

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

**Call to Order:** Chair Duane Ankney, on February 12, 2019 at 3:00 PM, in Room 317  
Capitol

#### ROLL CALL

**Members Present:**

Sen. Duane Ankney, Chair (R)  
Sen. Jason D. Small, Vice Chair (R)  
Sen. Mary McNally, Vice Chair (D)  
Sen. Dick Barrett (D)  
Sen. Mike Cuffe (R)  
Sen. Terry Gauthier (R)  
Sen. Douglas (Doug) Kary (R)  
Sen. Sue Malek (D)  
Sen. Mike Phillips (D)  
Sen. Keith Regier (R)  
Sen. Tom Richmond (R)  
Sen. Russel (Russ) Tempel (R)  
Sen. Gene Vuckovich (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Trevor Graff, Legislative Branch  
Jacelyn Stewart, Committee Secretary

**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 206, 2/6/2019

Executive Action: SR 6 - Be Adopted  
SR 7 - Be Adopted  
SB 93 - Do Pass  
SB 103 - Be Tabled  
SB 190 - Be Tabled  
SB 191 - Do Pass  
SB 189 - Amended Only

**HEARING ON HB 206**

**Opening Statement by Sponsor:**

15:03:30 Rep. Frank Garner (R), HD 7, opened the hearing on HB 206, Clarify a rural cooperative utility's authority.

**Proponents' Testimony:**

15:06:26 Mark Johnson, general manager, Flathead Electric Cooperative Association

15:09:48 Mark Hayden, general manager, Missoula Electric Cooperative Association (MECA)

15:13:56 Doug Hardy, Montana Electric Cooperatives' Association

[EXHIBIT\(ens29a01\)](#)

[EXHIBIT\(ens29a02\)](#)

15:21:56 Geoff Feiss, Montana Telecommunications Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

15:23:53 Sen. Barrett

15:25:10 Mr. Hayden, MECA

**Closing by Sponsor:**

15:26:07 Rep. Garner

**EXECUTIVE ACTION ON SB 93**

15:28:00 **Motion:** Sen. Richmond moved that **SB 93 DO PASS.**

15:28:11 **Motion:** Sen. McNally moved that **SB 93 BE AMENDED.**

[EXHIBIT\(ens29a03\)](#)

**Discussion:**

15:29:02 Sen. McNally

15:30:20 Sen. Richmond

15:32:06 Chair Ankney

15:32:23 Sen. Richmond

15:33:50 Sen. Barrett

15:35:08 Sen. McNally

15:36:02 **Vote:** Motion failed 5-8 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting aye.

15:37:43 **Motion:** Sen. Richmond moved that **SB 93 BE AMENDED.**

[EXHIBIT\(ens29a04\)](#)

**Discussion:**

15:39:21 Sen. Temple

15:40:54 **Vote:** Motion carried 9-4 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally and Sen. Vuckovich voting no.

15:41:43 **Motion:** Sen. Richmond moved that **SB 93 DO PASS AS AMENDED.**

**Discussion:**

15:41:56 Sen. Small

15:43:10 Sen. McNally

15:43:49 **Vote:** Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no.

**EXECUTIVE ACTION ON SB 190**

15:45:04 **Motion:** Sen. Phillips moved that **SB 190 DO PASS.**

15:45:24 **Motion:** Sen. Phillips moved that **SB 190 BE AMENDED.**

[EXHIBIT\(ens29a05\)](#)

**Discussion:**

15:49:10 Sen. Malek

15:49:35 Sen. Phillips

15:50:46 **Vote:** Motion carried 11-2 by roll call vote with Sen. Ankney and Sen. Vuckovich voting no.

15:51:38 **Motion:** Sen. Phillips moved that **SB 190 DO PASS AS AMENDED.**

**Discussion:**

15:51:50 Sen. Regier

[EXHIBIT\(ens29a06\)](#)

15:54:23 Sen. Malek

15:54:45 Sen. Regier

15:55:02 Sen. Malek

15:55:08 Sen. Regier

15:55:16 Sen. Malek

15:56:46 Sen. Barrett

15:58:36 Sen. McNally

16:00:22 **Vote:** Motion failed 4-9 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally and Sen. Phillips voting aye.

16:03:20 **Motion:** Sen. K. Regier moved that **SB 190 BE TABLED.**

16:03:40 **Vote:** Motion carried 9-4 by roll call vote with Sen. Barrett, Sen. Malek, Sen. Phillips and Sen. Vuckovich voting no.

**EXECUTIVE ACTION ON SB 191**

16:05:06 **Motion/Vote:** Sen. Ankney moved that **SB 191 DO PASS**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 103**

16:06:29 **Motion:** Sen. Small moved that **SB 103 DO PASS**.

16:06:36 **Motion:** Sen. Small moved that **SB 103 BE AMENDED**.  
[EXHIBIT\(ens29a07\)](#)

**Discussion:**

16:08:02 Sen. Phillips

16:08:13 Sen. Small

16:09:00 **Vote:** Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no.

16:10:17 **Motion:** Sen. Malek moved that **SB 103 BE TABLED**.

16:10:39 **Vote:** Motion carried 8-5 by roll call vote with Sen. Ankney, Sen. Cuffe, Sen. Kary, Sen. K. Regier and Sen. Richmond voting no.

**EXECUTIVE ACTION ON SB 189**

16:12:41 **Motion:** Sen. Barrett moved that **SB 189 DO PASS**.

16:14:10 Chairman Ankney left the room. Vice Chair Small assumed the duties of the chair.

16:14:18 **Motion:** Sen. Barrett moved that **SB 189 BE AMENDED**.  
[EXHIBIT\(ens29a08\)](#)

**Discussion:**

16:14:31 Sen. Barrett

16:17:13 Sen. Regier

16:17:29 Sen. Barrett

16:17:50 Chair Small

16:18:04 Sen. Barrett

16:18:56 Trevor Graff, Legislative Services Division (LSD)

16:19:15 Sen. Barrett

16:19:33 Mr. Graff, LSD

16:19:56 Sen. Phillips

16:20:53 Sen. Barrett

16:21:08 Mr. Graff

16:21:38 Sen. Malek

16:21:51 Sen. Barrett

16:22:05 Sen. Regier

16:22:22 Sen. Barrett

16:23:09 **Vote:** Motion carried 11-2 by roll call vote with Sen. Cuffe and Sen. Richmond voting no. Sen. Ankney voted by proxy.

16:24:26 Chair Small

**Note:** The committee did not make a motion to pass the bill as amended.

**EXECUTIVE ACTION ON SR 6**

16:25:29 **Motion/Vote:** Sen. Richmond moved that **SR 6 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

**EXECUTIVE ACTION ON SR 7**

16:26:08 **Motion/Vote:** Sen. Phillips moved that **SR 7 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

16:26:40 Chair Small

**ADJOURNMENT**

Adjournment:4:26 PM

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Jacelyn Stewart, Secretary

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Additional Documents:

**EXHIBIT**([ens29aad.pdf](#))