

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN ALAN OLSON**, on February 5, 2007 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Alan Olson, Chairman (R)
Rep. George G. Groesbeck, Vice Chairman (D)
Rep. Harry Klock, Vice Chairman (R)
Rep. Scott Boggio (R)
Rep. Robyn Driscoll (D)
Rep. Dave Gallik (D)
Rep. Dennis Himmelberger (R)
Rep. Llew Jones (R)
Rep. Diane Rice (R)
Rep. Wayne Stahl (R)
Rep. Bill Thomas (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Todd Everts, Legislative Branch
Cindy Peterson, Committee 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: HB 427, 1/26/2007; HJ 20,
1/31/2007; HB 526, 2/1/2007
Executive Action: HJ 20, HB 526, HB 25

HEARING ON HB 526

Opening Statement by Sponsor:

00:01:10 Rep. George Groesbeck (D), HD 74, opened the hearing on
HB 526, revise territorial integrity act.

Proponents' Testimony:

00:03:02 Doug Hardy, Montana Electric Cooperatives
[EXHIBIT\(feh25a01\)](#)
00:08:31 John Fitzpatrick, Northwestern Energy
00:08:54 John Alke, Montana Dakota Utilities

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:09:36 Rep. Groesbeck

HEARING ON HB 427

Opening Statement by Sponsor:

00:12:34 Rep. Bob Bergren (D), HD 33, opened the hearing on HB
427, revise universal system benefits law.

Proponents' Testimony:

00:15:04 Greg Jergeson, Chairman, Montana Public Service
Commission
[EXHIBIT\(feh25a02\)](#)
00:22:10 Ed Eaton, AARP Montana
[EXHIBIT\(feh25a03\)](#)
00:22:40 Jim Nolan, Department of Public Health and Human
Services
00:24:13 Patrick Judge, Montana Environmental Information Center
00:25:59 John Fitzpatrick, Northwestern Energy
00:26:19 Mary McCue, Association of the Directors of the Human
Resource and Development Councils

Opponents' Testimony:

00:26:55 John Alke, Montana Dakota Utilities

[EXHIBIT\(feh25a04\)](#)

[EXHIBIT\(feh25a05\)](#)

00:35:07 Brad Molnar, Commissioner, Montana Public Service
Commission

[EXHIBIT\(feh25a06\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:51 Rep. Groesbeck

00:44:22 Mr. Judge

00:45:01 Rep. Groesbeck

00:45:26 Mr. Alke

00:46:19 Rep. Groesbeck

00:46:33 Mr. Alke

Closing by Sponsor:

00:48:15 Rep. Bergren

HEARING ON HJ 20

Opening Statement by Sponsor:

00:49:19 Rep. Mike Milburn (R), HD 19, opened the hearing on HJ
20, Urge recognition of federal damage to Whitmore
ravine.

Proponents' Testimony:

00:50:53 Gayla Wortman

[EXHIBIT\(feh25a07\)](#)

00:55:23 John Chase, Cascade County Conservation District

01:01:33 Lisa Barton, landowner

01:05:28 Jill Lorang, Administrator, Cascade County Conservation
District

01:08:10 Vicki Marquis, Missouri River Conservation District
Council

[EXHIBIT\(feh25a08\)](#)

01:10:43 Peggy Beltrone, Cascade County Commissioner

01:12:38 Dick Gaswood, Cascade County

01:14:35 Ray Beck, Conservation Resource Development Division,
Department of Natural Resources and Conservation

01:15:23 Lucy Pettapiece Cascade County Conservation District

Opponents' Testimony: None

Informational Testimony:

01:16:17 Richard Opper, Director, Department of Environmental
Quality

Questions from Committee Members and Responses:

01:17:01 Rep. Olson
01:17:11 Mr. Opper
01:17:57 Rep. Windy Boy
01:19:06 Mr. Opper
01:19:50 Rep. Windy Boy
01:20:17 Mr. Opper

Closing by Sponsor:

01:21:09 Rep. Milburn

EXECUTIVE ACTION ON HJ 20

01:22:06 **Motion:** Rep. Klock moved that HJ 20 **BE ADOPTED AS
AMENDED.**

Discussion:

01:22:33 Rep. Olson

01:23:08 **Vote:** Motion carried unanimously by voice vote with
Rep. Rice voting by proxy. Without objection, HJ 20
was placed on the consent calendar.

EXECUTIVE ACTION ON HB 526

01:24:05 **Motion:** Rep. Groesbeck moved that HB 526 **DO PASS.**

Discussion:

01:25:20 Rep. Groesbeck

01:25:39 **Vote:** Motion carried unanimously by voice vote with
Rep. Rice and Rep. Gallik voting by proxy. Without
objection HB 526 was placed on the consent calendar.

