MONTANA SENATE
2007 LEGISLATURE

ROLL CALL
NATURAL RESOURCES COMMITTEE

DATE 2-21-07

NAMES	PRESENT	ABSENT	EXCUSED
LIND, GREG (D) - CH	✓		
CURTISS, AUBYN (R)	✓		
GEBHARDT, KELLY (R)	✓		
HARRINGTON, DAN (D)	✓		
KAUFMANN, CHRISTINE (D)	✓		
PERRY, GARY (R)	✓		
TASH, BILL (R)	✓		
TROPILA, MITCH (D)	✓		
WANZENRIED, DAVID (D)	✓		
JOE KOLMAN, LSD	✓		
CLAUDIA JOHNSON, SEC.	✓		

SENATE STANDING COMMITTEE REPORT

February 22, 2007

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **Senate Bill 461** (first reading copy -- white) **do pass**.

Signed: _____
Senator Greg Lind, Chair

- END -

Committee Vote:
Yes 9, No 0
Fiscal Note Required ___ KA

SENATE STANDING COMMITTEE REPORT

February 22, 2007

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **Senate Bill 431** (first reading copy -- white) **do pass**.

Signed: _____
Senator Greg Lind, Chair

- END -

Committee Vote:
Yes 9, No 0
Fiscal Note Required ___ KH

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **Senate Bill 432** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Greg Lind, Chair

And, that such amendments read:

1. Title, page 1, line 7.
Strike: "A DELAYED EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

2. Page 2, line 2.
Following: "misdemeanor"
Insert: "punishable by a fine not to exceed $500"

3. Page 2, line 22.
Following: "misdemeanor"
Insert: "punishable by a fine not to exceed $500"

4. Page 3.
Following: line 11
Insert: "(3) The provisions of [section 3] do not apply to fuel sold to or used by railroads."

5. Page 3, line 21.
Strike: "date"
Insert: "dates"
Strike: "[This act] is"
Insert: "[Sections 1 through 6] are"

6. Page 3, line 23 through line 24.
Strike: "or July" on line 23 through "is earlier" on line 24

7. Page 3.
Following: line 24

Committee Vote:
Yes 5, No 4
Fiscal Note Required ___

Insert: "(2) [Section 7 and this section] are effective on passage and approval. In order to fulfill the requirements of subsection (1), the department of transportation shall begin monitoring the refining capacity of biodiesel in Montana on passage and approval of [this act]."

Renumber: subsequent subsection

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **Senate Bill 448** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator Greg Lind, Chair

And, that such amendments read:

1. Title, page 1, line 5.
Following: "TO"
Insert: "NOTIFY THE OFFICE OF CONSUMER COUNSEL OF PERMIT APPLICATIONS FOR NEW ELECTRICAL GENERATION FACILITIES AND FACILITIES AND UPGRADES PERMITTED UNDER THE MONTANA MAJOR FACILITY SITING ACT; REQUIRING THE OFFICE OF THE CONSUMER COUNSEL TO"

2. Title, page 1, line 7 through line 9.
Strike: "IF" on line 7 through the first "ANALYSIS;" on line 9

3. Page 1, line 14.
Strike: "The"
Insert: "Within 10 days of receiving an application pursuant to subsection (1)(a) or (1)(b), the"

4. Page 1, line 15 and 16.
Following: "shall"
Strike: remainder of line 15 through "when" on line 16
Insert: "notify the office of the consumer counsel that it is"

5. Page 1, line 17.
Strike: "if it is"

6. Page 1, line 21 through line 23.
Strike: "If" on line 21 through "department" on line 23
Insert: "The office of consumer counsel"

7. Page 1, line 23.

Committee Vote:
Yes 5, No 4
Fiscal Note Required ___ KF

401033SC.spb

Strike: "to a utility and a utility's"
Insert: "of the project on electricity"

8. Page 1, line 24.
Following: "customers"
Insert: "in Montana"

9. Page 1.
Following: line 24
Insert: "(3)(a) Except as provided in subsection (3)(b), the analysis must be completed within 30 days of receipt of the notice from the department.

