

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

**Call to Order:** Chair Steve Fitzpatrick, on February 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. Mike Fox (D)  
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. Christopher Pope (D)

**Members Excused:**

Sen. Jason W. Ellsworth (R)

**Members Absent:** None

**Staff Present:** Olivia Hopkins, Committee Secretary  
Clara Bentler, Remote Meeting Coordinator  
Sonja Nowakowski, Legislative Branch  
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 260, 2/19/2021; SB 265, 2/19/2021; SB 266, 2/19/2021; SR 75, 2/19/2021

Executive Action: HB 197, SR 77, SR 78, SR 79, SR 80, SB 235, SB 247

09:00:50 Sen. Vance assumed the duties of the chair.  
09:00:55 Sen. Pope entered the meeting.

**HEARING ON SR 75**

**Opening Statement by Sponsor:**

09:00:55 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SR 75, Confirm Governor's appointee for Director of the Department of Commerce.

**EXHIBIT(bus38a01)**

**Proponents' Testimony:**

09:01:44 Lieutenant Governor Kristin Juras  
09:03:25 Scott Osterman, appointee  
09:13:54 Todd O'Hair, Montana Chamber of Commerce  
09:15:46 Joe Unterreiner, citizen  
09:17:31 Jim Atchison, Southeastern Montana Development Corporation; Montana Economic Developers Association  
09:19:04 Carl Rounds, Applied Materials  
09:20:32 Allison Corbyn, Big Sky Economic Development  
09:21:16 Rick Plavidal, Applied Materials

**Additional Testimony Received:**

**EXHIBIT(bus38a02)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:26:03 Sen. Boland  
09:26:40 Mr. Osterman, appointee  
09:27:40 Sen. Boland  
09:27:50 Mr. Osterman  
09:29:04 Sen. Boland  
09:30:09 Mr. Osterman  
09:31:15 Sen. Pope  
09:32:43 Mr. Osterman  
09:34:28 Sen. Pope  
09:35:48 Mr. Osterman  
09:37:35 Sen. Fox  
09:37:56 Mr. Osterman  
09:40:21 Sen. Gauthier  
  
09:40:31 Sen. Gillespie entered the meeting.  
  
09:41:12 Mr. Osterman  
09:41:48 Sen. Gauthier  
09:42:21 Sen. Sweeney  
09:43:04 Mr. Osterman  
09:44:24 Sen. Sweeney

09:45:12 Mr. Osterman  
09:46:36 Sen. Sweeney  
09:47:17 Mr. Osterman  
09:48:45 Sen. Sweeney

**Closing by Sponsor:**

09:48:59 Sen. Fitzpatrick

**HEARING ON SB 266**

**Opening Statement by Sponsor:**

09:49:22 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:**

09:54:20 Sen. Duane Ankney, SB 20  
09:55:59 John Williams, mayor, Colstrip  
10:01:06 Jim Atchison, Southeastern Montana Development Corporation; Montana Economic Developers Association

**EXHIBIT(bus38a03)**

10:02:58 David Hoffman, NorthWestern Energy  
10:05:30 Mark Taylor, Talen Montana

**EXHIBIT(bus38a04)**

10:07:31 Jon Metropoulos, Westmoreland  
10:08:46 Adam Haight, Montana AFL-CIO  
10:09:23 John Forkan, Montana State Building and Construction Trades Council  
10:10:06 Dwight Rose, IBEW 44  
10:10:35 John Johnson, International Union of Operating Engineers  
10:10:52 Mick Wonnacott, Local 1686  
10:11:17 Luke Hoffer, IBEW 233  
10:11:34 Dave Englund, Boilermakers Local Lodge 11  
10:12:22 Stacey Yates, IBEW 1638

**EXHIBIT(bus38a05)**

**Opponents' Testimony:**

10:13:06 Tom Ebzery, attorney, Avista Energy Company  
10:19:13 Melissa Lewis, Puget Sound Energy (PSE)  
10:22:42 Charles Denowh, Rocky Mountain Power (RMP)  
10:23:57 Anne Hedges, Montana Environmental Information Center

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:27:02 Sen. Small  
10:28:07 Mr. Ebzery, Avista  
10:29:34 Ms. Lewis, PSE  
10:30:40 Sen. Small  
10:31:14 Ms. Lewis

10:31:42 Mr. Ebzery  
10:32:34 Sen. Small  
10:32:45 Mr. Denowh, RMP  
10:32:59 Sen. Small  
10:33:31 Mr. Taylor, Talen Montana  
10:34:50 Sen. Small  
10:35:14 Mr. Taylor  
10:35:34 Sen. Small  
10:35:41 Mr. Taylor  
10:36:49 Mr. Ebzery  
10:37:40 Sen. Small  
10:37:50 Ms. Lewis  
10:38:19 Sen. Small  
10:39:14 Ms. Lewis  
10:40:03 Mr. Ebzery  
10:41:15 Sen. Fitzpatrick

**EXHIBIT(bus38a06)**

10:43:27 Mr. Ebzery  
10:44:41 Sen. Small  
10:45:14 Mr. Ebzery  
10:45:59 Sen. Small  
10:46:22 Ms. Lewis  
10:47:51 Sen. Small  
10:49:03 Sen. Pope  
10:49:44 Mr. Taylor  
10:51:01 Sen. Pope  
10:51:43 Mr. Taylor  
10:52:25 Sen. Pope  
10:52:42 Mr. Taylor  
10:53:00 Sen. Pope  
10:54:35 Sen. Fitzpatrick  
10:56:59 Sen. Pope  
10:58:35 Sen. Fitzpatrick  
10:59:58 Sen. Pope

**Closing by Sponsor:**

11:01:11 Sen. Fitzpatrick

**EXHIBIT(bus38a07)**

**HEARING ON SB 265**

**Opening Statement by Sponsor:**

11:02:58 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 265, Revising electrical generation arbitration laws.

