

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Duane Ankney, on February 11, 2021 at 3:00 PM, in Room 317 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Duane Ankney, Chair (R)
Sen. Jason D. Small, Vice Chair (R)
Sen. Mike Cuffe (R)
Sen. Terry Gauthier (R)
Sen. Douglas (Doug) Kary (R)
Sen. Ryan Lynch (D)
Sen. Brad Molnar (R)
Sen. Keith Regier (R)
Sen. Mark Sweeney (D)
Sen. Russel (Russ) Tempel (R)

Members Present by Zoom Video Conference:

Sen. Mary McNally, Vice Chair (D)
Sen. Shane A. Morigeau (D)
Sen. Christopher Pope (D)

Members Excused: None

Members Absent: None

Staff Present: Lauren de Paepe, Committee Secretary
Trevor Graff, Legislative Branch
Jacquie Simmons, Remote Meeting Coordinator

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 176, 2/8/2021; HB 103, 2/3/2021
Executive Action: SB 84 - Do Pass as Amended; SB 134 - Do Pass; SB - 147 Do Pass; SB 160 - Do Pass as Amended; SJ 3 - Do Pass as Amended; HB 85 - Be Concurred in

HEARING ON SB 176

Opening Statement by Sponsor:

15:03:06 Sen. Brad Molnar (R), SD 28, opened the hearing on SB176, Generally revise laws related to coal, coal tax, and coal-fired unit remediation.

EXHIBIT(ens29a01)

Proponents' Testimony:

15:11:44 Adam Haight, Montana American Federation of Labor and Congress of Industrial Organizations

15:13:26 Dwight Rose, IBEW Local 44

15:14:02 John Forkan, Montana State Building and Construction Trades Council

15:15:11 Tony O'Donnell, citizen

Opponents' Testimony:

15:19:22 Bob Story, Montana Taxpayers Association

15:22:11 Mark Baker, attorney, Puget Sound Energy

15:28:25 Tom Ebzery, attorney, Portland General Electric; Avista

15:34:22 Jessie Luther, Talen Montana

15:36:05 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties

15:38:49 Anne Hedges, Montana Environmental Information Center

15:44:01 Jon Cox, vice president of government affairs, Rocky Mountain Power

15:45:50 Todd O'Hair, president and CEO, Montana Chamber of Commerce

15:47:14 Peggy Trenk, Treasure State Resources Association

Informational Testimony:

15:49:37 Jenny Chambers, Department of Environmental Quality

Questions from Committee Members and Responses: None

Closing by Sponsor:

15:50:30 Sen. Molnar

HEARING ON HB 103

Opening Statement by Sponsor:

16:03:47 Rep. Willis Curdy (D), HD 98, opened the hearing on HB103, Revise cooperative laws to provide for remote participation.

Proponents' Testimony:

16:04:51 Charles Robison, Montana Electric Cooperatives' Association (MECA)

EXHIBIT(ens29a02)

16:08:19 Mark Hayden, general manager, Missoula Electric Cooperative

16:12:20 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties

16:12:47 Geoff Feiss, general manager, Montana Telecommunications Association

16:13:59 Jason Brothen, CEO, Lower Yellowstone Rural Electric Cooperative; Mid-Yellowstone Electric Cooperative

EXHIBIT(ens29a03)

16:16:33 Lara Birkes, member-owner, Park Electric Cooperative

Additional Testimony Received:

[EXHIBIT\(ens29a04\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

16:18:38 Sen. Regier

16:20:00 Mr. Robison, MECA

Closing by Sponsor:

16:20:50 Rep. Curdy

EXECUTIVE ACTION ON SB 84

16:22:48 **Motion:** Sen. Small moved that **SB 84 DO PASS.**

Discussion:

16:23:16 Chair Ankney

16:23:40 **Motion:** Sen. Ankney moved that **SB 84 BE AMENDED.**

[EXHIBIT\(ens29a05\)](#)

Discussion:

16:23:47 Sen. Small

16:23:55 Chair Ankney

16:24:00 Sen. Small

16:24:18 Sen. Kary

16:24:35 Trevor Graff, Legislative Services Division

16:25:36 Chair Ankney

16:25:57 **Substitute Motion/Vote:** Sen. Small made a substitute motion that **SB 84 BE AMENDED.** Substitute Motion carried unanimously by voice vote.

[EXHIBIT\(ens29a06\)](#)

16:26:59 **Motion:** Sen. Small moved that **SB 84 DO PASS AS AMENDED.**

Discussion:

16:27:21 Sen. Regier

16:28:15 Chair Ankney

16:28:25 Sen. Pope

16:30:02 Sen. McNally

16:33:20 Sen. Cuffe

16:38:33 **Vote:** Motion carried 7-6 by roll call vote with Sen. Lynch, Sen. McNally, Sen. Morigeau, Sen. Pope, Sen. Sweeney and Sen. Tempel voting no.

