

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN ALAN OLSON**, on January 22, 2007 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Alan Olson, Chairman (R)
Rep. George G. Groesbeck, Vice Chairman (D)
Rep. Harry Klock, Vice Chairman (R)
Rep. Scott Boggio (R)
Rep. Robyn Driscoll (D)
Rep. Dave Gallik (D)
Rep. Dennis Himmelberger (R)
Rep. Llew Jones (R)
Rep. Diane Rice (R)
Rep. Wayne Stahl (R)
Rep. Bill Thomas (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Todd Everts, Legislative Branch
Cindy Peterson, 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: HB 161, 1/15/2007; HB 218,
1/15/2007
Executive Action: HB 218, HB 123, HB 24, HB 56, HB
134, HB 114, HB 88, HB 33, HB 170,
HB 244, HJ 4

HEARING ON HB 161

Opening Statement by Sponsor:

00:01:23 Rep. Sue Dickenson (D), HD 25, opened the hearing on HB 161, revise fee provisions of major facility siting act.

[EXHIBIT \(feh14a01\)](#)

Proponents' Testimony:

00:07:51 Warren McCullough, Department of Environmental Quality (DEQ)

[EXHIBIT \(feh14a02\)](#)

[EXHIBIT \(feh14a03\)](#)

00:12:06 Patrick Judge, Montana Environmental Information Center

Opponents' Testimony:

00:13:46 John Fitzpatrick, Northwestern Energy

Informational Testimony: None

Questions from Committee Members and Responses:

00:15:54 Rep. Olson
00:17:22 Mr. McCullough
00:17:37 Rep. Rice
00:19:44 Mr. McCullough
00:20:36 Rep. Rice
00:20:44 Tom Ring, DEQ
00:21:36 Rep. Jones
00:22:11 Mr. Ring
00:23:18 Rep. Jones
00:23:25 Mr. Ring

Closing by Sponsor:

00:23:44 Rep. Dickenson

00:26:56 Break

00:32:15 Reconvene

HEARING ON HB 218

Opening Statement by Sponsor:

00:32:25 Rep. Michael Lange (R), HD 55, opened the hearing on HB 218, revise net metering laws.

Proponents' Testimony:

00:33:26 Kathy Hadley, Montana Renewable Energy Association
00:35:55 Sean Micken, Independent Power Systems, Bozeman
00:43:56 Chuck Magraw, Renewable Northwest Project, Natural
Resource Defense Council
00:45:42 Patrick Judge, Montana Environmental Information Center

Opponents' Testimony:

00:48:35 Dan Flynn, International Brotherhood of Electrical
Workers
00:49:09 Jasen Bronec, Glacier Electric Cooperative
[EXHIBIT \(feh14a04\)](#)
00:57:18 Doug Hardy, Montana Electric Cooperatives' Association
[EXHIBIT \(feh14a05\)](#)
[EXHIBIT \(feh14a06\)](#)
01:03:51 John Alke, Montana Dakota Utilities
[EXHIBIT \(feh14a07\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:07:06 Rep. Gallik
01:07:57 Mr. Alke
01:08:34 Rep. Gallik
01:09:04 Mr. Hardy
01:09:31 Rep. Gallik
01:09:43 Mr. Hardy
01:10:20 Rep. Gallik
01:10:43 Mr. Hardy
01:11:05 Rep. Olson
01:11:11 Mr. Hardy
01:11:42 Dave Wheelihan, Montana Electric Cooperatives'
Association
01:12:10 Chairman Olson

Closing by Sponsor: None

01:13:09 Break
01:22:34 Reconvene

EXECUTIVE ACTION ON HB 123

01:22:54 **Motion:** Rep. Himmelberger moved that **HB 123 DO PASS.**
01:23:49 **Motion:** Rep. Olson moved that **HB 123 BE AMENDED.**

Discussion:

01:24:07 Todd Everts, Legislative Environmental Analyst
EXHIBIT (feh14a08)

01:24:51 **Vote:** Motion that **HB 123 BE AMENDED** carried
unanimously by voice vote.
01:25:04 **Motion:** Rep. Himmelberger moved that **HB 123 DO PASS AS
AMENDED.**

Discussion:

01:25:10 Rep. Driscoll
01:25:38 Rep. Himmelberger
01:26:37 Rep. Gallik

01:29:01 **Vote:** Motion failed 5-7 by roll call vote with Rep.
Himmelberger, Rep. Jones, Rep. Klock, Rep. Olson, and
Rep. Rice voting aye. Without objection, the motion
was reversed and HB 123 was **TABLED.**

EXECUTIVE ACTION ON HB 24

01:31:14 **Motion:** Rep. Klock moved that **HB 24 DO PASS.**

Discussion:

01:31:26 Rep. Klock
01:33:08 Rep. Jones
01:33:41 **Vote:** Motion carried 9-3 by roll call vote with Rep.
Gallik, Rep. Rice, and Rep. Windy Boy voting no.

EXECUTIVE ACTION ON HB 56

01:35:25 **Motion:** Rep. Gallik moved that **HB 56 DO PASS.**
EXHIBIT (feh14a09)
EXHIBIT (feh14a10)

Discussion:

01:37:15 Rep. Gallik
01:40:12 Rep. Olson
01:40:26 Rep. Gallik
01:43:26 Rep. Windy Boy
01:43:49 Rep. Driscoll
01:44:21 Rep. Olson
01:47:16 Rep. Gallik

01:50:06 **Vote:** Motion failed 4-8 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Groesbeck, and Rep. Windy Boy voting aye. With objection from Rep. Windy Boy, the vote was reversed and HB 56 was **TABLED**.

