

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Steve Fitzpatrick, on March 17, 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. 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. 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 378, 3/12/2021; HB 379, 3/12/2021; HB 566, 3/12/2021; HB 614, 3/12/2021; SR 90, 3/12/2021

Executive Action: HB 137, HB 157, HB 446, HB 548, SB 320

**HEARING ON HB 566**

**Opening Statement by Sponsor:**

09:01:05 Rep. Tom Welch (R), HD 72, opened the hearing on HB566, Revise guarantor exoneration law.

**Proponents' Testimony:**

09:03:11 Aimee Grmoljez, Montana Bankers Association (MBA)

09:04:46 Amy Nerison, Montana Independent Bankers

09:05:41 Danielle Coffman, Crowley Fleck Law Firm

**[EXHIBIT\(bus53a01\)](#)**

09:07:03 Bill Bickle, MBA

**[EXHIBIT\(bus53a02\)](#)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:08:23 Sen. Gauthier

09:08:54 Ms. Grmoljez, MBA

09:09:20 Sen. Sweeny

09:09:49 Mr. Bickle, MBA

09:09:57 Sen. Pope

09:10:30 Mr. Bickle

**Closing by Sponsor:**

09:11:57 Rep. Welch

**HEARING ON HB 379**

**Opening Statement by Sponsor:**

09:13:11 Rep. Sue Vinton (R), HD 56, opened the hearing on HB379, Revise laws for non-discriminatory rate setting in insurance.

**Proponents' Testimony:**

09:14:40 Troy Downing, Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI)

**[EXHIBIT\(bus53a03\)](#)**

09:19:19 Bob Biskupiak, CSI

**[EXHIBIT\(bus53a04\)](#)**

09:22:26 Bill Warden, Montana National Association of Insurance and Financial Advisors (NAIFA)

09:22:58 Dan Sullivan, NAIFA

09:25:44 Brian Nelson, NAIFA

09:26:55 Jon Metropolous, Farmers Insurance Group, American Council of Life Insurers

09:27:55 Bruce Spencer, National Association of Mutual Insurance Companies

09:29:55 John Doran, Blue Cross Blue Shield of Montana (BCBSMT)  
09:30:34 Aimee Gromljez, American Property Casualty Insurance Association  
09:31:17 Dan Rust, citizen  
09:32:45 Connie Mathews, NAIFA

**EXHIBIT(bus53a05)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:33:51 Chair Fitzpatrick  
09:34:15 Mr. Biskupiak, CSI  
09:34:24 Chair Fitzpatrick  
09:34:29 Mr. Biskupiak  
09:35:10 Sen. Pope  
09:35:52 Mr. Biskupiak  
09:36:26 Sen. Boland  
09:37:07 Mr. Doran, BCBSMT

**Closing by Sponsor:**

09:37:45 Rep. Vinton

**HEARING ON HB 614**

**Opening Statement by Sponsor:**

09:39:05 Rep. Mary Caferro (D), HD 81, opened the hearing on HB614, Revise the HELP Link program.

**Proponents' Testimony:**

09:41:50 Ryan Zinke, citizen

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:46:00 Sen. Gauthier  
09:46:37 Rep. Caferro  
09:47:44 Sen. Gauthier  
09:48:26 Rep. Caferro  
09:48:50 Chair Fitzpatrick  
09:49:07 Rep. Caferro  
09:51:32 Chair Fitzpatrick  
09:51:39 Rep. Caferro  
09:52:55 Chair Fitzpatrick  
09:53:38 Rep. Caferro  
09:53:44 Sen. Sweeney  
09:54:04 Rep. Caferro  
09:55:20 Sen. Pope

09:55:53 Rep. Caferro

**Closing by Sponsor:**

09:57:07 Rep. Caferro

**HEARING ON HB 378**

**Opening Statement by Sponsor:**

10:00:57 Rep. Mark Thane (D), HD 99, opened the hearing on HB378, Create a mini-COBRA law for small employer health insurance plans.

**Proponents' Testimony:** None

**Opponents' Testimony:**

10:06:52 Todd O'Hair, Montana Chamber of Commerce  
10:09:16 David Smith, Montana Contractors' Association  
10:10:59 Duane Williams, Motor Carriers of Montana  
10:11:53 Daniel Brooks, Billings Chamber of Commerce

**EXHIBIT(bus53a06)**

10:12:51 Karen Smith, Montana's Credit Unions

**EXHIBIT(bus53a07)**

**Additional Testimony Received:**

**EXHIBIT(bus53a08)**

**Informational Testimony:**

10:13:48 Jennifer Hensley, PacificSource Health Plans (PSHP)  
10:14:28 Kali Wicks, Blue Cross Blue Shield of Montana (BCBSMT)

**Questions from Committee Members and Responses:**

10:14:54 Sen. Vance  
10:15:12 Rep. Thane  
10:15:21 Chair Fitzpatrick  
10:16:19 Rep. Thane  
10:17:31 Chair Fitzpatrick  
10:17:46 Ms. Wicks, BCBSMT  
10:18:51 Chair Fitzpatrick  
10:19:17 Ms. Wicks  
10:19:24 Sen. Pope  
10:20:19 Ms. Hensley, PSHP  
10:21:10 Sen. Pope  
10:21:33 Ms. Hensley  
10:22:21 Sen. Pope  
10:22:52 Ms. Wicks  
10:23:56 Sen. Pope  
10:24:53 Rep. Thane  
10:25:40 Sen. Pope  
10:26:34 Rep. Thane  
10:28:02 Sen. Pope

**Closing by Sponsor:**

10:29:15 Rep. Thane

10:30:27 Sen. Vance assumed the duties of the chair.

