

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Vice Chair Jason D. Small, on February 25, 2021 at 3:22 PM, in Room 317 Capitol

ROLL CALL

Members Present in the Committee Room:

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. Christopher Pope (D)
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)

Members Excused: Sen. Duane Ankney, Chair (R)

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 291, 2/23/2021; SB 292, 2/23/2021; SB 303, 2/23/2021; SB 325, 2/23/2021; SB 334, 2/23/2021; SB 340, 2/23/2021
Executive Action: SB 87 - Do Pass as Amended; SB 179 - Be Tabled; SB 213 - Do Pass; SB 291 - Do Pass; SB 292 - Do Pass as Amended; SB 303 - Do Pass as Amended; SB 325 - Be Tabled; SB 334 - Be Tabled; SB 340 - Be Tabled

HEARING ON SB 325

Opening Statement by Sponsor:

15:24:39 Sen. Brian Hoven (R), SD 13, opened the hearing on SB325, Ban construction of wind turbines near missile launch facilities.

Proponents' Testimony:

15:25:45 Roger Hagan, Enlisted Association of the National Guard of Montana; American Legion Department of Montana

15:26:24 Sen. Molnar entered the meeting.

15:28:22 Lieutenant Colonel Jason Keen, Malmstrom Air Force Base

Opponents' Testimony:

15:29:50 Aimee Grmoljez, Nextera Energy

EXHIBIT(ens40a01)

15:30:10 Sen. Morigeau entered the meeting.

15:31:49 Monica Tranel, attorney; citizen

15:32:36 Peggy Trenk, Treasure State Resources Association

15:33:45 Anthony J. Rock, defense affairs consultant, Nextera Energy; retired lieutenant general

EXHIBIT(ens40a02)

Additional Testimony Received:

EXHIBIT(ens40a03)

Informational Testimony:

15:38:09 Shawn Thomas, Trust Lands Division administrator, Department of Natural Resources and Conservation (DNRC)

EXHIBIT(ens40a04)

Questions from Committee Members and Responses:

15:38:37 Sen. Regier

15:38:55 Sen. Hoven

15:44:28 Mr. Keen, Malmstrom Air Force Base

15:45:23 Sen. Kary

15:49:31 Mr. Keen

15:50:22 Sen. Kary

15:53:44 Mr. Rock, Nextera Energy

15:54:52 Chair Small

15:55:11 Mr. Rock

15:56:08 Sen. Tempel

15:57:24 Mr. Thomas, DNRC

15:58:29 Sen. Gauthier

15:58:49 Mr. Keen

15:58:55 Sen. Gauthier

16:00:32 Mr. Keen
16:01:39 Sen. Morigeau
16:02:35 Ms. Tranel, citizen
16:04:22 Sen. McNally
16:05:19 Sen. Hoven
16:05:34 Mr. Keen
16:07:27 Sen. McNally
16:07:41 Mr. Rock

Closing by Sponsor:

16:10:00 Sen. Hoven

HEARING ON SB 303

Opening Statement by Sponsor:

16:13:15 Sen. Tom McGillvray (R), SD 23, opened the hearing on SB303, Generally revise laws related to telecommunications contracts with state prisons.

Proponents' Testimony:

16:14:45 Janee Weber, Montana State Council on Judicial Accountability (MSCOJA)

EXHIBIT(ens40a05)

16:21:52 Gregg Trude, citizen

Opponents' Testimony: None

Informational Testimony:

16:26:00 Cynthia Wolken, deputy director, Department of Corrections (COR)

Questions from Committee Members and Responses:

16:26:29 Sen. Regier
16:26:45 Sen. McGillvray
16:26:52 Ms. Weber, MSCOJA
16:27:28 Sen. Kary
16:27:56 Ms. Weber
16:28:51 Sen. Lynch
16:31:39 Ms. Weber
16:32:47 Sen. Tempel
16:34:42 Ms. Wolken, COR
16:35:06 Patrick Smith, Contract Placement Bureau chief, COR

Closing by Sponsor:

16:37:30 Sen. McGillvray

HEARING ON SB 291

Opening Statement by Sponsor:

16:38:59 Sen. Christopher Pope (D), SD 31, opened the hearing on SB291, Establish rate design for electric transportation charging stations.

Proponents' Testimony: None

Opponents' Testimony:

16:47:52 David Hoffman, NorthWestern Energy (NWE)

16:49:58 Aimee Grjmolez, Montana-Dakota Utilities Resources Group

Informational Testimony: None

Questions from Committee Members and Responses:

16:50:56 Sen. Gauthier

16:51:36 Sen. Pope

16:53:42 Sen. Tempel

16:54:08 Mr. Hoffman, NWE

16:54:30 Sen. Cuffe

16:55:27 Mr. Hoffman

16:56:40 Sen. Cuffe

16:57:06 Sen. Pope

16:58:51 Sen. Kary

17:03:31 Sen. Pope

17:04:50 Sen. Regier

17:06:39 Sen. Pope

17:07:29 Sen. Regier

17:07:50 Mr. Hoffman

Closing by Sponsor:

17:08:13 Sen. Pope

HEARING ON SB 292

Opening Statement by Sponsor:

17:09:22 Sen. Christopher Pope (D), SD 31, opened the hearing on SB292, Establishing a utility energy conservation standard.

