

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN ROD BITNEY**, on March 31, 2003 at 3:15 P.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Rod Bitney, Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Alan Olson, Vice Chairman (R)
Rep. Dee Brown (R)
Rep. Eileen J. Carney (D)
Rep. Tim Dowell (D)
Rep. Daniel Fuchs (R)
Rep. Hal Jacobson (D)
Rep. Jeff Laszloffy (R)
Rep. Scott Mendenhall (R)
Rep. Diane Rice (R)
Rep. Brennan Ryan (D)
Rep. Jim Shockley (R)

Members Excused: None.

Members Absent: Rep. John Parker (D)

Staff Present: Glenna McClure, Committee Secretary
Mary Vandebosch, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: SJ 22; HJ 35; SB 77; SB 138; SB
387; SB 247; SB 330; SB 308; SB
277; SB 62; SB 327

EXECUTIVE ACTION ON SJ 22

Note: REPS. FUCHS and MENDENHALL left the room prior to the vote.

{Tape: 1; Side: A; Approx. Time Counter: 1.9 - 11.0}

Motion: REP. OLSON moved that SJ 22 BE CONCURRED IN.

Motion: REP. OLSON moved that SJ 22 BE AMENDED.

EXHIBIT (feh68a01)

Vote: Motion that SJ 22 BE AMENDED carried unanimously 14-0 by voice vote. REPS. PARKER, MENDENHALL and FUCHS voted by proxy.

Motion: REP. OLSON moved that SJ 22 BE CONCURRED IN AS AMENDED.

Discussion:

REP. DOWELL said that he doesn't feel it is this committee's position to tell Alaska what to be doing about oil exploration in their state.

REP. LASZLOFFY said that the Alaskan legislature is in support of this exploration and would welcome our support.

REP. CARNEY said that it will take seven years before this oil is actually going to be a benefit. By then we may have an alternative source of energy. She shared that in Europe the gas is twice as costly so they don't waste as much as Americans do. She said it would be better to mandate conservation.

REP. OLSON said that he doesn't have a problem sending this resolution to Congress.

REP. SHOCKLEY said that there are only 2,000 acres out of a tremendous amount of acreage.

Vote: Motion that SJ 22 BE CONCURRED IN AS AMENDED carried 10-4 with REPS. CARNEY, DOWELL, JACOBSON, and PARKER voting no by roll call vote. REPS. FUCHS, PARKER and MENDENHALL voted by proxy.

REP. LASZLOFFY will carry the bill in the House.

EXECUTIVE ACTION ON HJ 35

{Tape: 1; Side: A; Approx. Time Counter: 11 - 12}

Motion/Vote: REP. CARNEY moved that HJ 35 DO PASS. Motion carried unanimously 14-0 by voice vote. REPS. FUCHS, MENDENHALL, and PARKER voted by proxy.

REP. BROWN moved to place HJ 35 on the consent calendar without objection.

EXECUTIVE ACTION ON SB 77

{Tape: 1; Side: A; Approx. Time Counter: 12 - 14.3}

Motion/Vote: REP. OLSON moved that SB 77 BE CONCURRED IN. Motion carried unanimously 14-0 by voice vote. REPS. PARKER, MENDENHALL, and FUCHS voted by proxy.

REP. BROWN moved to place SB 77 on the consent calendar without objection.

REP. OLSON will carry the bill in the House.

EXECUTIVE ACTION ON SB 138

Note: REP. FUCHS arrived prior to the vote on SB 138 and REPS. DOWELL and RYAN left prior to the vote.

{Tape: 1; Side: A; Approx. Time Counter: 14.3 - Tape: 1; Side: B; 6.3}

Motion: REP. OLSON moved that SB 138 BE CONCURRED IN.

Discussion:

REP. OLSON indicated that this bill is basically to clean up some legislation from last session.

Mary Vandebosch distributed amendments and explained them to the committee. She answered questions from the committee.

Motion: REP. OLSON moved that SB 138 BE AMENDED.

EXHIBIT (feh68a02)

Vote: Motion that SB 138 BE AMENDED carried unanimously by voice vote. REPS. PARKER, RYAN and DOWELL voted by proxy.

