

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By Chairman Alan Olson, on February 16, 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. Llew Jones (R)
Rep. Diane Rice (R)
Rep. Wayne Stahl (R)
Rep. Bill Thomas (D)
Rep. Jonathan Windy Boy (D)

Members Excused: Rep. Dennis Himmelberger

Members Absent: None

Staff Present: Todd Everts, Legislative Branch
Dee Barfknecht, 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: HB 681, HB 688, HB 689
Executive Action: HB 558, HB 434, HB 27, HB 411
HB 346, HB 448, HB 405

HEARING ON HB 689

Opening Statement by Sponsor:

00:01:07 Rep. Alan Olson (R), HD 45, opened the hearing on HB 689, Revise solid waste management laws for electric generation facilities.

Proponents' Testimony:

00:01:47 Steve Wade, Great Northern Power Development
00:03:03 Bud Clinch, Executive Director, Montana Coal Council
00:04:04 Todd O'Hara, Rio Tinto Energy America, Spring Creek Coal Mines
00:05:12 Gary Forester, MD Resources
00:05:24 Keith Allen, International Brotherhood of Electrical Workers

Opponents' Testimony:

00:06:00 Ann Hedges, Montana Environmental Information Center
[EXHIBIT \(feh35a01\)](#)

Informational Testimony:

00:12:25 Ed Thamke

Questions from Committee Members and Responses:

00:12:55 Rep. Groesbeck
00:13:44 Mr. Thamke
00:14:17 Rep. Groesbeck
00:14:20 Mr. Thamke
00:15:06 Rep. Gallik
00:15:49 Rep. Olson
00:16:15 Rep. Stahl
00:17:23 Rep. Olson
00:17:30 Rep. Stahl
00:17:43 Rep. Olson
00:18:10 Rep. Stahl
00:18:22 Rep. Olson
00:18:40 Rep. Boggio
00:19:02 Rep. Olson
00:19:21 Mr. Wade
00:19:57 Ms. Hedges
00:21:11 Mr. Thamke

00:22:07 Rep. Groesbeck
00:22:37 Ms. Hedges
00:23:38 Rep. Groesbeck
00:23:50 Ms. Hedges
00:24:43 Rep. Groesbeck
00:25:26 Ms. Hedges

Closing by Sponsor:

00:26:20 Rep. Olson

HEARING ON HB 688

Opening Statement by Sponsor:

00:29:10 Rep. Alan Olson (R), HD 45, opened the hearing on HB 688, Provide an allocation of coal severance taxes to DEQ for certain mines programs.

Proponents' Testimony:

00:30:18 Bud Clinch, Executive Directory, Montana Coal Council
00:33:26 Todd O'Hara, Rio Tinto Energy America, Spring Creek Coal Mine

Opponents' Testimony: None

Informational Testimony:

00:35:51 Steve Welch, Department of Environmental Quality

Questions from Committee Members and Responses:

00:36:17 Rep. Gallik
00:36:42 Mr. Welch
00:36:56 Rep. Gallik
00:37:40 Mr. Welch
00:37:59 Rep. Stahl
00:38:13 Mr. Olson

Closing by Sponsor:

00:38:30 Rep. Olson

HEARING ON HB 681

Opening Statement by Sponsor:

00:41:29 Rep. Robyn Driscoll (D), HD 51, opened the hearing on
HB 681, Extend renewable portfolio act to municipal
utilities and competitive suppliers.

Proponents' Testimony:

00:43:57 John Fitzpatrick, NorthWestern Energy
00:45:59 Chuck Magraw, Natural Resource Defense Council,
Renewable Northwest Project

Opponents' Testimony:

00:47:58 Mark Lambrecht, Pacific Power & Light (PPL) Montana
[EXHIBIT \(feh35a02\)](#)
[EXHIBIT \(feh35a03\)](#)
00:51:10 John Alke, Montana Dakota Utilities (MDU).
[EXHIBIT \(feh35a04\)](#)

Informational Testimony:

00:56:01 Ken Toole, Public Service Commissioner
[EXHIBIT \(feh35a05\)](#)
00:58:02 Joe Mazurek, City of Great Falls

Questions from Committee Members and Responses:

01:00:30 Rep. Olson
01:00:51 Mr. Alke
01:01:02 Rep. Olson
01:01:20 Rep. Lambrecht
01:01:53 Rep. Olson
01:01:58 Mr. Lambrecht
01:02:09 Rep. Gallik
01:02:52 Mr. Toole
01:04:40 Rep. Gallik
01:05:53 Mr. Toole
01:06:00 Rep. Gallik
01:07:18 Mr. Toole
01:07:27 Rep. Olson
01:08:03 Mr. Mazurek
01:08:10 Rep. Olson
01:08:23 Mr. Mazurek

01:09:07 Rep. Olson
01:09:20 Mr. Mazurek

Closing by Sponsor:

01:09:40 Rep. Driscoll

01:10:30 Break
01:20:23 Reconvene

EXECUTIVE ACTION ON HB 558

01:21:38 **Motion:** Rep. Groesbeck moved that **HB 558 DO PASS.**

Discussion:

01:21:54 Rep. Gallik
01:22:40 Rep. Olson
01:23:14 Rep. Gallik
01:23:41 Rep. Olson
01:24:49 Rep. Gallik
01:25:51 Rep. Olson
01:26:00 Rep. Rice

01:26:15 **Vote:** Motion that **HB 558 DO PASS** failed by roll call vote, 5-7. Reps. Groesbeck, Driscoll, Gallik, Thomas and Windy Boy voted aye. Reps. Himmelberger, Thomas and Windy Boy voted by proxy.

