

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **ENERGY AND TELECOMMUNICATIONS**

**Call to Order:** Chairman Jerry W. Black, on February 17, 2009 at 3:00 P.M., in Room 317 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Jerry W. Black, Chairman (R)  
Sen. Aubyn Curtiss, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. John Esp (R)  
Sen. Kelly Gebhardt (R)  
Sen. Bob Hawks (D)  
Sen. Dave Lewis (R)  
Sen. Lynda Moss (D)

**Members Excused:** Sen. Ron Erickson (D)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Mitch Tropila (D)

**Members Absent:** None.

**Staff Present:** Sonja Nowakowski, Legislative Branch  
Nadine Spencer, 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: SB 403, 2/11/2009; SJ 24, 2/11/2009

Executive Action: SB 257, SB 387

**HEARING ON SJ 24**

**Opening Statement by Sponsor:**

00:01:17 Sen. Bob Hawks (D), SD 33, opened the hearing on SJ 24, Endorse western climate initiative.

00:02:08 Sen. Erickson entered the hearing.

**Proponents' Testimony:**

00:04:47 Christian Dietrich, student at the University of Montana

00:05:53 Sen. Tropila entered the hearing.

00:06:05 Sen. Stewart-Peregoy entered the hearing.

00:09:55 John Alke, attorney representing Montana Dakota Utilities

00:15:43 Maureen Weiland, Associated Students of Montana State University

00:16:56 Lucas Hamilton, Associated Students of the University of Montana

00:17:52 Matt Smith, student at Montana State University

00:19:57 Casey Perkins, Montana Audubon

**Opponents' Testimony:**

00:21:26 Edwin Berry, Climate Physics LLC

**EXHIBIT**(ens37a01)

00:26:11 Clarice Ryan, Montanans for Multiple Use (MFMU)

00:31:42 Mark Lambrecht, PPL Montana

**EXHIBIT**(ens37a02)

**Informational Testimony:**

00:33:30 Paul Cartwright, Governor's Office

**Questions from Committee Members and Responses:**

00:35:32 Sen. Moss

00:36:00 Sen. Hawks

00:36:41 Sen. Moss

00:36:56 Sen. Hawks

00:37:33 Sen. Curtiss

00:37:58 John Alke

00:39:53 Sen. Curtiss

00:40:14 Edwin Berry

00:41:42 Sen. Erickson

00:42:26 John Alke  
00:42:35 Sen. Erickson  
00:43:14 Christian Dietrich  
00:44:15 Sen. Erickson  
00:44:31 Christian Dietrich  
00:45:18 Sen. Brown  
00:45:44 Sen. Hawks  
00:46:45 Sen. Brown  
00:46:53 Sen. Hawks  
00:47:24 Sen. Curtiss  
00:47:42 Sen. Brown  
00:48:14 Chairman Black  
00:48:40 Mark Lambrecht  
00:49:07 Sen. Black  
00:49:14 Mark Lambrecht  
00:49:37 Sen. Curtiss  
00:49:56 Edwin Berry  
00:50:00 Sen. Curtiss  
00:50:14 Edwin Berry  
00:50:20 Sen. Curtiss  
00:50:32 Edwin Berry

**Closing by Sponsor:**

00:53:24 Sen. Hawks  
  
00:56:58 Recess  
00:57:00 Chairman Black left the hearing.  
01:04:05 Reconvene

**HEARING ON SB 403**

**Opening Statement by Sponsor:**

01:04:28 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on  
SB 403, Revise electricity laws.

[EXHIBIT \(ens37a03\)](#)

**Proponents' Testimony:**

01:06:35 John Fitzpatrick, NorthWestern Energy

**Opponents' Testimony:**

01:10:56 Suzanne Bessette, Montana Small Independent Renewable  
Generators (MSIRG)

[EXHIBIT \(ens37a04\)](#)

01:17:09 Chuck Magraw, Natural Resources Defense Council (NRDC)  
and Renewable Northwest Project (RNP)  
01:21:04 Anne Hedges, Montana Environmental Information Center  
(MEIC)  
01:21:41 Matt Leow, Northern Plains Resource Council

**Informational Testimony:**

01:23:03 Greg Jergeson, Montana Public Service Commission (PSC)  
**EXHIBIT**(ens37a05)

**Questions from Committee Members and Responses:**

01:24:52 Sen. Esp  
01:25:08 Sen. Gebhardt  
01:25:22 Sen. Moss  
01:25:55 Sen. Gebhardt  
01:26:12 Sen. Moss  
01:26:36 John Fitzpatrick  
01:27:41 Sen. Moss  
01:28:00 John Fitzpatrick  
01:28:37 Sen. Esp  
01:29:07 Greg Jergeson

**Closing by Sponsor:**

01:29:50 Sen. Gebhardt  
  
01:30:40 Recess  
01:33:27 Reconvene

**EXECUTIVE ACTION ON SB 387**

01:34:06 **Motion:** Sen. Gebhardt moved that **SB 387 DO PASS.**

**Discussion:**

01:34:39 Sen. Erickson  
01:35:59 Sen. Hawks  
01:38:40 Sen. Gebhardt

01:39:43 **Vote:** **MOTION CARRIED** 6-5 by roll call vote with Sens.  
Erickson, Hawks, Moss, Stewart-Peregoy and Tropila  
voting no and Sen. Black voting by proxy.

**EXECUTIVE ACTION ON SB 257**

01:40:50 **Motion:** Sen. Gebhardt moved that **SB 257 DO PASS.**

01:41:07 **Motion:** Sen. Gebhardt moved that **SB 257 BE AMENDED.**  
**EXHIBIT**(ens37a06)

**Discussion:**

01:41:39 Sen. Gebhardt

01:42:16 Sen. Erickson

01:42:31 Sen. Hawks

01:42:46 **Vote:** **MOTION CARRIED** unanimously by voice vote with  
Sen. Black voting by proxy.

01:42:58 **Motion:** Sen. Hawks moved that **SB 257 BE AMENDED.**  
**EXHIBIT**(ens37a07)

**Discussion:**

01:43:21 Sen. Hawks

01:46:31 Sen. Gebhardt

01:47:24 Sen. Tropila

01:47:54 Sen. Hawks

01:49:00 **Vote:** **MOTION FAILED** 4-7 by roll call vote with Sens.  
Erickson, Hawks, Moss and Tropila voting aye and Sen.  
Black voting by proxy.

01:51:18 **Motion:** Sen. Erickson moved that **SB 257 BE AMENDED.**  
**EXHIBIT**(ens37a08)

**Discussion:**

01:51:29 Sen. Gebhardt

01:52:53 **Vote:** **MOTION FAILED** 4-7 by roll call vote with Sens.  
Erickson, Hawks, Moss and Tropila voting aye and Sen.  
Black voting by proxy.

01:54:14 **Motion/Vote:** Sen. Gebhardt moved that **SB 257 BE**  
**AMENDED. MOTION CARRIED** unanimously by voice vote with  
Sen. Black voting by proxy.  
**EXHIBIT**(ens37a09)

01:55:25 **Motion/Vote:** Sen. Gebhardt moved that **SB 257 DO PASS AS AMENDED. MOTION CARRIED** 8-3 by roll call vote with Sen. Erickson, Sen. Hawks, and Sen. Moss voting no and Sen. Black voting by proxy.

Additional Exhibits:

**EXHIBIT**(ens37a10) Pertaining to **SB 178.**

**EXHIBIT**(ens37a11) Pertaining to **SB 387.**

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT ([ens37aad.pdf](#))**