

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on March 26, 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: HB 525, 3/22/2021; HB 445, 3/22/2021; SR 91, 3/22/2021

Executive Action: HB 490, HB 510, HB 589, HB 609, SB 374, SB 378, SR 91

HEARING ON HB 445

Opening Statement by Sponsor:

09:02:21 Rep. Barry Usher (R), HD 40, opened the hearing on HB 445, Generally revise automobile franchise laws.

Proponents' Testimony:

09:04:15 Bruce Knudsen, Montana Automobile Dealers Association (MTADA)
EXHIBIT(bus60a01)

09:07:05 Craig Charlton, Smith Law Firm

09:12:03 Erick Anderson, MTADA

09:13:09 Sen. Smith entered the meeting.

09:13:33 Don Kaltschmidt, dealer

09:14:49 Jason Nordberg, Karl Tyler Auto Group

EXHIBIT(bus60a02)

09:21:27 Michael Kleeman, technician

09:25:54 Jim Stanger, technician

09:26:32 Joe Billion, Billion Auto Group

09:27:45 Joann Loehr, Department of Justice

Opponents' Testimony:

09:28:23 John MacDonald, Alliance for Automotive Innovation (AAI)

EXHIBIT(bus60a03)

09:33:37 David Bright, AAI

09:37:58 Ross Good, technician

09:41:36 Matt Erwin, Mazda North American Operations

Informational Testimony: None

Questions from Committee Members and Responses:

09:44:22 Sen. Gillespie

09:45:10 Mr. Kaltschmidt, dealer

09:46:13 Sen. Gauthier

09:47:08 Mr. Kleeman, technician

09:48:43 Sen. Gauthier

09:48:52 Mr. Kleeman

09:49:32 Chair Fitzpatrick

09:49:41 Mr. Kleeman

09:50:43 Chair Fitzpatrick

09:51:44 Mr. Kleeman

09:52:27 Chair Fitzpatrick

09:52:43 Mr. Kleeman

09:53:28 Chair Fitzpatrick

09:53:35 Mr. Kleeman

09:53:58 Sen. Gauthier

09:54:16 Mr. Kleeman
 09:54:37 Sen. Gauthier
 09:54:48 Mr. Kleeman
 09:55:53 Sen. Gauthier
 09:56:20 Mr. Kleeman
 09:57:30 Chair Fitzpatrick
 09:58:00 Mr. Kleeman
 09:59:27 Chair Fitzpatrick
 09:59:34 Mr. Kleeman
 10:00:13 Chair Fitzpatrick
 10:00:21 Mr. Kleeman
 10:01:00 Sen. Sweeney
 10:01:32 Mr. MacDonald, AAI
 10:02:31 Sen. Sweeney
 10:02:49 Mr. MacDonald
 10:04:22 Sen. Sweeney
 10:04:56 Mr. Knudsen, MTADA
 10:05:45 Sen. Pope
 10:06:23 Mr. Knudsen
 10:07:06 Sen. Pope
 10:08:15 Mr. Knudsen
 10:09:29 Sen. Pope
 10:12:11 Mr. Good, technician
 10:13:30 Sen. Pope
 10:14:39 Mr. Good
 10:15:49 Sen. Boland
 10:16:36 Mr. MacDonald
 10:16:59 Sen. Boland
 10:17:15 Mr. Good
 10:17:33 Chair Fitzpatrick
 10:18:12 Mr. Knudsen
 10:18:56 Chair Fitzpatrick
 10:19:36 Mr. Knudsen
 10:20:18 Mr. Nordberg, Karl Tyler Auto Group
 10:21:04 Sen. Sweeney
 10:22:01 Mr. Nordberg
 10:22:43 Sen. Gauthier
 10:23:12 Mr. Nordberg
 10:25:01 Sen. Gauthier
 10:25:16 Mr. Nordberg

Closing by Sponsor:

10:26:02 Rep. Usher
 10:34:40 Sen. Vance assumed the duties of the chair.

HEARING ON SR 91

Opening Statement by Sponsor:

10:34:41 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SR 91, Confirm appointees to the Board of Barbers and Cosmetologists.

[EXHIBIT\(bus60a04\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:35:54 Sen. Boland

10:36:17 Chair Fitzpatrick

10:36:38 Sen. Boland

10:36:53 Chair Fitzpatrick

Closing by Sponsor:

10:37:17 Chair Fitzpatrick

10:37:23 Sen. Fitzpatrick assumed the duties of the chair.

HEARING ON HB 525

Opening Statement by Sponsor:

10:37:45 Rep. Edward Buttrey (R), HD 21, opened the hearing on HB 525, Generally revise laws related to alcohol concession agreements.

Proponents' Testimony:

10:40:35 Jessie Luther, Hospitality and Development Association of Montana

[EXHIBIT\(bus60a05\)](#)

10:45:57 John Iverson, Montana Tavern Association (MTA)

10:50:06 Mike Hope, MTA

Opponents' Testimony: None

Informational Testimony:

10:52:59 Steve Swanson, Department of Revenue (DOR)

Questions from Committee Members and Responses:

10:53:26 Sen. Pope

10:54:16 Mr. Swanson, DOR

Closing by Sponsor:

10:54:59 Rep. Buttrey

10:55:56 Chair Fitzpatrick

10:57:55 Sen. Boland
10:58:02 Chair Fitzpatrick

10:58:51 Recess
11:16:49 Reconvene

EXECUTIVE ACTION ON HB 490

11:16:54 **Motion:** Sen. Vance moved that **HB 490 BE CONCURRED IN.**

11:17:01 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 490 BE AMENDED.** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXHIBIT(bus60a06)

11:17:28 **Motion:** Sen. Vance moved that **HB 490 BE CONCURRED IN AS AMENDED.**

Discussion:

11:17:37 Sen. Boland
11:17:51 Sen. Small
11:18:35 Sen. Pope
11:18:47 Chair Fitzpatrick
11:19:15 Sen. Small
11:19:36 Sen. Boland
11:20:07 Sen. Small

11:20:46 **Substitute Motion/Vote:** Sen. Vance made a substitute motion that **HB 490 BE TABLED.** Substitute Motion carried 9-2 by roll call vote with Sen. Fitzpatrick and Sen. Small voting no. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON HB 510

11:21:38 **Motion:** Sen. Vance moved that **HB 510 BE CONCURRED IN.**

Discussion:

11:21:55 Sen. Boland

11:23:03 **Vote:** Motion failed unanimously by roll call vote. Sen. Ellsworth voted by proxy.

11:23:38 **Motion/Vote:** Sen. Vance moved that **HB 510 BE TABLED.** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

EXECUTIVE ACTION ON HB 589

11:23:58 **Motion:** Sen. Vance moved that **HB 589 BE CONCURRED IN.**

Discussion:

11:24:22 Sen. Boland

11:24:48 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused. Sen. Fitzpatrick will carry the bill.

EXECUTIVE ACTION ON HB 609

11:25:11 **Motion/Vote:** Sen. Vance moved that **HB 609 BE CONCURRED IN**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused. Sen. Small will carry the bill.

EXECUTIVE ACTION ON SB 374

11:25:48 **Motion:** Sen. Vance moved that **SB 374 DO PASS**.

11:25:53 **Motion:** Sen. Fitzpatrick moved that **SB 374 BE AMENDED**.
[EXHIBIT\(bus60a07\)](#)

Discussion:

11:26:02 Sen. Smith

11:26:18 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

11:26:27 **Motion:** Sen. Fitzpatrick moved that **SB 374 BE AMENDED**.
[EXHIBIT\(bus60a08\)](#)

Discussion:

11:26:36 Sen. Smith
11:26:58 Sen. Boland
11:27:18 Sen. Smith
11:27:42 Sen. Boland
11:27:57 Chair Fitzpatrick

11:28:28 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

11:28:35 **Motion/Vote:** Sen. Vance moved that **SB 374 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Ellsworth was excused.

EXECUTIVE ACTION ON SB 378

11:29:03 **Motion:** Sen. Vance moved that **SB 378 DO PASS**.

11:29:09 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 378 BE AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.
[EXHIBIT\(bus60a09\)](#)

11:29:56 **Motion/Vote:** Sen. Vance moved that **SB 378 DO PASS AS AMENDED**. Motion carried 10-1 by roll call vote with Sen. C. Smith voting no. Sen. Ellsworth voted by proxy.

EXECUTIVE ACTION ON SR 91

11:30:49 **Motion:** Sen. Vance moved that **SR 91 BE ADOPTED**.

11:30:58 **Motion/Vote:** Sen. Fitzpatrick moved that **SR 91 BE AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

[EXHIBIT\(bus60a10\)](#)

11:31:13 **Motion:** Sen. Vance moved that **SR 91 BE ADOPTED AS AMENDED**.

Discussion:

11:31:22 Sen. Boland

11:31:33 Chair Fitzpatrick

11:31:51 **Vote:** Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

11:32:00 Chair Fitzpatrick

ADJOURNMENT

Adjournment: 11:32 A.M.

Olivia Hopkins, Secretary

oh

Additional Documents:

EXHIBIT([bus60aad.pdf](#))