

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 21, 2007 at 3:10 P.M., in Room 102 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: HJ 40, 2/16/2007; HB 739,
2/16/2007; HB 758, 2/19/2007; HB
763, 2/19/2007; HB 709, 2/19/2007;
HB 715, 2/19/2007; HB 626,
2/12/2007
Executive Action: HJ 40, HB 758, HB 626, HB 611,
Committee Bill, HB 586, HB 709, HB
715, HB 739, HB 763, HB 709

HEARING ON HJ 40

Opening Statement by Sponsor:

00:01:00 Rep. Jonathan Windy Boy (D), HD 32, opened the hearing on HJ 40, urge Congress to prioritize regional water projects.

EXHIBIT(feh39a01)

Proponents' Testimony:

00:02:22 Rep. Julie French, HD 36, Scobey

00:02:57 Ray Beck, Department of Natural Resources and Conservation

EXHIBIT(feh39a02)

00:03:42 Bruce Sun Child, Chippawa Tribe

EXHIBIT(feh39a03)

00:04:37 Clint Jacobs, Manager, Dry Prairie Rural Water System, Culbertson

EXHIBIT(feh39a04)

00:08:23 Ray Beck, DNRC, testifying for Steve Wade

00:08:46 Rep. Llew Jones, HD 57, Conrad

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:09:29 Rep. Windy Boy

EXHIBIT(feh39a05)

EXECUTIVE ACTION ON HJ 40

00:09:50 **Motion/Vote:** Rep. Klock moved that HJ 40 **BE ADOPTED**. Motion carried unanimously by voice vote with Rep. Himmelberger, Rep. Rice, and Rep. Stahl voting aye by proxy.

HEARING ON HB 626

Opening Statement by Sponsor:

00:11:34 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 626, study default supply.

Proponents' Testimony: None

Opponents' Testimony:

00:13:04 Chuck Magraw, Natural Resource Defense Counsel and Renewable Northwest Project

00:13:52 Kate Whitney, Montana Public Service Commission
EXHIBIT(feh39a06)

Informational Testimony: None

Questions from Committee Members and Responses:

00:15:42 Rep. Gallik

00:16:30 Rep. Kerns

00:16:54 Rep. Kerns

Closing by Sponsor:

00:17:06 Rep. Kerns

HEARING ON HB 758

Opening Statement by Sponsor:

00:17:34 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 758, revise laws related to electrical energy.

(In opening statement, Rep. Kerns agreed bill could be tabled.)

EXECUTIVE ACTION ON HB 758

00:17:44 **Motion:** Rep. Driscoll moved that HB 758 **DO PASS**.

00:17:51 **Substitute Motion/Vote:** Rep. Jones moved that HB 758 **BE TABLED**. Motion carried unanimously by voice vote with Rep. Himmelberger, Rep. Rice, and Rep. Stahl voting aye by proxy and Rep. Windy Boy's proxy not being voted.

EXECUTIVE ACTION ON HB 626

00:18:37 **Motion:** Rep. Boggio moved that HB 626 **DO PASS**.

00:18:51 **Substitute Motion/Vote:** Rep. Groesbeck moved that HB 626 **BE TABLED**. Motion carried 11-1 by voice vote with Rep. Gallik voting no, and Rep. Himmelberger, Rep. Rice, Rep. Stahl, and Rep. Windy Boy voting aye by proxy.

EXECUTIVE ACTION ON HB 611

00:21:55 **Motion:** Rep. Groesbeck moved that HB 611 **DO PASS**.

00:23:16 **Motion:** Rep. Olson moved that HB 611 **BE AMENDED**.
[EXHIBIT \(feh39a07\)](#)

Discussion:

00:23:37 Mr. Everts

00:24:54 Rep. Groesbeck

00:25:38 **Vote:** Motion carried unanimously by voice vote with Rep. Himmelberger, Rep. Rice, Rep. Stahl, and Rep. Windy Boy voting aye by proxy.

00:26:12 **Motion/Vote:** Rep. Groesbeck moved that HB 611 **DO PASS AS AMENDED**. Motion carried unanimously by voice vote with Rep. Himmelberger, Rep. Rice, Rep. Stahl, and Rep. Windy Boy voting aye by proxy.

HEARING ON HB 709

Opening Statement by Sponsor:

00:27:20 Rep. Chas Vincent (R), HD 2, opened the hearing on HB 709, Hydroelectric power considered a renewable resource.

Proponents' Testimony:

00:31:21 Doug Hardy, Montana Electric Cooperatives

00:35:12 Candace Payne, Southern Montana Electric

Opponents' Testimony:

00:35:42 Patrick Judge, Montana Environmental Information Center
(MEIC)

EXHIBIT (feh39a08)

00:38:20 Paul Cartwright, Governor's Office

00:38:51 Chuck Magraw, Natural Resource Defense Council and
Renewable Northwest Project

00:40:32 Matt Leow, MontPIRG

00:42:12 Van Jamison, self

00:45:04 Molly Immen, Montana Audubon

Informational Testimony: None.

