

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

**Call to Order:** Vice Chair Jason D. Small, on March 30, 2021 at 2:37 PM, in Room 303 Capitol

#### ROLL CALL

**Members Present:**

Sen. Duane Ankney, Chair (R)  
Sen. Mary McNally, Vice Chair (D)  
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. Shane A. Morigeau (D)  
Sen. Christopher Pope (D)  
Sen. Keith Regier (R)  
Sen. Mark Sweeney (D)  
Sen. Russel (Russ) Tempel (R)

**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: HJ 16, 3/25/2021 (Not Heard); SB 379, 3/25/2021  
Executive Action on: HB 170 - Be Concurred in; HB 448 - Be Concurred  
in as Amended; SB 86 - Do Pass

**EXECUTIVE ACTION ON HB 170**

14:38:13 **Motion:** Sen. Ankney moved that **HB 170 BE CONCURRED IN.**

**Discussion:**

14:38:21 Chair Small

14:38:48 Sen. Kary

14:38:57 **Motion:** Sen. Tempel moved that **HB 170 BE AMENDED.**

**EXHIBIT(ens62a01)**

**Discussion:**

14:39:17 Sen. Tempel

14:39:56 Sen. Gauthier

14:40:10 Sen. Tempel

14:40:32 Sen. Lynch

14:40:54 Chair Small

14:41:48 Sen. Cuffe

14:42:40 Sen. Tempel

14:43:08 **Vote:** Motion failed 3-10 by roll call vote with Sen. McNally, Sen. Molnar and Sen. Tempel voting aye. Sen. Sweeney voted by proxy.

**Discussion:**

14:44:38 Sen. Molnar

14:46:12 Sen. Morigeau

14:46:35 Sen. Pope

14:47:57 Chair Small

14:48:21 Sen. Ankney

14:48:46 Sen. Sweeney entered the meeting.

14:50:08 **Vote:** Motion carried 12-1 by roll call vote with Sen. Tempel voting no. Sen. Small will carry the bill.

**EXECUTIVE ACTION ON HB 448**

14:50:54 **Motion:** Sen. Ankney moved that **HB 448 BE CONCURRED IN.**

14:51:38 **Motion:** Sen. Ankney moved that **HB 448 BE AMENDED.**

**EXHIBIT(ens62a02)**

**Discussion:**

14:51:55 Trevor Graff, Legislative Services Division (LSD)

14:53:41 Sen. Regier

14:54:52 Mr. Graff, LSD

14:55:07 Sen. Pope

14:55:29 Mr. Graff

14:56:29 Sen. McNally

14:56:48 Mr. Graff

14:57:16 Chair Small  
 14:58:46 Sen. McNally  
 14:58:58 Sen. Lynch  
 14:59:25 Chair Small  
 14:59:29 Mr. Graff  
 15:00:22 Sen. Lynch

15:00:36 **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.

15:01:33 **Motion:** Sen. Tempel moved that **HB 448 BE AMENDED.**  
[EXHIBIT\(ens62a03\)](#)

**Discussion:**

15:01:41 Sen. Tempel  
 15:02:26 Sen. Regier  
 15:02:38 Sen. Tempel  
 15:02:45 Sen. Molnar  
 15:03:16 Sen. Tempel  
 15:03:31 Sen. Pope

15:04:46 **Vote:** Motion carried 10-3 by roll call vote with Sen. Cuffe, Sen. Kary and Sen. Regier voting no.

15:05:53 **Motion:** Sen. Ankney moved that **HB 448 BE AMENDED.**  
[EXHIBIT\(ens62a04\)](#)

**Discussion:**

15:06:20 Sen. Ankney  
 15:07:27 Sen. Tempel  
 15:08:00 Sen. Pope  
 15:09:14 Sen. Regier  
 15:09:52 Sen. Ankney  
 15:09:57 Sen. Molnar  
 15:11:52 Sen. Kary  
 15:12:35 Chair Small

15:13:04 **Vote:** Motion carried 9-4 by roll call vote with Sen. McNally, Sen. Morigeau, Sen. Pope and Sen. Tempel voting no.

15:13:57 **Motion:** Sen. Ankney moved that **HB 448 BE CONCURRED IN AS AMENDED.**

**Discussion:**

15:14:14 Sen. McNally

15:14:40 **Vote:** Motion carried 9-4 by roll call vote with Sen. McNally, Sen. Morigeau, Sen. Pope and Sen. Regier voting no. Sen. Tempel will carry the bill.