Motion: REP. OLSON moved that SB 138 BE CONCURRED IN AS AMENDED.

Discussion:

There was some discussion regarding the bill with REP. OLSON providing some clarification.

Vote: Motion that SB 138 BE CONCURRED IN AS AMENDED carried 12-2 with REPS. BROWN and JACOBSON voting no by voice vote. REPS. DOWELL, PARKER and RYAN voted by proxy.

REP. OLSON agreed to carry SB 138 in the House.

EXECUTIVE ACTION ON SB 387

{Tape: 1; Side: B; Approx. Time Counter: 6.3 - 13.1}

Note: REP. CARNEY left and REPS. DOWELL and RYAN returned prior to the vote on SB 387.

Motion: REP. FUCHS moved that SB 387 BE CONCURRED IN.

Motion: REP. FUCHS moved that SB 387 BE AMENDED.

EXHIBIT (feh68a03)

Vote: Motion that SB 387 BE AMENDED carried 13-1 with REP. MENDENHALL voting no by voice vote. REPS. CARNEY and PARKER voted by proxy.

Motion/Vote: REP. BROWN moved that SB 387 BE CONCURRED IN AS AMENDED. Motion carried 13-1 with REP. MENDENHALL voting no by voice vote. REPS. PARKER and RYAN voted by proxy.

REP. MATTHEWS agreed to carry SB 387 in the House.

EXECUTIVE ACTION ON SB 247

{Tape: 1; Side: B; Approx. Time Counter: 13.1 - Tape: 2; Side: A; 17.3}

Note: REPS. DOWELL and FUCHS left prior to the vote on SB 247.

Motion: REP. OLSON moved that SB 247 BE CONCURRED IN.

Motion: REP. OLSON moved that SB 247 BE AMENDED.

EXHIBIT (feh68a04)

Discussion:

There was some discussion with Mary Vandebosch explaining the amendments. There was more discussion regarding default suppliers.

Vote: Motion that SB 247 BE AMENDED carried 12-2 with REPS. LASZLOFFY and MENDENHALL voting no by voice vote. REPS. DOWELL, CARNEY, PARKER and FUCHS voted by proxy.

Motion/Vote: REP. OLSON moved that SB 247 BE CONCURRED IN AS AMENDED. Motion carried 10-4 with REPS. BROWN, CARNEY, LASZLOFFY, and MENDENHALL voting no by roll call vote. REPS. CARNEY, DOWELL, PARKER and FUCHS voted by proxy.

REP. OLSON agreed to carry SB 247 in the House.

EXECUTIVE ACTION ON SB 330

{Tape: 2; Side: A; Approx. Time Counter: 17.5 - Tape: 2; Side: B; 3.0}

Note: REP. JACOBSON left prior to the vote on SB 330.

Motion: REP. MATTHEWS moved that SB 330 BE CONCURRED IN.

Motion: REP. MATTHEWS moved that SB 330 BE AMENDED.

Discussion:

Mary Vandebosch explained the amendments to the committee.

Vote: Motion that SB 330 BE AMENDED carried unanimously by voice vote. REPS. DOWELL, CARNEY, PARKER, and FUCHS voted by proxy.

EXHIBIT (feh68a05)

Note: REP. JACOBSON left the room.

Motion/Vote: REP. OLSON moved that SB 330 BE AMENDED. Motion carried unanimously 14-0 by voice vote. REPS. DOWELL, CARNEY, PARKER, FUCHS, and JACOBSON voted by proxy.

EXHIBIT (feh68a06)

Note: REP. JACOBSON returned to the meeting.

Discussion:

There was some discussion on the bill with CHAIRMAN BITNEY reminding the committee that the members of the Public Service Commission were not in agreement with each other on this bill.

Motion/Vote: REP. OLSON moved that SB 330 BE CONCURRED IN AS AMENDED by roll call vote. Motion carried 10-4 with REPS. BROWN, CARNEY, LASZLOFFY, and SHOCKLEY voting no. REPS. CARNEY, DOWELL, FUCHS, and PARKER voted by proxy.

