

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Alan Olson, on February 17, 2011 at 3:00 PM, in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Alan Olson, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Ron Erickson (D)
Sen. Jeff Essmann (R)
Sen. Bob Lake (R)
Sen. Lynda Moss (D)
Sen. Jason Priest (R)
Sen. Mitch Tropila (D)
Sen. Kendall Van Dyk (D)
Sen. Chas Vincent (R)
Sen. Edward Walker (R)

Members Excused: None

Members Absent: None

Staff Present: Sonja Nowakowski, Legislative Branch
Liane Taylor, 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 : SB 332
SB 320
SB 350

Executive Action: SB 254 Do Pass, SB 292 Do Pass, SB 305 Do Pass, SB 297 Do Pass,
SB 320 Do Pass, SB 330 Do Pass, SJ 12 Do Pass, SB 332 Tabled,
SB 350 Table, SJ 5 Table

HEARING ON SB 332

Opening Statement by Sponsor:

00:01:21 Sen. Kendall Van Dyk (D), SD 25, opened the hearing on SB 332, Increase Montana renewable energy portfolio standard.

[**EXHIBIT\(ens39a01\)**](#)

[**EXHIBIT\(ens39a02\)**](#)

Proponents' Testimony:

00:10:54 Evan Barrett, Office of the Governor

00:12:53 Chantelle McCormick, Grasslands

[**EXHIBIT\(ens39a03\)**](#)

00:14:23 Roxann Lincoln, AARP

00:16:58 Chris Cavazos, Montana AFL-CIO

[**EXHIBIT\(ens39a04\)**](#)

[**EXHIBIT\(ens39a05\)**](#)

00:18:55 Chris Christiaens, Montana Farmers Union (MFU)

00:21:14 Aimee Grmoljez, representing Montana Wind Group (MWG)

00:24:17 Connie Keogh, Northern Plains Resource Council (NPRC)

[**EXHIBIT\(ens39a06\)**](#)

00:28:35 Matthew Leow, Montana Public Interest Research Group (MT PIRG)

[**EXHIBIT\(ens39a07\)**](#)

00:32:41 Ross Prosperi, Montana Conservation Voters (MCV)

00:32:45 Sen. Stewart-Peregoy, SD 21

00:33:16 Kyla Wiens, Montana Environmental Information Center (MEIC)

00:35:00 Kate French, Sleeping Giant Citizens Council (SGCC)

00:36:19 Shiloh Hernandez, representing self

00:39:21 Julia Page, representing self

[**EXHIBIT\(ens39a08\)**](#)

00:41:22 Rusty Harris, representing self

00:42:55 Steven Aagenes, representing self

00:43:17 Mike Dills, Associated Students of Montana State University (ASMSU)

Opponents' Testimony:

00:44:28 John Alke, Montana-Dakota Utilities (MDU)

[**EXHIBIT\(ens39a09\)**](#)

00:50:33 Chairman Bill Gallagher, Public Service Commission (PSC)

00:53:11 Todd O'Hair, representing Cloud Peak Energy (CPE)

[**EXHIBIT\(ens39a10\)**](#)

00:56:38 Bob Winger, Boilermakers II

00:59:25 Commissioner Brad Molnar, Public Service Commission (PSC)

01:01:58 John Fitzpatrick, Northwestern Energy (NWE)

Informational Testimony: None

Questions from Committee Members and Responses:

01:06:22 Sen. Walker
01:07:12 Sen. Van Dyk
01:11:45 Sen. Walker
01:12:07 Sen. Van Dyk
01:13:04 Sen. Moss
01:14:25 Chris Christiaens, MFUE
01:17:51 Sen. Moss
01:18:01 Chris Christiaens
01:18:13 Sen. Olson
01:18:21 Chris Christiaens
01:19:29 Sen. Jackson
01:20:01 John Alke, MDU
01:21:29 Sen. Jackson
01:22:16 Brad Molnar, PSC
01:24:08 Sen. Jackson
01:24:35 John Fitzpatrick, NWE
01:25:57 Sen. Priest
01:26:54 Sen. Van Dyk

Closing by Sponsor:

01:27:10 Sen. Van Dyk

HEARING ON SB 350

Opening Statement by Sponsor:

01:33:25 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 350, Revising renewable energy portfolio standard.

