

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Walt Sales-R, on February 28, 2023 at 4:13 PM, in 317

ROLL CALL

Members Present: Sen. Walt Sales, Chair (R)
Sen. Ryan Lynch, Vice Chair (D)
Sen. Jason Small, Vice Chair (R)
Sen. Mike Cuffe (R)
Sen. Janet Ellis (D)
Sen. Denise Hayman (D)
Sen. Christopher Pope (D)
Sen. Keith Regier (R)
Sen. Russel (Russ) Tempel (R)
Sen. Daniel Zolnikov (R)

Members Excused: Sen. Steve Fitzpatrick (R)
Sen. Brad Molnar (R)

Staff Present: Hunter Camac, Attorney
Jason Mohr, OBPP Staffer
Jack Racicot, Secretary

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 399 02/23/2023

SB 466 02/23/2023

Executive Action:

SB 109 DO PASS AS AMENDED

SB 228 DO PASS AS AMENDED

SB 353 TO TABLE

SB 387 TO TABLE

SB 398 DO PASS

SB 399 TO TABLE

SB 466 TO TABLE

HEARING ON SB 466 - Declare authority over intrastate coal

Opening Statement:

16:14:54 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 466, Declare authority over intrastate coal.

Discussion:

[EXHIBIT\(230228ENSa1\)](#)

Proponent Testimony:

None

Opponent Testimony:

16:20:26 Anne Hedges, Montana Environmental Information Center (MEIC)

16:27:37 Sonja Nowakowski, Department of Environmental Quality (DEQ)

16:30:21 George Harris, Montana Coal Council (MCC)

16:33:02 Sidney Ausen, Northern Plains Resource Council (NPRC)

16:33:26 Sen. Brad Molnar joined the meeting.

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

16:35:10 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 466.

16:38:33 Sen. Molnar has left

HEARING ON SB 399 - Revising community solar laws

Opening Statement:

16:36:59 Sen. Christopher Pope (D), SD 65, opened the hearing on SB 399, Revising community solar laws.

Discussion:

[EXHIBIT\(230228ENSa2\)](#)

Proponent Testimony:

16:45:57 Tim Holmes, Northern Plains Resource Council (NPRC)

[EXHIBIT\(230228ENSa3\)](#)

16:49:28 Mark Reller, Self

16:59:52 Nicola Laverack, Onsite Energy

17:03:23 Jacob Kuntz, Habitat For Humanity (HFH)

17:06:30 Ian Lund, Montana Environmental Information Center (MEIC)

17:08:50 Mckenna Sellers, Montana Renewable Energy Center (MREC)

17:10:19 Carroline Canarios, Northern Plains Resource Council (NPRC)

[EXHIBIT\(230228ENSa4\)](#)

17:11:09 Susan DeBree, Self

17:11:46 Ita Killeen, Self

17:13:22 Rachel Prevost, Montana Farmers Union (MFU)

17:14:14 Jill Day, Self

Opponent Testimony:

17:18:04 David Hoffman, NorthWestern Energy (NWE)

Informational Witness Testimony:

None

Questions from Committee:

17:22:18 Sen. Keith Regier

17:22:38 Sen. Christopher Pope-D

17:22:51 Sen. Denise Hayman
17:24:32 Sen. Christopher Pope-D
17:26:46 Sen. Russel (Russ) Tempel
17:27:21 Sen. Christopher Pope-D
17:28:00 Sen. Russel (Russ) Tempel
17:28:52 Mckenna Sellers, MERC
18:25:11 Amendment

Closing Statement:

17:29:33 Sen. Christopher Pope (D), SD 65, closed the hearing on SB 399.

17:34:39 **Recessed**

18:06:04 Sen. Molnar has arrived

18:07:41 **Reconvened**

EXECUTIVE ACTION ON SB 109 - Revise laws related to redistricting the PSC

18:07:56 **Motion:** Sen. Jason Small moved that **SB 109 BE AMENDED.**

Discussion:

18:08:30 Sen. Keith Regier
[EXHIBIT\(230228ENSa5\)](#)

18:11:30 Chair Walt Sales
18:11:39 Sen. Russel (Russ) Tempel
[EXHIBIT\(230228ENSa6\)](#)

18:13:10 Sen. Mike Cuffe
18:13:27 Vice Chair Ryan Lynch
18:16:13 Sen. Keith Regier
18:16:27 Sen. Russel (Russ) Tempel
18:17:38 Sen. Denise Hayman

18:17:59 Sen. Keith Regier

18:18:14 Sen. Steve Fitzpatrick joined the meeting.

18:18:38 Sen. Mike Cuffe

18:18:48 Sen. Brad Molnar

18:21:04 Sen. Janet Ellis

18:21:56 Sen. Keith Regier

18:22:14 Vice Chair Ryan Lynch

18:22:26 Sen. Keith Regier

18:07:56 **Vote:** Motion carried 7 - 5 by roll call vote with Sen. Ellis, Sen. Hayman, Sen. Lynch, Sen. Pope, Sen. Tempel, voting no.