EXECUTIVE ACTION ON SB 134

16:40:05 **Motion:** Sen. Small moved that **SB 134 DO PASS.**

Discussion:

16:40:20 Sen. McNally
16:40:23 Sen. Small
16:41:15 Sen. Morigeau
16:42:00 Sen. Molnar
16:44:47 Sen. Small

16:46:27 **Vote:** Motion carried 12-1 by roll call vote with Sen. Molnar voting no.

EXECUTIVE ACTION ON SB 147

16:47:31 **Motion:** Sen. Small moved that **SB 147 DO PASS.**

Discussion:

16:47:45 Sen. McNally
16:49:11 Sen. Tempel
16:50:06 Sen. Regier
16:50:28 Sen. McNally
16:51:18 Sen. Regier
16:51:28 Sen. McNally
16:52:22 Sen. Pope
16:53:47 Sen. McNally
16:54:57 Sen. Cuffe
16:55:07 Sen. McNally
16:55:49 Sen. Molnar

16:59:39 **Vote:** Motion carried 8-5 by roll call vote with Sen. Ankney, Sen. Cuffe, Sen. Molnar, Sen. Regier and Sen. Tempel voting no.

EXECUTIVE ACTION ON SB 160

17:00:38 **Motion:** Sen. Small moved that **SB 160 DO PASS.**

17:01:00 **Motion:** Sen. Small moved that **SB 160 BE AMENDED.**
[EXHIBIT\(ens29a07\)](#)

Discussion:

17:01:24 Sen. Small
17:01:36 Sen. Kary

17:02:00 **Vote:** Motion carried unanimously by voice vote.

17:03:10 **Motion:** Sen. Small moved that **SB 160 DO PASS AS AMENDED.**

17:03:36 **Motion:** Sen. Small moved that **SB 160 BE AMENDED.**
[EXHIBIT\(ens29a08\)](#)

Discussion:

17:03:38 Sen. Lynch
 17:04:05 Sen. Kary
 17:04:07 Sen. Lynch
 17:04:47 Sen. Kary
 17:05:17 Trevor Graff, Legislative Services Division (LSD)
 17:05:45 Sen. Kary
 17:05:50 Chair Ankney
 17:06:15 Mr. Graff, LSD
 17:07:22 Sen. Lynch
 17:07:47 Sen. Kary
 17:08:26 Sen. Lynch
 17:08:42 Chair Ankney
 17:09:05 Mr. Graff
 17:10:03 Sen. Lynch
 17:10:41 Sen. Kary
 17:11:23 Chair Ankney
 17:11:39 Sen. Lynch
 17:12:21 Sen. Tempel
 17:12:33 Sen. Regier

17:13:21 **Vote:** Motion carried unanimously by voice vote.

17:13:33 **Motion:** Sen. Small moved that **SB 160 DO PASS AS AMENDED.**

Discussion:

17:13:49 Sen. Tempel
 17:14:11 Sen. Kary
 17:14:45 Sen. Regier
 17:15:09 Sen. Kary
 17:15:23 Sen. Regier
 17:16:11 Sen. Molnar
 17:16:40 Sen. Kary
 17:16:45 Chair Ankney
 17:16:50 Sen. Molnar
 17:20:34 Sen. Kary

17:21:59 **Vote:** Motion carried 7-6 by roll call vote with Sen. Cuffe, Sen. Molnar, Sen. Regier, Sen. Small, Sen. Sweeney and Sen. Tempel voting no.

EXECUTIVE ACTION ON SJ 3

17:23:00 **Motion:** Sen. Small moved that **SJ 3 DO PASS.**

17:23:13 **Motion:** Sen. Small moved that **SJ 3 BE AMENDED.**

EXHIBIT(ens29a09)

17:24:25 Chair Ankney gave the duties of the chair to Vice Chair Small and left the meeting.

Discussion:

17:25:06 Sen. Gauthier
17:26:31 Sen. Regier
17:26:44 Sen. Gauthier
17:27:00 Sen. McNally
17:27:28 Sen. Kary
17:27:34 Sen. Gauthier

17:27:40 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

17:28:09 **Motion:** Sen. Small moved that **SJ 3 DO PASS AS AMENDED.**

17:28:18 Sen. Ankney entered the meeting.

Discussion:

17:28:23 Sen. Gauthier

17:30:08 **Vote:** Motion carried 12-1 by voice vote with Sen. Cuffe voting no.

17:20:27 Chair Small gave the duties of the chair to Sen. Ankney.

EXECUTIVE ACTION ON HB 85

17:30:33 **Motion/Vote:** Sen. Small moved that **HB 85 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Cuffe will carry the bill.

ADJOURNMENT

Adjournment: 5:31 PM

Lauren de Paepe, Secretary

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Additional Documents:

EXHIBIT([ens29aad.pdf](#))