**EXECUTIVE ACTION ON SB 86**

15:15:36 **Motion:** Sen. Ankney moved that **SB 86 DO PASS.**

**Discussion:**

15:16:18 Sen. Ankney

15:19:50 Sen. Pope

15:21:36 **Vote:** Motion carried 8-5 by roll call vote with Sen. Gauthier, Sen. McNally, Sen. Morigeau, Sen. Pope and Sen. Tempel voting no.

**HEARING ON SB 379**

**Opening Statement by Sponsor:**

15:25:54 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB379, Generally revise coal-fired generation laws.

**EXHIBIT(ens62a05)**

**Proponents' Testimony:**

15:41:57 David Hoffman, NorthWestern Energy (NWE)

15:45:19 Bob Gilbert, City of Colstrip

15:46:34 Alan Olson, citizen

15:48:41 Jon Metropoulos, Westmoreland Mining

15:50:52 Bridger Mahlum, Montana Chamber of Commerce

15:51:43 Peggy Trenk, Treasure State Resources Association

15:52:49 Adam Haight, Montana American Federation of Labor and Congress of Industrial Organizations

15:53:42 Dwight Rose, International Brotherhood of Electrical Workers Local 44

15:55:03 Joe Micheletti, chief operating officer, Westmoreland Mining

**Opponents' Testimony:**

15:57:43 Adrienne Cotton, American Association of Retired Persons Montana; director, Montana Area Agencies on Aging Association

15:59:36 Tony O'Donnell, commissioner, Public Service Commission (PSC)

16:04:37 Steve Doherty, Lolo

16:09:23 James Brown, chairman, PSC

**EXHIBIT(ens62a06)**

16:20:16 Monica Tranel, citizen

**EXHIBIT(ens62a07)**

16:25:27 Randy Pinocci, commissioner, PSC

16:30:20 Jason Brown, Montana Consumer Counsel

16:34:33 Gayle Joslin, citizen

16:36:33 Anne Hedges, Montana Environmental Information Center

16:37:29 Mary Fitzpatrick, Northern Plains Resources Council

16:38:38 Amy Seaman, Montana Audubon

**EXHIBIT(ens62a08)**

16:39:20 Terry Cunningham, Bozeman City Commission

16:40:12 Winona Bateman, director, Families for a Liveable Climate

16:42:10 Amy Cilimburg, Missoula

[EXHIBIT\(ens62a09\)](#)

16:43:38 David Chadwick, Helena

[EXHIBIT\(ens62a10\)](#)

16:44:16 Gary Matson, Milltown

16:45:04 Greg Jergeson, Chinook

16:47:43 Harold Hoem, Missoula

16:48:56 Jan Hoem, Missoula

16:50:04 Jim Parker, Missoula

16:52:31 Kristine Glenn, Billings

16:54:02 Linda Semones, Bozeman

[EXHIBIT\(ens62a11\)](#)

16:55:04 Melissa Hornbein, Helena

[EXHIBIT\(ens62a12\)](#)

16:56:51 Richard Liebert, Cascade County

[EXHIBIT\(ens62a13\)](#)

16:58:03 Robert Filipovich, Helena

16:59:25 Roger Sullivan, Kalispell

17:00:33 Roxa Reller, Helena

17:03:08 Tom Schneider, Helena

[EXHIBIT\(ens62a14\)](#)

17:05:49 Will Swearingen, Bozeman

[EXHIBIT\(ens62a15\)](#)

Additional Testimony Received:

[EXHIBIT\(ens62a16\)](#)

**Informational Testimony:**

17:07:26 Jenny Chambers, administrator, Waste Management and Remediation Division,  
Department of Environmental Quality

**Questions from Committee Members and Responses:**

17:07:49 Sen. Molnar

17:21:26 Mr. Hoffman, NWE

17:21:31 Sen. McNally

17:23:04 Mr. Brown, PSC

17:23:25 Sen. Pope

17:32:46 Mr. Hoffman

17:33:31 Sen. Morigeau

17:34:32 Ms. Tranel, citizen

**Closing by Sponsor:**

17:37:30 Sen. Fitzpatrick

- 17:40:50 Recess
- 17:48:10 Reconvene
- 17:48:15 Chair Small said Rep. Duram is unavailable to present HJ 16, and it will be rescheduled.

**ADJOURNMENT**

Adjournment: 5:48 PM

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Lauren de Paepe, Secretary

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Additional Documents:

**EXHIBIT**([ens62aad.pdf](#))