01:27:22 **Substitute Motion/Vote:** Rep. Boggio made a substitute motion that **HB 558 BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote, 12-0. Reps. Himmelberger, Thomas and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 434

01:28:19 **Motion:** Rep. Groesbeck moved that **HB 434 DO PASS.**

Discussion:

01:28:31 Rep. Driscoll
01:28:58 Rep. Olson
01:30:54 Rep. Groesbeck
01:31:53 Rep. Gallik

01:32:58 **Motion:** Rep. Gallik moved that **HB 434 BE AMENDED.**
[EXHIBIT \(feh35a06\)](#)

Discussion:

01:33:50 Rep. Gallik

01:34:29 **Vote:** Motion that **HB 434 BE AMENDED** failed by roll call vote, 3-9. Reps. Gallik, Stahl and Windy Boy voted aye. Rep. Himmelberger voted by proxy.

01:35:30 **Motion/Vote:** Rep. Windy Boy moved that **HB 434 DO PASS.** Motion failed by roll call vote, 3-9. Reps. Groesbeck, Driscoll, Windy Boy voted aye. Rep. Himmelberger voted by proxy.

01:36:28 **Substitute Motion/Vote:** Rep. Boggio made a substitute motion that **HB 434 BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote, 12-0. Reps. Himmelberger voted by proxy.

EXECUTIVE ACTION ON HB 27

01:36:47 **Motion:** Rep. Driscoll moved that **HB 27 DO PASS.**

01:37:07 **Motion:** Rep. Driscoll moved that **HB 27 BE AMENDED.**
[EXHIBIT \(feh35a07\)](#)

Discussion:

01:38:18 Rep. Driscoll
01:38:29 Rep. Rice
01:38:47 Rep. Driscoll
01:38:56 Rep. Groesbeck

01:39:41 **Vote:** Motion that **HB 27 BE AMENDED** carried by voice vote, 10-2. Reps. Gallik and Stahl voted no. Rep. Himmelberger voted by proxy.

01:40:18 **Motion:** Rep. Olson moved that **HB 27 DO PASS AS AMENDED.**

Discussion:

01:40:28 Rep. Olson
01:42:02 Rep. Driscoll

01:42:56 **Vote:** Motion that **HB 27 DO PASS AS AMENDED** carried by roll call vote, 12-0. Rep. Himmelberger voted by proxy.

EXECUTIVE ACTION ON HB 411

01:43:59 **Motion:** Rep. Windy Boy moved that **HB 411 DO PASS.**

Discussion:

01:44:22 Rep. Olson

01:45:44 Rep. Gallik

01:46:34 **Substitute Motion/Vote:** Rep. Stahl made a substitute motion that **HB 411 BE TABLED.** Substitute motion carried by roll call vote, 7-5. Reps. Groesbeck, Driscoll, Gallik, Thomas and Windy Boy voted no. Rep. Himmelberger voted by proxy.

EXECUTIVE ACTION ON HB 346

01:48:01 **Motion:** Rep. Jones moved that **HB 346 DO PASS.**

Discussion:

01:48:22 Rep. Jones

01:49:23 Rep. Gallik

01:49:40 Rep. Groesbeck

01:50:28 **Substitute Motion/Vote:** Rep. Windy Boy made a substitute motion that **HB 346 BE TABLED.** Substitute motion carried by voice vote, 11-1. Rep. Thomas voted no. Rep. Himmelberger voted by proxy.

EXECUTIVE ACTION ON HB 448

01:51:01 **Motion:** Rep. Olson moved that **HB 448 DO PASS.**

01:51:18 **Substitute Motion/Vote:** Rep. Driscoll made a substitute motion that **HB 448 BE TABLED.** Substitute motion carried by voice vote, 11-1. Rep. Thomas voted no. Rep. Himmelberger voted by proxy.

EXECUTIVE ACTION ON HB 405

01:52:00 **Motion:** Rep. Olson moved that **HB 405 DO PASS.**

01:52:13 **Motion:** Rep. Olson moved that **HB 405 BE AMENDED.**
EXHIBIT (feh35a08)

Discussion:

01:53:47 Rep. Olson
01:53:57 Rep. Gallik
01:54:49 Rep. Windy Boy

01:55:14 **Vote:** Motion that **HB 405 BE AMENDED** carried by
voice vote, 10-2. Reps. Windy Boy and Gallik voted
no. Rep. Himmelberger voted by proxy.

