

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on March 23, 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. 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
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 378, 3/18/2021; HB 407, 3/18/2021; HB 558, 3/18/2021; HB 564, 3/18/2021

Executive Action: HB 63, HB 249, HB 360

HEARING ON HB 407

Opening Statement by Sponsor:

09:01:28 Rep. Mark Noland (R), HD 10, opened the hearing on HB 407, Establish a statewide uniformity for auxiliary container regulations.

Proponents' Testimony:

09:04:07 Sen. Greg Hertz, HD 12
09:06:01 Brad Griffin, Montana Retail Association
09:11:29 Bridger Mahlum, Montana Chamber of Commerce
09:11:59 Brad Longcake, Montana Petroleum Marketers
09:12:49 Elaine Taylor, Montana Beverage Association
09:13:18 John Iverson, Montana Tavern Association
09:13:36 Ronda Wiggers, National Federation of Independent Businesses

Opponents' Testimony:

09:15:55 Youpa Stein, citizen
09:17:40 Kelly Lynch, Montana League of Cities and Towns

[EXHIBIT\(bus57a01\)](#)

09:19:57 Jeremy Drake, citizen

[EXHIBIT\(bus57a02\)](#)

09:22:25 Conor Ploeger, Montana Environmental Information Center
09:24:03 Amy Seaman, Montana Audubon

[EXHIBIT\(bus57a03\)](#)

Additional Testimony Received:

[EXHIBIT\(bus57a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:25:59 Sen. Gillespie
09:26:32 Ms. Stein, citizen
09:27:58 Sen. Boland
09:28:32 Rep. Noland
09:30:49 Sen. Boland
09:31:31 Rep. Noland
09:32:34 Sen. Boland
09:33:15 Rep. Noland

09:34:24 Sen. Smith entered the meeting.

09:34:30 Chair Fitzpatrick
09:34:51 Rep. Noland
09:35:00 Sen. Pope
09:36:43 Rep. Noland
09:37:59 Sen. Pope
09:39:03 Sen. Sweeney

09:40:00 Rep. Noland

Closing by Sponsor:

09:40:06 Rep. Noland

HEARING ON HB 558

Opening Statement by Sponsor:

09:41:14 Rep. Mark Noland (R), HD 10, opened the hearing on HB 558, Revise franchise laws relating to transfer of a franchise.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:43:49 Sen. Gillespie
09:44:11 Rep. Noland
09:44:56 Chair Fitzpatrick
09:45:00 Rep. Noland
09:45:04 Chair Fitzpatrick
09:45:33 Sen. Sweeney
09:46:56 Rep. Noland
09:47:15 Sen. Pope
09:48:58 Rep. Noland
09:51:22 Sen. Pope
09:51:45 Sen. Sweeney
09:52:12 Sen. Gauthier

Closing by Sponsor:

09:53:19 Rep. Noland

HEARING ON HB 564

Opening Statement by Sponsor:

09:53:49 Rep. Mark Noland (R), HD 10, opened the hearing on HB 564, Revise laws relating to lawyers ability to handle real estate transactions.

Proponents' Testimony: None

Opponents' Testimony:

09:57:58 Dash DeJarnatt, attorney

[**EXHIBIT\(bus57a05\)**](#)

10:05:38 Randall Snyder, attorney

[**EXHIBIT\(bus57a06\)**](#)

Informational Testimony: None

Questions from Committee Members and Responses:

10:10:16 Chair Fitzpatrick
10:10:37 Mr. Snyder, attorney
10:11:29 Chair Fitzpatrick
10:11:48 Mr. Snyder

Closing by Sponsor:

10:13:24 Rep. Noland

10:15:05 Sen. Vance assumed the duties of the chair.

HEARING ON SB 378

Opening Statement by Sponsor:

10:15:16 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 378, Revise gambling laws related to multiple competitor sports pools.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

10:17:28 Sen. Fitzpatrick

10:17:33 Sen. Fitzpatrick assumed the duties of the chair.

10:17:52 Chair Fitzpatrick

10:19:01 Recess
10:39:13 Reconvene

EXECUTIVE ACTION ON HB 63

10:39:16 **Motion:** Sen. Vance moved that **HB 63 BE CONCURRED IN.**

10:39:22 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 63 BE AMENDED.** Motion carried 9-0 by voice vote. Sen. Ellsworth was excused.

EXHIBIT(bus57a07)

10:39:58 **Motion:** Sen. Fitzpatrick moved that **HB 63 BE AMENDED.**

EXHIBIT(bus57a08)

Discussion:

10:40:41 Sen. Boland

10:41:27 Chair Fitzpatrick
10:42:25 Sen. Boland
10:42:36 Chair Fitzpatrick
10:42:53 Sen. Boland

10:42:58 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

10:43:07 **Motion/Vote:** Sen. Vance moved that **HB 63 BE CONCURRED IN AS AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused. Sen. Fitzpatrick will carry the bill.

EXECUTIVE ACTION ON HB 249

10:43:28 **Motion:** Sen. Vance moved that **HB 249 BE CONCURRED IN**.

Discussion:

10:43:49 Sen. Pope
10:44:35 Sen. Boland

10:45:34 **Vote:** Motion carried 8-3 by roll call vote with Sen. Boland, Sen. Fitzpatrick and Sen. Pope voting no. Sen. Ellsworth voted by proxy. Sen. Ellsworth will carry the bill.

EXECUTIVE ACTION ON HB 360

10:46:17 **Motion/Vote:** Sen. Vance moved that **HB 360 BE CONCURRED IN**. Motion failed 4-7 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting aye. Sen. Ellsworth voted by proxy.

10:47:11 **Motion/Vote:** Sen. Vance moved that **HB 360 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Ellsworth voted by proxy.

10:47:54 Chair Fitzpatrick

ADJOURNMENT

Adjournment: 10:48 A.M.

Olivia Hopkins, Secretary

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Additional Documents:

EXHIBIT([bus57aad.pdf](#))