

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS AND LABOR

**Call to Order:** Chair Mark Noland, on January 22, 2021 at 08:30 AM, in Room 172  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Mark Noland, Chair (R)  
Rep. Edward Buttrey, Vice Chair (R)  
Rep. Katie Sullivan, Vice Chair (D)  
Rep. Fred Anderson (R)  
Rep. Willis Curdy (D)  
Rep. Ross H. Fitzgerald (R)  
Rep. Moffie Funk (D)  
Rep. Steven Galloway (R)  
Rep. Steve Gunderson (R)  
Rep. Derek J. Harvey (D)  
Rep. Denley M. Loge (R)  
Rep. Ron Marshall (R)  
Rep. Sara Novak (D)  
Rep. Andrea Olsen (D)  
Rep. Kerri Seekins-Crowe (R)  
Rep. Katie Zolnikov (R)

**Members Excused:**

Rep. Kim Abbott (D)  
Rep. Neil Duram (R)  
Rep. Steve Gist (R)  
Rep. Rynalea Whiteman Pena (D)

**Members Absent:** None

**Staff Present:**

Jordee Bomgardner, Committee Secretary  
Jameson Walker, Legislative Branch  
Cara Grewell, Remote Meeting Coordinator

**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 168, 1/18/2021; SB 65, 1/19/2021

Executive Action: HB 63, HB 117, HB 149

**HEARING ON HB 168****Opening Statement by Sponsor:**

08:33:44 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 168, Generally revise laws related to union fees.

[EXHIBIT\(buh15a01\)](#)

[EXHIBIT\(buh15a02\)](#)

[EXHIBIT\(buh15a03\)](#)

[EXHIBIT\(buh15a04\)](#)

**Proponents' Testimony:**

08:47:07 Henry Kriegel, Americans for Prosperity - Montana

**Opponents' Testimony:**

08:52:15 Amanda Curtis, Montana Federation of Public Employees (MFPE)

[EXHIBIT\(buh15a05\)](#)

[EXHIBIT\(buh15a06\)](#)

08:57:20 Adam Haight, Montana American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

09:01:26 Eric Anderson, Montana Nurses Association (MNA)

[EXHIBIT\(buh15a07\)](#)

09:04:12 John Forkan, Montana State Building and Construction Trades Council;  
International Brotherhood of Teamsters Local 2

09:04:53 Brian Reed, Montana Professional Firefighters

09:05:24 Kim Rickard-Smeltzer, Laborers Local 1686

09:06:45 John Johnson, International Union of Operating Engineers, Local 400 (IUOE)

09:07:11 D.B. Kenner, Brotherhood of Locomotive Engineers and Trainmen

09:07:43 Robert Shelton, Carpenters Union Local 82

09:08:17 Jack McBroom, International Brotherhood of Electrical Workers, Local 233  
(IBEW)

09:08:50 Joel Worth, Carpenters Union Local 82

09:10:13 Luke Hoffer, International Brotherhood of Electrical Workers,  
Local 233 (IBEW)

09:10:45 Aaron Meaders, Federation of Montana State Prison Employees; Montana  
Federation of Public Employees (MFPE)

09:12:12 Kathy Clark, Montana Federation of Public Employees (MFPE)

09:13:00 Rep. Frazer

09:14:27 Richard Matiska, International Brotherhood of Electrical Workers, Local 233

09:14:49 Matt English, International Brotherhood of Electrical Workers, Local 233

09:15:31 Vicky Byrd, Montana Nurses Association (MNA)

[EXHIBIT\(buh15a08\)](#)

09:19:40 Amy Hauschild, Laborers Local 1686

[EXHIBIT\(buh15a09\)](#)

09:21:06 Timm Twardoski, American Federation of State, County and Municipal  
Employees (AFSCME)

[EXHIBIT\(buh15a10\)](#)

09:25:17 Alanna Wulf, Big Sky 55 Plus  
09:26:21 Loni Conley, Montana Nurses Association (MNA)