Proponents' Testimony:

17:16:44 Brian Solan, Ameresco

17:19:04 Andrew Valainis, Montana Renewable Energy Association

17:19:48 Madison Hebner, Forward Montana

17:21:11 Tim Tolman, McKinstry

17:23:25 Diego Rivas, senior policy associate, NW Energy Coalition

Opponents' Testimony:

17:28:34 David Hoffman, NorthWestern Energy

17:31:08 Charles Robison, Montana Electric Cooperatives' Association

Additional Testimony Received:

[EXHIBIT\(ens40a06\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

17:32:30 Sen. Tempel
17:38:16 Sen. Pope
17:39:20 Sen. Regier
17:41:29 Sen. Pope
17:42:17 Sen. Kary
17:45:12 Sen. Pope
17:46:43 Sen. Lynch
17:46:55 Sen. Pope
17:47:20 Sen. McNally
17:51:20 Sen. Pope

Closing by Sponsor:

17:52:29 Sen. Pope

HEARING ON SB 340

Opening Statement by Sponsor:

17:54:06 Sen. Christopher Pope (D), SD 31, opened the hearing on SB340, Advanced meter infrastructure act.

18:00:13 Sen. Cuffe left the meeting.

Proponents' Testimony: None

Opponents' Testimony:

18:03:05 David Hoffman, NorthWestern Energy (NWE)
18:04:36 Aimee Grjmolez, Montana-Dakota Utilities Resources Group
18:04:50 Charles Robison, Montana Electric Cooperatives' Association

Informational Testimony: None

Questions from Committee Members and Responses:

18:05:54 Sen. Gauthier
18:06:05 Sen. Pope
18:06:29 Sen. Gauthier
18:07:24 Sen. McNally
18:10:12 Mr. Hoffman, NWE
18:10:25 Sen. McNally

Closing by Sponsor:

18:11:13 Sen. Pope

HEARING ON SB 334

Opening Statement by Sponsor:

18:14:50 Sen. Brad Molnar (R), SD 28 , opened the hearing on SB334, Establishing cost calculations for transmission systems.

Proponents' Testimony: None

Opponents' Testimony:

18:30:57 Aimee Grjmolez, Montana-Dakota Utilities Resources Group
18:32:19 David Hoffman, NorthWestern Energy
18:33:27 Charles Robison, Montana Electric Cooperatives' Association
18:34:12 Colson Williams, attorney, citizen

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

18:35:37 Sen. Molnar

18:39:07 Recess

18:48:19 Reconvene

EXECUTIVE ACTION ON SB 87

18:48:52 **Motion:** Sen. Regier moved that **SB 87 DO PASS.**

18:49:32 **Motion:** Sen. Regier moved that **SB 87 BE AMENDED.**
EXHIBIT(ens40a07)

Discussion:

18:50:00 Trevor Graff, Legislative Services Division (LSD)

18:50:38 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

18:50:55 **Motion:** Sen. Regier moved that **SB 87 DO PASS AS AMENDED.**

Discussion:

18:51:21 Sen. McNally
18:51:50 Mr. Graff, LSD
18:52:15 Sen. Molnar
18:53:09 Mr. Graff
18:54:16 Sen. Lynch
18:55:07 Sen. Pope

18:55:56 **Vote:** Motion carried 12-1 by roll call vote with Sen. Pope voting no. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 179

18:57:17 **Motion:** Sen. Regier moved that **SB 179 DO PASS.**

Discussion:

18:57:40 Sen. McNally
18:57:51 Sen. Regier

18:58:19 **Vote:** Motion failed 6-7 by roll call vote with Sen. Gauthier, Sen. Lynch, Sen. McNally, Sen. Morigeau, Sen. Pope and Sen. Sweeney voting aye. Sen. Ankney and Sen. Cuffe voted by proxy.

18:59:53 **Motion/Vote:** Sen. Regier moved that **SB 179 BE TABLED**. Motion carried 12-1 by roll call vote with Sen. Morigeau voting no. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 213

19:01:06 **Motion:** Sen. Regier moved that **SB 213 DO PASS**.

Discussion:

19:01:12 Sen. Regier

19:03:05 Sen. McNally

19:03:50 **Vote:** Motion carried 7-6 by roll call vote with Sen. Kary, Sen. Lynch, Sen. McNally, Sen. Morigeau, Sen. Pope and Sen. Sweeney voting no. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 291

19:05:26 **Motion:** Sen. Pope moved that **SB 291 DO PASS**.

Discussion

19:05:39 Sen. Pope

19:06:06 Sen. Gauthier

19:06:17 Sen. Kary

19:06:27 Sen. Molnar

19:07:42 **Vote:** Motion carried 7-6 by roll call vote with Sen. Ankney, Sen. Cuffe, Sen. Kary, Sen. K. Regier, Sen. Small and Sen. Tempel voting no. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 292

19:09:02 **Motion:** Sen. Pope moved that **SB 292 DO PASS**.

