

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: Chair Keith Regier, on February 20, 2013 at 3:00 PM, in Room 472
Capitol

ROLL CALL

Members Present:

Rep. Keith Regier, Chair (R)
Rep. Mary McNally, Vice Chair (D)
Rep. Jesse O'Hara, Vice Chair (R)
Rep. Carlie Boland (D)
Rep. Roger A. Hagan (R)
Rep. Doug Kary (R)
Rep. Austin Knudsen (R)
Rep. Mike Lang (R)
Rep. David (Doc) Moore (R)
Rep. Rae Peppers (D)
Rep. Kathy Swanson (D)
Rep. Daniel Zolnikov (R)

Members Excused: Rep. Tom Berry (R)
Rep. Tom Steenberg (D)

Members Absent: None

Staff Present: Molly Miltenberger, Committee Secretary
Hope Stockwell, Legislative Branch

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: SB 164, 2/14/2013; HB 475, 2/18/2013; HB 477, 2/18/2013

Executive Action: HB 394, HB 431, HB 406, HB 417, HB 412

00:10 :08 Chair Regier

[EXHIBIT\(feh38a01\)](#)

[EXHIBIT\(feh38a02\)](#)

HEARING ON SB 164

Opening Statement by Sponsor:

00:11:09 Sen. Jim Keane (D), SD 38, opened the hearing on SB 164, Exempt small utilities from RPS requirements.

Proponents' Testimony:

00:13:13 Tom Ebzery, Attorney, Avista Corporation

[EXHIBIT\(feh38a03\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:18:24 Sen. Keane

HEARING ON HB 475

Opening Statement by Sponsor:

00:18:59 Rep. Mary McNally (D), HD 49, opened the hearing on HB 475, Generally revise energy laws related to preapproval of a resource.

Proponents' Testimony:

00:25:40 Travis Kavulla, Self

[EXHIBIT\(feh38a04\)](#)

[EXHIBIT\(feh38a05\)](#)

00:40:29 Bill Pascoe, Energy Industry Consultant

Opponents' Testimony:

00:46:36 John Fitzpatrick, Northwestern Energy (NWE)

[EXHIBIT\(feh38a06\)](#)

01:05:50 Bob Lake, Vice Chairman, Public Service Commission (PSC)

[EXHIBIT\(feh38a07\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:09:34 Rep. Boland

01:10:15 Mr. Kavulla

01:11:06 Rep. Boland

01:11:25 Mr. Kavulla

01:13:51 Rep. Boland

01:14:06 Mr. Kavulla
01:15:24 Rep. Boland
01:15:27 Mr. Kavulla

Closing by Sponsor:

01:15:44 Rep. McNally
01:20:02 Chair Regier

HEARING ON HB 477

Opening Statement by Sponsor:

01:20:31 Rep. Tom Berry (R), HD 45, opened the hearing on HB 477, Require utility to release energy use, provide shut off data, address liability.

[EXHIBIT\(feh38a08\)](#)

Proponents' Testimony:

01:22:48 Robert Leach, Small Business Owner

[EXHIBIT\(feh38a09\)](#)

01:41:29 Howard Sumner, Self

[EXHIBIT\(feh38a10\)](#)

[EXHIBIT\(feh38a11\)](#)

01:48:06 Bill Staffeldt, Landowner

01:54:28 Rick Linafelter, Great Falls Resident

01:55:08 Clayton Fiscus, Property Manager

01:56:36 Bill Louis, President, Montana Landlord's Association (MLA)

01:57:13 Pat Duncan, MLA

Opponents' Testimony:

01:57:29 John Alke, Montana Dakota Utilities (MDU)

[EXHIBIT\(feh38a12\)](#)

02:06:41 Gary Wiens, Montana Electric Cooperatives Association (MECA)

02:08:14 Mark Grotbo, General Manager, Shelby Gas Association

[EXHIBIT\(feh38a13\)](#)

02:09:02 John Fitzpatrick, Northwestern Energy (NWE)

Informational Testimony:

02:11:29 Bob Lake, Vice Chairmen, Montana Public Service Commission (PSC)

[EXHIBIT\(feh38a14\)](#)

Questions from Committee Members and Responses:

02:13:14 Rep. McNally

02:13:54 Mr. Leach

02:14:35 Rep. McNally

02:15:04 Mr. Alke, MDU

02:15:45 Rep. Lang

02:16:25 Mr. Sumner

02:17:47 Rep. Lang

Closing by Sponsor:

02:18:15 Rep. Barry

EXECUTIVE ACTION ON HB 394

02:20:42 **Motion:** Rep. O'Hara moved that **HB 394 DO PASS.**

02:21:56 **Motion:** Rep. O'Hara moved that **HB 394 BE AMENDED.**

Discussion

02:22:18 Rep. Knudsen
02:22:48 Todd Everts, LSD
02:23:33 Rep. Knudsen
02:23:45 Mr. Everts, LSD
02:23:54 Rep. Hagan
02:24:34 Mr. Everts, LSD

02:25:20 **Vote:** Motion carried unanimously by roll call vote.

02:26:46 **Motion:** Rep. O'Hara moved that **HB 394 DO PASS AS AMENDED.**

Discussion

02:26:59 Chair Regier
EXHIBIT(feh38a15)

02:27:16 **Motion:** Rep. O'Hara moved that **HB 394 BE AMENDED.**

Discussion

02:27:31 Mr. Everts, LSD

02:29:29 **Vote:** Motion carried 13-1 by roll call vote with Rep. Lang voting no.

02:30:25 **Motion:** Rep. O'Hara moved that **HB 394 DO PASS AS AMENDED.**

02:30:37 **Motion/Vote:** Rep. Boland moved that **HB 394 BE AMENDED.** Motion carried unanimously by roll call vote.

EXHIBIT(feh38a16)

02:32:49 **Motion:** Rep. O'Hara moved that **HB 394 DO PASS AS AMENDED.**

Discussion

02:33:02 Rep. McNally
02:33:30 Chair Regier

02:35:15 **Vote:** Motion failed 6-8 by roll call vote with Rep. Boland, Rep. McNally, Rep. Peppers, Rep. Steenberg, Rep. Swanson and Rep. Zolnikov voting aye.

02:35:47 **Motion/Vote:** Rep. O'Hara moved that **HB 394 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 417

02:36:12 **Motion:** Rep. O'Hara moved that **HB 417 DO PASS.**

02:36:25 **Motion:** Rep. Knudsen moved that **HB 417 BE AMENDED.**

Discussion

02:37:15 Mr. Everts, LSD

02:37:40 Rep. Knudsen

02:39:23 **Vote:** Motion carried unanimously by voice vote.

02:39:36 **Motion/Vote:** Rep. O'Hara moved that **HB 417 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 431

02:40:46 **Motion:** Rep. Knudsen moved that **HB 431 DO PASS.**
[EXHIBIT\(feh38a17\)](#)

02:41:59 **Motion/Vote:** Rep. Knudsen moved that **HB 431 BE AMENDED.** Motion carried unanimously by voice vote.

02:43:43 **Motion/Vote:** Rep. Knudsen moved that **HB 431 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 412

02:44:41 **Motion:** Rep. O'Hara moved that **HB 412 DO PASS.**

02:44:53 **Substitute Motion/Vote:** Rep. Kary made a substitute motion that **HB 412 BE TABLED.** Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 406

02:45:21 **Motion:** Rep. O'Hara moved that **HB 406 DO PASS.**

02:45:36 **Motion/Vote:** Rep. Regier moved that **HB 406 BE TABLED.** Motion carried 13-1 by roll call vote with Rep. Knudsen voting no.

Discussion

02:47:32 Chair Regier

ADJOURNMENT

Adjournment: 02:47:43

Molly Miltenberger, Secretary

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Additional Documents:

EXHIBIT([feh38aad.pdf](#))