

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Alan Olson, on February 19, 2013 at 3:00 PM, in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Alan Olson, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Ron Arthun (R)
Sen. Robyn Driscoll (D)
Sen. Greg Jergeson (D)
Sen. Christine Kaufmann (D)
Sen. Cliff Larsen (D)
Sen. Mitch Tropila (D)

Members Excused:

Sen. Jeff Essmann (R)
Sen. Llew Jones (R)
Sen. Jason Priest (R)
Sen. Chas Vincent (R)
Sen. Edward Walker (R)

Members Absent: None

Staff Present: Julie Emge, Committee Secretary
Sonja Nowakowski, 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 153, 2/14/2013; SB 276, 2/11/2013; SB 325 2/15/2013;
SB 327, 2/15/2013

Executive Action: SB 247: Tabled
SB 264: Do Pass as Amended
SB 237: Do Pass

EXECUTIVE ACTION ON SB 247

00:16:00 **Motion:** Sen. Tropila moved that **SB 247 BE REMOVED FROM TABLED.**

Discussion:

00:16:23 Chairman Olson
00:16:34 Sen. Tropila
00:16:42 Chairman Olson
00:16:49 Sen. Kaufmann
00:17:07 Sen. Jergeson
00:18:00 Chairman Olson
00:18:10 Sen. Tropila
00:18:27 Sen. Jergeson
00:18:37 Chairman Olson

00:18:40 **Vote:** Motion carried 5-3 by roll call vote by those present and voting with Sen. Arthun, Sen. Jackson and Sen. Olson voting no. Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Vincent and Sen. Walker were excused.

Discussion:

00:19:37 Sen. Tropila
00:20:33 Sen. Jergeson
00:20:53 Chairman Olson

00:21:06 **Motion:** Sen. Jackson moved that **SB 247 DO PASS.**

00:21:12 Sen. Vincent entered the hearing.

Discussion:

00:21:17 Sen. Jergeson

00:22:30 **Motion:** Sen. Jergeson moved that **SB 247 BE AMENDED.**
EXHIBIT(ens37a01)

Discussion:

00:23:52 Sen. Kaufmann
00:24:40 Sen. Jergeson

00:25:01 **Vote:** Motion carried 13-0 by roll call vote. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Walker voted by proxy.

00:26:00 **Motion:** Sen. Jergeson moved that **SB 247 DO PASS AS AMENDED.**

Discussion:

00:26:10 Sen. Tropila
00:26:56 Sen. Jergeson

00:28:25 **Vote:** Motion failed 6-7 by roll call vote with Sen. Driscoll, Sen. Jergeson, Sen. Kaufmann, Sen. Larsen, Sen. Tropila and Sen. Vincent voting aye. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Walker voted by proxy.

00:29:41 **Motion/Vote:** Sen. Jackson moved that **SB 247 BE TABLED**. Motion carried 7-6 by roll call vote with Sen. Driscoll, Sen. Jergeson, Sen. Kaufmann, Sen. Larsen, Sen. Tropila and Sen. Vincent voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Walker voted by proxy.

HEARING ON SB 153

Opening Statement by Sponsor:

00:31:20 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 153, Revise public service commission districts.

[EXHIBIT\(ens37a02\)](#)

00:35:23 Sen. Walker entered the hearing.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:36:50 Sen. Thomas

HEARING ON SB 276

Opening Statement by Sponsor:

00:37:49 Sen. Ron Arthun (R), SD 31, opened the hearing on SB 276, Revise laws related to utility distribution improvements.

Proponents' Testimony:

00:40:16 John Alke, representing Mountain Water Company (MWC), Montana Dakota Utilities (MDU)

[EXHIBIT\(ens37a03\)](#)

00:52:01 Pat Corcoran, Vice President - Government & Regulatory Affairs, NorthWestern Energy (NWE)

[EXHIBIT\(ens37a04\)](#)

[EXHIBIT\(ens37a05\)](#)

Opponents' Testimony:

01:00:25 Bob Nelson, representing Montana Consumer Council (MCC)

[EXHIBIT\(ens37a06\)](#)

01:12:53 Travis Kavulla, Commissioner, Public Service Commission (PSC)