REP. OLSON offered to carry SB 330 in the House.

EXECUTIVE ACTION ON SB 308

{Tape: 2; Side: B; Approx. Time Counter: 3 - Tape: 3; Side: A; 10.4}

Note: REPS. CARNEY and DOWELL returned to the meeting.

Motion: REP. OLSON moved that SB 308 BE CONCURRED IN.

Discussion: Mary Vandebosch explained the differences between SB 277 and SB 308. She distributed a memo to explain the options that are available.

EXHIBIT (feh68a07)

REP. BROWN asked about the 18-month provision that was offered by the Montana Retailers Association and if it was already addressed in the bill. She referred to the amendment prepared by the Montana Retail Association.

EXHIBIT (feh68a08)

REP. LASZLOFFY moved an amendment as follows:

Strike all sections except 7 and 9 and lines 15 and 16 of Section 10 and all applicable language in the title.

There was considerable discussion regarding the bill and amendments.

Note: REPS. OLSON and RICE left the meeting. REP. PARKER arrived prior to the vote.

Vote: Motion that SB 308 BE AMENDED carried 11-3 with REPS. BITNEY, DOWELL, and SHOCKLEY voting no by roll call vote. REPS. FUCHS, OLSON and RICE voted by proxy.

Note: There wasn't a proxy for REP. FUCHS from this point on.

Motion/Vote: REP. RYAN moved that SB 308 BE TABLED. Motion failed 3-10 with REPS. DOWELL, JACOBSON, and RYAN voting aye by roll call vote. REPS. OLSON and RICE voted by proxy.

Motion: REP. JACOBSON moved that SB 308 BE AMENDED.

EXHIBIT (feh68a09)

Discussion:

Mary Vandebosch indicated that there was an error in the amendments. Number 3 should be Page 8 rather than page 1. She explained the amendment.

REP. BROWN questioned the exemption for newspapers.

Vote: Motion that SB 308 BE AMENDED failed 6-7 with REPS. CARNEY, DOWELL, JACOBSON, MATTHEWS, PARKER, and RYAN voting aye by roll call vote. REPS. OLSON and RICE voted by proxy.

Motion: REP. RYAN moved that SB 308 BE AMENDED.

EXHIBIT (feh68a10)

Discussion:

There was some discussion regarding the amendment.

Vote: Motion that SB 308 BE AMENDED failed 6-7 with REPS. DOWELL, JACOBSON, MATTHEWS, RYAN, SHOCKLEY, and BITNEY voting aye by roll call vote. REPS. OLSON and RICE voted by proxy.

Note: REP. LASZLOFFY left the room.

Motion/Vote: REP. MATTHEWS moved that SB 308 BE CONCURRED IN AS AMENDED. Motion carried 12-1 with REP. RYAN voting no by roll call vote. REPS. OLSON, LASZLOFFY and RYAN voted by proxy.

REP. LASZLOFFY agreed to carry the bill in the House.

EXECUTIVE ACTION ON SB 277

{Tape: 3; Side: A; Approx. Time Counter: 10.4 - 27.1}

Motion: REP. BROWN moved that SB 277 BE CONCURRED IN.

Discussion:

Mary Vandebosch explained that this bill would need to be amended because it conflicts with SB 308.

Motion/Vote: REP. MATTHEWS moved that SB 277 BE TABLED. Motion failed 6-7 with REPS. CARNEY, DOWELL, JACOBSON, MATTHEWS, PARKER, and RYAN voting aye by roll call vote. REPS. OLSON, LASZLOFFY, and RICE voted by proxy.

REP. BROWN asked about coordinating this bill because this bill makes more sense than SB 308.

Mary Vandebosch explained about coordinating of bills.

Note: REP. LASZLOFFY returned to the meeting.

Motion: REP. JACOBSON moved that SB 277 BE AMENDED.

EXHIBIT (feh68a11)

Discussion:

There was some discussion on the amendment.

Vote: Motion that SB 277 BE AMENDED failed 6-7 with REPS. CARNEY, DOWELL, JACOBSON, MATTHEWS, PARKER, and RYAN voting aye by roll call vote. REPS. OLSON and RICE voted by proxy.