Proponents' Testimony:

01:39:09 Mike Volesky, Office of the Governor
01:42:47 Chantelle McCormick, Grasslands
01:43:17 Kyla Wiens, Montana Environmental Information Center (MEIC)
01:43:46 Roxann Lincoln, AARP
01:44:07 Shelbi Dantic, Montana Public Interest Research Group (MT PIRG)

Opponents' Testimony:

01:44:48 Tom Ebzery, representing Colstrip Energy Generator
01:51:48 Bud Clinch, Executive Director, Montana Coal Council (MCC)
01:52:59 Don Allen, Western Environmental Trade Association (WETA)

Informational Testimony:

01:54:53 Paul Cartwright, Office of the Governor

EXHIBIT(ens39a11)

Questions from Committee Members and Responses:

01:57:16 Sen. Olson
01:57:26 Mike Volesky, Office of the Governor
01:57:51 Sen. Essmann
01:57:59 Mike Volesky
01:58:18 Sen. Essmann
01:59:09 Mike Volesky
01:59:33 Sen. Essmann
02:00:03 Mike Volesky
02:00:10 Sen. Essmann
02:00:38 Tom Ebzery, (CEG)
02:00:58 Sen. Essmann
02:01:03 Tom Ebzery
02:01:09 Sen. Van Dyk
02:01:33 Paul Cartwright, Office of the Governor
02:01:48 Sen. Van Dyk
02:01:52 Paul Cartwright

Closing by Sponsor:

02:02:26 Sen. Erickson

HEARING ON SB 320

Opening Statement by Sponsor:

02:04:04 Sen. Llew Jones (R), SD 14, opened the hearing on SB 320, Clarifying certain provisions of the Major Facility Siting Act.

Proponents' Testimony:

02:07:17 Van Jamison, Gaelectric, Inc. (GAE)
02:15:14 Warren McCullough, Bureau Chief, Department of Environmental Quality (DEQ)
02:15:58 Chris Christiaens, Montana Farmers Union (MFU)
02:17:22 Darryl James, Tonbridge Power
02:18:16 Dan Flynn, IBEW

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:18:53 Sen. Moss
02:19:15 Van Jamison (GAE)
02:20:36 Sen. Essmann

02:21:38 Sen. Jones
02:23:15 Van Jamison
02:24:23 Sen. Essmann
02:24:46 Van Jamison
02:25:36 Sen. Essmann
02:26:21 Van Jamison

Closing by Sponsor:

02:27:09 Sen. Jones

EXECUTIVE ACTION ON SB 254

02:44:33 **Motion:** Sen. Lake moved that **SB 254 DO PASS.**

Discussion:

02:45:16 Sen. Essmann
02:46:57 Sen. Olson

02:47:02 **Vote:** Motion carries by roll call vote 7-5 with Sens. Augare, Erickson, Moss, Tropila, and Van Dyk voting no and Sen. Priest voting by proxy.

EXECUTIVE ACTION ON SB 292

02:47:48 **Motion:** Sen. Lake moved that **SB 292 DO PASS.**

02:48:03 Sonja Nowakowski, LSD, discussed the fact that there may be constitutional ramifications to passing SB 254.

02:49:01 Chairman Olson

Discussion:

02:48:21 Sen. Erickson
02:54:26 Sen. Tropila
02:56:11 Sonja Nowakowski, LSD
02:57:57 Sen. Essmann
02:59:09 Sen. Vincent
02:59:24 Sen. Lake
03:00:27 Sen. Erickson
03:01:57 Chairman Olson
03:02:55 Sen. Tropila
03:04:20 Chairman Olson

03:05:13 **Vote:** Motion carried 7-5 by roll call vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no and Sen. Priest voting by proxy.

