

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Duane Ankney, on April 2, 2019 at 3:00 PM, in Room 317 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: HB 356, 3/28/2019; HB 456, 3/28/2019; HB 513, 3/28/2019; HB 535, 3/28/2019

Executive Action: HB 535, Be Concurred In
HB 513, Be Tabled
HB 456, Be Concurred In
HJ 13, Be Tabled
HB 78, Be Tabled
HB 22, Be Concurred In as Amended
HB 356, Be Concurred In

HEARING ON HB 535

Opening Statement by Sponsor:

15:03:20 Rep. Christopher Pope (D), HD 65, opened the hearing on HB 535, Revise certain notice requirements under the Montana Major Facility Siting Act.

EXHIBIT(ens68a01)

15:03:25 Sen. Malek entered the meeting.

Proponents' Testimony:

15:08:25 Doug Hardy, Montana Electric Cooperatives' Association
15:09:34 Alan Olson, executive director, Montana Petroleum Association
15:09:54 David Hoffman, NorthWestern Energy
15:10:12 Stacy Gasvoda, Haymaker Wind

Opponents' Testimony: None

Informational Testimony:

15:13:17 Craig Jones, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

15:13:39 Sen. Kary
15:14:52 Mr. Jones, DEQ
15:15:15 Sen. Kary
15:15:28 Mr. Jones
15:15:45 Trevor Graff, Legislative Services Division

Closing by Sponsor:

15:16:21 Rep. Pope

HEARING ON HB 513

Opening Statement by Sponsor:

15:17:41 Rep. Christopher Pope (D), HD 65, opened the hearing on HB 513, Generally revise the renewable resource standard.

EXHIBIT(ens68a02)

Proponents' Testimony:

15:22:17 Jeff Fox, Montana policy manager, Renewable Northwest
15:24:41 Brain Fadie, Montana Environmental Information Center (MEIC)
15:26:49 Jason Brown, Montana Consumer Counsel

Opponents' Testimony:

15:27:44 David Hoffman, NorthWestern Energy

Informational Testimony:

15:30:12 Robin Arnold, Public Service Commission

Questions from Committee Members and Responses:

15:30:46 Sen. McNally

15:32:24 Rep. Pope
15:32:57 Mr. Fadie, MEIC
15:33:49 Sen. Phillips
15:37:11 Rep. Pope
15:39:06 Sen. Phillips

Closing by Sponsor:

15:39:39 Rep. Pope

HEARING ON HB 456

Opening Statement by Sponsor:

15:42:21 Rep. Christopher Pope (D), HD 65, opened the hearing on HB 456, Revise energy laws to allow electric utilities to participate in EV marketplace.

[EXHIBIT\(ens68a03\)](#)

Proponents' Testimony:

15:49:43 David Hoffman, NorthWestern Energy
15:50:36 Jason Brown, Montana Consumer Counsel

Opponents' Testimony: None

Informational Testimony:

15:51:57 Kyla Maki, Department of Environmental Quality (DEQ)
15:52:30 Robin Arnold, Public Service Commission (PSC)

Questions from Committee Members and Responses:

15:53:05 Sen. Barrett
15:56:01 Rep. Pope
15:57:05 Sen. Small
15:58:31 Ms. Arnold, PSC
15:59:24 Sen. Small
16:00:10 Ms. Maki, DEQ

Closing by Sponsor:

16:01:47 Rep. Pope

HEARING ON HB 356

Opening Statement by Sponsor:

16:05:50 Rep. Moffie Funk (D), HD 82, opened the hearing on HB 356, Revise the composition of the committee on telecommunications access services.

Proponents' Testimony:

16:07:09 Nick Domitrovich, deputy chief, Department of Public Health and Human Services (DPHHS)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

16:12:11 Sen. Kary
 16:12:38 Rep. Funk
 16:12:50 Mr. Domitrovich, DPHHS
 16:13:11 Sen. Kary
 16:14:16 Mr. Domitrovich

Closing by Sponsor:

16:14:46 Rep. Funk

 16:15:56 Chair Ankney
 16:16:10 Sen. Small
 16:16:37 Chair Ankney
 16:16:41 Sen. Cuffe

 16:16:51 Recess
 16:35:37 Reconvened

EXECUTIVE ACTION ON HB 356

16:35:52 **Motion/Vote:** Sen. Small moved that **HB 356 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Phillips will carry the bill.

