

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Duane Ankney, on February 18, 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 87, 2/10/2021; SB 237, 2/16/2021; SJ 10, 2/16/2021
Executive Action: SB 176 - Do Pass as Amended, SB 183 - Do Pass, SB 201 - Do
Pass

EXECUTIVE ACTION ON SB 176

14:50:33 **Motion:** Sen. Small moved that **SB 176 DO PASS.**

14:51:06 Sen. Kary entered the meeting.

14:51:42 Sen. Gauthier entered the meeting.

14:52:09 Sen. Sweeney entered the meeting.

14:52:24 **Motion/Vote:** Sen. Molnar moved that **SB 176 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Cuffe, Sen. Lynch and Sen. Morigeau voted by proxy.

EXHIBIT(ens34a01)

14:54:45 **Motion:** Sen. Small moved that **SB 176 DO PASS AS AMENDED.**

Discussion:

14:55:13 Sen. Pope

14:55:45 Sen. Lynch entered the meeting.

14:55:55 Sen. Regier left the meeting.

14:56:29 Sen. McNally

14:57:32 Sen. Molnar

Sen. Morigeau entered the meeting.

15:00:43 **Vote:** Motion carried 11-2 by roll call vote with Sen. McNally and Sen. Pope voting no. Sen. Cuffe and Sen. Regier voted by proxy.

EXECUTIVE ACTION ON SB 183

15:01:44 **Motion/Vote:** Sen. Small moved that **SB 183 DO PASS.** Motion carried unanimously by voice vote. Sen. Cuffe and Sen. Regier voted by proxy.

EXECUTIVE ACTION ON SB 201

15:03:13 **Motion:** Sen. Small moved that **SB 201 DO PASS.**

15:03:40 **Motion:** Sen. Small moved that **SB 201 BE AMENDED.**

EXHIBIT(ens34a02)

Discussion:

15:04:30 Sen. Pope

15:06:09 Chair Ankney

15:06:15 Sen. Pope

15:06:55 Sen. Small

15:07:16 Sen. McNally

15:07:20 Sen. Ankney

- 15:07:36 **Vote:** Motion failed 6-7 by roll call vote with Sen. Lynch, Sen. McNally, Sen. Morigeau, Sen. Pope, Sen. Sweeney and Sen. Tempel voting aye. Sen. Cuffe and Sen. Regier voted by proxy.
- 15:08:31 **Vote:** Motion carried 9-4 by roll call vote with Sen. Lynch, Sen. McNally, Sen. Morigeau and Sen. Pope voting no. Sen. Cuffe and Sen. K. Regier voted by proxy.
- 15:09:55 Recess
- 15:14:52 Reconvene

HEARING ON SJ 10

Opening Statement by Sponsor:

- 15:15:00 Sen. Jason Small (R), SD 21, opened the hearing on SJ10, Joint resolution urging congress to appropriate funding for carbon capture.

Opponents' Testimony: None

Proponents' Testimony:

- 15:25:45 Adam Haight, Montana American Federation of Labor and Congress of Industrial Organizations
- 15:27:03 Alan Olson, executive director, Montana Petroleum Association
- 15:28:04 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties
- 15:29:09 John Forkan, Montana State Building and Construction Trades Council
- 15:29:55 Jason Rittal, deputy director, Montana Association of Counties
- 15:30:36 John Johnson, business agent, IUOE Local 400
- 15:30:59 Molly Schwend, Montana Coal Council
- 15:32:12 Clint Penny, business manager, Boilermakers Local 11
- 15:32:34 Dave Englund, citizen; member, Boilermakers Local 11

EXHIBIT(ens34a03)

- 15:33:52 David Hoffman, NorthWestern Energy
- 15:34:30 Dwight Rose, IBEW Local 44
- 15:35:06 Peggy Trenk, Treasure State Resources Association
- 15:35:47 Jessie Luther, Talen Montana
- 15:36:29 Darryl James, Westmoreland Mining
- 15:38:25 Kim Rickard-Smeltzer, Laborers Local 1686
- 15:38:53 Sen. Cuffe entered the meeting.
- 15:39:16 Joe Micheletti, chief operating officer, Westmoreland Mining, Billings
- 15:43:07 Sen. Regier entered the meeting.
- 15:44:24 Doug Martens, Rosebud County commissioner
- 15:45:22 John Williams, mayor, City of Colstrip
- 15:47:09 Jim Atchison, executive director, Southeastern Montana Development Corporation

15:49:12 Austin Trunkle, Big Sky Economic Development

Additional Testimony Received:

[EXHIBIT\(ens34a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

15:51:19 Sen. Small

15:52:29 Chair Ankney gave the duties of the chair to Vice Chair Small.

HEARING ON SB 237

Opening Statement by Sponsor:

15:52:47 Sen. Douglas (Doug) Kary (R), SD 22, opened the hearing on SB237, Revise community renewable energy project requirements.

Proponents' Testimony:

15:55:39 Robin Arnold, Montana Public Service Commission

15:57:17 David Hoffman, NorthWestern Energy

16:00:48 Jason Brown, Montana Consumer Counsel

Opponents' Testimony:

16:01:36 Aimee Grmoljez, Montana-Dakota Utilities Company

16:02:43 Anne Hedges, Montana Environmental Information Center

Informational Testimony: None

Questions from Committee Members and Responses:

16:05:51 Sen. Small

16:06:01 Sen. Kary

16:06:25 Sen. McNally

16:06:51 Sen. Kary

Closing by Sponsor:

16:07:20 Sen. Kary

HEARING ON SB 87

Opening Statement by Sponsor:

16:08:19 Sen. Duane Ankney (R), SD 20, opened the hearing on SB87, Revise coal-fired power/water-right owner legal responsibilities.

Proponents' Testimony:

16:15:49 Adam Haight, Montana American Federation of Labor and Congress of Industrial Organizations

16:16:30 John Forkan, Montana State Building and Construction Trades Council

16:17:21 John Johnson, business agent, IUOE Local 400
16:17:43 Dwight Rose, IBEW Local 44
16:18:12 Kim Rickard-Smeltzer, Laborers Local 1686
16:18:54 Tim Burton, executive director, Montana League of Cities and Towns

EXHIBIT(ens34a05)

16:19:34 Jim Atchison, executive director, Southeastern Montana Development Corporation
16:21:10 John Williams, mayor, City of Colstrip

Opponents' Testimony:

16:24:18 Tom Ebzery, attorney, Portland General Electric; Avista Corporation
16:31:14 Krista Lee Evans, Senior Water Rights Coalition; Association of Gallatin Agricultural Irrigators
16:34:27 Mark Baker, attorney, Puget Sound Energy
16:37:17 Charles Denowh, PacifiCorp; Rocky Mountain Power
16:38:25 Anne Hedges, Montana Environmental Information Center

Informational Testimony:

16:41:24 Jenny Chambers, Waste Management and Remediation Division administrator, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

16:42:03 Sen. Sweeney
16:44:00 Sen. Ankney
16:44:05 Sen. Sweeney
16:44:26 Sen. Molnar
16:46:40 Ms. Chambers, DEQ
16:46:53 Sen. Molnar
16:49:08 Sen. Ankney
16:49:16 Sen. Molnar
16:49:37 Sen. Pope
16:51:42 Ms. Chambers
16:52:52 Sen. Pope
16:58:24 Sen. Ankney

Closing by Sponsor:

16:59:45 Sen. Ankney

ADJOURNMENT

Adjournment: 5:03 PM

Lauren de Paepe, Secretary

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Additional Documents:

EXHIBIT([ens34aad.pdf](#))