

## MINUTES

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

#### COMMITTEE ON ENERGY, TECHNOLOGY AND FEDERAL RELATIONS

**Call to Order:** Chair Derek Skees, on March 24, 2021 at 3:00 PM, in Room 472 Capitol

#### ROLL CALL

**Members Present:**

Rep. Derek Skees, Chair (R)  
Rep. Denise Hayman, Vice Chair (D)  
Rep. Michele Binkley (R)  
Rep. Larry Brewster (R)  
Rep. Geraldine Custer (R)  
Rep. Neil Duram (R)  
Rep. Joshua Kassmier (R)  
Rep. Kelly Kortum (D)  
Rep. Andrea Olsen (D)  
Rep. Bob Phalen (R)  
Rep. Katie Sullivan (D)

**Members Excused:**

Rep. Katie Zolnikov, Vice Chair (R)

**Members Absent:** None

**Staff Present:**

Brittany Bury, Committee Secretary  
Trevor Graff, Legislative Branch  
Taylor Eggebrecht, 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 653, 3/19/2021; SB 265, 3/19/2021; SB 266, 3/19/2021

15:03:09 Chair Skees

**HEARING ON HB 653**

**Opening Statement by Sponsor:**

15:04:30 Rep. Ross Fitzgerald (R), HD 17, opened the hearing on HB 653, Revise utilities right-of-way requests.

**Proponents' Testimony:** None

**Opponents' Testimony:**

15:09:12 Ross Lane, Montana Rail Link (MRL)

15:14:20 Steve Wade, Burlington Northern and Santa Fe Railway (BNSF Railway)

**Informational Testimony:**

15:16:29 Dwayne Kailey, Montana Department of Transportation (MDT)

**Questions from Committee Members and Responses:**

15:17:19 Vice Chair Hayman

15:17:49 Vice Chair Zolnikov entered the meeting.

15:18:20 Ross Lane, MRL

15:20:50 Rep. Olsen

15:21:43 Steve Wade, BNSF Railway

15:22:16 Chair Skees

15:22:26 Steve Wade, BNSF Railway

15:22:53 Chair Skees

15:23:04 Rep. Fitzgerald

15:23:33 Chair Skees

**Closing by Sponsor:**

15:24:10 Rep. Fitzgerald

15:26:29 Chair Skees

**HEARING ON SB 266**

**Opening Statement by Sponsor:**

15:27:35 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 266, Revise unfair trade to include certain actions related to electric generation.

**Proponents' Testimony:**

15:30:48 David Hoffman, NorthWestern Energy (NWE)

15:32:49 Mark Taylor, Talen Montana

**EXHIBIT(feh58a01)**

15:36:29 Adam Haight, American Federation of Labor and Chief of Industrial Organizations (AFL-CIO)

15:37:24 John Forkan, Montana State Building and Construction Trades Counsel (MSBCTC)

15:38:01 Dwight Rose, International Brotherhood of Electrical Workers 44 (IBEW44)

15:38:58 Luke Hoffer, International Brotherhood of Electrical Workers 233 (IBEW233)

**Opponents' Testimony:**

15:39:31 Tom Ebzery, Portland General Electric, AvistaCorp

15:46:57 Melissa Lewis, Puget Sound Energy (PSE)

15:51:13 Charles Denowh, Rocky Mountain Power (RMP)

15:52:26 Monica Tranel, self

**EXHIBIT(feh58a02)**

15:59:47 Anne Hedges, Montana Environmental Information Center (MEIC)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

16:04:22 Rep. Kassmier

16:04:46 Mark Taylor, Talen Montana

16:05:18 Rep. Olsen

16:11:01 Monica Tranel, self

16:13:10 Vice Chair Hayman

16:18:20 Tom Ebzery, Portland General Electric, AvistaCorp

16:19:59 Rep. Custer

16:21:57 Mark Taylor, Talen Montana

16:22:44 Rep. Kassmier

16:23:04 Tom Ebzery, Portland General Electric, AvistaCorp

16:23:56 Vice Chair Zolnikov

16:24:34 Melissa Lewis, PSE

16:24:59 Mark Taylor, Talen Montana

16:25:43 Rep. Duram

16:29:38 David Hoffman, NWE

16:29:55 Rep. Phalen

16:30:31 Monica Tranel, self

16:32:48 Rep. Phalen

16:34:46 Tom Ebzery, Portland General Electric, AvistaCorp

16:35:49 Rep. Sullivan

16:36:24 Tom Ebzery, Portland General Electric, AvistaCorp

16:37:29 Rep. Duram

16:38:22 Monica Tranel, self

16:40:10 Vice Chair Zolnikov

16:40:30 Sen. Fitzpatrick

16:41:18 Rep. Phalen

16:41:41 Mark Taylor, Talen Montana

16:42:27 Rep. Binkley

16:43:16 Dwight Rose, International Brotherhood of Electrical Workers 44 (IBEW44)