[EXHIBIT\(ens37a07\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:30:16 Sen. Tropila
01:30:56 Sen. Arthun
01:31:26 Sen. Tropila
01:33:04 Mr. Kavulla, PSC
01:34:10 Sen. Jackson
01:37:10 Mr. Kavulla
01:38:20 Chairman Olson
01:39:04 Mr. Kavulla
01:40:28 Mr. Corcoran, NWE

[EXHIBIT\(ens37a08\)](#)

01:43:34 Chairman Olson
01:43:56 Mr. Corcoran
01:44:40 Chairman Olson
01:46:23 Mr. Alke, MWC
01:51:15 Sen. Jergeson
01:53:49 Mr. Corcoran
01:54:04 Sen. Tropila
01:54:54 Mr. Kavulla
01:59:07 Sen. Jackson
02:03:36 Mr. Kavulla
02:04:56 Chairman Olson
02:05:06 Mr. Kavulla

Closing by Sponsor:

02:07:31 Sen. Arthun

HEARING ON SB 325

Opening Statement by Sponsor:

02:23:11 Sen. Alan Olson (R), SD 23, opened the hearing on SB 325, Revise renewable portfolio standard laws.

Proponents' Testimony:

02:24:39 Mark Lambrecht, Executive Director, Treasure State Resource Industry Association (TSRIA)

02:26:25 Stephen Smith, representing Western Wood Preservers Institute (WWPI)

EXHIBIT(ens37a09)

Opponents' Testimony:

02:31:58 Kyla Maki, representing Montana Environmental Information Center (MEIC)

02:36:24 Clayton Elliott, representing Northern Plains Resource Council (NPRC)

02:38:25 Ross Prosperi, representing Montana Conservation Voters (MCV)

Informational Testimony:

02:39:14 David Klemp, Bureau Chief, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

02:40:00 Sen. Arthun

02:41:30 Mr. Klemp, DEQ

02:42:01 Sen. Walker

02:42:39 Mr. Lambrecht, TSRIA

02:43:25 Sen. Walker

02:44:22 Sen. Olson

02:44:28 Sen. Vincent

02:49:28 Ms. Maki, MEIC

02:50:29 Sen. Vincent

02:53:05 Mr. Smith, WWPI

02:53:50 Sen. Jergeson

02:57:02 Mr. Lambrecht

02:57:30 Sen. Jergeson

02:58:03 Sen. Tropila

03:00:38 Ms. Maki

Closing by Sponsor:

03:02:12 Sen. Olson

HEARING ON SB 327**Opening Statement by Sponsor:**

03:04:44 Sen. Alan Olson (R), SD 23, opened the hearing on SB 327, Generally revise renewable portfolio standard.

Proponents' Testimony:

03:06:30 Mark Lambrecht, Executive Director, Treasure State Resource Industry Association (TSRIA)

03:07:22 Travis Kavulla, Commissioner, Public Service Commission (PSC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:08:54 Sen. Tropila

03:09:24 Sen. Olson

Closing by Sponsor:

03:10:04 Sen. Olson

EXECUTIVE ACTION ON SB 264

03:11:36 **Motion:** Sen. Jackson moved that **SB 264 DO PASS.**

03:12:00 **Motion:** Sen. Vincent moved that **SB 264 BE AMENDED.**
EXHIBIT(ens37a10)

03:12:09 Sonja Nowakowski, Legislative Services Division (LSD)

03:12:55 **Vote:** Motion carried 13-0 by voice vote. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:13:18 **Motion/Vote:** Sen. Tropila moved that **SB 264 DO PASS AS AMENDED.**
Motion carried 13-0 by voice vote. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

EXECUTIVE ACTION ON SB 327

03:14:43 **Motion/Vote:** Sen. Arthun moved that **SB 327 DO PASS.** Motion carried 13-0 by voice vote. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

EXECUTIVE ACTION ON SB 325

03:15:00 **Motion:** Sen. Olson moved that **SB 325 DO PASS.**

Discussion:

03:15:11 Sen. Tropila

03:15:38 Without objection, executive action was postponed.

Committee Business:

03:16:14 Sen. Olson

03:16:23 Ms. Nowakowski

03:17:22 Chairman Olson

ADJOURNMENT

Adjournment: 6:06 pm

Julie Emge, Secretary

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Additional Documents:

EXHIBIT([ens37aad.pdf](#))