

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Vice Chair Jason Small, on April 9, 2019 at 3:16 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 93, 4/4/2019; HB 403, 4/4/2019; HB 597, 4/4/2019

Executive Action: HB 93, Be Tabled
HB 403, Be Concurred In as Amended
HB 467, Be Concurred In as Amended
HB 597, Be Concurred In as Amended

HEARING ON HB 93

Opening Statement by Sponsor:

15:17:51 Rep. Derek Skees (R), HD 11, opened the hearing on HB 93, Revise small water and sewer utility regulation.

Proponents' Testimony:

15:22:18 Leroy Beeby, Beeby Consulting, LLC
[EXHIBIT\(ens74a01\)](#)

15:28:31 Debra Wolfe, operator, Integrated Water LLC, Glacier Point Water and Sewer LLC

15:29:17 Sen. McNally entered the meeting.

15:32:10 Mac Smith, attorney, Helena

15:36:12 Sen. Richmond entered the meeting.

Opponents' Testimony:

15:36:14 Randy Pinocci, commissioner, Public Service Commission (PSC)

15:37:30 Tony O'Donnell, commissioner, PSC

[EXHIBIT\(ens74a02\)](#)

15:46:10 Jason Brown, Montana Consumer Counsel (MCC)

[EXHIBIT\(ens74a03\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

15:54:14 Sen. McNally
15:54:51 Mr. Beeby, self
15:56:28 Sen. McNally
15:57:09 Rep. Skees
15:59:56 Sen. Malek
16:00:37 Mr. O'Donnell, PSC
16:01:04 Sen. Malek
16:05:10 Mr. Brown, MCC
16:05:43 Sen. Cuffe
16:06:25 Mr. Brown
16:07:33 Sen. Richmond
16:08:02 Rep. Skees
16:08:38 Mr. Beeby

Closing by Sponsor:

16:09:20 Rep. Skees

HEARING ON HB 403

Opening Statement by Sponsor:

16:11:27 Rep. Barry Usher (R), HD 40, opened the hearing on HB 403, Generally revise coal tax laws.

[EXHIBIT\(ens74a04\)](#)

[EXHIBIT\(ens74a05\)](#)

[EXHIBIT\(ens74a06\)](#)

Proponents' Testimony:

16:18:42 Joe Farinelli, Signal Peak Energy

16:22:28 Alan Olson, Musselshell County, former state legislator

16:26:41 Robert Goffena, Musselshell County, former county commissioner

[EXHIBIT\(ens74a07\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

16:32:04 Sen. Cuffe

16:33:26 Mr. Farinelli, Signal Peak Energy

16:33:36 Sen. Cuffe

16:34:45 Rep. Usher

16:35:03 Mr. Farinelli

16:35:19 Sen. Cuffe

16:37:32 Mr. Farinelli

16:38:03 Sen. Malek

16:39:13 Rep. Usher

16:39:45 Sen. McNally

16:41:40 Rep. Usher

16:41:45 Sen. McNally

16:42:05 Sen. Kary

16:42:25 Rep. Usher

16:42:34 Sen. Kary

Closing by Sponsor:

16:43:54 Rep. Usher

16:44:59 Sen. Ankney entered the meeting and assumed the position and duties of the Chair.

16:46:34 Recess

16:54:49 Reconvened

HEARING ON HB 597**Opening Statement by Sponsor:**

16:55:05 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 597, Generally revise utility regulation.

Proponents' Testimony:

17:03:00 Randy Pinocci, commissioner, Public Service Commission (PSC)
17:04:24 Melissa Shannon, VK Clean Energy Partners
17:05:34 Jeff Fox, Montana policy manager, Renewable Northwest
17:05:56 Robin Arnold, policy analyst, PSC, speaking on behalf of Commissioner Bob Lake
17:07:53 Laura Rennick, Energy Bureau chief, Department of Environmental Quality

Opponents' Testimony:

17:09:00 Tony O'Donnell, commissioner, PSC
17:13:41 Brian Fadie, Montana Environmental Information Center
17:18:02 David Hoffman, NorthWestern Energy (NWE)
17:22:02 Aimee Grmoljez, Montana-Dakota Utilities Resources

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

17:23:42 Sen. McNally
17:25:03 Ms. Arnold, PSC
17:25:27 Sen. McNally
17:27:56 Mr. Hoffman, NWE
17:28:13 Sen. McNally
17:28:21 Sen. Small
17:29:40 Rep. Zolnikov

17:30:17 Sen. Phillips left the meeting.

17:31:25 Sen. Gauthier left the meeting.

17:31:54 Sen. McNally
17:32:14 Rep. Zolnikov

17:32:31 Sen. Regier left the meeting.

17:33:05 Sen. Malek
17:36:05 Rep. Zolnikov
17:37:19 Sen. Cuffe
17:37:45 Rep. Zolnikov
17:39:10 Sen. Cuffe

17:39:21 Sen. Malek left the meeting.