**EXHIBIT(bus38a08)**

**Proponents' Testimony:**

11:06:28 David Hoffman, NorthWestern Energy  
11:40:43 Kelly Lynch, Montana League of Cities and Towns

11:08:06 Mark Taylor, Talen Montana

[EXHIBIT\(bus38a09\)](#)

11:09:08 Adam Haight, Montana AFL-CIO

11:09:30 John Forkan, Montana State Building and Construction Trades Council

11:10:14 Mick Wonnacott, Laborer's Local 1686

11:10:36 John Johnson, International Union of Operating Engineers

11:10:52 Dwight Rose, IBEW 44

11:11:19 Jackie McBroom, IBEW 233

11:11:41 David Englund, Boilermakers Local Lodge 11

11:12:30 Stacey Yates, IBEW 1638

**Opponents' Testimony:**

11:13:02 Monica Tranel, attorney

11:15:24 Tom Ebzery, Avista Energy Company

11:18:27 Melissa Lewis, Puget Sound Energy

11:19:44 Charles Denowh, Rocky Mountain Power

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

11:21:04 Sen. Fitzpatrick

**HEARING ON SB 260**

**Opening Statement by Sponsor:**

11:22:48 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 260, Generally revising laws related to property interests and transfer of businesses.

[EXHIBIT\(bus38a10\)](#)

**Proponents' Testimony:**

11:25:55 Mark Taylor, Hospitality and Development Association of Montana

11:28:42 Charles Denowh, United Property Owners of Montana (UPOM)

11:31:15 Sam Sill, Montana Association of Realtors

11:32:13 Ronda Wiggers, National Federation of Independent Businesses (NFIB)

11:32:48 Todd O'Hair, Montana Chamber of Commerce

**Additional Documents Received:**

[EXHIBIT\(bus38a11\)](#)

**Opponents' Testimony:**

11:33:32 Anne Hedges, Montana Environmental Information Center

11:45:45 Bob Horne, citizen

**Additional Documents Received:**

[EXHIBIT\(bus38a12\)](#)

**Informational Testimony:**

11:46:54 Valerie Wilson, Department of Transportation  
 11:47:38 Nick Gochis, Department of Revenue (DOR)

**Questions from Committee Members and Responses:**

11:47:58 Sen. Smith  
 11:48:38 Mr. Denowh, UPOM  
 11:50:20 Sen. Pope  
 11:51:10 Mr. Denowh  
 11:52:02 Sen. Pope  
 11:52:49 Mr. Gochis, DOR  
 11:54:09 Sen. Pope  
 11:55:09 Mr. Gochis

**Closing by Sponsor:**

11:55:47 Sen. Fitzpatrick  
 11:56:47 Sen. Fitzpatrick assumed the duties of the chair.  
 11:56:59 Chair Fitzpatrick  
 11:58:27 Recess  
 12:05:14 Reconvene  
 12:05:19 Sen. Vance  
 12:05:26 Sen. Boland

**EXECUTIVE ACTION ON HB 197**

12:05:46 **Motion/Vote:** Sen. Vance moved that **HB 197 BE CONCURRED IN**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused. Sen. Fitzpatrick will carry the bill.

**EXECUTIVE ACTION ON SR 77**

12:06:15 **Motion/Vote:** Sen. Vance moved that **SR 77 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

**EXECUTIVE ACTION ON SR 78**

12:06:41 **Motion/Vote:** Sen. Vance moved that **SR 78 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

**EXECUTIVE ACTION ON SR 79**

12:07:16 **Motion/Vote:** Sen. Vance moved that **SR 79 BE ADOPTED**. Motion carried 10-1 by roll call vote with Sen. Fox voting no. Sen. Ellsworth voted by proxy.

**EXECUTIVE ACTION ON SR 80**

12:08:14 **Motion/Vote:** Sen. Vance moved that **SR 80 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

**EXECUTIVE ACTION ON SB 235**

12:08:41 **Motion:** Sen. Vance moved that **SB 235 DO PASS**.

**Discussion:**

12:09:00 Sen. Fitzpatrick

12:09:36 **Vote:** Motion failed 3-8 by roll call vote with Sen. Boland, Sen. Fox and Sen. Pope voting aye. Sen. Ellsworth voted by proxy.

12:09:57 **Motion/Vote:** Sen. Vance moved that **SB 235 BE TABLED**. Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Fox, Sen. Pope and Sen. Sweeney voting no. Sen. Ellsworth voted by proxy.

**EXECUTIVE ACTION ON SB 247**

12:10:48 **Motion:** Sen. Vance moved that **SB 247 DO PASS**.

12:11:05 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 247 BE AMENDED**. Motion carried 10-0 by voice vote. Sen. Ellsworth was excused.

**EXHIBIT(bus38a13)**

12:11:15 **Motion/Vote:** Sen. Vance moved that **SB 247 DO PASS AS AMENDED**. Motion carried 10-1 by roll call vote with Sen. C. Smith voting no. Sen. Ellsworth voted by proxy.

12:12:03 Chair Fitzpatrick

**ADJOURNMENT**

Adjournment: 12:12 P.M.

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Olivia Hopkins, Secretary

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Additional Documents:

**EXHIBIT**([bus38aad.pdf](#))