(b) The department shall extend the 30-day deadline if compliance with the deadline is not necessary to comply with the requirements of subsection (4)."
Renumber: subsequent subsections

10. Page 1, line 25.
Following: "must be"
Insert: "provided to the department and"

11. Page 1.
Strike: line 27 through line 28 in their entirety
Insert: "(5)(a) Within 5 days of the close of the public comment period for an application referred to in subsection (1)(a) or (1)(b), the department shall forward public comments related to the analysis to the consumer counsel.

(b) The consumer counsel shall respond to the comments and return the responses to the department within 30 days, and the responses must be included in the final environmental reviews."

12. Page 1, line 30 through page 2,line 3.
Strike: section 2 in its entirety
Insert: "NEW SECTION. **Section 2. Exemptions.** Projects proposed by utilities, as defined in 69-8-103, are exempt from the analysis required by [section 1]."

13. Page 8, line 8.
Strike: the first "75"
Insert: "69, chapter 2"
Strike: the second "75"
Insert: "69, chapter 2,"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **Senate Bill 337** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Greg Lind, Chair

And, that such amendments read:

1. Title, page 1, line 4, through page 1, line 5.
Following: the second "ACT"
Strike: remainder of line 4 through "COOPERATIVE;" on line 5

2. Title, page 1, line 5.
Following: "ALLOWING"
Insert: "ELECTRICITY"

3. Title, page 1, line 9.
Strike: "AND LEND MONEY"
Following: "MONEY;"
Insert: "REQUIRING AN ELECTRICITY BUYING COOPERATIVE PROVIDING ELECTRICITY TO SMALL CUSTOMERS OF A DISTRIBUTION UTILITY TO PROVIDE ANCILLARY SERVICES; REQUIRING THE PUBLIC SERVICE COMMISSION TO ESTABLISH TARIFFS RELATED TO RENEWABLE RESOURCES;"

4. Title, page 1, line 10.
Following: "SECTIONS"
Insert: "35-19-102,"

5. Page 1, line 14.
Insert: "Section 1. Section 35-19-102, MCA, is amended to read:
"35-19-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:
(1) "Distribution utility" means the electricity distribution portion of a public utility ~~as defined in 69-8-103~~ regulated by the public service commission pursuant to Title 69, chapter 3.

Committee Vote:
Yes 5, No 4
Fiscal Note Required ___ NA

(2) "Load" means the electricity that is consumed.

~~(2)~~(3) "Residential customer" means a residential customer of a distribution utility.

~~(3)~~(4) "Small commercial customer" means, for a distribution utility, individual accounts of a commercial customer with an average monthly demand in the previous calendar year of less than 100 kilowatts or a new commercial customer with an estimated average monthly demand of less than 100 kilowatts.

~~(4)~~(5) "Small customer" means a residential customer or small commercial customer of a distribution utility.""

Renumber: subsequent sections

6. Page 1, line 16.
Strike: ":"

7. Page 1, line 17.
Strike: "(a)"
Strike: ";"
Insert: "."

8. Page 1, line 18 through page 1, line 22.
Strike: line 18 through line 22 in their entirety

9. Page 2, line 4.
Strike: "or lend"

10. Page 2, line 14.
Strike: "and"

11. Page 2, line 15.
Following: "the"
Insert: "ownership,"
Following: "lease"
Insert: ","

12. Page 2, line 16.
Strike: "or"
Insert: "and

(ii) transmission and distribution equipment necessary to interconnect with facilities described in subsection (6)(b); and

(d) the lease or use of capacity on transmission or distribution systems;"

13. Page 2, line 17.
Strike: line 17 in its entirety

14. Page 3, line 4.
Following: line 3
Insert: "(1) construct, purchase, take, receive, or otherwise acquire or own, hold, equip, maintain, or operate electric

generating plants or transmission or distribution lines or systems, except as provided in 35-19-201(6)(c) and (6)(d);"
Renumber: subsequent subsections

15. Page 3, line 7.
Strike: "or"

16. Page 3, line 12.
Following: "produce"
Insert: ", conserve,"
Following: "heat"
Strike: "."
Insert: "; or
(4) provide electricity to small customers of a distribution utility unless the electricity buying cooperative provides ancillary services as defined in 69-8-1003:
(a) from a source other than the distribution utility;
(b) through a contract with the distribution utility that is approved by the public service commission; or
(c) pursuant to a tariff promulgated by the public service commission, another relevant regulatory body, or a service provider that specifically applies to distribution utility services provided to electricity buying cooperatives.
(5) A distribution utility may not refuse to negotiate a contract with an electricity buying cooperative for scheduling, system control, and dispatch services if that contract is necessary to move energy within a transmission or distribution system controlled by the distribution utility."

