

## MINUTES

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

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

**Call to Order:** Chair Harry Klock, on February 14, 2011 at 3:00 PM, in Room 172  
Capitol

#### ROLL CALL

**Members Present:**

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

**Members Excused:** Rep. Sterling Small (R)

**Members Absent:** Rep. Robyn Driscoll, Vice Chair (D)  
Rep. Mary McNally (D)  
Rep. Austin Knudsen (R)

**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: HJ 12, 2/10/2011; HB 466, 2/10/2011  
Executive Action: HB 104; HB 291; HB 326; HB 353; HB 414

00:00:08 The Chair welcomed the committee and reviewed the committee rules.

00:01:13 Rep. McNally and Rep. Driscoll entered the hearing.

### **HEARING ON HB 466**

#### **Opening Statement by Sponsor:**

00:01:38 Rep. Ryan Osmundson (R), HD 29, opened the hearing on HB 466, Generally revise major facilities act.

00:02:04 Rep. Stahl left the hearing.

#### **Proponents' Testimony:**

00:04:07 Darrell James, Tonbridge Power Co.

00:05:27 John Alke, Montana Dakota Utilities (MDU)

00:08:15 Errol Rice, Montana Stockgrowers Association

00:09:05 Shelby DeMars, United Property Owners of Montana (UPOM)

00:11:00 Nicole Rolf, Montana Farm Bureau Federation

00:11:35 Clayton Elliott, Northern Plains Resource Council

00:13:04 Derf Johnson, Montana Environmental Information Center (MEIC)

00:13:45 Tom Livers, Montana Department of Environmental Quality (DEQ)

#### **Opponents' Testimony:**

00:14:35 John Fitzpatrick, NorthWestern Energy (NWE)

[EXHIBIT\(feh36a01\)](#)

[EXHIBIT\(feh36a02\)](#)

[EXHIBIT\(feh36a03\)](#)

00:16:20 Rep. Stahl returned to the hearing.

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:21:49 Rep. Phillips

00:22:15 Rep. Osmundson

00:22:27 Darrell James

#### **Closing by Sponsor:**

00:23:50 Rep. Osmundson

**HEARING ON HJ 12**

**Opening Statement by Sponsor:**

00:24:36 Rep. Michele Reinhart (D), HD 97, opened the hearing on HJ 12, Resolution supporting reforming the Toxic Substances Control Act.

[EXHIBIT\(feh36a04\)](#)

**Proponents' Testimony:**

00:33:50 Erin Switalski, Women's Voices for the Earth (WVE)

00:34:24 Rep. Phillips left the hearing.

00:37:17 Rep. Stahl left the hearing.

00:38:16 Rep. Phillips returned to the hearing.

00:39:09 Rep. Driscoll left the hearing.

00:39:39 Cassidy Randall, WVE

00:41:16 Rep. Driscoll returned to the hearing.

00:42:24 Andrew Chanania, Northern Plains Resource Council

00:43:59 Olivia Riutta, Montana Women Vote

00:45:29 Derf Johnson, MEIC

00:46:57 Jamee Greer, Montana Human Rights Network

00:47:51 Denise Roth Barber, Montana Conservation Voters

00:48:37 Cynthia Wolken, WVE

[EXHIBIT\(feh36a05\)](#)

[EXHIBIT\(feh36a06\)](#)

[EXHIBIT\(feh36a07\)](#)

[EXHIBIT\(feh36a08\)](#)

[EXHIBIT\(feh36a09\)](#)

00:48:51 Rep. Driscoll and Rep. MacLaren left the hearing.

00:49:21 Rep. Driscoll returned to the hearing.

00:50:57 Stan Frasier, Self

00:51:28 Patricia Lawson, Self

**Opponents' Testimony:**

00:54:03 Don Allen, Western Environmental Trade Association (WETA)

00:55:16 Rep. McNally left the hearing.

00:57:28 Rep. Stahl left the hearing.