18:24:03 **Motion:** Sen. Jason Small moved that **SB 109 DO PASS AS AMENDED.**

18:24:03 **Vote:** Motion carried 7 - 5 by roll call vote with Sen. Ellis, Sen. Hayman, Sen. Lynch, Sen. Pope, Sen. Tempel, voting no.

EXECUTIVE ACTION ON SB 228 - Prohibit local governments from banning petroleum fuels

18:26:05 **Motion:** Sen. Jason Small moved that **SB 228 BE AMENDED.**

Discussion:

18:26:29 Vice Chair Jason Small

18:27:17 Sen. Janet Ellis

18:27:58 Vice Chair Jason Small

18:28:22 Vice Chair Ryan Lynch

18:28:36 Vice Chair Jason Small

18:28:52 Sen. Janet Ellis

18:29:23 Vice Chair Jason Small

18:30:01 Sen. Steve Fitzpatrick

18:31:57 Vice Chair Ryan Lynch

18:32:33 Sen. Christopher Pope

18:32:57 Vice Chair Jason Small

18:33:04 Vice Chair Ryan Lynch

18:33:27 Sen. Steve Fitzpatrick

18:26:05 **Vote:** Motion carried 9 - 3 by roll call vote with Sen. Ellis, Sen. Hayman, Sen. Molnar, voting no.

18:34:49 **Motion:** Sen. Jason Small moved that **SB 228 DO PASS AS AMENDED.**

Discussion:

18:35:00 Sen. Christopher Pope

18:35:27 Vice Chair Ryan Lynch

18:34:49 **Vote:** Motion carried 7 - 5 by roll call vote with Sen. Ellis, Sen. Hayman, Sen. Lynch, Sen. Molnar, Sen. Pope, voting no.

EXECUTIVE ACTION ON SB 353 - Revising transmission rights of refusal

18:36:36 **Motion:** Sen. Jason Small moved that **SB 353 TO TABLE.**

18:36:36 **Vote:** Motion carried 11 - 1 by roll call vote with Sen. Sales, voting no.

EXECUTIVE ACTION ON SB 387 - Revise laws related to coal, coal tax, and coal-fired unit remediation

18:37:27 **Motion:** Sen. Jason Small moved that **SB 387 BE AMENDED.**

Discussion:

18:38:12 Sen. Brad Molnar

18:38:19 Chair Walt Sales

18:38:33 Trevor Graff

18:37:27 **Vote:** Motion carried 10 - 2 by roll call vote with Sen. Fitzpatrick, Sen. Tempel, voting no.

18:39:49 **Motion:** Sen. Jason Small moved that **SB 387 BE AMENDED.**

Discussion:

18:40:14 Trevor Graff

18:41:07 Sen. Brad Molnar

18:39:49 **Vote:** Motion carried 10 - 2 by roll call vote with Sen. Fitzpatrick, Sen. Tempel, voting no.

18:42:07 **Motion:** Sen. Jason Small moved that **SB 387 DO PASS AS AMENDED.**

Discussion:

18:42:16 Sen. Brad Molnar

18:42:07 **Vote:** Motion failed 10 - 2 by roll call vote with Sen. Molnar, Sen. Zolnikov, voting yes.

18:45:55 **Motion:** Sen. Jason Small moved that **SB 387 TO TABLE.**

18:45:55 **Vote:** Motion carried 11 - 1 by roll call vote with Sen. Molnar, voting no.

EXECUTIVE ACTION ON SB 398 - Establish a Montana coordinate system for property

18:46:41 **Motion:** Sen. Jason Small moved that **SB 398 DO PASS.**

18:46:41 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 399 - Revising community solar laws

18:47:22 **Motion:** Sen. Jason Small moved that **SB 399 BE AMENDED.**

Discussion:

18:47:54 Sen. Christopher Pope

18:47:22 **Vote:** Motion carried unanimously by voice vote.

18:49:26 **Motion:** Sen. Jason Small moved that **SB 399 DO PASS AS AMENDED.**

18:49:26 **Vote:** Motion tied 6 - 6 roll call vote

18:50:31 **Motion:** Sen. Jason Small moved that **SB 399 TO TABLE.**

18:50:31 **Vote:** Motion carried 8 - 4 by roll call vote with Sen. Ellis, Sen. Hayman, Sen. Lynch, Sen. Pope, voting no.

EXECUTIVE ACTION ON SB 466 - Declare authority over intrastate coal

18:51:23 **Motion:** Sen. Jason Small moved that **SB 466 TO TABLE.**

Discussion:

18:52:07 Sen. Keith Regier

18:51:23 **Vote:** Motion failed unanimously by voice vote.

19:00:35 **Substitute Motion:** Sen. Keith Regier moved that **SB 466 TO TABLE.**

19:00:35 **Vote:** Substitute Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 16:35:26

Jack Racicot, Secretary

Additional Documents: [EXHIBIT\(230228ENSaad\)](#)