17:39:22 Rep. Zolnikov
17:40:24 Sen. Cuffe

Closing by Sponsor:

17:40:37 Rep. Zolnikov

Committee Business:

17:41:28 Sen. Ankney
 17:41:54 Sen. McNally
 17:42:07 Trevor Graff, Legislative Services Division
 17:42:18 Sen. McNally
 17:42:29 Chair Ankney
 17:42:38 Sen. McNally
 17:43:21 Sen. Barrett

17:43:57 Recess
 17:54:37 Reconvened

Sen. Regier, Sen. Malek, Sen. Phillips, and Sen. Gauthier did not return to the meeting.

EXECUTIVE ACTION ON HB 467

17:57:18 **Motion:** Sen. Small moved that **HB 467 BE CONCURRED IN.**

17:57:26 **Motion:** Sen. Richmond moved that **HB 467 BE AMENDED.**
[EXHIBIT\(ens74a08\)](#)

Discussion:

17:58:25 Sen. Cuffe

17:58:44 **Vote:** Motion carried 11-0 by voice vote. Sen. Gauthier and Sen. K. Regier voted by proxy. Sen. Malek and Sen. Phillips were excused.

17:58:58 **Motion/Vote:** Sen. Small moved that **HB 467 BE CONCURRED IN AS AMENDED.** Motion carried 11-0 by voice vote. Sen. Gauthier and Sen. K. Regier voted by proxy. Sen. Malek and Sen. Phillips were excused. Sen. McNally will carry the bill.

18:01:34 Sen. Small

EXECUTIVE ACTION ON HB 403

18:02:06 **Motion:** Sen. Small moved that **HB 403 BE CONCURRED IN.**

18:02:21 **Motion:** Sen. Small moved that **HB 403 BE AMENDED.**
[EXHIBIT\(ens74a09\)](#)

Discussion:

18:02:40 Sen. Kary

18:03:08 **Vote:** Motion carried 11-0 by voice vote. Sen. Gauthier and Sen. K. Regier voted by proxy. Sen. Malek and Sen. Phillips were excused.

18:03:51 **Motion/Vote:** Sen. Small moved that **HB 403 BE CONCURRED IN AS AMENDED**. Motion carried 11-1 by voice vote with Sen. Barrett voting no. Sen. Gauthier, Sen. Malek and Sen. K. Regier voted by proxy. Sen. Phillips was excused. Sen. Ankney will carry the bill.

EXECUTIVE ACTION ON HB 93

18:04:47 **Motion:** Sen. Small moved that **HB 93 BE CONCURRED IN**.

Discussion:

18:05:02 Sen. McNally
 18:05:54 Sen. Richmond
 18:06:47 Sen. McNally
 18:07:06 Sen. Cuffe

18:07:28 **Substitute Motion:** Sen. Kary made a substitute motion that **HB 93 BE TABLED**.

Discussion:

18:07:51 Sen. McNally
 18:08:00 Trevor Graff, Legislative Services Division
 18:08:05 Chair Ankney
 18:08:18 Sen. Cuffe
 18:08:28 Sen. McNally

18:08:36 **Vote:** Motion carried 7-4 by roll call vote with Sen. Ankney, Sen. McNally, Sen. Richmond and Sen. Tempel voting no. Sen. Gauthier and Sen. K. Regier voted by proxy. Sen. Malek and Sen. Phillips were excused.

EXECUTIVE ACTION ON HB 597

18:09:56 **Motion:** Sen. Small moved that **HB 597 BE CONCURRED IN**.

18:10:17 **Motion:** Sen. Small moved that **HB 597 BE AMENDED**.
[EXHIBIT\(ens74a10\)](#)

Discussion:

18:10:33 Chair Ankney
 18:10:41 Sen. Kary
 18:10:49 Trevor Graff, Legislative Services Division (LSD)
 18:12:00 Sen. McNally
 18:12:17 Mr. Graff, LSD
 18:12:42 Sen. Barrett
 18:13:21 Sen. Vuckovich
 18:13:32 Mr. Graff
 18:14:13 Sen. Barrett
 18:14:41 Mr. Graff
 18:14:48 Sen. Barrett

18:15:08 **Vote:** Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no. Sen. Gauthier, Sen. Malek, Sen. Phillips and Sen. K. Regier voted by proxy.

18:16:29 **Motion:** Sen. Small moved that **HB 597 BE CONCURRED IN AS AMENDED.**

Discussion:

18:16:40 Sen. McNally

18:17:04 Sen. Phillips entered the meeting.

18:17:22 Chair Ankney

18:17:39 Sen. McNally

18:17:53 Chair Ankney

18:18:05 **Vote:** Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no. Sen. Gauthier, Sen. Malek and Sen. K. Regier voted by proxy. Sen. Ankney will carry the bill.

18:18:57 Chair Ankney

ADJOURNMENT

Adjournment: 6:19 PM

Jacelyn Stewart, Secretary

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Additional Documents:

EXHIBIT([ens74aad.pdf](#))