17. Page 3, line 13.
Insert: "NEW SECTION. **Section 5. Establishment of tariff -- renewable energy sources.** Upon the request of an electricity supplier, the commission shall prepare the following tariffs for distribution utilities:
(1) a nondiscriminatory, cost-based tariff indicating the costs that a public utility will incur if transmission and distribution services are provided to another electricity supplier;
(2) a nondiscriminatory, cost-based tariff for the residential and small commercial customer classes to defray the unrecovered embedded costs of customers that leave the utility. The tariff in this subsection (2) may not apply beyond the date of the next short-term power purchase contract negotiated by the utility to acquire energy equal to or greater than the loss of load from the exiting customer or beyond the next addition of generation by the utility for which the commission determines that generation and load planning can be modified, whichever period is shorter. The commission shall, in making a decision on a tariff, take into account the following:
(a) additional demands on the energy supply system that can

defray the loss of customers;

(b) the extent to which the customer leaving the energy supply system will enable the utility to purchase less power, thus decreasing spot-market or short-term contract purchases;

(c) the benefit to the utility of not needing to construct additional generation facilities; and

(d) any other factors that the commission considers necessary.

(3) a nondiscriminatory, cost-based tariff for the residential and small commercial customer classes to defray the costs of a customer returning to a distribution utility. In developing the tariff, the commission shall take into account, among other things, the benefit to the distribution utility customers of having increased load from the additional customer to defray costs on all of its systems."

Insert: "NEW SECTION. **Section 6. Codification instruction.** [Section 5] is intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [section 5]."

Renumber: subsequent section

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **Senate Bill 293** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Greg Lind, Chair

And, that such amendments read:

1. Title, page 1, line 4.
Strike: "CREATING" through "USE ACT;"

2. Title, page 1, line 5.
Following: "MANAGEMENT OF"
Insert: "PUBLIC"

3. Page 1, line 12.
Following: "Montana's"
Strike: "state, federal, tribal, and private"
Insert: "public"

4. Page 1, line 14.
Following: "management"
Strike: "of"
Insert: "on some public"

5. Page 1, line 19 through line 23.
Strike: line 19 through line 23 in their entirety

6. Page 1.
Following: line 23
Insert: "WHEREAS, innovative partnerships between traditional adversaries in federal forest management demonstrate that consensus-based solutions can be reached on landscape level projects on federal lands that integrate active forest management, restoration, and stewardship; and"

7. Page 1, line 25.

Committee Vote:
Yes 9, No 0
Fiscal Note Required ___

Following: "management of"
Insert: "public"

8. Page 1, line 29 through line 30.
Strike: section 1 in its entirety
Renumber: subsequent sections

9. Page 2, line 3.
Following: "management of"
Strike: "all"
Insert: "public"

10. Page 2, line 5.
Following: "that"
Insert: "public"
Following: "should be"
Insert: "sustainably"

11. Page 2, line 7.
Following: line 6
Insert: "(3) The legislature finds that sustainable forest stewardship and management of Montana's public forests requires a balanced approach that ensures a stable timber supply, active restoration, healthy watersheds and fish and wildlife habitat, areas for natural processes, and allowances for recreational uses."
Renumber: subsequent subsection

12. Page 2, line 7.
Following: "of all"
Insert: "public"

13. Page 2, line 8.
Following: the second "state"
Strike: ","
Insert: "and"
Following: "federal"
Strike: ", and private"

14. Page 2, line 10.
Strike: "[section 2]"
Insert: "[section 1]"

15. Page 2, line 12.
Following: "support"
Strike: "forest restoration and"

16. Page 2, line 12 through line 13.
Following: "practices" on line 12

Strike: "on private" on line 12 through "Montana" on line 13
Insert: ", including forest restoration, on public forests in Montana consistent with all applicable laws and administrative requirements"

