MINUTES LOG
December 13, 2021
Room 137/Zoom
Helena, Montana

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MEMBERS PRESENT VIA ZOOM:
Sen. Kenneth Bogner, Chair (R)
Rep. Derek Harvey, Vice Chair (D)
Sen. Carlie Boland (D)
Rep. Alice Buckley (D)
Sen. Jason Ellsworth (R)
Rep. Joshua Kassmier (R)
Sen. Shane Morigeau (D)
Rep. Katie Sullivan (D)

MEMBERS EXCUSED:
Rep. Mark Noland (R)

MEMBERS ABSENT
Rep. Brandon Ler (R)

STAFF PRESENT:
Erin Sullivan, Research Analyst
Jameson Walker, Attorney
Fong Hom, Secretary
AGENDA (Attachment 1)

VISITORS LIST (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL
14:01:33 Sen. Bogner called the meeting to order at 2:01 p.m. The committee secretary called roll. (Attachment 3) Rep. Noland was excused and left his proxy with Sen. Ellsworth.
14:03:21 Sen. Bogner gave an overview of the agenda.
14:03:50 Jameson Walker, Staff Attorney, discussed what the committee needed to do. It needs to look at its informal objection to the Department of Labor's rule 24-35-376. The committee also needed to consider its previous motion relating the Revenue Interim Committee.

BREAK (reconvened at 2:06 p.m.)

ADMINISTRATIVE RULE REVIEW
Rule Review Procedure
14:06:42 Mr. Walker provided an update on the committee making an informal objection to Administrative Rule Notice 24-35-376, the bill implementing SB 367 from last session. Under the informal objection rule, whenever the committee meets it needs to either not continue the objection or to continue the objection. Sen. Ellsworth discussed the changes to New Rule I, License Application Renewal Fees.

Motion
14:07:11 Sen. Morigeau moved to continue the informal objection to MAR Notice No. 24-35-376.
14:07:26 Sen. Bogner said without objection, the committee will continue the objection.

Revisions to the rulemaking concerning marijuana
14:07:57 Mr. Walker said that at the last meeting, the committee made a recommendation that the Revenue Interim Committee (RIC) has technical rulemaking authority over the Department of Revenue’s rules concerning marijuana. The committee’s motion was to recommend that RIC make an informal objection to all three of the department’s rule notices: 42-1033, 42-1040, and 42-1042. The RIC decided to not object and cancelled its meeting.

Department of Revenue/Economic Affairs Discussion Summary
14:21:34 Brendan Beatty, Director of the Department of Revenue, thanked everyone for their cooperation. He did not have any further comments.
Public Comment on Administrative Rule Review
14:22:02 Pepper Petersen commented on the Native American licensing and that the tribes would be kept in a Tier I.
14:24:00 Barbie Turner commented on banning the grow facilities from being able to exchange product and to clearly define that that does not mean clones.

Further Discussion
14:25:13 Sen. Ellsworth said that two of the issues that were brought up could be addressed in the rules. He clarified what combined use license is for the Native Americans.

Motion
14:27:07 Sen. Ellsworth moved to recommend that the committee not proceed with its informal objection.
14:27:41 Sen. Morigeau supported the motion.

Vote

MEETING WRAP UP
14:28:19 Mr. Walker will draft a letter to the Revenue Interim Committee to clarify what happened and that it be on the record.

GENERAL PUBLIC COMMENT
None.

ADJOURNMENT
14:30:29 Sen. Bogner adjourned the meeting at 2:30 p.m.