

**BUSINESS REPORT**

**MONTANA SENATE  
62nd LEGISLATURE - REGULAR SESSION**

**SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE**

**Date:** Thursday, February 17, 2011  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 317-C

**BILLS and RESOLUTIONS HEARD:**

SB 320 - Clarifying certain provisions of the Major Facility Siting Act  
SB 332 - Increase Montana renewable energy portfolio standard  
SB 350 - Revising renewable energy portfolio standard

**EXECUTIVE ACTION TAKEN:**

SB 254 Do Pass  
SB 292 Do Pass  
SB 305 Do Pass  
SB 297 Do Pass  
SB 320 Do Pass  
SB 330 Do Pass  
SJ 12 Do Pass  
SB 332 Tabled  
SB 350 Tabled  
SJ 5 Tabled

**Comments:**



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SEN. Alan Olson, Chair



## BILL TABLED NOTICE

### SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

The **SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE** TABLED  
**SB 332 - Increase Montana renewable energy portfolio standard**  
**SB 350 - Revising renewable energy portfolio standard**  
**SJ 5 - Resolution to Congress for const convention on US house and senate term limits**  
, by motion, on Thursday, February 17, 2011.

\_\_\_\_\_  
(For the Committee)

*Susan Anderson*

\_\_\_\_\_  
(For the Secretary of the Senate)

7:30 / 2-18-11  
(Time) (Date)

February 17, 2011

Liane Taylor, Secretary

Phone: 4889  
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**SENATE STANDING COMMITTEE REPORT**

**February 17, 2011**

**Page 1 of 1**

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 254**

(first reading copy -- white) **do pass.**

Signed:   
*Senator Alan Olson, Chair*

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required

SB0254001SC.sdr

OR



**SENATE STANDING COMMITTEE REPORT**

**February 17, 2011**

**Page 1 of 1**

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 292**  
(first reading copy -- white) **do pass.**

Signed:   
*Senator Alan Olson, Chair*

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required

SB0292001SC.sdr





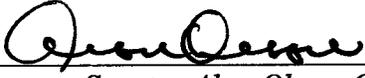
**SENATE STANDING COMMITTEE REPORT**

February 17, 2011

Page 1 of 1

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 297** (first reading copy -- white) **do pass as amended.**

Signed:   
*Senator Alan Olson, Chair*

**And, that such amendments read:**

1. Title, page 1, line 9.

**Strike:** "THE CONVERSION OF"

**Insert:** "A FACILITY OR SURFACE PREMISES WHERE"

**Following:** "COAL"

**Insert:** "IS CONVERTED"

2. Page 2, line 28.

**Following:** "operated"

**Insert:** ", owned, "

3. Page 5, line 26.

**Following:** the first "the"

**Insert:** "surface"

4. Page 5, line 28.

**Following:** the first "or"

**Insert:** "surface"

- END -

**Committee Vote:**

**Yes 9, No 3**

Fiscal Note Required

SB0297001SC.sdr





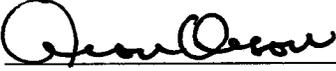
**SENATE STANDING COMMITTEE REPORT**

**February 17, 2011**

**Page 1 of 1**

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 320**  
(first reading copy -- white) **do pass as amended.**

Signed:   
*Senator Alan Olson, Chair*

**And, that such amendments read:**

1. Page 3, line 25.

**Following:** "laws"

**Insert:** ", with respect to reliability of service,"

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required

SB0320001SC.sdr

*OR*



**SENATE STANDING COMMITTEE REPORT**

**February 17, 2011**

**Page 1 of 1**

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 305**  
(first reading copy -- white) **do pass.**

Signed:   
*Senator Alan Olson, Chair*

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required

SB0305001SC.sdr





**SENATE STANDING COMMITTEE REPORT**

February 17, 2011

Page 1 of 2

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 330** (first reading copy -- white) **do pass as amended.**

Signed:   
*Senator Alan Olson, Chair*

**And, that such amendments read:**

1. Page 1.

**Following:** line 9

**Insert:** "NEW SECTION. **Section 1. Long-term waiver.** A public utility may petition the commission for a long-term waiver, in whole or in part, of the renewable energy standards required pursuant to 69-3-2004(2) and (3) for compliance years after 2011 if the public utility can show that the procurement of electricity from renewable energy resources or renewable energy credits will result in adverse customer impacts."