19:09:44 **Motion/Vote:** Sen. Pope moved that **SB 292 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

EXHIBIT(ens40a08)

19:10:34 **Motion:** Sen. Pope moved that **SB 292 DO PASS AS AMENDED**.

Discussion:

19:10:55 Chair Small

19:11:06 Sen. Lynch

19:11:28 Sen. Morigeau

19:12:02 Sen. Molnar

19:14:50 Sen. McNally

19:16:17 **Vote:** Motion carried 9-4 by roll call vote with Sen. Kary, Sen. Molnar, Sen. Regier and Sen. Tempel voting no. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 303

19:17:33 **Motion:** Sen. Regier moved that **SB 303 DO PASS.**

Discussion:

19:17:55 Sen. Lynch
 19:18:00 Sen. Regier
 19:18:08 Sen. Lynch
 19:18:32 Trevor Graff, Legislative Services Division (LSD)
 19:18:43 Sen. Lynch
 19:19:09 Mr. Graff, LSD
 19:19:13 Sen. Regier
 19:19:21 Mr. Graff

19:19:49 **Motion:** Sen. Regier moved that **SB 303 BE AMENDED CONCEPTUALLY. EXHIBIT(ens40a09)**

Discussion:

19:20:28 Sen. Lynch
 19:21:27 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

19:21:38 **Motion:** Sen. Regier moved that **SB 303 DO PASS AS AMENDED.**

Discussion:

19:21:50 Sen. Regier
 19:22:41 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 325

19:23:17 **Motion:** Sen. Regier moved that **SB 325 DO PASS.**

19:23:36 **Substitute Motion/Vote:** Sen. Kary made a substitute motion that **SB 325 BE TABLED.** Substitute Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 334

19:24:21 **Motion:** Sen. Molnar moved that **SB 334 DO PASS.**

Discussion:

19:24:29 Sen. Molnar
 19:26:10 Sen. Regier
 19:26:14 Sen. Molnar

19:26:51 Chair Small
 19:26:55 Trevor Graff, Legislative Services Division (LSD)
 19:27:03 Sen. Molnar
 19:27:10 Mr. Graff, LSD
 19:27:23 Sen. Molnar
 19:27:42 Sen. Regier
 19:27:55 Sen. Molnar

19:28:05 **Motion:** Sen. Molnar moved that **SB 334 BE AMENDED.**
[EXHIBIT\(ens40a10\)](#)

Discussion:

19:28:24 Sen. McNally
 19:28:28 Sen. Molnar

19:29:15 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

19:29:41 **Motion:** Sen. Molnar moved that **SB 334 DO PASS AS AMENDED.**

Discussion:

19:29:54 Sen. McNally
 19:30:33 Sen. Molnar
 19:32:20 Sen. McNally

19:33:00 **Vote:** Motion failed 6-7 by roll call vote with Sen. Cuffe, Sen. Gauthier, Sen. Molnar, Sen. Morigeau, Sen. Regier and Sen. Small voting aye. Sen. Ankney and Sen. Cuffe voted by proxy.

19:34:15 **Motion/Vote:** Sen. Regier moved that **SB 334 BE TABLED.** Motion carried 12-1 by voice vote with Sen. Molnar voting no. Sen. Ankney and Sen. Cuffe voted by proxy.

EXECUTIVE ACTION ON SB 340

19:34:59 **Motion:** Sen. Pope moved that **SB 340 DO PASS.**

Discussion:

19:35:16 Sen. McNally
 19:35:22 Sen. Pope

19:37:51 **Motion/Vote:** Sen. Pope moved that **SB 340 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

[EXHIBIT\(ens40a11\)](#)

19:38:42 **Motion:** Sen. Pope moved that **SB 340 DO PASS AS AMENDED.**

Discussion:

19:38:54 Sen. Gauthier
 19:39:05 Sen. McNally

- 19:39:57 Sen. Regier
19:41:31 Sen. Pope
19:41:59 Sen. Tempel
19:42:12 Sen. Gauthier
19:42:32 Sen. Morigeau
19:43:13 Sen. Molnar
19:44:57 Sen. Regier
19:45:09 Sen. Gauthier
19:45:34 Sen. Pope
19:46:14 Sen. McNally
- 19:47:07 **Vote:** Motion failed 6-7 by roll call vote with Sen. Gauthier, Sen. Lynch, Sen. McNally, Sen. Morigeau, Sen. Pope and Sen. Sweeney voting aye. Sen. Ankney and Sen. Cuffe voted by proxy.
- 19:47:58 **Motion/Vote:** Sen. Regier moved that **SB 340 BE TABLED**. Motion carried unanimously by voice vote. Sen. Ankney and Sen. Cuffe voted by proxy.

ADJOURNMENT

Adjournment: 7:48 PM

Lauren de Paepe, Secretary

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Additional Documents:

EXHIBIT([ens40aad.pdf](#))