

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

**Call to Order:** Chair Duane Ankney, on February 21, 2019 at 3:00 PM, in Room 335 Capitol

#### ROLL CALL

**Members Present:**

Sen. Duane Ankney, Chair (R)  
Sen. Mary McNally, Vice Chair (D)  
Sen. Jason D. Small, Vice Chair (R)  
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: SB 278, 2/20/2019

Executive Action: SB 188 - Be Tabled  
SJ 8 - Be Tabled  
SB 195 - Do Pass  
SB 244 - Do Pass As Amended  
SB 278 - Do Pass

**HEARING ON SB 278****Opening Statement by Sponsor:**

15:07:19 Sen. Tom Richmond (R), SD 28, opened the hearing on SB 278, Revise cost-recovery and transfer laws for certain energy resources.

**Proponents' Testimony:**

15:08:30 David Hoffman, NorthWestern Energy (NWE)  
15:11:03 Bob Gilbert, City of Colstrip  
15:11:20 Al Ekblad, executive secretary, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)  
15:12:47 Peggy Trenk, Treasure State Resources Association, Montana Chamber of Commerce  
15:13:34 John Forkan, Montana State Association Plumbers  
15:14:07 Bob Story, Montana Taxpayers Association

**Opponents' Testimony:**

15:15:02 Jason Brown, Montana Consumer Counsel (MCC)  
  
15:16:49 Sen. Malek entered the meeting.  
  
15:19:04 Anne Hedges, Montana Environmental Information Center (MEIC)  
**EXHIBIT(ens37a01)**  
  
15:24:04 Diego Rivas, NW Energy Coalition  
15:28:09 Tom Schneider, self  
15:30:58 Jeff Fox, Renewable Northwest  
15:31:52 Makenna Sellers, Northern Plains Resource Council  
  
15:32:49 Sen. Cuffe left the meeting.  
  
15:33:09 Adrienne Cotton, American Association of Retired Persons  
15:34:14 Julian Adler, Montana Public Interest Research Group

**Informational Testimony:**

15:36:53 Robin Arnold, Public Service Commission (PSC)

**Questions from Committee Members and Responses:**

15:37:31 Sen. Malek  
15:37:45 Sen. Richmond  
15:37:55 Sen. Malek  
15:40:58 Mr. Hoffman, NWE  
15:41:23 Sen. Malek  
15:42:01 Mr. Brown, MCC  
15:43:36 Sen. Malek  
15:43:47 Mr. Brown  
15:44:29 Sen. Malek  
15:45:33 Sen. Richmond  
15:47:41 Sen. Malek

15:48:55 Sen. Richmond  
 15:49:20 Mr. Hoffman  
 15:50:13 Sen. McNally  
 15:52:24 Mr Hoffman  
 15:52:40 Sen. McNally  
 15:52:59 Mr. Brown  
 15:53:47 Sen. McNally  
 15:54:30 Ms. Arnold, PSC  
 15:54:54 Sen. McNally  
 15:55:02 Sen. Phillips  
 15:55:26 Ms. Arnold  
 15:55:43 Sen. Phillips  
 15:56:04 Ms. Hedges, MEIC  
 15:58:35 Sen. Phillips  
 15:59:04 Sen. Richmond  
 15:59:29 Sen. Phillips  
 16:00:46 Mr. Hoffman  
 16:01:18 Sen. Gauthier  
 16:02:44 Mr. Hoffman  
 16:02:49 Sen. Gauthier  
 16:03:08 Sen. Barrett  
 16:05:50 Mr. Hoffman  
 16:06:04 Sen. Regier  
 16:06:19 Mr. Hoffman  
 16:06:40 Sen. Gauthier  
 16:06:47 Mr. Hoffman  
 16:07:10 Sen. McNally  
 16:08:09 Mr. Hoffman  
 16:08:29 Sen. Malek  
 16:10:04 Mr. Hoffman  
 16:10:21 Chair Ankney  
 16:10:47 Mr. Hoffman  
 16:11:07 Chair Ankney  
 16:11:40 Mr. Brown

**Closing by Sponsor:**

16:12:06 Sen. Richmond  
 16:15:29 Recess  
 16:23:12 Reconvened

**EXECUTIVE ACTION ON SB 188**

16:23:25 **Motion:** Sen. Malek moved that **SB 188 DO PASS.**

16:23:52 **Motion:** Sen. Malek moved that **SB 188 BE AMENDED.**

**EXHIBIT(ens37a02)**

16:25:45 **Vote:** Motion failed 6-7 by roll call vote with Sen. Ankney, Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting aye. Sen. Cuffe voted by proxy.

16:26:46 **Motion:** Sen. Malek moved that **SB 188 DO PASS.**

16:28:24 **Substitute Motion/Vote:** Sen. Kary made a Substitute Motion that **SB 188 BE TABLED.** Substitute motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no. Sen. Cuffe voted by proxy.

**EXECUTIVE ACTION ON SB 195**

16:30:17 **Motion/Vote:** Sen. McNally moved that **SB 195 DO PASS.** Motion carried 9-4 by roll call vote with Sen. Ankney, Sen. Cuffe, Sen. Kary and Sen. K. Regier voting no. Sen. Cuffe voted by proxy.

**EXECUTIVE ACTION ON SB 244**

16:33:09 **Motion:** Sen. Small moved that **SB 244 DO PASS.**

16:33:38 **Motion/Vote:** Sen. Small moved that **SB 244 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Cuffe voted by proxy.

**EXHIBIT(ens37a03)**

16:34:48 Sen. Cuffe entered the meeting.

16:35:01 **Motion:** Sen. Small moved that **SB 244 DO PASS AS AMENDED.**

**Discussion:**

16:35:13 Sen. McNally

16:36:38 Sen. Malek

16:37:27 **Vote:** Motion carried 7-6 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips, Sen. Tempel and Sen. Vuckovich voting no.

**EXECUTIVE ACTION ON SJ 8**

16:38:30 **Motion:** Sen. Barrett moved that **SJ 8 DO PASS.**

**Discussion:**

16:39:37 Sen. Phillips

**EXHIBIT(ens37a04)**

**EXHIBIT(ens37a05)**

16:42:40 Chair Ankney

16:43:54 Sen. Phillips

16:44:41 **Vote:** Motion failed 5-8 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting aye.

16:45:40 **Motion/Vote:** Sen. Small moved that **SJ 8 BE TABLED**. Motion carried 12-1 by roll call vote with Sen. Phillips voting no.

**EXECUTIVE ACTION ON SB 278**

16:46:50 **Motion:** Sen. Richmond moved that **SB 278 DO PASS**.

**Discussion:**

16:46:59 Sen. Phillips

16:49:49 Sen. Richmond

16:50:16 Sen. Malek

16:51:37 Chair Ankney

16:54:36 Sen. Phillips

16:54:49 Chair Ankney

16:57:54 Sen. Barrett

16:58:57 Sen. Regier

16:59:28 Sen. McNally

17:00:39 Sen. Richmond

17:01:41 Sen. Barrett

17:02:25 Sen. Phillips

17:02:36 Sen. Richmond

17:03:06 Sen. Malek

17:03:35 Sen. Kary

17:04:04 Sen. McNally

17:04:18 Sen. Phillips

17:04:27 Chair Ankney

17:04:37 **Vote:** Motion carried 9-4 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally and Sen. Phillips voting no.

17:05:46 Chair Ankney

**ADJOURNMENT**

Adjournment: 5:06 PM

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Jacelyn Stewart, Secretary

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Additional Documents:

**EXHIBIT**([ens37aad.pdf](#))