

**MINUTES**

**MONTANA SENATE  
60th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES AND ENERGY**

**Call to Order:** By **CHAIRMAN GREG LIND**, on January 26, 2007 at  
3:00 P.M., in Room 422 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Greg Lind, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Kelly Gebhardt (R)  
Sen. Dan Harrington (D)  
Sen. Christine Kaufmann (D)  
Sen. Gary L. Perry (R)  
Sen. Bill Tash (R)  
Sen. Mitch Tropila (D)  
Sen. David E. Wanzenried (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Claudia Johnson, Committee Secretary  
Joe Kolman, Legislative Branch

**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 189, 1/12/2007  
Executive Action: SB 248, HB 41, SB 26, SB 3

00:31:05 Chairman Lind

EXECUTIVE ACTION SB 248

00:31:37 Motion: SEN. TASH moved that SB 248 DO PASS.

Discussion:

00:32:00 Sen. Tash

00:33:20 Sen. Wanzenried

00:34:34 Sen. Tash

00:35:21 Motion: SEN. GEBHARDT CALLED THE QUESTION ON SB 248.

Discussion:

00:35:29 Sen. Lind

00:36:09 Vote: SEN. LIND moved that SB 248 DO PASS. Motion carried unanimously by voice vote. SEN. HARRINGTON voted by aye by proxy.

EXECUTIVE ACTION ON HB 41

00:36:37 Motion: SEN. WANZENRIED moved that HB 41 BE CONCURRED IN.

Discussion:

00:37:05 Sen. Kaufmann

00:37:44 Sen. Gebhardt

00:38:24 Motion/Vote: SEN. LIND CALLED THE QUESTION ON HB 41. Motion carried 8-1 by voice vote with SEN. HARRINGTON voting no by proxy.

EXECUTIVE ACTION ON SB 26

00:39:10 Motion/Vote: SEN. GEBHARDT moved that SB 26 BE TABLED. Motion carried unanimously by voice vote.

**Discussion:**

00:43:27 Chairman Lind

00:45:58 15 minute Break

00:57:19 Chairman Lind

**HEARING ON SB 189**

**Opening Statement by Sponsor:**

00:57:40 **SEN. SAM KITZENBERG (D), SD 18**, opened the hearing on **SB 189**, Clarify PSC authority to initiate rate cases.

[EXHIBIT \(nas18a01\)](#)

[EXHIBIT \(nas18a02\)](#)

**Proponents:**

01:10:16 Doug Mood, Commissioner, Public Service Commission (PSC)

[EXHIBIT \(nas18a03\)](#)

01:16:02 Bob Nelson, Montana Consumer Counsel (MCC)

01:19:16 Teri Kendrick, Policy Institute

01:20:20 Brad Molnar, Commissioner, Public Service Commission (PSC)

01:23:53 Mike Strand, CEO, Montana Rural Utilities Communities

01:25:01 Jackie Boyle, AARP

01:26:09 Neil Haight, AARP

**Opponents:**

01:28:15 John Alke, Montana Dakota Utilities (MDU)

[EXHIBIT \(nas18a04\)](#)

[EXHIBIT \(nas18a05\)](#)

01:42:47 Geoff Feiss, Montana Telecommunications Associations

[EXHIBIT \(nas18a06\)](#)

01:49:16 David Gibson, Qwest

01:58:02 Jay Preston, Ronan and Hot Springs Telephone Companies

**EXHIBIT (nas18a07)**

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:04:37 Sen. Gebhardt to Sen. Kitzenberg

02:05:29 Sen. Gebhardt to Bob Nelson, MCC

02:05:38 Sen. Gebhardt to Sen. Kitzenberg

02:05:51 Sen. Tropila to Jay Preston, Ronan and Hot Springs  
Telephone Companies

02:07:26 Sen. Wanzenried to Doug Mood, PSC

02:10:25 Sen. Wanzenried to Kate Whitney, Legal, PSC

**EXHIBIT (nas18a08)**

02:11:11 Sen. Tash to Brad Molnar, PSC

02:14:06 Sen. Perry to John Alke, MDU

02:19:01 Sen. Perry to Sen. Kitzenberg

02:23:24 Sen. Kaufmann to Bob Nelson, MCC

02:25:25 Sen. Tash to Bob Nelson, MCC

02:26:54 Sen. Lind to Bob Nelson, MCC

02:28:48 Sen. Lind to Doug Mood, PSC

02:29:50 Sen. Lind to Mike Lee, PSC

**Closing by Sponsor:**

02:34:03 Sen. Kitzenberg

**EXECUTIVE ACTION ON SB 3**

02:40:28 **Motion:** SEN. GEBHARDT moved that SB 3 DO PASS.

02:41:26 Todd Everts, LSD

[EXHIBIT \(nas18a09\)](#)

[EXHIBIT \(nas18a10\)](#)

[EXHIBIT \(nas18a11\)](#)

02:47:09 Sen. Perry to David Gibson, Qwest

02:48:55 Sen. Wanzenried to Greg Jergeson, PSC

02:50:37 **Motion/Vote:** SEN. HARRINGTON moved that AMENDMENT SB000302.ATE BE ADOPTED. Motion carried 5-4 by roll call vote with SEN. KAUFMANN, SEN. LIND, SEN. TROPILA, and SEN. WANZENRIED voting no.

02:52:10 **Motion:** SEN. GEBHARDT moved that SB 3 DO PASS AS AMENDED.

Discussion:

02:53:19 Sen. Wanzenried

[EXHIBIT \(nas18a12\)](#)

[EXHIBIT \(nas18a13\)](#)

02:53:52 Todd Everts, LSD

Discussion

02:56:09 **Motion:** SEN. GEBHARDT moved that AMENDMENT SB000303.ATE BE ADOPTED then withdrew his motion.

Discussion:

02:57:14 Sen. Lind

02:57:24 Sen. Tropila to David Gibson, Qwest

03:03:16 Sen. Wanzenried to Greg Jergeson, PSC

03:04:55 Sen. Perry to Greg Jergeson, PSC

03:06:09 **Vote:** Motion that SB 3 DO PASS AS AMENDED failed 3-6 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, and SEN. TASH voting aye.

**ADJOURNMENT**

Adjournment: 5:15 P.M.

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SEN. GREG LIND, Chairman

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CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

**EXHIBIT ([nas18aad.pdf](#))**