

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN KEN TOOLE**, on March 29, 2005 at 3:00 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Ken Toole, Chairman (D)
Sen. Brent R. Cromley (D)
Sen. Aubyn Curtiss (R)
Sen. Jeff Essmann (R)
Sen. Dan Harrington (D)
Sen. Dave Lewis (R)
Sen. Dan McGee (R)
Sen. Gary L. Perry (R)
Sen. Glenn Roush (D)

Members Excused: Sen. Greg Lind (D)
Sen. Carol Williams (D)

Members Absent: None.

Staff Present: Casey Barrs, Legislative Branch
Claudia Johnson, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: SJ 31; HB 316; HB 153; HB 199; HB 389; HB 685

EXECUTIVE ACTION ON SJ 31

Motion/Vote: SEN. CURTISS moved SJ 31 . Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 316

{Tape: 1; Side: A; Approx. Time Counter: 2 - 3}

Motion/Vote: SEN. ROUSH moved that HB 316 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON HB 153

{Tape: 1; Side: A; Approx. Time Counter: 3 - 17}

Motion: SEN. CROMLEY moved that HB 153 BE CONCURRED IN.

Discussion: SEN. LEWIS stated that MDU is opposed to this bill. They have never had any problems, and they didn't need to be picked on.

SEN. ESSMANN said MDU is in opposition to the bill because of the wording on page 1, line 20. John Alke said they could accept the bill if the wording is changed to strike "including, but not limited to" and insert "such as". SEN. ESSMANN said this will limit the ability of Public Service Commission (PSC) to review the transactions on A, B, C, and D, to provide security to the consumers. CHAIRMAN TOOLE said he will oppose this amendment if it limits the four - A, B, C, and D.

Motion/Vote: SEN. ESSMANN moved that CONCEPTUAL AMENDMENT DO PASS. Motion failed 5-6 by roll call vote with SEN. CURTISS, SEN. ESSMANN, SEN. LEWIS, SEN. PERRY, and SEN. ROUSH voting aye. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

Motion/Vote: SEN. PERRY moved that AMENDMENT HB015304.acb DO PASS. Motion failed 5-6 by roll call vote with SEN. CURTISS, SEN. ESSMANN, SEN. LEWIS, SEN. MCGEE, and SEN. PERRY voting aye. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

[EXHIBIT](#) (ens66a01)

Motion/Vote: SEN. PERRY moved that HB 153 BE CONCURRED IN. Motion carried 6-5 by roll call vote with SEN. CURTISS, SEN. ESSMANN, SEN. LEWIS, SEN. MCGEE, and SEN. PERRY voting no. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON HB 199

{Tape: 1; Side: A; Approx. Time Counter: 18 - 22}

Motion/Vote: SEN. TOOLE moved that HB 199 BE CONCURRED IN. Motion carried 8-3 by roll call vote with SEN. CURTISS, SEN. PERRY, and SEN. ROUSH voting no. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON HB 389

{Tape: 1; Side: A; Approx. Time Counter: 22 - 25}

Motion: SEN. PERRY moved that HB 389 BE CONCURRED IN.

Discussion: SEN. PERRY distributed amendments. He made a conceptual motion to segregate amendments 1, 2, and 3, to vote on separately.

SEN. MCGEE discussed with the Committee the proponents and opponents on the bill, which are the PSC, PP&L, and John Shontz, Lee Enterprise, the corporate offices and NorthWestern Energy. He will make a substitute motion to table to bill.

{Tape: 1; Side: B}

Substitute Motion/Vote: SEN. MCGEE made a substitute motion that HB 389 BE TABLED. Substitute motion carried 10-1 by voice vote with SEN. ESSMANN voting no. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON HB 685

{Tape: 1; Side: B; Approx. Time Counter: 2 - 4}

Motion: SEN. ESSMANN moved that HB 685 BE CONCURRED IN.

Motion/Vote: SEN. ESSMANN moved that AMENDMENT HB068502.ate BE ADOPTED.

EXHIBIT (ens66a02)

Discussion: SEN. ESSMANN spoke to his motion stating the amendments were requested by the sponsor. The amendments add language throughout the bill by inserting a paragraph of the same language throughout the bill.

Vote: Motion carried 10-1 by voice vote with SEN. LEWIS voting no. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

Motion/Vote: SEN. ESSMANN moved that HB 685 BE CONCURRED IN AS AMENDED. Motion failed 4-7 by roll call vote with SEN. CURTISS, SEN. ESSMANN, SEN. MCGEE, and SEN. PERRY voting aye. SEN. LIND and SEN. WILLIAMS voted no by proxy.

Motion/Vote: SEN. TOOLE moved that HB 685 BE TABLED. Motion carried 7-4 by roll call vote with SEN. CURTISS, SEN. ESSMANN, SEN. MCGEE, and SEN. PERRY voting no. SEN. LIND and SEN. WILLIAMS voted aye by proxy.

ADJOURNMENT

Adjournment: 4:50 P.M.

SEN. KEN TOOLE, Chairman

CLAUDIA JOHNSON, Secretary

KT/cj

Additional Exhibits:

EXHIBIT ([ens66aad0.PDF](#))