Note: REP. RYAN left the room.

Motion: REP. CARNEY moved SB 277 be amended as follows:

On Page 1, Line 18, strike "8", insert "9", strike "9", insert "7".

Vote: Motion that SB 277 BE AMENDED carried unanimously by voice vote with REPS. RYAN, RICE, and OLSON voting by proxy.

Note: REP. RYAN returned to the meeting.

REP. BROWN asked about amending this bill.

Mary Vandebosch gave the committee the two choices available to them regarding this bill and SB 308.

REP. PARKER suggested an additional amendment.

CHAIRMAN BITNEY said that maybe one of these bills should have been tabled.

Substitute Motion/Vote: REP. BITNEY made a substitute motion that SB 277 BE TABLED. Substitute motion carried 11-2 with REPS. BROWN and SHOCKLEY voting no by roll call vote. REPS. OLSON and RICE voted by proxy.

EXECUTIVE ACTION ON SB 62

{Tape: 3; Side: A; Approx. Time Counter: 27.1 - Tape: 3; Side: B; 23.4}

Motion: REP. SHOCKLEY moved that SB 62 BE CONCURRED IN.

Motion: REP. MATTHEWS moved that SB 62 BE AMENDED.

EXHIBIT (feh68a12)

Discussion:

Mary Vandebosch explained the amendments.

Vote: Motion that SB 62 BE AMENDED carried unanimously 13-0 by voice vote. REPS. OLSON and RICE voted by proxy.

Motion: REP. JACOBSON moved that SB 62 BE AMENDED.

EXHIBIT (feh68a13)

Vote: Motion that SB 62 BE AMENDED failed 6-7 with REPS. CARNEY, DOWELL, JACOBSON, MATTHEWS, PARKER, and RYAN voting aye by roll call vote. REPS. OLSON and RICE voted by proxy.

Motion: REP. MATTHEWS moved that SB 62 BE AMENDED.

Discussion:

Mary Vandebosch explained the amendment.

CHAIRMAN BITNEY asked for clarification of interference with caller ID.

Rick Hays explained that the caller ID can be disabled by pressing star, 6, 7 on the telephone and it would block the phone number from appearing on the caller ID.

Mary Vandebosch explained the penalties for telemarketing fraud.

Vote: Motion that SB 62 BE AMENDED carried unanimously 13-0 by voice vote.

EXHIBIT (feh68a14)

Motion: REP. BITNEY moved that SB 62 BE AMENDED.

EXHIBIT (feh68a15)

Discussion:

Mary Vandebosch said that before the committee acts on this amendment they need to either change "Person or entity" on Line 1 to "business or enterprise," or change "business or enterprise" on Line 3 to "person or entity."

The committee agreed to cross out "business or enterprise" and insert "person or entity" where appropriate.

There was some additional discussion.

Vote: Motion that SB 62 BE AMENDED carried unanimously 13-0 by voice vote.

Motion: REP. BITNEY moved that SB 62 BE AMENDED.

EXHIBIT (feh68a16)

CHAIRMAN BITNEY explained that these were the coordination amendments.

Mary Vandebosch went over all of the telephone solicitation bills. She referred to the information that she had previously provided to the committee.

Vote: Motion that SB 62 BE AMENDED carried unanimously 13-0 by voice vote.

Vote: Motion that SB 62 BE CONCURRED IN AS AMENDED carried unanimously 13-0 by roll call vote. REPS. OLSON, RICE and RYAN voted by proxy.

REP. JENT will carry SB 62 in the House.

EXECUTIVE ACTION ON SB 327

{Tape: 3; Side: B; Approx. Time Counter: 23.4 - 24.4}

Motion/Vote: REP. LASZLOFFY moved that SB 327 BE TABLED. Motion carried 12-1 with REP. DOWELL voting no. REPS. RYAN, OLSON, and RICE voted by proxy.

ADJOURNMENT

Adjournment: 6:30 P.M.

REP. ROD BITNEY, Chairman

GLENN MCCLURE, Secretary

RB/GM

EXHIBIT (feh68aad)