01:52:13 **Motion:** Rep. Boggio moved that **HB 405 BE AMENDED.**
EXHIBIT (feh35a09)

01:57:03 **Vote:** Motion that **HB 405 BE AMENDED, EXHIBIT 9,**
carried by voice vote, 9-3. Reps. Driscoll, Windy Boy
and Gallik, voted no. Rep. Himmelberger voted by
proxy.

01:57:51 **Motion:** Rep. Olson moved that **HB 405 BE AMENDED.**
EXHIBIT (feh35a10)

Discussion:

01:58:49 Mr. Everts
01:58:54 Rep. Olson

01:59:03 **Substitute Motion/Vote:** Rep. Gallik made a substitute
motion that **PARAGRAPH 3, EXHIBIT 10, BE SEGREGATED.**
Motion carried by voice vote, 11-1. Rep. Stahl voted
no. Rep. Himmelberger voted by proxy.

01:59:57 **Motion/Vote:** Rep. Gallik moved to **AMEND HB 405 BY**
INCLUDING PARAGRAPH 3, EXHIBIT 10. Motion carried by
voice vote, 11-1. Rep. Windy Boy voted no. Rep.
Himmelberger voted by proxy.

02:00:11 **Motion:** Rep. Olson moved that **HB 405 DO PASS AS**
AMENDED.

02:00:12 **Motion:** Rep. Gallik moved that **HB 405 BE AMENDED, EXHIBIT 10, WITH PARAGRAPHS 1,2 AND 4.**

Discussion:

02:00:56 Rep. Gallik
02:01:25 Rep. Rice
02:02:02 Mr. Everts
02:02:07 Rep. Gallik

02:02:52 **Vote:** Motion that **HB 405 BE AMENDED, EXHIBIT 10, WITH PARAGRAPHS 1,2 and 4,** carried by roll call vote, 8-4. Reps. Groesbeck, Gallik, Thomas and Windy Boy voted no. Rep. Himmelberger voted by proxy.

02:03:58 **Motion:** Rep. Olson moved that **HB 405 BE AMENDED. EXHIBIT (feh35a11)**

Discussion:

2:05:08 Mr. Everts
02:05:41 Rep. Gallik
02:06:29 Rep. Olson
02:06:54 Rep. Groesbeck
02:08:23 Rep. Boggio
02:09:33 Rep. Gallik

02:09:55 **Vote:** Motion that **HB 405 BE AMENDED, EXHIBIT 11,** carried by voice vote, 7-5. Reps. Windy Boy, Gallik, Groesbeck, Thomas and Driscoll. Rep. Himmelberger voted by proxy.

02:10:39 **Motion:** Rep. Olson moved that **HB 405 BE AMENDED. EXHIBIT (feh35a12)**

Discussion:

02:11:41 Rep. Olson
02:11:53 Rep. Groesbeck

02:12:00 **Vote:** Motion that **HB 405 BE AMENDED, EXHIBIT 12,** carried by voice vote, 9-3. Reps. Driscoll, Windy Boy and Gallik voted no. Rep. Himmelberger voted by proxy.

02:12:10 **Motion:** Rep. Olson moved that **HB 405 DO PASS AS AMENDED.**

02:12:16 **Motion:** Rep. Boggio moved that **HB 405 BE AMENDED.**
EXHIBIT (feh35a13)

Discussion:

02:13:04 Rep. Gallik

02:13:45 **Vote:** Motion that **HB 405 BE AMENDED, EXHIBIT 13,**
carried by roll call vote, 8-4. Reps. Windy Boy,
Driscoll, Groesbeck and Gallik voted no. Rep.
Himmelberger voted by proxy.

02:13:58 **Motion:** Rep. Olson moved that **HB 405 DO PASS AS**
AMENDED.

02:14:23 **Motion:** Rep. Gallik moved that **HB 405 BE AMENDED.**
EXHIBIT (feh35a14)

02:15:12 **Vote:** Motion that **HB 405 BE AMENDED, EXHIBIT**
14, failed by roll call vote, 3-9. Reps. Driscoll,
Gallik and Windy Boy voted aye. Rep. Himmelberger
voted by proxy.

02:16:05 **Motion/Vote:** Rep. Olson moved that **HB 405 DO PASS AS**
AMENDED. Motion carried by roll call vote, 7-5. Reps.
Groesbeck, Driscoll, Gallik, Thomas and Windy Boy voted
no. Rep. Himmelberger voted by proxy.

ADJOURNMENT

02:17:25 Adjournment

REP. ALAN OLSON, Chairman

DEE BARFKNECHT, Secretary

AO/db

Additional Exhibits:

EXHIBIT ([feh35aad.pdf](#))