01:02:38 Jonathan Barbagello, Self  
01:04:24 Rep. Phillips left the hearing.  
01:04:33 Rep. Stahl returned to the hearing.  
01:06:19 Rep. McNally returned to the hearing.  
01:08:53 Rep. Kary left the hearing.  
01:09:04 Rep. Phillips returned to the hearing.  
01:09:53 Dexter Busby, Montana Refining Company and Montana Petroleum Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:11:37 Rep. Knox  
01:12:07 Rep. Reinhart  
01:12:35 Rep. Knox  
01:12:45 Rep. Reinhart  
01:12:50 Rep. Knox  
01:12:59 Rep. Reinhart  
01:13:11 Rep. Knox  
01:13:24 Rep. Regier  
01:13:38 Rep. Reinhart  
01:13:55 Rep. Regier  
01:14:11 Rep. Reinhart  
01:14:44 Rep. Regier  
01:15:00 Rep. Reinhart  
01:16:07 Rep. Regier  
01:16:22 Rep. Reinhart  
01:17:04 Rep. Regier  
01:17:31 Rep. Reinhart  
01:18:11 Rep. Skees  
01:18:37 Rep. Reinhart  
01:20:34 Rep. Skees  
01:21:10 Rep. Reinhart  
  
01:21:16 Rep. Yates returned to the hearing.  
01:22:48 Rep. Knox  
01:23:14 Rep. Knudsen entered the hearing.

**Closing by Sponsor:**

01:23:31 Rep. Reinhart  
[EXHIBIT\(feh36a10\)](#)

**EXECUTIVE ACTION ON HB 104**

01:26:10 Rep. MacLaren returned to the hearing.

01:26:19 **Motion:** Rep. Driscoll moved that **HB 104 DO PASS.**

01:26:37 **Substitute Motion:** Rep. Driscoll made a substitute motion that **HB 104 BE AMENDED.**

**EXHIBIT**(feh36a11)

**Discussion:**

01:27:59 Rep. Driscoll

01:32:45 Rep. Stahl

01:34:52 Rep. Driscoll

01:36:05 **Vote:** Motion carried 12-4 by roll call vote with Rep. Boland, Rep. Kary, Rep. Knox and Rep. Stahl voting no. Rep. Small voted by proxy.

01:37:05 **Motion:** Rep. Driscoll moved that **HB 104 DO PASS AS AMENDED.**

**Discussion:**

01:37:20 Rep. Peterson

01:37:32 Rep. Driscoll

01:40:37 Rep. McNally

01:41:14 Rep. Driscoll

01:41:22 Jim Paine, Montana Public Service Commission (PSC)

01:42:52 Rep. Peterson

01:43:11 Rep. Stahl

01:44:39 **Vote:** Motion failed 6-10 by roll call vote with Rep. Driscoll, Rep. Klock, Rep. Menahan, Rep. Phillips, Rep. Regier and Rep. Small voting aye. Rep. Small voted by proxy.

01:45:44 **Motion/Vote:** Rep. Stahl moved that **HB 104 BE TABLED AND THE VOTE REVERSED.** Motion carried 15-0 by voice vote. Rep. Small did not vote.

**EXECUTIVE ACTION ON HB 291**

01:46:12 **Motion:** Rep. Phillips moved that **HB 291 DO PASS.**

01:46:38 **Substitute Motion:** Rep. Phillips made a substitute motion that **HB 291 BE AMENDED.**

**EXHIBIT**(feh36a12)

**Discussion:**

01:46:47 Todd Everts, Legislative Service Division (LSD)  
 01:48:08 Rep. Peterson  
 01:48:39 Rep. Phillips  
 01:48:54 Rep. Peterson

01:49:37 Rep. Stahl left the hearing.

01:49:45 Rep. Phillips  
 01:50:41 Todd Everts  
 01:50:55 Rep. Peterson

01:51:04 Rep. Stahl returned to the hearing.

01:51:42 Rep. Sesso, HD 76

01:53:08 **Vote:** Motion carried unanimously by roll call vote. Rep. Small voted by proxy.

01:53:55 **Motion/Vote:** Rep. Phillips moved that **HB 291 DO PASS AS AMENDED**.  
 Motion carried 11-5 by roll call vote with Rep. Kary, Rep. Knox, Rep. O'Hara,  
 Rep. Regier and Rep. Skees voting no. Rep. Small voted by proxy.

The Committee Report was held per the instruction of the Chairman.

**EXECUTIVE ACTION ON HB 326**

01:55:33 **Motion:** Rep. Regier moved that **HB 326 DO PASS**.

