on HB 201, Revise prevailing wage district laws and dispatch city designations.

09:03:33 Sen. Gauthier entered the meeting.

Proponents' Testimony:

09:07:11 Eric Bryson, Montana Association of Counties (MACo)

EXHIBIT(bus52a01)

09:09:39 Jason Strouf, commissioner, Custer County

09:14:38 Shane Gorder, commissioner, Richland County

09:17:16 Daniel Farr, North East Rural Schools

EXHIBIT(bus52a02)

Opponents' Testimony:

09:20:56 David Smith, Montana Contractors' Association

09:22:40 Henry Cellmer, Southeast Montana Building Trades; Plumbers and Pipefitters Local 30

EXHIBIT(bus52a03)

09:27:58 John Forkan, Montana State Building and Trades Council; Teamsters Local 42

09:29:03 Adam Haight, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

09:30:02 Mike Wonnacott, Laborers Local 1686

09:31:44 Derek Hitt, Carpenters Local 82

09:33:43 Jackie McBroom, IBEW 233

09:34:28 Miles McCarvel, iron worker

09:35:38 Luke Hoffer, IBEW 233

09:35:59 Dwight Rose, IBEW 44

Additional Testimony Received:

EXHIBIT(bus52a04)

Informational Testimony:

09:36:33 Eric Strauss, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

09:37:05 Sen. Small

09:38:00 Mr. McCarvel, iron worker

09:38:47 Sen. Small

09:39:02 Mr. McCarvel

09:40:18 Sen. Small

09:40:31 Mr. McCarvel

09:42:27 Sen. Small

09:43:42 Mr. Cellmer, Southeast Montana Building Trades

09:43:44 Sen. Small

09:44:16 Mr. Cellmer

09:45:20 Sen. Small
09:46:23 Mr. Haight, AFL-CIO
09:47:01 Sen. Small
09:47:24 Mr. Haight
09:47:50 Sen. Pope
09:48:47 Mr. Strauss, DLI
09:49:26 Sen. Pope
09:50:22 Mr. Strauss
09:51:36 Sen. Pope
09:51:59 Mr. Strauss
09:52:11 Sen. Boland
09:53:26 Rep. Holmlund
09:53:57 Sen. Boland
09:54:04 Rep. Holmlund
09:54:31 Sen. Boland
09:55:04 Sen. Gillespie
09:56:06 Mr. Bryson, MACo

Closing by Sponsor:

09:56:59 Rep. Holmlund

HEARING ON HB 548

Opening Statement by Sponsor:

09:59:30 Rep. Jimmy Patelis (R), HD 52, opened the hearing on HB 548, Allow certain dice games to be played.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:01:38 Sen. Boland
10:02:11 Rep. Patelis

Closing by Sponsor:

10:03:15 Rep. Patelis

HEARING ON HB 137

Opening Statement by Sponsor:

10:04:32 Rep. Ron Marshall (R), HD 87, opened the hearing on HB 137, Generally revise vaping and alternative nicotine products laws.

[EXHIBIT\(bus52a05\)](#)

Proponents' Testimony:

10:09:35 Deanna Marshall, Freedom Vapes
10:11:40 Keith Bowman, Montana Smoke-free Association

10:15:15 Lucas Anderson, Montana Smoke-free Association
10:17:50 Tommie Dobbs, Liberty Vapor, Montana Smoke-free Association
10:21:50 Michael Keefe, Liberty Vapor

EXHIBIT(bus52a06)

10:24:13 Tim Andrews, Americans for Tax Reform

EXHIBIT(bus52a07)

Opponents' Testimony:

10:26:50 Sean Slanger, Tobacco-free Kids
10:29:42 Bill Warden, Tobacco-free Kids
10:33:27 Becky Franks, Gallatin City County Board of Health

EXHIBIT(bus52a08)

10:38:32 Amanda Cahill, America Heart Association
10:39:36 Jean Branscum, CEO, Montana Medical Association
10:42:02 Stacey Anderson, Montana Primary Care Association
10:43:15 John Doran, Blue Cross Blue Shield of Montana
10:44:06 Brad Longcake, Montana Petroleum Marketers and Convenience Store
Association
10:45:10 Heather O'Hara, Montana Hospitality Association
10:46:32 Kris Mernard, citizen
10:50:19 Rick Duncan, School Administrators of Montana

EXHIBIT(bus52a09)

10:50:53 Beth Price Morrison, citizen

EXHIBIT(bus52a10)

10:50:53 Sen. Gauthier left the meeting.

10:50:57 Linda Beischel, Montana Public Health Association

EXHIBIT(bus52a11)

10:51:06 Terry Cunningham, Bozeman City Commission
10:51:18 Char Day, Americans for Nonsmokers' Rights
10:51:29 Rikki James, citizen

EXHIBIT(bus52a12)

10:51:39 Mitch Bradley, citizen

EXHIBIT(bus52a13)

10:51:52 Meredith Berkman, Parents Against Vaping E-cigarettes
10:52:08 Bella Childre, Campaign for Tobacco-Free Kids
10:52:22 Lori Byron, Montana Chapter, American Academy of Pediatrics
10:52:39 Tim Burton, Montana League of Cities and Towns
10:53:04 Carrie Nyssen, American Lung Association
10:53:07 Colette Kirchhoff, M.D., citizen

EXHIBIT(bus52a14)

10:53:37 Jennifer Strine, citizen

10:53:51 Lynne Foss, citizen

10:54:05 Annie Tegen, Tobacco-Free Kids

[EXHIBIT\(bus52a15\)](#)

10:54:23 Keri Yoder, American Cancer Society Cancer Action Network

Additional Testimony Received:

[EXHIBIT\(bus52a16\)](#)

Informational Testimony:

10:54:50 Greg Troumon, citizen

Questions from Committee Members and Responses:

10:55:27 Sen. Pope

10:56:20 Rep. Marshall

10:57:24 Sen. Pope

10:57:29 Rep. Marshall

10:57:59 Sen. Pope

10:59:25 Rep. Marshall

10:59:55 Sen. Pope

11:01:13 Rep. Marshall

11:01:59 Sen. Pope

11:02:27 Rep. Marshall

11:03:00 Sen. Pope

11:03:43 Mr. Troumon, citizen

Closing by Sponsor:

11:04:23 Rep. Marshall

HEARING ON HB 157

Opening Statement by Sponsor:

11:08:12 Rep. Ron Marshall (R), HD 87, opened the hearing on HB 157, Generally revise alcohol laws for licensing, brewery shared space.

Proponents' Testimony:

11:09:47 Matt Leow, Montana Brewers Association (MBA)

11:14:37 Ethan Kohoulek, MBA

11:16:18 John Iverson, Montana Tavern Association

11:16:50 Neil Peterson, Gaming Industry Association of Montana

11:17:26 EJ Redding, Montana Beer and Wine Distributors Association

11:18:13 Sam Hoffman, citizen

11:19:05 Chad Ouellette, Liquor Store Owners Association of Montana

Opponents' Testimony: None

Informational Testimony:

11:19:49 Becky Schlauch, Department of Revenue

Questions from Committee Members and Responses: None

Closing by Sponsor:

11:20:09 Rep. Marshall

HEARING ON HB 446

Opening Statement by Sponsor:

11:20:39 Rep. Ron Marshall (R), HD 87, opened the hearing on HB 446, Revise workers' compensation laws relating to prosthetic devices.

Proponents' Testimony:

11:21:35 Kevin Braun, Montana State Fund (MSF)

[EXHIBIT\(bus52a17\)](#)

11:23:35 Peter Strauss, Montana Self Insurers' Association (MSIA)

[EXHIBIT\(bus52a18\)](#)

11:24:46 David Smith, Montana Contractors' Association

Opponents' Testimony:

11:25:08 Stacey Tempel-St. John, citizen

11:29:02 Megan Miller, citizen

[EXHIBIT\(bus52a19\)](#)

11:32:30 Dan O'Fallon, citizen

11:33:17 Al Smith, Montana Trial Lawyers Association

11:33:50 Sen. Fitzpatrick entered the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:

11:35:03 Sen. Gillespie

11:35:40 Rep. Marshall

11:36:16 Mr. Strauss, MSIA

11:36:48 Sen. Pope

11:36:59 Mr. Braun, MSF

11:38:21 Sen. Pope

11:38:26 Mr. Braun

Closing by Sponsor:

11:38:45 Rep. Marshall

11:38:57 Sen. Fitzpatrick assumed the duties of the chair.

11:39:04 Chair Fitzpatrick

11:40:39 Recess

11:52:32 Reconvene

EXECUTIVE ACTION ON HB 139

11:52:34 **Motion/Vote:** Sen. Vance moved that **HB 139 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Ellsworth, Sen. Gauthier and Sen. C. Smith voted by proxy. Sen. Gillespie will carry the bill.

EXECUTIVE ACTION ON HB 217

11:53:37 **Motion/Vote:** Sen. Vance moved that **HB 217 BE CONCURRED IN**. Motion carried 10-1 by roll call vote with Sen. Fitzpatrick voting no. Sen. Ellsworth, Sen. Gauthier and Sen. C. Smith voted by proxy. Sen. Small will carry the bill.

EXECUTIVE ACTION ON HB 226

11:54:34 **Motion/Vote:** Sen. Vance moved that **HB 226 BE CONCURRED IN**. Motion carried 10-1 by roll call vote with Sen. C. Smith voting no. Sen. Ellsworth, Sen. Gauthier and Sen. C. Smith voted by proxy. Sen. Ellsworth will carry the bill.

EXECUTIVE ACTION ON SB 269

11:55:35 **Motion:** Sen. Vance moved that **SB 269 DO PASS**.

11:56:03 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 269 BE AMENDED**. Motion failed 4-7 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting aye. Sen. Ellsworth, Sen. Gauthier and Sen. C. Smith voted by proxy.

EXHIBIT(bus52a20)

11:58:09 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 269 BE AMENDED**. Motion failed 4-7 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting aye. Sen. Ellsworth, Sen. Gauthier and Sen. C. Smith voted by proxy.

EXHIBIT(bus52a21)

11:59:04 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 269 BE AMENDED**. Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting no. Sen. Ellsworth, Sen. Gauthier and Sen. C. Smith voted by proxy.

EXHIBIT(bus52a22)

12:00:13 **Motion:** Sen. Vance moved that **SB 269 DO PASS AS AMENDED**.

Discussion:

12:00:23 Sen. Boland
 12:00:57 Sen. Pope
 12:01:19 Chair Fitzpatrick
 12:01:56 Sen. Pope
 12:02:38 Chair Fitzpatrick
 12:03:45 Sen. Pope
 12:04:25 Sen. Boland
 12:04:40 Chair Fitzpatrick

12:04:58 **Vote:** Motion carried 8-3 by roll call vote with Sen. Boland, Sen. C. Smith and Sen. Vance voting no. Sen. Ellsworth, Sen. Gauthier and Sen. C. Smith voted by proxy.

12:05:48 Chair Fitzpatrick

ADJOURNMENT

Adjournment: 12:05 P.M.

Olivia Hopkins, Secretary

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Additional Documents:

EXHIBIT([bus52aad.pdf](#))