**HEARING ON SR 90**

**Opening Statement by Sponsor:**

10:30:34 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SR90, Confirm Governor's appointee to the Board of Personnel Appeals.

**EXHIBIT(bus53a09)**

**Proponents' Testimony:**

10:31:24 Liane Taylor, Governor's Office (GOV)

10:31:52 Brooke Shelley, appointee

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:32:23 Sen. Boland

10:33:28 Ms. Taylor, GOV

10:34:18 Sen. Boland

10:34:27 Ms. Shelley, appointee

10:34:44 Sen. Boland

10:35:02 Ms. Shelley

10:35:13 Sen. Boland

10:35:22 Sen. Pope

10:36:06 Ms. Shelley

**Closing by Sponsor:**

10:36:59 Sen. Fitzpatrick

10:37:08 Sen. Fitzpatrick assumed the duties of the chair.

10:37:20 Chair Fitzpatrick

10:39:31 Recess

10:55:52 Reconvene

**EXECUTIVE ACTION ON HB 137**

10:55:57 **Motion:** Sen. Vance moved that **HB 137 BE CONCURRED IN.**

10:56:03 **Motion:** Sen. Fitzpatrick moved that **HB 137 BE AMENDED.**

**EXHIBIT(bus53a10)**

**Discussion:**

- 10:56:38 Erin Sullivan, Legislative Services Division (LSD)  
10:57:35 Chair Fitzpatrick  
10:57:41 Sen. Boland  
10:58:05 Ms. Sullivan, LSD  
10:58:44 Sen. Pope
- 10:59:50 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. C. Smith voting no. Sen. Ellsworth and Sen. C. Smith voted by proxy.
- 11:00:31 **Motion:** Sen. Vance moved that **HB 137 BE CONCURRED IN AS AMENDED.**

**Discussion:**

- 11:00:44 Sen. Boland  
11:01:20 Sen. Gillespie  
11:01:39 Sen. Pope
- 11:02:34 **Vote:** Motion failed 4-7 by roll call vote with Sen. Ellsworth, Sen. Fitzpatrick, Sen. Small and Sen. Vance voting aye. Sen. Ellsworth and Sen. C. Smith voted by proxy.
- 11:03:11 **Motion/Vote:** Sen. Vance moved that **HB 137 BE TABLED.** Motion carried 10-1 by roll call vote with Sen. Ellsworth voting no. Sen. Ellsworth and Sen. C. Smith voted by proxy.

**EXECUTIVE ACTION ON HB 157**

- 11:04:07 **Motion:** Sen. Vance moved that **HB 157 BE CONCURRED IN.**

**Discussion:**

- 11:04:44 Sen. Pope
- 11:05:26 **Vote:** Motion carried 10-1 by voice vote with Sen. C. Smith voting no. Sen. Ellsworth and Sen. C. Smith voted by proxy. Sen. Vance will carry the bill.

**EXECUTIVE ACTION ON HB 446**

- 11:05:58 **Motion:** Sen. Vance moved that **HB 446 BE CONCURRED IN.**

**Discussion:**

- 11:06:36 Sen. Boland
- 11:08:25 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting no. Sen. Ellsworth and Sen. C. Smith voted by proxy. Sen. Gillespie will carry the bill.

**EXECUTIVE ACTION ON HB 548**

- 11:09:17 **Motion:** Sen. Vance moved that **HB 548 BE CONCURRED IN.**

**Discussion:**

11:09:37 Sen. Boland

11:09:57 **Vote:** Motion carried 9-0 by voice vote. Sen. Ellsworth and Sen. C. Smith were excused. Sen. Lynch will carry the bill.

**EXECUTIVE ACTION ON SB 320**

11:10:12 **Motion:** Sen. Vance moved that **SB 320 DO PASS.**

11:10:16 **Motion:** Sen. Fitzpatrick moved that **SB 320 BE AMENDED.**  
[EXHIBIT\(bus53a11\)](#)

**Discussion:**

11:10:46 Erin Sullivan, Legislative Services Division (LSD)

11:12:46 Chair Fitzpatrick

11:12:54 Ms. Sullivan, LSD

11:13:29 Sen. Pope

11:13:45 **Vote:** Motion carried 10-1 by roll call vote with Sen. C. Smith voting no. Sen. Ellsworth and Sen. C. Smith voted by proxy.

11:14:19 **Motion:** Sen. Vance moved that **SB 320 DO PASS AS AMENDED.**

**Discussion:**

11:14:27 Sen. Vance

11:14:46 **Vote:** Motion carried 6-5 by roll call vote with Sen. Fitzpatrick, Sen. Gillespie, Sen. Small, Sen. C. Smith and Sen. Vance voting no. Sen. Ellsworth and Sen. C. Smith voted by proxy.

11:15:34 Chair Fitzpatrick

**ADJOURNMENT**

Adjournment: 11:15 A.M.

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Olivia Hopkins, Secretary

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Additional Documents:

**EXHIBIT([bus53aad.pdf](#))**