Questions from Committee Members and Responses:

00:45:44 Rep. Gallik

00:46:40 Rep. Vincent

00:47:26 Rep. Gallik

00:47:53 Rep. Vincent

00:48:07 Rep. Gallik

00:48:26 Rep. Vincent

00:49:30 Rep. Gallik

00:50:57 Rep. Vincent

00:51:40 Rep. Jones

00:52:57 Rep. Vincent

00:53:32 Rep. Olson

00:53:56 William Rosquist, Montana Public Service Commission

00:54:29 Rep. Olson

00:54:36 Mr. Rosquist

00:56:48 Rep. Olson

00:57:03 Mr. Magraw

Closing by Sponsor:

00:57:19 Rep. Vincent

HEARING ON HB 715

(Rep. Klock Chairs)

Opening Statement by Sponsor:

00:59:31 Rep. Alan Olson (R), HD 45, opened the hearing on HB
715, support research and development of energy
sources.

Proponents' Testimony:

01:01:08 Tom Kaiserski, Governor's Office on Economic
Development
01:03:07 Bill Pascoe, Great Northern Properties and Great
Northern Power Development
01:06:18 Todd O'Hare, Rio Tinto Energy America
01:08:52 Mr. Kaiserski
01:09:17 Rep. Olson
01:09:33 Mr. Kaiserski

Opponents' Testimony: None

Informational Testimony:

01:10:11 John Youngberg, Chairman, Board of Research and
Commercial Realization
01:14:13 Rep. Klock
01:14:34 Cathy Conover, University System

Questions from Committee Members and Responses:

01:16:29 Rep. Driscoll
01:17:02 Rep. Olson
01:17:50 Rep. Jones
01:18:12 Mr. Youngberg
01:19:01 Rep. Groesbeck
01:19:35 Mr. Youngberg
01:20:18 Rep. Groesbeck
01:21:06 Mr. Youngberg
01:21:31 Rep. Groesbeck
01:21:52 Mr. Youngberg
01:22:16 Rep. Gallik
01:23:19 Rep. Olson
01:23:44 Mr. Youngberg
01:23:50 Rep. Gallik
01:23:55 Mr. Youngberg
01:24:08 Rep. Gallik
01:24:54 Mr. Youngberg
01:25:12 Rep. Olson
01:25:37 Rep. Gallik
01:26:23 Rep. Olson

Closing by Sponsor:

01:27:05 Rep. Olson

HEARING ON HB 739

Opening Statement by Sponsor:

01:29:39 Rep. Alan Olson (R), HD 45, opened the hearing on HB 739, rate regulation of municipal transmission and distribution companies.

Proponents' Testimony:

01:30:48 John Fitzpatrick, Northwestern Energy
01:33:59 Patrick Judge, MEIC

Opponents' Testimony:

01:34:31 Alec Hansen, Montana League of Cities and Towns

Informational Testimony:

01:40:06 Kate Whitney, Montana PSC
01:40:45 Recess
03:26:46 Reconvene

(All present except for Rep. Stahl)

Questions from Committee Members and Responses: None

Closing by Sponsor:

03:27:23 Rep. Olson

HEARING ON HB 763

Opening Statement by Sponsor:

03:28:09 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 763, revise laws on mining byproduct disposal.

Proponents' Testimony:

03:33:22 Debbie Shea, Montana Mining Association
03:34:18 Dennis Lopach, self

Opponents' Testimony:

03:35:35 Patrick Judge, MEIC

03:38:15 Wade Sirkorski, a resident of Fallon County
03:40:26 Derf Johnson, MontPIRG

Informational Testimony:

03:41:17 Joan Miles, Department of Public Health and Human
Services (DPHHS)
03:44:42 Denise Pizzini, DPHHS
03:47:27 Steve Welch, Department of Environmental Quality

Questions from Committee Members and Responses:

03:48:35 Rep. Gallik
03:49:04 Rep. Ankney
03:49:54 Rep. Groesbeck
03:50:13 Rep. Ankney
03:50:53 Rep. Groesbeck
03:51:16 Rep. Ankney
03:51:41 Rep. Himmelberger
03:52:25 Rep. Ankney
03:52:32 Rep. Himmelberger
03:52:54 Rep. Ankney
03:53:00 Rep. Gallik
03:53:40 Rep. Ankney
03:53:54 Rep. Gallik
03:54:08 Rep. Ankney
03:54:54 Rep. Olson
03:55:10 Mr. Welch
03:55:22 Rep. Olson
03:55:29 Mr. Welch
03:55:51 Rep. Olson
03:56:12 Mr. Welch
03:56:28 Rep. Olson
03:56:41 Mr. Welch

Closing by Sponsor:

03:56:58 Rep. Ankney

EXECUTIVE ACTION - COMMITTEE BILL REQUEST

04:01:33 Motion: Rep. Thomas moved that the Committee request a
committee bill requiring an interim study on net
metering.

EXHIBIT (feh39a09)

Discussion:

04:04:27 Rep. Groesbeck
04:04:41 Rep. Windy Boy
04:05:14 Rep. Olson

04:06:10 **Vote:** Motion carried by unanimously by voice vote,
with Rep. Stahl voting aye by proxy.