16:44:25 Rep. Duram

16:45:09 Charles Denowh, Rocky Mountain Power

16:45:59 Vice Chair Hayman

16:46:36 Chair Skees

16:46:56 Vice Chair Hayman

16:47:40 Mark Taylor, Talen Montana

16:49:11 Chair Skees

16:49:25 Vice Chair Zolnikov  
 16:53:28 Melissa Lewis, PSE  
 16:54:47 Rep. Phalen  
 16:55:09 Vice Chair Zolnikov left the meeting.  
 16:55:13 Tom Ebzery, Portland General Electric, AvistaCorp  
 16:56:10 Chair Skees  
 16:58:41 Monica Tranel, self  
 16:58:59 Chair Skees  
 16:59:05 Vice Chair Zolnikov entered the meeting.  
 16:59:26 Sen. Fitzpatrick

**EXHIBIT(feh58a03)**

17:02:25 Chair Skees

**Closing by Sponsor:**

17:02:35 Sen. Fitzpatrick  
 17:05:50 Chair Skees  
 17:05:56 Vice Chair Zolnikov assumed the Chair.  
 17:06:04 Chair Skees left the meeting.

**HEARING ON SB 265**

**Opening Statement by Sponsor:**

17:06:09 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 265, Revising electrical generation arbitration laws.

**Proponents' Testimony:**

17:09:18 David Hoffman, NorthWestern Energy (NWE)  
 17:10:21 Mark Taylor, Talen Montana  
 17:11:53 Adam Haight, American Federation of Labor and Chief of Industrial Organizations (AFL-CIO)  
 17:12:09 Chair Skees joined the meeting.  
 17:12:14 John Forkan, Montana State Building and Construction Trades Council (MSBCTC)  
 17:12:46 Dwight Rose, International Brotherhood of Electrical Workers 44 (IBEW44)

**Opponents' Testimony:**

17:13:08 Tom Ebzery, Portland General Electric, AvistaCorp  
 17:16:11 Melissa Lewis, Puget Sound Energy (PSE)  
 17:17:29 Charles Denowh, Rocky Mountain Power (RMP)  
 17:17:56 Monica Tranel, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

17:20:56 Rep. Olsen  
 17:22:55 Monica Tranel, self  
 17:24:02 Rep. Olsen  
 17:26:24 Sen. Fitzpatrick

17:26:59 Rep. Olsen  
17:27:35 Vice Chair Zolnikov  
17:27:58 David Hoffman, NWE  
17:28:24 Chair Skees  
17:31:14 Sen. Fitzpatrick  
17:31:44 Rep. Duram  
17:34:50 Monica Tranel, self  
17:35:20 Rep. Olsen  
17:36:54 Tom Ebzery, Portland General Electric, AvistaCorp  
17:37:57 Rep. Olsen  
17:40:06 Monica Tranel, self  
17:40:48 Vice Chair Zolnikov  
17:41:29 Melissa Lewis, PSE  
17:41:55 Vice Chair Zolnikov  
17:42:54 David Hoffman, NWE  
17:43:06 Rep. Duram  
17:44:01 Tom Ebzery, Portland General Electric, AvistaCorp  
17:44:51 Chair Skees  
17:45:18 Vice Chair Zolnikov  
17:45:32 Sen. Fitzpatrick

**Closing by Sponsor:**

17:46:17 Sen. Fitzpatrick  
  
17:47:27 Vice Chair Zolnikov  
17:47:33 Chair Skees assumed the Chair.  
17:51:14 Rep. Olsen  
17:53:14 Chair Skees  
17:53:34 Trevor Graff, Legislative Services Division (LSD)  
17:53:49 Chair Skees  
17:54:05 Rep. Duram  
17:54:27 Chair Skees

**ADJOURNMENT**

Adjournment:  
17:55:45

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Brittany Bury, Secretary

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Additional Documents:

**EXHIBIT**([feh58aad.pdf](#))