**Renumber:** subsequent sections

2. Page 1, line 13.

**Following:** "69-3-2007"

**Insert:** ", [section 1],"

**Strike:** "(12)"

**Insert:** "(13)"

3. Page 3, line 4.

**Following:** "in"

**Insert:** "[section 1] and"

**Strike:** "(12)"

**Insert:** "(13) of this section"

4. Page 3, line 11.

**Strike:** "A"

**Insert:** "Except as provided in subsection (12), a"

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required

SB0330001SC.sdr

Handwritten initials, possibly "AL", in the bottom right corner.

5. Page 3.

**Following:** line 27

**Insert:** "(12) A public utility or competitive electricity supplier may not petition the commission for a waiver pursuant to subsection (10) if the public utility or competitive electricity supplier has insufficient renewable energy credits to comply with subsections (2) and (3) because the public utility or competitive electricity supplier sold renewable energy credits to another party that would otherwise have been used by the public utility or competitive electricity supplier to meet the requirements of subsections (2) and (3)."

**Renumber:** subsequent subsection

6. Page 4, line 1.

**Strike:** "(12) (a)"

**Insert:** "(13) (a)"

7. Page 5, line 16.

**Strike:** "and (11)"

**Insert:** "through (12)"

8. Page 5.

**Following:** line 16

**Insert:** "(d) define the process by which long-term waivers from full or partial compliance with this part may be granted in accordance with [section 1];"

**Renumber:** subsequent subsections

9. Page 5.

**Following:** line 20

**Insert:** "NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 20, and the provisions of Title 69, chapter 3, part 20, apply to [section 1]."

**Renumber:** subsequent sections

- END -



**SENATE STANDING COMMITTEE REPORT**

**February 17, 2011**

**Page 1 of 1**

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Joint Resolution 12** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "Alan Olson".

*Senator Alan Olson, Chair*

**And, that such amendments read:**

1. Page 1, line 13 through line 15.

**Strike:** line 13 through line 15 in their entirety

- END -

**Committee Vote:**

**Yes 8, No 4**

Fiscal Note Required

SJ0012001SC.sdr

Handwritten initials, possibly "DR", in the bottom right corner of the page.

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2/17/11 BILL NO SB 254 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

SB 254 DO Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓		✓
SENATOR SHANNON AUGARE		✓	
SENATOR RON ERICKSON		✓	
SENATOR JEFF ESSMANN	✓		
SENATOR BOB LAKE	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JASON PRIEST	✓		
SENATOR MITCH TROPILA		✓	
SENATOR KENDALL VAN DYK		✓	
SENATOR CHAS VINCENT	✓		
SENATOR EDWARD WALKER	✓		
SENATOR ALAN OLSON, CHAIR	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2/17/11 BILL NO SB 297 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

*Do Pass As Amended*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓		✓
SENATOR SHANNON AUGARE		✓	
SENATOR RON ERICKSON	✓		
SENATOR JEFF ESSMANN	✓		
SENATOR BOB LAKE	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JASON PRIEST	✓		
SENATOR MITCH TROPILA		✓	
SENATOR KENDALL VAN DYK	✓		
SENATOR CHAS VINCENT	✓		
SENATOR EDWARD WALKER	✓		
SENATOR ALAN OLSON, CHAIR	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE \_\_\_\_\_ BILL NO 320 MOTION NO. \_\_\_\_\_

MOTION: \_\_\_\_\_

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR			
SENATOR SHANNON AUGARE			
SENATOR RON ERICKSON			
SENATOR JEFF ESSMANN			
SENATOR BOB LAKE			
SENATOR LYNDA MOSS			
SENATOR JASON PRIEST			
SENATOR MITCH TROPILA			
SENATOR KENDALL VAN DYK			
SENATOR CHAS VINCENT			
SENATOR EDWARD WALKER			
SENATOR ALAN OLSON, CHAIR			

Voice

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2/17/11 BILL NO SB 292 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

*DO Pass*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓		✓
SENATOR SHANNON AUGARE		✓	
SENATOR RON ERICKSON		✓	
SENATOR JEFF ESSMANN	✓		
SENATOR BOB LAKE	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JASON PRIEST	✓		
SENATOR MITCH TROPILA		✓	
SENATOR KENDALL VAN DYK		✓	
SENATOR CHAS VINCENT	✓		
SENATOR EDWARD WALKER	✓		
SENATOR ALAN OLSON, CHAIR	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE \_\_\_\_\_ BILL NO 8B 305 MOTION NO. \_\_\_\_\_