**Discussion:**

01:55:51 Todd Everts, LSD  
 01:56:39 Rep. Regier  
 01:56:53 Rep. Skees  
 01:58:18 Rep. Peterson  
 01:58:54 Todd Everts  
 01:59:14 Rep. Peterson  
 01:59:22 Todd Everts  
 01:59:40 Rep. Phillips  
 02:00:27 Rep. Knox  
 02:00:54 Rep. Skees  
 02:01:44 Todd Everts  
 02:02:36 Rep. McNally  
 02:03:19 Rep. Phillips  
 02:04:00 Rep. Peterson

02:04:38 **Vote:** Motion failed 5-11 by roll call vote with Rep. Knox, Rep. O'Hara, Rep.  
 Regier, Rep. Skees and Rep. Stahl voting aye. Rep. Small voted by proxy.

02:05:35 **Motion/Vote:** Rep. MacLaren moved that **HB 326 BE TABLED AND THE VOTE REVERSED**. Motion carried 14-1 by voice vote with Rep. Skees voting no. Rep. Small did not vote.

**EXECUTIVE ACTION ON HB 353**

02:06:22 **Motion:** Rep. Skees moved that **HB 353 DO PASS**.

**Discussion:**

02:06:49 Rep. Skees  
02:07:50 Rep. Knox  
02:08:08 Rep. Skees  
02:08:29 Rep. Knox  
02:08:40 Rep. MacLaren  
02:08:51 Rep. Skees  
02:09:16 Rep. MacLaren  
02:09:24 Rep. Phillips  
02:10:21 Rep. Skees  
02:10:24 Rep. Phillips  
02:10:33 Rep. Skees  
02:10:38 Rep. Phillips  
02:10:55 Rep. Stahl  
02:14:37 Rep. McNally  
02:15:49 Rep. Regier  
02:16:23 Rep. Skees  
02:17:36 Rep. Peterson  
02:18:09 Rep. MacLaren  
02:18:27 Rep. Klock  
02:18:37 Rep. Knudsen

02:19:05 **Vote:** Motion failed 3-13 by roll call vote with Rep. Knox, Rep. Regier and Rep. Skees voting aye. Rep. Small voted by proxy.

02:19:54 **Motion/Vote:** Rep. Knox moved that **HB 353 BE TABLED AND THE VOTE REVERSED**. Motion carried 14-1 by voice vote with Rep. Skees voting no. Rep. Small did not vote.

**EXECUTIVE ACTION ON HB 414**

02:20:45 **Motion:** Rep. Regier moved that **HB 414 DO PASS**.

**Discussion:**

02:22:14 Rep. Driscoll  
02:23:15 Rep. MacLaren  
02:23:25 Todd Everts  
02:24:16 Rep. Skees

02:25:25 Rep. MacLaren  
02:26:13 Rep. O'Hara  
02:26:42 Rep. Peterson  
02:27:07 Rep. Klock

02:27:27 **Vote:** Motion carried 11-5 by roll call vote with Rep. Boland, Rep. Driscoll, Rep. McNally, Rep. Menahan and Rep. Phillips voting no. Rep. Small voted by proxy.

02:28:28 Rep. Klock

**EXECUTIVE ACTION**

02:28:55 **Motion:** Rep. Stahl moved that **THE COMMITTEE DRAFT A COMMITTEE BILL TO REVISE EMINENT DOMAIN LAWS.**

**Discussion:**

02:30:03 Rep. Klock  
02:30:16 Rep. Peterson  
02:31:17 Rep. Klock  
02:31:20 Rep. Stahl  
02:32:34 Rep. Driscoll  
02:32:48 Rep. Menahan  
02:33:54 Rep. O'Hara

02:34:12 Rep. Knox left the hearing.

02:35:02 Rep. Phillips  
02:35:06 Rep. Knox  
02:35:09 Rep. Phillips

02:34:50 **Vote:** Motion failed 4-10 by roll call vote with Rep. Knudsen, Rep. Regier, Rep. Skees and Rep. Stahl voting aye. Rep. Knox and Rep. Small did not vote.

02:36:20 Rep. Driscoll  
02:36:23 Todd Everts  
02:36:30 Rep. Driscoll  
02:36:41 Todd Everts  
02:37:10 Rep. Klock

**ADJOURNMENT**

02:37:25      Adjournment

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Cara Gold, Secretary

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**Additional Exhibits:**

**[EXHIBIT\(feh36a13\)](#)**

Additional Documents:

**[EXHIBIT\(feh36aad.pdf\)](#)**