17. Page 2, line 14.
Following: "technical"
Insert: "information"
Following: "assistance to"
Insert: "nonindustrial,"

18. Page 2, line 17.
Following: "promote"
Strike: "the maintenance of"
Following: "industry"
Insert: "and other businesses that rely on public forest lands"

19. Page 2, line 20.
Following: "(6)"
Strike: "provide information and assistance for"
Insert: "promote"

20. Page 2, line 23.
Strike: "[section 2]"
Insert: "[section 1] and in which state interests are clearly involved"

21. Page 2, line 26 through line 27.
Strike: subsection (9) in its entirety
Insert: "(9) participate in and facilitate collaboration between traditional forest interests in reaching consensus-based solutions on federal land management issues."

22. Page 2, line 29 through page 3, line 1.
Strike: section 4 in its entirety
Renumber: subsequent section

23. Page 3, line 2.
Strike: "[Sections 1 through 3]"
Insert: "[Sections 1 and 2]"

24. Page 3, line 4 through line 5.
Strike: "[" on line 4 through "]" on line 5
Insert: "[sections 1 and 2]"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Natural Resources and Energy** recommend that **Senate Bill 423** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator Greg Lind, Chair

And, that such amendments read:

1. Title, line 9 through line 11.
Strike: "REQUIRING" on line 9 through "GOVERNMENTS;" on line 11

2. Title, line 13 through line 14.
Strike: "CREATING" on line 13 through "INSPECTIONS;" on line 14

3. Page 2, line 8.
Strike: "13"
Insert: "9"

4. Page 2, line 12.
Strike: "13"
Insert: "9"

5. Page 2, line 19.
Strike: "13"
Insert: "9"

6. Page 3, line 10.
Strike: "or mercuric oxide"

7. Page 6, line 6 through line 7.
Following: "the item" on line 6
Strike: "may not be" on line 6 through "wastewater" on line 7
Insert: "must be disposed of in accordance with applicable state laws"

8. Page 6, line 9.

Committee Vote:
Yes 5, No 4
Fiscal Note Required __ KA

Strike: "11"
Insert: "9"

9. Page 6.
Following: line 9
Insert: " (4) A manufacturer of a product containing a mercury-added button cell battery shall print a notice on the product package that the button cell battery includes mercury."

10. Page 7, line 3 through line 9.
Strike: sections 9 and 10 in their entirety
Renumber: subsequent sections

11. Page 7, line 13.
Strike: "13"
Insert: "9"

12. Page 7, line 16.
Strike: "13"
Insert: "9"

13. Page 7, line 18 through page 8, line 8.
Strike: sections 12 and 13 in their entirety
Renumber: subsequent sections

14. Page 8, line 10.
Strike: "13"
Insert: "9"

15. Page 8, line 11.
Strike: "13"
Insert: "9"

- END -

MONTANA STATE SENATE
2007 LEGISLATURE

NATURAL RESOURCES AND ENERGY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. SB 448 NUMBER 5-4

MOTION: AMENDMENT SB044802.ASL BE ADOPTED

PASSED

NAME	AYE	NO
SEN. AUBYN CURTISS (R)		✓
SEN. KELLY GEBHARDT (R)	✓	
SEN. DAN HARRINGTON (D)	✓	
SEN. CHRISTINE KAUFMANN (D) P	✓	
SEN. GARY PERRY ()R)		✓
SEN. BILL TASH (R)		✓
SEN. MITCH TROPILA (D)		✓
SEN. DAVID WANZENRIED (D)	✓	
SEN. GREG LIND (D) - CHAIRMAN	✓	

MONTANA STATE SENATE
2007 LEGISLATURE

NATURAL RESOURCES AND ENERGY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. SB 432 NUMBER 5-4

MOTION: DO PASS AS AMENDED

PASSED

NAME	AYE	NO
SEN. AUBYN CURTISS (R)		✓
SEN. KELLY GEBHARDT (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. CHRISTINE KAUFMANN (D)	✓	
SEN. GARY PERRY ()R)		✓
SEN. BILL TASH (R)		✓
SEN. MITCH TROPILA (D)	✓	
SEN. DAVID WANZENRIED (D)	✓	
SEN. GREG LIND (D) - CHAIRMAN	✓	