MOTION: \_\_\_\_\_  
Amendment

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR SHANNON AUGARE	✓		
SENATOR RON ERICKSON	✓		
SENATOR JEFF ESSMANN		✓	
SENATOR BOB LAKE		✓	
SENATOR LYNDA MOSS	✓		
SENATOR JASON PRIEST		✓	
SENATOR MITCH TROPILA	✓		
SENATOR KENDALL VAN DYK	✓		
SENATOR CHAS VINCENT		✓	
SENATOR EDWARD WALKER		✓	
SENATOR ALAN OLSON, CHAIR		✓	

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2/17/11 BILL NO 305 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

*DP*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR SHANNON AUGARE		✓	
SENATOR RON ERICKSON		✓	
SENATOR JEFF ESSMANN	✓		
SENATOR BOB LAKE	✓	✓	
SENATOR LYNDA MOSS	✓		
SENATOR JASON PRIEST	✓		
SENATOR MITCH TROPILA		✓	
SENATOR KENDALL VAN DYK	✓	✓	
SENATOR CHAS VINCENT	✓		
SENATOR EDWARD WALKER	✓		
SENATOR ALAN OLSON, CHAIR	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2/17/11 BILL NO SB 330 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

Amendment #2 SB033002.02

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR SHANNON AUGARE		✓	
SENATOR RON ERICKSON		✓	
SENATOR JEFF ESSMANN	✓		
SENATOR BOB LAKE	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JASON PRIEST	✓		
SENATOR MITCH TROPILA		✓	
SENATOR KENDALL VAN DYK		✓	
SENATOR CHAS VINCENT	✓		
SENATOR EDWARD WALKER	✓		
SENATOR ALAN OLSON, CHAIR	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE \_\_\_\_\_ BILL NO. SB330 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

330 DO Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR SHANNON AUGARE		✓	
SENATOR RON ERICKSON		✓	
SENATOR JEFF ESSMANN	✓		
SENATOR BOB LAKE	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JASON PRIEST	✓		
SENATOR MITCH TROPILA		✓	
SENATOR KENDALL VAN DYK		✓	
SENATOR CHAS VINCENT	✓		
SENATOR EDWARD WALKER	✓		
SENATOR ALAN OLSON, CHAIR	✓		

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE \_\_\_\_\_ BILL NO SB350 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR SHANNON AUGARE	✓		
SENATOR RON ERICKSON	✓		
SENATOR JEFF ESSMANN		✓	
SENATOR BOB LAKE		✓	
SENATOR LYNDA MOSS	✓		
SENATOR JASON PRIEST		✓	
SENATOR MITCH TROPILA	✓		
SENATOR KENDALL VAN DYK	✓		
SENATOR CHAS VINCENT		✓	
SENATOR EDWARD WALKER		✓	
SENATOR ALAN OLSON, CHAIR		✓	

*Reverse end  
table  
is*

*by voice*

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2/17 BILL NO 360 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

*Motion To table,*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓	✓	
SENATOR SHANNON AUGARE	✓		
SENATOR RON ERICKSON	✓		
SENATOR JEFF ESSMANN		✓	✓
SENATOR BOB LAKE		✓	✓
SENATOR LYNDA MOSS	✓		
SENATOR JASON PRIEST		✓	
SENATOR MITCH TROPILA	✓		
SENATOR KENDALL VAN DYK	✓		
SENATOR CHAS VINCENT		✓	
SENATOR EDWARD WALKER	✓	✓	
SENATOR ALAN OLSON, CHAIR	✓	✓	

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE 2/17/11 BILL NO SB 332 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

*Do Pass*

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR SHANNON AUGARE	✓		
SENATOR RON ERICKSON	✓		
SENATOR JEFF ESSMANN		✓	
SENATOR BOB LAKE		✓	✓
SENATOR LYNDA MOSS	✓		
SENATOR JASON PRIEST		✓	
SENATOR MITCH TROPILA	✓		
SENATOR KENDALL VAN DYK	✓		
SENATOR CHAS VINCENT		✓	
SENATOR EDWARD WALKER		✓	
SENATOR ALAN OLSON, CHAIR		✓	

*Moss*

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**ENERGY & TELECOMMUNICATIONS COMMITTEE**

DATE \_\_\_\_\_ BILL NO. SJ 12 MOTION NO. \_\_\_\_\_

MOTION: \_\_\_\_\_  
Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR SHANNON AUGARE	✓		
SENATOR RON ERICKSON		✓	
SENATOR JEFF ESSMANN	✓		✓
SENATOR BOB LAKE	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JASON PRIEST	✓		
SENATOR MITCH TROPILA		✓	
SENATOR KENDALL VAN DYK	✓		
SENATOR CHAS VINCENT	✓		
SENATOR EDWARD WALKER	✓		
SENATOR ALAN OLSON, CHAIR	✓		



## AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jason Priest, request to be excused from the  
**Energy and Telecommunications  
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

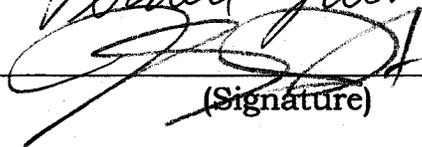
Vice Chair Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 254	✓	
SB 292	✓	
SB 297	✓	
<del>SB 305</del>		
<del>SB 320</del>		
<del>SB 330</del>		
<del>SJ 12</del>		
<del>SJ 5</del>		
<del>SB 350</del>		

BILL/AMENDMENT	AYE	NO
Amend 297 SB 02974.025 n		
<del>Amend 305</del>		
<del>Amend 330</del>		
<del>Amend 330</del>		

Sen. \_\_\_\_\_

*Verdell Jackson*  
  
(Signature)

Date \_\_\_\_\_

11/7/11

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE**

**Thursday, February 17, 2011**

**SB 332 - Increase Montana renewable energy portfolio standard**

**Sponsor: Senator Kendall Van Dyk**

**PLEASE PRINT**

Name	Representing	Support	Oppose
Bill Gallagher	FSO		X
Shiloh Hernandez	Self	X	
Roxann Lincoln	AARP MT	X	
Connie Progh	NPRC	X	
Julla Page	Self	X	
Kyle Wiens	MEIC	X	
Jeff Fox	Renewable Northwest Project	X	
Aimee Grudjcz	Montana Wind Group	X	
VAN DAMISON	GAELECTRIC	X	
Casey Perkins	MT Audubon	X	
Sarah Sather	Mont PIRG	X	
Shelbi Dautic	Mont PERG	X	
John All	MDY		X
Bob Winger	Boilermakers Local 11		X
TOHN Roebes	Boilermakers Local 11		X
Kate French	SGCC	X	
Chris Christaens	MFL		
Matt Leow	Mont PIRG	X	
Boss Prosper	MT Conservation Voters	X	
Chad McCa	Grasslands	X	
John Fitzgerald	NWE		X
Chris Caverzas	MT AFL-CIO	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Don Bennion  
 EVAN BARRETT  
 Todd O'Hair

GOED  
 Cloud Peak

MT Chamber  
 X  
 X  
 X

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE**

Thursday, February 17, 2011

**SB 350 - Revising renewable energy portfolio standard**

**Sponsor: Senator Ron Erickson**

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Name	Representing	Support	Oppose
Roxann Lincoln	AARP MT	X	
Kate Charles	AARP MT	X	
Richard Heringbinger	AARP MT	X	
Pat Mullen	AMEC		
Kyla Wiecus	MEIC	X	
Sarah Sather	Mont PIRG	X	
Shelbi Dantic	Mont PIRG	X	
Bud Clinch	MCC		X
CHRIS CHRISTIAENS	MFL	X	
Tom Ebzery	AVISTA, Puget Sound Energy, Portland GEN Electric, Puget Sound		X
Chantel McCormick	Grasslands	X	
Don Allen	WETA		X
Junon Stumpf	American Indian Energy	X	
Jon Benabe	MT Chamber		X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE**

Thursday, February 17, 2011

**SB 320 - Clarifying certain provisions of the Major Facility Siting Act**

Sponsor: Senator Llew Jones

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Name	Representing	Support	Oppose
VAN JAMISON	BAELECTRIC	X	
Pat Mulken	AMEC	X	
<del>Steve Johnson</del>	AMEC	x	
Bill Johnson	CCM		X
Tom Lythgoe	Jefferson County		X
Chris Christensen	MFL	X	
KRISTINE MATHER	SOE		X
Darren Jones	Townbridge / MATEL	X	
Steven Anderson	SOE	X	
<del>FOOD STORE</del>	<del>Cloud Peak Energy</del>		<del>X</del>
Mike Dills	ASMSA		
W. McCullough	DEQ	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.