EXECUTIVE ACTION ON SB 297

03:05:55 **Motion:** Sen. Essmann moved that **SB 297 DO PASS.**
EXHIBIT(ens39a12)

Discussion:

03:07:06 Sonja Nowakowski

03:07:27 **Motion:** Sen. Essmann moved that **SB 297 BE AMENDED.**

Vote: Motion carried unanimously by voice vote with Sen. Priest voting by proxy.

03:08:03 **Motion:** Sen. Essmann moved that **SB 297 DO PASS AS AMENDED.**

Discussion:

03:08:38 Sen. Erickson
03:10:10 Sen. Essmann
03:11:35 Sen. Erickson
03:11:40 Sen. Essmann
03:12:44 Sen. Erickson
03:12:50 Chairman Olson
03:13:37 Sen. Tropila
03:13:58 Sen. Essmann
03:15:32 Sen. Tropila
03:15:36 Sen. Essmann
03:15:46 Chairman Olson
03:16:06 Sen. Tropila

03:16:32 **Vote:** Motion carried by roll call vote 9-3 with Sens. Augare, Moss and Tropila voting no and Sen. Priest voting by proxy.

EXECUTIVE ACTION ON SB 320

03:17:41 **Motion:** Sen. Lake moved that **SB 320 DO PASS.**
EXHIBIT(ens39a13)

03:18:22 **Motion:** Sen. Essmann moved that **SB 320 BE AMENDED.**

03:18:23 Sen. Priest now present.

03:19:10 **Vote:** Motion carried unanimously by voice vote.

03:19:18 **Motion:** Sen. Lake moved that **SB 320 DO PASS AS AMENDED.**

Discussion:

03:19:31 Sen. Erickson

03:20:03 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 305

03:20:27 **Motion:** Sen. Jackson moved that **SB 305 DO PASS.**

03:18:23 **Motion:** Sen. Erickson moved that **SB 305 BE AMENDED.**
EXHIBIT(ens39a14)

Discussion:

03:21:38 Sonja Nowakowski

03:22:26 Sen. Erickson

03:24:42 Chairman Olson

03:25:26 Sen. Jackson

03:28:58 Sen. Van Dyk

03:29:14 Sen. Moss

03:29:40 Sen. Vincent

03:29:59 Sen. Erickson

03:32:52 Sen. Vincent

03:33:53 Sen. Erickson

03:34:54 Sen. Vincent

03:36:01 **Vote:** Motion failed 5-7 by roll call vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting yes.

03:36:52 **Motion/Vote:** Sen. Jackson moved that **SB 305 DO PASS AS AMENDED.**
Motion carried 7-5 by roll call vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no.

EXECUTIVE ACTION ON SB 330

03:37:44 **Motion:** Sen. Walker moved that **SB 330 DO PASS.**

EXHIBIT(ens39a15)

EXHIBIT(ens39a16)

03:38:14 **Motion:** Sen. Walker moved that **SB 330 BE AMENDED.**

Discussion:

03:39:07 Sen. Walker

03:40:58 Sonja Nowakowski

03:41:08 **Vote:** Motion carried unanimously by voice vote.

03:41:58 **Motion:** Sen. Walker moved that **SB 330 BE AMENDED.**

Discussion:

03:42:39 Sen. Walker
 03:42:48 Sen. Augare
 03:43:59 Sen. Tropila
 03:44:13 Sen. Lake
 03:45:02 Sen. Erickson
 03:45:53 Chairman Olson
 03:46:23 Sen. Essmann
 03:47:01 Sen. Tropila
 03:47:19 Sen. Walker
 03:47:36 Sonja Nowakowski
 03:47:59 Sen. Tropila
 03:48:41 Sen. Walker
 03:48:55 Sen. Priest
 03:49:32 Sen. Erickson

03:50:30 **Vote:** Motion carried by roll call vote 7-5 with Sens. Augare, Erickson, Moss, Tropila, and Van Dyk voting no.