MONTANA STATE SENATE
2007 LEGISLATURE

NATURAL RESOURCES AND ENERGY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. SB 448 NUMBER 5-4

MOTION: DO PASS AS AMENDED

PASSED

NAME	AYE	NO
SEN. AUBYN CURTISS (R)		✓
SEN. KELLY GEBHARDT (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. CHRISTINE KAUFMANN (D)	✓	
SEN. GARY PERRY ()R)		✓
SEN. BILL TASH (R)		✓
SEN. MITCH TROPILA (D)	✓	
SEN. DAVID WANZENRIED (D)	✓	
SEN. GREG LIND (D) - CHAIRMAN	✓	

MONTANA STATE SENATE
2007 LEGISLATURE

NATURAL RESOURCES AND ENERGY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. SB 337 NUMBER 6-3

MOTION: AMENDMENT SB033701.ASL BE ADOPTED

PASSED

NAME	AYE	NO
SEN. AUBYN CURTISS (R)		✓
SEN. KELLY GEBHARDT (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. CHRISTINE KAUFMANN (D)	✓	
SEN. GARY PERRY ()R)	✓	
SEN. BILL TASH (R)		✓
SEN. MITCH TROPILA (D)	✓	
SEN. DAVID WANZENRIED (D)	✓	
SEN. GREG LIND (D) - CHAIRMAN	✓	

MONTANA STATE SENATE
2007 LEGISLATURE

NATURAL RESOURCES AND ENERGY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. SB337 NUMBER 5.4

MOTION: DO PASS AS AMENDED

PASSED

NAME	AYE	NO
SEN. AUBYN CURTISS (R)		✓
SEN. KELLY GEBHARDT (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. CHRISTINE KAUFMANN (D)	✓	
SEN. GARY PERRY ()R)		✓
SEN. BILL TASH (R)		✓
SEN. MITCH TROPILA (D)	✓	
SEN. DAVID WANZENRIED (D)	✓	
SEN. GREG LIND (D) - CHAIRMAN	✓	

MONTANA STATE SENATE
2007 LEGISLATURE

NATURAL RESOURCES AND ENERGY

ROLL CALL VOTE

DATE 2-21-07 BILL NO. SB 423 NUMBER 5-4

MOTION: DO PASS AS AMENDED

PASSED

NAME	AYE	NO
SEN. AUBYN CURTISS (R)		✓
SEN. KELLY GEBHARDT (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. CHRISTINE KAUFMANN (D)	✓	
SEN. GARY PERRY ()R)		✓
SEN. BILL TASH (R)		✓
SEN. MITCH TROPILA (D)	✓	
SEN. DAVID WANZENRIED (D) p	✓	
SEN. GREG LIND (D) - CHAIRMAN	✓	

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator KAUFMANN

to vote my proxy on any issue before the Senate ~~JUDICIARY~~ NATURAL RESOURCES - ENERGY

Committee

held on 21 FEBRUARY, 2007.

WANZENRIED

SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (1) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Wanzenried

to vote my proxy on any issue before the Senate Natural Resources and Energy Committee

held on 3/21, 2007.

SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Laird

to vote my proxy on any issue before the Senate Natural Resources + Energy Committee

held on 2/21, 2007.

SENATOR
STATE OF MONTANA

MONTANA STATE SENATE
2007 LEGISLATURE

VISITOR REGISTER

NATURAL RESOURCES AND ENERGY

DATE 2-21-07

BILLS BEING HEARD TODAY SB 461, 473, 513

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Forrest Christian	443-3347	Montana Internet	513		✓
Bob Gilbert	439-1939	MT AVIATION TRADES ASSOC	473	W and X	
Jerry Black		Sen Dist 14	473		
DAVE GALT	442-7582	Mt Petroleum	473		X
BUD CLINCH	442-6223	MT COAL	461	X	
Jim Lynch	444-6201	MDT	473	X	
Donna Alexander	9-4133	MPMCSA	473	X	
Gary Amestoy	443-2370	Richland County Economic Development Corporation	473	X	
Pat Torgerson	480-5154	WIFE	473	X	
Cory Swanson	459-6359	Bresnan Communications	SB 513		X
Geoff Feiss	4424316	MT Telecom Assn	SB 513		X

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY