

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Duane Ankney, on April 1, 2021 at 3:00 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. 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 Excused:

Sen. Shane A. Morigeau (D)

Members Absent: None

Staff Present: Lauren de Paepe, Committee Secretary
Trevor Graff, Legislative Branch
Heather Vande-Sandt, 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 391, 3/29/2021
Executive Action on: SB 391 - Be Tabled; SB 379 - Do Pass as Amended

15:01:15 Sen. Gauthier and Sen. Molnar entered the meeting.

HEARING ON SB 391

Opening Statement by Sponsor:

15:02:29 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB391, Providing for Public Service Commission regulation of access software providers.

[EXHIBIT\(ens64a01\)](#)

15:02:31 Sen. Kary entered the meeting.

Proponents' Testimony:

15:13:47 Randy Pinocci, District 1 commissioner, Public Service Commission (PSC)

15:20:51 Tony Rausch, Great Falls

15:23:07 Sen. Lynch entered the meeting.

15:23:32 Ron Hepp, Great Falls

15:25:00 Maurice Cameron Jr., Great Falls

15:36:54 Martin Lynch, Tempe, Arizona

[EXHIBIT\(ens64a02\)](#)

15:43:29 Jim White, editor, Montana Daily Gazette; founder, Northwest Liberty News

[EXHIBIT\(ens64a03\)](#)

15:45:33 Jordan Hall, publisher, Gideon Knox Group, Sidney

Opponents' Testimony:

15:52:02 Patrick Webb, Americans for Prosperity Montana

[EXHIBIT\(ens64a04\)](#)

15:59:05 Rose Feliciano, director, Northwest Region, State Government Affairs, Internet Association

[EXHIBIT\(ens64a05\)](#)

16:03:59 Samantha Kersul, executive director, Northwest Region, TechNet

[EXHIBIT\(ens64a06\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

16:08:29 Sen. Sweeney

16:08:51 Mr. Lynch, Tempe

16:09:48 Sen. Sweeney

16:11:26 Sen. Manzella

16:11:43 Sen. Sweeney

16:14:10 Mr. Pinocci, PSC

16:14:34 Sen. McNally

16:15:51 Mr. Pinocci

16:16:16 Sen. McNally

16:16:53 Sen. Cuffe
 16:22:08 Sen. Manzella
 16:23:25 Sen. Pope
 16:27:28 Mr. Pinocci
 16:29:03 Sen. Molnar

Chair Ankney left the meeting and gave the duties of the chair to Vice Chair Small.

16:30:16 Mr. Pinocci
 16:31:25 Sen. Lynch

16:33:21 Sen. Ankney entered the meeting and resumed the duties of the chair.

16:35:58 Mr. Pinocci

Closing by Sponsor:

16:36:49 Sen. Manzella
 16:41:20 Recess
 16:54:47 Reconvene

EXECUTIVE ACTION ON SB 391

16:55:05 **Motion:** Sen. Small moved that **SB 391 DO PASS.**

16:55:17 **Substitute Motion/Vote:** Sen. McNally made a substitute motion that **SB 391 BE TABLED.** Substitute motion carried 9-4 by roll call vote with Sen. Molnar, Sen. K. Regier, Sen. Small and Sen. Tempel voting no. Sen. Morigeau voted by proxy. Sen. Gauthier changed his vote at timestamp 17:42:52.

16:56:56 Sen. Cuffe
 16:57:02 Chair Ankney

EXECUTIVE ACTION ON SB 379

16:57:28 **Motion:** Sen. Small moved that **SB 379 DO PASS.**

16:57:56 **Motion:** Sen. Small moved that **SB 379 BE AMENDED.**

[EXHIBIT\(ens64a07\)](#)

Discussion:

16:58:41 Sen. Pope
 17:03:04 Sen. Cuffe
 17:03:08 Trevor Graff, Legislative Services Division (LSD)
 17:03:40 Sen. Pope
 17:05:13 Mr. Graff, LSD
 17:05:34 Sen. Pope
 17:06:19 Sen. Cuffe

17:06:36 Chair Ankney
 17:08:31 Sen. Pope
 17:13:51 Sen. Cuffe
 17:14:17 Sen. McNally
 17:15:47 Mr. Graff
 17:15:59 Sen. Cuffe
 17:17:05 Chair Ankney
 17:18:22 Sen. McNally
 17:19:25 Mr. Graff
 17:19:59 Sen. Molnar
 17:22:16 Mr. Graff
 17:22:26 Sen. McNally
 17:23:12 Mr. Graff
 17:23:38 Sen. Cuffe

17:23:53 **Vote:** Motion carried 12-1 by roll call vote with Sen. Molnar voting no. Sen. Morigeau voted by proxy.

17:24:53 **Motion:** Sen. Regier moved that **SB 379 BE AMENDED.**
[EXHIBIT\(ens64a08\)](#)

Discussion:

17:25:23 Sen. Regier
 17:27:47 Sen. McNally
 17:28:00 Sen. Regier
 17:28:11 Chair Ankney
 17:29:04 Sen. Regier
 17:29:23 Sen. Pope
 17:31:23 Sen. Kary
 17:31:39 Chair Ankney
 17:31:47 Sen. Kary
 17:32:02 Mr. Graff
 17:32:38 Chair Ankney
 17:32:50 Sen. Kary
 17:33:04 Sen. Regier
 17:33:15 Mr. Graff
 17:33:37 Sen. Regier
 17:33:44 Chair Ankney

17:34:10 Without objection, Sen. Regier withdrew the BE AMENDED motion.

17:34:17 Sen. Cuffe
 17:34:36 Sen. Molnar
 17:35:08 Mr. Graff
 17:36:20 Chair Ankney
 17:36:58 Sen. Molnar
 17:39:30 Mr. Graff
 17:39:36 Sen. Pope
 17:41:16 Chair Ankney
 17:41:24 Sen. Cuffe

17:41:35 **Motion/Vote:** Sen. Small moved that **SB 379 DO PASS AS AMENDED**. Motion carried 7-6 by roll call vote with Sen. Lynch, Sen. McNally, Sen. Molnar, Sen. Morigeau, Sen. Pope and Sen. Sweeney voting no. Sen. Morigeau voted by proxy.

17:42:41 Chair Ankney

17:42:52 Sen. Gauthier

17:43:23 Mr. Graff

17:43:43 Sen. Gauthier

17:43:52 Lauren de Paepe, committee secretary

ADJOURNMENT

Adjournment: 5:44 PM

Lauren de Paepe, Secretary

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Additional Documents:

EXHIBIT([ens64aad.pdf](#))