01:30:00 Break
01:43:36 Reconvene

(Rep. Gallik present)
(Rep. Rice present)

EXECUTIVE ACTION ON HB 25

01:43:54 **Motion:** Rep. Groesbeck moved that HB 25 **DO PASS.**

Discussion:

01:44:09 Rep. Thomas
01:44:23 Rep. Olson
01:45:46 Todd Everts, Environmental Research Analyst
01:46:08 Rep. Olson
01:54:59 Mr. Everts
01:55:13 Rep. Olson
02:01:59 Mr. Everts
EXHIBIT(feh25a09)
02:05:20 Rep. Olson
02:05:37 Mr. Everts
02:05:59 Rep. Windy Boy
02:06:16 Rep. Olson
02:06:42 Mr. Everts
02:07:04 Rep. Olson
02:07:27 Rep. Boggio
02:07:47 Rep. Olson
02:08:10 Mr. Everts
02:08:36 Rep. Olson
02:08:50 Gary Weins, Montana Electric Cooperative Association
02:09:13 Rep. Olson
02:09:27 Rep. Rice
02:09:55 Rep. Olson
02:10:30 Rep. Rice
02:10:54 Rep. Olson
02:11:47 Rep. Gallik
02:12:43 Rep. Olson
02:12:51 Rep. Gallik
02:13:37 Rep. Rice
02:14:09 Rep. Driscoll
02:14:42 Commissioner Jergeson
02:16:21 **Motion:** Rep. Olson moved that HB 25 **BE AMENDED.**

EXHIBIT(feh25a10)

EXHIBIT(feh25a11)

Discussion:

02:19:00 Mr. Everts
02:34:24 Rep. Olson
02:34:54 Commissioner Jergeson

EXHIBIT(feh25a12)

02:37:28 Rep. Gallik
02:39:23 Rep. Boggio
02:41:59 Rep. Olson
02:42:19 Rep. Himmelberger
02:43:48 Rep. Olson
02:44:07 Rep. Himmelberger
02:44:39 Rep. Olson
02:45:35 Rep. Himmelberger
02:46:12 Rep. Olson
02:46:46 Rep. Gallik
02:48:02 Rep. Olson
02:49:32 Rep. Rice
02:50:15 Rep. Olson
02:51:24 Rep. Jones

02:53:56 **Vote:** Motion carried 10-2 by roll call vote with Rep.
Gallik and Rep. Thomas voting no.

02:54:03 **Motion:** Rep. Groesbeck moved that HB 25 **DO PASS AS
AMENDED.**

02:54:35 **Motion:** Rep. Gallik moved that HB 25 **BE AMENDED.**

EXHIBIT(feh25a13)

Discussion:

02:55:35 Rep. Gallik
03:04:33 Rep. Jones
03:05:29 Rep. Gallik
03:06:42 Rep. Boggio
03:07:04 Rep. Gallik
03:07:16 Rep. Boggio
03:07:54 Rep. Gallik
03:08:24 Rep. Olson
03:08:45 Commissioner Jergeson
03:13:48 Rep. Stahl

03:14:31 **Motion/Vote:** Rep. Gallik moved that Item 5 on Exhibit
13 **BE SEGREGATED.** Motion carried unanimously by voice
vote.

03:15:28 **Motion/Vote:** Rep. Gallik moved that Item 5, Exhibit 13, **BE ADOPTED**. Motion failed 2-10 by voice vote with Rep. Gallik and Rep. Thomas voting aye.

03:16:26 **Motion/Vote:** Rep. Gallik moved that Items 1-4, Exhibit 13, **BE ADOPTED**. Motion failed 3-9 by roll call vote with Rep. Gallik, Rep. Thomas, and Rep. Windy Boy voting aye.

03:17:51 **Motion:** Rep. Groesbeck moved that HB 25 **BE AMENDED**.
[EXHIBIT\(feh25a14\)](#)

Discussion:

03:18:41 Rep. Groesbeck

03:19:43 **Vote:** Motion carried unanimously by voice vote.

03:20:10 **Motion:** Rep. Groesbeck moved that HB 25 **DO PASS AS AMENDED**.

03:20:15 **Motion:** Rep. Thomas moved that HB 25 **BE AMENDED**.
[EXHIBIT\(feh25a15\)](#)

Discussion:

03:23:11 Mr. Everts

03:24:19 Rep. Thomas

03:28:04 Rep. Gallik

03:29:52 Rep. Groesbeck

03:31:00 Rep. Olson

03:32:23 **Vote:** Motion failed 6-6 by roll call vote with Rep. Boggio, Rep. Driscoll, Rep. Jones, Rep. Rice, Rep. Stahl, and Rep. Thomas voting aye.

03:33:51 **Motion:** Rep. Gallik moved that HB 25 **BE AMENDED**.
[EXHIBIT\(feh25a16\)](#)

Discussion:

03:34:38 Rep. Gallik

03:38:21 Rep. Groesbeck

03:38:59 Mr. Fitzpatrick

03:40:15 Rep. Gallik

03:41:08 Rep. Olson

03:41:31 Rep. Gallik

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03:42:38 **Vote:** Motion failed 4-8 by roll call vote with Rep.
Driscoll, Rep. Gallik, Rep. Groesbeck, and Rep. Windy
Boy voting aye.

03:44:03 Rep. Gallik

03:44:23 **Motion/Vote:** Rep. Gallik moved that HB 25 **BE TABLED**.
Motion failed 1-11 with Rep. Gallik voting aye.

03:45:52 Rep. Driscoll

03:46:06 Mr. Everts

Additional Exhibits:

EXHIBIT(feh25a17)

(Letter from Vicki Marquis for Jim Beck)

EXHIBIT(feh25a18)

(Letter from Dan Huestis, Zoller Farms)

ADJOURNMENT

03:46:47 Adjournment

REP. ALAN OLSON, Chairman

CINDY PETERSON, Secretary

AO/cp