EXECUTIVE ACTION ON HB 456

16:36:30 **Motion:** Sen. Small moved that **HB 456 BE CONCURRED IN**.

Discussion:

16:37:03 Sen. McNally
 16:37:21 Sen. Kary
 16:37:54 Sen. Barrett
 16:38:41 Sen. Kary
 16:38:48 Sen. Barrett

16:39:40 **Vote:** Motion carried 11-2 by voice vote with Sen. Cuffe and Sen. Kary voting no. Sen. Gauthier will carry the bill.

EXECUTIVE ACTION ON HB 513

16:40:21 **Motion:** Sen. Small moved that **HB 513 BE CONCURRED IN**.

Discussion:

16:41:07 Sen. Barrett

16:41:56 **Substitute Motion/Vote:** Sen. K. Regier made a Substitute Motion that **HB 513 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.

EXECUTIVE ACTION ON HB 535

16:43:19 **Motion:** Sen. Small moved that **HB 535 BE CONCURRED IN.**

Discussion:

16:43:22 Sen. McNally

16:43:40 **Vote:** Motion carried 12-1 by voice vote with Sen. Small voting no. Sen. Small will carry the bill.

EXECUTIVE ACTION ON HJ 13

16:44:15 **Motion:** Sen. Small moved that **HJ 13 BE CONCURRED IN.**

Discussion:

16:44:53 Sen. Richmond

16:46:02 **Substitute Motion/Vote:** Sen. Kary made a Substitute Motion that **HJ 13 BE TABLED.** Substitute Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. McNally, Sen. Phillips, Sen. K. Regier and Sen. Vuckovich voting no.

EXECUTIVE ACTION ON HB 78

16:47:06 **Motion:** Sen. Small moved that **HB 78 BE CONCURRED IN.**

Discussion:

16:47:23 Trevor Graff, Legislative Services Division

16:48:36 **Motion:** Sen. Small moved that **HB 78 BE AMENDED.**

[EXHIBIT\(ens68a04\)](#)

Discussion:

16:48:46 Chair Ankney

16:48:58 **Vote:** Motion carried unanimously by voice vote.

16:49:10 **Motion:** Sen. Small moved that **HB 78 BE CONCURRED IN AS AMENDED.**

16:49:26 **Substitute Motion:** Sen. K. Regier made a Substitute Motion that **HB 78 BE TABLED.**

16:49:56 Chair Ankney

16:50:16 Without objection, Sen. K. Regier withdrew the substitute motion.

Discussion:

16:50:26 Sen. McNally

16:52:16 **Substitute Motion/Vote:** Sen. K. Regier made a Substitute Motion that **HB 78 BE TABLED**. Substitute Motion carried 7-6 by roll call vote with Sen. Barrett, Sen. Gauthier, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no.

EXECUTIVE ACTION ON HB 22

16:53:13 **Motion/Vote:** Sen. Small moved that **HB 22 BE REMOVED FROM TABLE**. Motion carried 12-1 by roll call vote with Sen. Ankney voting no.

16:54:19 **Motion:** Sen. Small moved that **HB 22 BE CONCURRED IN**.

16:54:32 **Motion:** Sen. Richmond moved that **HB 22 BE AMENDED**.
[EXHIBIT\(ens68a05\)](#)

Discussion:

16:56:52 Sen. Malek
16:57:08 Sen. Richmond
16:57:41 Sen. Malek
16:58:14 Sen. Richmond
16:58:31 Sen. Malek
16:58:56 Sen. Richmond
16:59:17 Sen. McNally

17:00:07 **Vote:** Motion carried 7-6 by roll call vote with Sen. Ankney, Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no.

17:00:52 **Motion:** Sen. Small moved that **HB 22 BE CONCURRED IN AS AMENDED**.

Discussion:

17:01:07 Sen. McNally
17:01:30 Sen. Richmond
17:01:47 Sen. McNally
17:01:56 Sen. Richmond

17:02:05 **Vote:** Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no. Sen. Richmond will carry the bill.

Committee Business:

17:03:08 Chair Ankney
17:03:20 Sen. Barrett
17:03:36 Trevor Graff, Legislative Services Division (LSD)
17:03:55 Sen. Barrett
17:04:00 Mr. Graff, LSD
17:04:08 Sen. Barrett
17:04:20 Chair Ankney

ADJOURNMENT

Adjournment: 5:04 PM

Jacelyn Stewart, Secretary

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Additional Documents:

EXHIBIT([ens68aad.pdf](#))