Discussion:

04:07:06 Mr. Everts

EXECUTIVE ACTION ON HB 586

04:07:33 **Motion:** Rep. Windy Boy moved that HB 586 **DO PASS.**
EXHIBIT(feh39a10)
EXHIBIT(feh39a11)

Discussion:

04:14:57 Rep. Groesbeck
04:16:44 Rep. Gallik

(Rep. Stahl arrives)

04:18:57 Rep. Olson
04:19:32 Patrick Judge, MEIC
04:19:41 Mark Lambrecht, PPL Montana
04:20:01 Rep. Olson
04:21:17 Rep. Gallik
04:21:56 Rep. Olson
04:23:47 Rep. Windy Boy
04:24:46 Rep. Groesbeck
04:27:40 Rep. Olson

04:29:59 **Vote:** Motion failed 5-7 by roll call vote with Rep.
Driscoll, Rep. Gallik, Rep. Groesbeck, Rep. Thomas, and
Rep. Windy Boy voting aye.

04:31:25 **Motion/Vote:** Rep. Klock moved that HB 586 **BE TABLED
AND THE VOTE REVERSED.** Motion carried unanimously by
voice vote, with Rep. Windy Boy voting aye by proxy.

EXECUTIVE ACTION ON HB 709

04:32:11 **Motion:** Rep. Himmelberger moved that HB 709 **DO PASS.**

Discussion:

04:32:24 Rep. Jones

04:35:32 Rep. Groesbeck

04:37:04 Rep. Stahl

04:38:08 Rep. Olson

04:38:22 **Vote:** Motion failed 6-6 by roll call vote with Rep. Boggio, Rep. Himmelberger, Rep. Klock, Rep. Olson, Rep. Rice, and Rep. Stahl voting aye.

EXECUTIVE ACTION ON HB 715

04:39:48 **Motion:** Rep. Olson moved that HB 715 **DO PASS.**

04:39:56 **Motion/Vote:** Rep. Olson moved that HB 715 **BE AMENDED.** Motion carried unanimously by voice vote, with Rep. Windy Boy voting by proxy.

EXHIBIT (feh39a12)

04:40:42 **Motion:** Rep. Olson moved that HB 715 **DO PASS AS AMENDED.**

Discussion:

04:40:58 Rep. Gallik

04:41:54 **Vote:** Motion carried 8-4 by roll call vote with Rep. Driscoll, Rep. Gallik, and Rep. Groesbeck, voting no and Rep. Windy Boy voting no by proxy.

EXECUTIVE ACTION ON HB 739

04:43:04 **Motion:** Rep. Olson moved that HB 739 **DO PASS.**

Motion: Rep. Olson moved that HB 739 **BE AMENDED.**
EXHIBIT (feh39a13)

Discussion:

04:43:18 Mr. Everts

04:45:00 Rep. Gallik

04:45:19 Rep. Olson
04:45:55 Rep. Gallik
04:46:43 Rep. Olson
04:47:10 Rep. Groesbeck
04:48:26 Rep. Stahl
04:48:34 Rep. Olson
04:48:46 Rep. Stahl
04:48:51 Rep. Olson
04:48:57 Rep. Gallik
04:49:25 Rep. Olson
04:49:44 Rep. Groesbeck

04:50:34 **Vote:** Motion carried 10-2 by roll call vote with Rep. Gallik and Rep. Thomas voting no, and Rep. Windy Boy voting aye by proxy.

04:51:55 **Motion/Vote:** Rep. Olson moved that HB 739 **DO PASS AS AMENDED**. Motion carried 9-3 by voice vote with Rep. Gallik, Rep. Stahl, and Rep. Thomas voting no and Rep. Windy Boy voting aye by proxy.

EXECUTIVE ACTION ON HB 763

04:52:53 **Motion:** Rep. Klock moved that HB 763 **DO PASS**.

Discussion:

04:53:05 Rep. Gallik
04:53:58 Rep. Olson
04:54:30 Rep. Himmelberger
04:55:04 Rep. Gallik

(Rep. Jones gone)

04:56:24 Rep. Rice
04:56:35 Rep. Olson

04:57:24 **Vote:** Motion carried 8-4 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Thomas voting no, and Rep. Windy Boy voting no by proxy.

EXECUTIVE ACTION ON HB 709

04:59:06 **Motion/Vote:** Rep. Himmelberger moved that HB 709 **BE
TABLED**. Motion carried 10-2 by voice vote with Rep.
Stahl and Rep. Olson voting no and Rep. Windy Boy
voting aye by proxy.

Additional Exhibits:

Memorandum from Rick Edwards,
Montana Economic Developers
Association Re: HB 715
EXHIBIT (feh39a14)

ADJOURNMENT

05:00:58 Adjournment.

REP. ALAN OLSON, Chairman

CINDY PETERSON, Secretary

AO/cp

Additional Exhibits:

EXHIBIT ([feh39aad.pdf](#))