03:51:55 **Motion/Vote:** Sen. Walker moved that **SB 330 DO PASS AS AMENDED.**
 Motion carried 7-5 by roll call vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no.

EXECUTIVE ACTION ON SB 350

03:52:19 **Motion:** Sen. Erickson moved that **SB 350 DO PASS.**

Discusssion:

03:52:28 Sen. Erickson
 03:53:38 Sen. Priest
 03:54:01 Sen. Erickson
 03:54:17 Sen. Priest
 03:54:29 Sen. Erickson
 03:54:34 Sen. Essmann
 03:55:06 Sen. Vincent
 03:55:14 Sen. Van Dyk

03:55:29 **Vote:** Motion failed by roll call vote 5-7 with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting aye.

03:56:10 **Motion/Vote:** Sen. Olson moved to reverse the vote and **TABLE SB 350**. Motion carried 7-5 by roll call vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no.

EXECUTIVE ACTION ON SB 332

03:56:45 **Motion:** Sen. Van Dyk moved that **SB 332 DO PASS**.

Discussion:

03:56:52 Sen. Van Dyk
03:58:39 Sen. Olson
04:01:35 Sen. Erickson
04:02:43 Sen. Walker
04:04:01 Sen. Van Dyk
04:05:52 Sen. Essmann
04:07:04 Sen. Augare
04:08:48 Sen. Jackson
04:12:39 Sen. Van Dyk

04:13:14 **Vote:** Motion failed 5-7 with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting yes and Sen. Lake voting by proxy.

04:13:26 **Motion/Vote:** Sen. Jackson moved to reverse the vote and **TABLE 332**. Motion carried by 7-5 voice vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no.

EXECUTIVE ACTION ON SJ 12

04:14:32 **Motion:** Sen. Walker moved that **SJ 12 DO PASS**.

04:15:07 **Motion:** Sen. walker moved that **SJ 12 BE AMENDED**.
[**EXHIBIT**](#)(ens39a17)

Discussion:

04:15:55 Sen. Erickson
04:16:12 Sen. Tropila

04:16:30 **Vote:** Motion carried by voice vote with Sen Erickson voting no.

04:16:52 **Motion:** Sen. Walker moved that **SJ12 DO PASS AS AMENDED**.

Discussion:

04:17:24 Sen. Walker
04:17:30 Sen. Van Dyk
04:19:06 Sen. Augare
04:20:59 Sen. Essmann

04:21:09 **Substitute Motion:** Sen. Essmann moved a **CONCEPTUAL AMENDMENT** to strike lines 13 -15.

04:22:02 **Motion/Vote:** Sen. Walker moved to **RECONSIDER THE AMENDMENT**. Motion carried unanimously by voice vote with Sen. Lake voting by proxy.

04:22:25 **Motion:** Sen. Essmann moved to strike lines 13-15.

Discussion:

04:22:51 Sen. Moss
04:23:25 Sen. Walker

04:23:45 **Vote:** Motion carried unanimously by voice vote of those present and voting.

04:24:09 **Motion :** Sen. Walker moved that **SJ 12 DO PASS AS AMENDED**. Motion carried 8-4 with Sens. Erickson, Moss, Tropila and Van Dyk voting no and Sen. Lake voting by proxy.

EXECUTIVE ACTION ON SJ 5

04:25:39 **Motion:** Sen. Augare moved that **SJ 5 BE TABLED**.

04:26:17 Sonja Nowakowski

04:26:56 **Vote:** Motion carried 7-5 by voice vote with Sens. Augare, Erickson, Moss, Tropila and Van Dyk voting no and Sen. Lake voting by proxy.

ADJOURNMENT

04:29:19 Adjournment:

Liane Taylor, Secretary

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Additional Documents:

EXHIBIT([ens39aad.pdf](#))