

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

**Call to Order:** Chair Harry Klock, on January 19, 2011 at 3:00 PM, in Room 172 Capitol

#### ROLL CALL

**Members Present:**

Rep. Harry Klock, Chair (R)  
Rep. Robyn Driscoll, Vice Chair (D)  
Rep. Keith Regier, Vice Chair (R)  
Rep. Carlie Boland (D)  
Rep. Douglas (Doug) Kary (R)  
Rep. James Knox (R)  
Rep. Gary MacLaren (R)  
Rep. Mary McNally (D)  
Rep. Mike Menahan (D)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Mike Phillips (D)  
Rep. Derek Skees (R)

**Members Excused:** Rep. Austin Knudsen (R)  
Rep. Sterling Small (R)  
Rep. Wayne Stahl (R)

**Members Absent:** None

**Staff Present:** Todd Everts, Legislative Branch  
Cara Gold, 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 169, 1/14/2011; HB 233, 1/14/2011  
Executive Action: HB 59; HB 78; HB 92

00:00:04 The Chair welcomed everyone and reviewed the rules of the committee.

00:01:33 Rep. Small entered the hearing.

**HEARING ON HB 169**

**Opening Statement by Sponsor:**

00:01:58 Rep. Harry Klock (R), HD 83, opened the hearing on HB 169, Repeal Electricity Buying Cooperative Act.

**Proponents' Testimony:**

00:04:01 John Fitzpatrick, NorthWestern Energy (NWE)

00:05:41 Al Brogan, Public Service Commission (PSC)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:07:12 Rep. Klock

**HEARING ON HB 233**

**Opening Statement by Sponsor:**

00:07:47 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 233, Revise qualifying facilities laws regarding rates.

**Proponents' Testimony:**

00:10:15 John Fitzpatrick, NorthWestern Energy

00:13:04 Mary Wright, Montana Consumer Council

00:13:25 Rep. Knudsen entered the hearing.

00:14:39 Al Brogan, PSC

00:17:24 Rep. Stahl entered the hearing.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None**Closing by Sponsor:**

00:18:03 Rep. O'Hara

00:18:30 Richard Opper, Department of Environmental Quality, (DEQ) was invited to the hearing to discuss issues surrounding HB 198 and to answer questions from the committee.

00:39:09 Rep. Skees  
00:39:27 Richard Opper  
00:39:48 Rep. Skees  
00:40:00 Richard Opper  
00:40:23 Rep. Skees  
00:40:39 Richard Opper  
00:41:28 Rep. Phillips  
00:42:49 Richard Opper

00:42:54 Rep. MacLaren left the hearing.

00:43:49 Rep. Phillips  
00:44:07 Richard Opper  
00:44:17 Rep. O'Hara  
00:44:51 Richard Opper  
00:46:18 Rep. McNally  
00:46:37 Richard Opper  
00:48:36 Rep. Knox  
00:48:45 Richard Opper  
00:50:21 Rep. Peterson  
00:50:45 Richard Opper  
00:51:56 Warren McCullough, DEQ  
00:52:56 Rep. Peterson  
00:54:17 Warren McCullough  
00:54:47 Tom Ring, DEQ  
00:55:40 Rep. Peterson  
00:56:20 Tom Ring  
00:58:40 Rep. Peterson  
00:58:57 Tom Ring  
00:59:02 Rep. O'Hara  
00:59:29 Tom Ring

01:00:21 Rep. Peterson left the hearing.

01:02:05 Rep. Knudsen  
01:03:40 Richard Opper

01:04:20 Rep. Peterson returned to the hearing.

01:05:35 Rep. Kary  
01:06:22 Richard Opper  
01:06:55 Rep. Kary  
01:07:02 Richard Opper  
01:07:40 Rep. Kary  
01:07:49 Richard Opper  
01:08:19 Rep. Skees  
01:09:00 Richard Opper  
01:10:44 Rep. Driscoll  
01:11:33 Richard Opper  
01:11:57 Rep. Knox  
  
01:12:26 Rep. Knudsen left the hearing.  
  
01:12:35 Richard Opper  
01:13:27 Rep. Knox  
01:14:02 Richard Opper  
  
01:15:03 Rep. Knudsen returned to the hearing.  
  
01:15:19 Rep. Klock

**EXECUTIVE ACTION ON HB 59**

01:16:31 **Motion:** Rep. O'Hara moved that **HB 59 DO PASS.**

**Discussion:**

01:16:46 Rep. Driscoll  
  
01:17:00 **Vote:** Motion carried unanimously by voice vote. Rep. MacLaren and Rep. Peterson voted aye by proxy.

**EXECUTIVE ACTION ON HB 78**

01:18:02 **Motion:** Rep. O'Hara moved that **HB 78 DO PASS.**  
01:18:05 **Motion:** Rep. Klock moved that **HB 78 BE AMENDED.**  
**EXHIBIT(feh14a01)**

**Discussion:**

01:19:03 Todd Everts, Legislative Services Division, (LSD)  
  
01:19:15 **Vote:** Motion carried unanimously by voice vote. Rep. MacLaren and Rep. Peterson voted aye by proxy.

01:20:06      **Motion/Vote:** Rep. Stahl moved that **HB 78 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. MacLaren and Rep. Peterson voted aye by proxy.

01:20:37      Rep. Peterson returned to the hearing.

**EXECUTIVE ACTION ON HB 92**

01:21:07      **Motion/Vote:** Rep. O'Hara moved that **HB 92 DO PASS**. Motion carried unanimously by voice vote. Rep. MacLaren voted aye by proxy.

01:21:45      Rep. Driscoll

01:22:20      Rep. Stahl

01:22:30      Rep. Driscoll

**ADJOURNMENT**

01:23:17      Adjournment

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Cara Gold, Secretary

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Additional Documents:

**EXHIBIT([feh14aad.pdf](#))**