**EXHIBIT(buh15a11)**

09:28:21 Jim Stone, self  
09:30:13 Mick Wonnacott, Laborers Local 1686

**EXHIBIT(buh15a12)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:31:10 Rep. Loge  
09:31:36 Timm Twardoski, AFSCME  
09:31:46 Rep. Gist joined the meeting.  
09:32:16 Rep. Loge  
09:32:35 Rep. Harvey  
09:33:12 Amanda Curtis, MFPE  
09:34:47 Rep. Marshall  
09:35:30 Amanda Curtis, MFPE  
09:36:00 Rep. Harvey  
09:36:23 Jameson Walker, Legislative Services Division (LSD)  
09:36:40 Chair Noland  
09:37:05 Rep. Mercer  
09:37:50 Chair Noland  
09:41:12 Amanda Curtis, MFPE  
09:41:42 Chair Noland  
09:45:19 Rep. Mercer  
09:46:01 Rep. Loge  
09:46:24 Rep. Mercer  
09:47:31 Rep. Loge  
09:47:54 Rep. Mercer  
09:48:44 Rep. Seekins-Crowe  
09:49:27 Amanda Curtis, MFPE  
09:51:00 Rep. Marshall  
09:53:52 Amanda Curtis, MFPE

**Closing by Sponsor:**

09:54:20 Rep. Mercer  
  
09:58:03 Recess  
10:11:25 Reconvened

**HEARING ON SB 65**

**Opening Statement by Sponsor:**

10:12:52 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 65, Revise civil liability laws.

**Proponents' Testimony:**

10:32:00 Todd O'Hair, Montana Chamber of Commerce

10:34:26 Alan Olson, Montana Petroleum Association  
10:35:09 Henry Kriegel, Americans for Prosperity - Montana  
10:38:24 Rhonda Wiggers, Nation Federation of Independent Business (NFIB)  
10:41:35 Stewart Doggett, Montana Lodging and Hospitality Association (MLHA)  
10:42:42 Abigail St. Lawrence, Montana Building Industry Association (MBIA), Montana  
Optometric Association  
10:46:44 Jessie Luther, Montana Hospital Association (MHA), Rocky Mountain Power  
(RMP), Talen Energy, Idaho Forest Group (IFG), Hospitality and Development  
Association of Montana  
10:48:43 Aimee Grmoljez, Montana Bankers Association (MBA)  
10:51:10 Jay Bodner, Montana Stockgrowers Association (MSGA), Montana Cattlewomen  
(MCW)  
10:52:39 Gary Wiens, Montana Electric Cooperatives Association  
10:53:45 Dan Brooks, Billings Chamber of Commerce

**EXHIBIT(buh15a13)**

10:54:34 Justine Cowdrey Palmer, Montana Tavern Association (MTA), Gallatin County  
Beverage Licensed Association  
10:57:00 Tammy Johnson, Montana Mining Association (MMA)  
11:00:32 Rachel Cone, Montana Farm Bureau Federation (MFBF)

**Opponents' Testimony:**

11:03:59 Darin Gaub, self  
11:06:28 David Allen, self

**EXHIBIT(buh15a14)**

11:12:26 Conrad Evarts, self

**EXHIBIT(buh15a15)**

11:15:52 Jennifer Martin, self

**EXHIBIT(buh15a16)**

11:17:39 Holly Russell, self  
11:18:46 Brooke Carlson, self  
11:19:44 Brandie Mercer, self  
11:21:28 Cindi Hamilton, self  
11:26:32 Fred Havens, self  
11:28:38 Lisa Hjelmstad, self

**EXHIBIT(buh15a17)**

11:33:40 Raye Newmeyer, self  
11:34:14 Charlotte Sanborn, self  
11:35:30 Marie Wyrock, self  
11:38:35 Dianna Koester, self  
11:40:42 Al Smith, Montana Trial Lawyers Association (MTLA)

**EXHIBIT(buh15a18)**

11:43:11 Michelle Zizian, self  
11:45:08 Colleen Wulf, Big Sky 55 Plus

11:48:14 Steve Harman, self  
[EXHIBIT\(buh15a19\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