EXECUTIVE ACTION ON HB 134

01:52:25 **Motion:** Rep. Rice moved that **HB 134 DO PASS**.

Discussion:

01:52:43 Rep. Windy Boy

01:53:30 **Substitute Motion/Vote:** Rep. Himmelberger made a substitute motion that **HB 134 BE TABLED**. Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 114

01:54:02 **Motion:** Rep. Olson moved that **HB 114 DO PASS**.

Discussion:

01:54:13 Rep. Olson

01:55:36 **Motion:** Rep. Groesbeck moved that **HB 114 BE AMENDED**.
[EXHIBIT \(feh14a11\)](#)

Discussion:

01:56:21 Rep. Groesbeck
01:57:13 Rep. Olson

01:57:28 **Vote:** Motion carried unanimously by voice vote.

01:57:48 **Motion:** Rep. Olson moved that **HB 114 BE AMENDED.**
EXHIBIT (feh14a12)

Discussion:

01:58:43 Rep. Himmelberger
01:58:48 Rep. Olson

01:59:08 **Vote:** Motion carried unanimously by voice vote.
01:59:23 **Motion:** Rep. Olson moved that **HB 114 BE AMENDED.**
EXHIBIT (feh14a13)

Discussion:

02:00:28 Rep. Olson

02:01:13 **Vote:** Motion carried unanimously by voice vote.
02:01:27 **Motion:** Rep. Olson moved that **HB 114 DO PASS AS**
AMENDED.

Discussion:

02:01:38 Rep. Jones
02:03:14 Rep. Groesbeck
02:05:38 Rep. Gallik
02:06:30 Rep. Olson
02:09:42 Rep. Gallik
02:10:15 Rep. Stahl
02:11:54 Rep. Groesbeck

02:13:30 **Vote:** Motion carried 11-1 by roll call vote.

EXECUTIVE ACTION ON HB 88

02:14:57 **Motion:** Rep. Windy Boy moved that **HB 88 DO PASS.**

Discussion:

02:15:56 Rep. Gallik

02:16:41 **Substitute Motion/Vote:** Rep. Klock made a substitute
motion that **HB 88 BE TABLED.** Substitute motion carried
8-4 by roll call vote with Rep. Groesbeck, Rep.
Driscoll, Rep. Gallik and Rep. Windy Boy voting no.

EXECUTIVE ACTION ON HB 33

02:18:23 **Motion:** Rep. Himmelberger moved that **HB 33 DO PASS.**

02:18:32 **Motion:** Rep. Thomas moved that **HB 33 BE AMENDED.**
EXHIBIT (feh14a14)

Discussion:

02:19:39 Himmelberger
02:19:59 Rep. Driscoll
02:20:45 Jeff Brandt, Department of Administration
02:22:07 Rep. Driscoll
02:22:56 Mr. Brandt
02:23:02 Rep. Driscoll
02:23:36 Rep. Gallik
02:24:02 Rep. Olson
02:24:13 Mr. Everts
02:24:50 Rep. Gallik
02:25:22 Rep. Groesbeck
02:26:23 Mr. Everts
02:27:40 Rep. Klock
02:27:59 Rep. Windy Boy
02:28:53 Rep. Himmelberger
02:29:21 Aimee Grmjolez, Verizon Wireless
02:29:38 Rep. Himmelberger
02:29:57 Ms. Grmoljez
02:32:11 Rep. Gallik
02:32:55 Rep. Olson
02:34:47 Rep. Thomas

02:35:25 **Vote:** Motion failed 3-9 by roll call vote with Rep.
Jones, Rep. Olson, and Rep. Thomas voting aye.

02:36:49 Mr. Everts

02:37:31 **Motion:** Rep. Olson moved that **HB 33 BE AMENDED.**
EXHIBIT (feh14a15)

Discussion:

02:38:56 Rep. Windy Boy
02:39:18 Mr. Brandt

02:40:28 **Vote:** Motion carried unanimously by roll call vote.

02:41:49 **Motion/Vote:** Rep. Thomas moved that **HB 33 DO PASS AS AMENDED**. Motion carried 11-1 by roll call vote with Rep. Stahl voting no.

EXECUTIVE ACTION ON HB 170

02:43:23 **Motion:** Rep. Thomas moved that **HB 170 DO PASS**.

Discussion:

02:43:55 Rep. Klock
02:44:11 Rep. Thomas
02:44:56 Rep. Driscoll
02:45:19 Rep. Groesbeck

02:48:14 **Substitute Motion/Vote:** Rep. Himmelberger made a substitute motion that **HB 170 BE TABLED**. Substitute motion carried 9-3 by roll call vote with Rep. Gallik, Rep. Thomas, and Rep. Windy Boy voting no.

EXECUTIVE ACTION ON HB 244

02:49:45 **Motion:** Rep. Klock moved that **HB 244 DO PASS**.

Discussion:

02:49:50 Rep. Driscoll.
02:50:13 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HJR 4

02:50:44 **Motion/Vote:** Rep. Windy Boy moved that **HJR 4 DO PASS**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 218

02:51:06 **Motion:** Rep. Groesbeck moved that **HB 218 DO PASS**.

02:51:28 **Substitute Motion/Vote:** Rep. Driscoll made a substitute motion that **HB 218 BE TABLED**. Substitute motion carried 10-2 by voice vote with Rep. Gallik and Rep. Thomas voting no.

ADJOURNMENT

02:51:56 Adjournment

REP. ALAN OLSON, Chairman

CINDY PETERSON, Secretary

AO/cp

Additional Exhibits:

EXHIBIT ([feh14aad.pdf](#))