11:51:03 Rep. Gunderson  
11:52:24 Sen. Fitzpatrick  
11:53:33 Rep. Gunderson  
11:53:38 Rep. Marshall  
11:54:53 Sen. Fitzpatrick  
11:55:29 Rep. Seekins-Crowe  
11:55:58 Sen. Fitzpatrick  
11:57:53 Vice Chair Sullivan  
11:58:58 Sen. Fitzpatrick  
12:00:50 Rep. Loge  
12:01:10 Sen. Fitzpatrick  
12:01:44 Rep. Olsen  
12:05:30 Al Smith, MTLA  
12:06:34 Rep. Novak  
12:07:29 Sen. Fitzpatrick  
12:08:10 Rep. Gist  
12:08:37 Sen. Fitzpatrick  
12:11:28 Rep. Harvey  
12:12:01 Al Smith, MTLA  
12:14:27 Rep. Curdy  
12:15:25 Al Smith, MTLA  
12:17:56 Rep. Funk  
12:18:33 Al Smith, MTLA  
12:20:36 Rep. Galloway  
12:21:26 Sen. Fitzpatrick  
12:23:20 Rep. Gunderson  
12:28:36 Sen. Fitzpatrick  
12:30:21 Rep. Loge  
12:30:49 Sen. Fitzpatrick  
12:31:12 Chair Noland  
12:31:47 Sen. Fitzpatrick  
12:32:52 Rep. Olsen  
12:37:11 Steve Harman, Self

**Closing by Sponsor:**

12:39:12 Sen. Fitzpatrick

**EXECUTIVE ACTION ON HB 63**

12:41:47 **Motion:** Rep. Harvey moved that **HB 63 DO PASS.**

12:42:34 **Motion:** Rep. Harvey moved that **HB 63 BE AMENDED.**  
[EXHIBIT\(buh15a20\)](#)

**Discussion:**

- 12:42:46 Jameson Walker, Legislative Services Division (LSD)  
12:44:21 Vice Chair Sullivan  
12:44:38 Jameson Walker, LSD
- 12:45:26 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.
- 12:46:02 **Motion/Vote:** Rep. Harvey moved that **HB 63 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.

**EXECUTIVE ACTION ON HB 117**

- 12:46:41 **Motion:** Rep. Harvey moved that **HB 117 DO PASS**.
- 12:47:18 **Motion:** Rep. Harvey moved that **HB 117 BE AMENDED**.  
[EXHIBIT\(buh15a21\)](#)

**Discussion:**

- 12:47:46 Jameson Walker, LSD  
12:48:30 Rep. Olsen
- 12:48:44 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.
- 12:49:04 **Motion:** Rep. Harvey moved that **HB 117 DO PASS AS AMENDED**.

**Discussion:**

- 12:49:12 Rep. Olsen
- 12:49:45 **Vote:** Motion carried 19-1 by roll call vote with Rep. Olsen voting no. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.

**EXECUTIVE ACTION ON HB 149**

- 12:51:07 **Motion:** Rep. Harvey moved that **HB 149 DO PASS**.
- 12:52:04 **Motion:** Rep. Harvey moved that **HB 149 BE AMENDED**.  
[EXHIBIT\(buh15a22\)](#)

**Discussion:**

- 12:52:39 Jameson Walker, LSD
- 12:52:48 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.

12:53:10 **Motion:** Rep. Harvey moved that **HB 149 BE AMENDED.**  
**EXHIBIT**(buh15a23)

**Discussion:**

12:53:34 Jameson Walker, LSD

12:54:57 **Vote:** Motion carried 19-1 by voice vote with Rep. Galloway voting no. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.

12:55:24 **Motion:** Rep. Harvey moved that **HB 149 DO PASS AS AMENDED.**

**Discussion:**

12:55:46 Vice Chair Sullivan

12:55:55 Jameson Walker, LSD

12:55:56 **Vote:** Motion failed 9-11 by roll call vote with Rep. Anderson, Rep. Duram, Rep. Fitzgerald, Rep. Gist, Rep. Gunderson, Rep. Harvey, Rep. Marshall, Rep. Noland and Rep. Seekins-Crowe voting aye. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.

12:57:38 **Motion/Vote:** Rep. Harvey moved that **HB 149 BE TABLED.** Motion carried unanimously by voice vote. Rep. Abbott, Rep. Duram and Rep. Whiteman Pena voted by proxy.

**ADJOURNMENT**

Adjournment: 12:57:57

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Jordee Bomgardner, Secretary

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Additional Documents:

**EXHIBIT([buh15aad.pdf](#))**