

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** CHAIRMAN KELLY GEBHARDT, on January 23, 2009 at 3:00 P.M., in Room 422 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Kelly Gebhardt, Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Christine Kaufmann (D)  
Sen. Jim Keane (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Mitch Tropila (D)

**Members Excused:**

Sen. Debby Barrett, Vice Chairman (R)  
Sen. Gary L. Perry (R)  
Sen. Jim Peterson (R)  
Sen. David E. Wanzonried (D)

**Members Absent:** None.

**Staff Present:** Lindsey Hern, 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 76, 1/19/2009; SB 136,  
1/19/2009; SB 97, 1/19/2009

Executive Action: SB 76; SB 113; SB 136

Sen. Debby Barrett came in after roll call.

**HEARING ON SB 76**

**Opening Statement by Sponsor:**

00:01:30 **SEN. JERRY BLACK (R), SD 14**, opened the hearing on **SB 76**, Revise enhanced recovery of oil and gas laws.

00:04:07 Sen. Donald Steinbeisser came to the committee.

**Proponents' Testimony:**

00:05:11 Tom Richmond, Administrator, Board of Oil and Gas Association (BOGC)

00:07:24 Dick Batey, Shelby

00:09:37 Allen McAlear, Retired Attorney, Oil Interests

00:11:28 Patrick Montalban, Montana Oil and Gas Association

00:14:11 Dave Gult, Executive Director, Montana Petroleum Association (MPA)

00:14:36 Ed Bartlett, Northern Alliance

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:15:25 Sen. Ken Hansen

00:15:37 Sen. Black

00:15:47 Sen. Hansen

00:15:51 Sen. Black

00:16:02 Mr. Richmond, BOGC

00:17:48 Sen. Christine Kaufmann

00:18:10 Mr. Richmond, BOGC

**Closing by Sponsor:**

00:19:47 Sen. Black

**HEARING ON SB 136**

**Opening Statement by Sponsor:**

00:21:39 **SEN. KELLY GEBHARDT (R), SD 23**, opened the hearing on **SB 136**, Clarifying oil well unit spacing requirement laws.

**Proponents' Testimony:**

00:22:31 Mr. Richmond, BOGC

00:24:47 Mr. Galt, MPA

00:25:13 Patrick Montalban, Northern Montana Oil and Gas Association (NMOGA)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:25:45 Sen. Gebhardt

**EXECUTIVE ACTION ON SB 76**

00:26:27 **Motion:** Sen. Keane moved that **SB 76 DO PASS**.

**Discussion:**

00:26:54 **Vote:** Motion that **SB 76 DO PASS** carried unanimously (present and voting) by voice vote. No proxy votes for Sen. Peterson, Sen. Perry and Sen. Wanzienried.

**EXECUTIVE ACTION ON SB 136**

00:27:33 **Motion:** Sen. Gebhardt moved that **SB 136 DO PASS**

**Discussion:**

00:27:41 **Vote:** Motion that **SB 136 DO PASS** carried unanimously (present and voting) by voice vote. No proxy votes for Sen. Peterson, Sen. Perry and Sen. Wanzenried.

**EXECUTIVE ACTION ON SB 100**

**EXHIBIT (nas16a01)**

00:30:17 **Motion:** Sen. Gebhardt moved that **SB 100 DO PASS.**

00:30:29 **Motion:** Sen. Gebhardt moved that **SB 100 BE AMENDED.**

**Discussion:**

00:31:43 Sen. Kaufmann  
00:31:46 Chairman Gebhardt  
00:32:45 Sen. Tropila  
00:32:54 Sen. Barrett  
00:33:25 Chairman Gebhardt  
00:34:15 Sen. Barrett  
00:34:25 Chairman Gebhardt  
00:35:26 Sen. Hansen  
00:35:50 Chairman Gebhardt  
00:35:58 Sen. Hansen  
00:36:07 Chairman Gebhardt  
00:36:10 Sen. Hansen  
00:36:18 Sen. Tropila  
00:36:43 Chairman Gebhardt  
00:37:09 Sen. Barrett  
00:37:20 Chairman Gebhardt with permission withdrew the motions.  
00:37:49 Sen. Hansen

**EXECUTIVE ACTION ON SB 113**

00:38:54 Chairman Gebhardt

00:38:57 **Motion:** Sen. Keane moved that **SB 113 DO PASS.**

00:39:39 **Motion:** Sen. Keane moved that **SB 113 BE AMENDED.**

**EXHIBIT (nas16a02)**

**Discussion:**

00:40:50 Sonja Nowakowski, Legislative Service Division (LSD)  
00:41:37 Chairman Gebhardt  
00:41:45 Mrs. Nowakowski, LSD  
00:41:53 Chairman Gebhardt  
00:42:00 Mrs. Nowakowski, LSD  
00:42:07 Chairman Gebhardt  
00:42:17 Sen. Keane  
00:44:00 Chairman Gebhardt  
00:44:14 Sen. Keane  
00:44:19 Sen. Wanzenried came into the committee.  
00:44:33 Sen. Curtiss  
00:44:57 Sen. Keane

00:45:37 **Vote:** Motion that **SB 113 BE AMENDED** carried unanimously by voice vote. Sen. Peterson and Sen. Perry voted by proxy.

00:46:33 **Motion:** Sen. Kaufmann moved that **SB 113 BE AMENDED. EXHIBIT (nas16a03)**

00:47:19 **Motion:** Sen. Kaufmann moved amendments to **SB 113 BE SEGREGATED** (Items 2-4 on Exhibit 3).

**Discussion:**

00:48:55 Sen. Keane

00:49:15 **Vote:** Motion that **SB 113 BE AMENDED ON ITEMS 2, 3 AND 4** carried unanimously by voice vote. Sen. Perry and Sen. Peterson vote by proxy.

00:49:45 **Motion:** Sen. Kaufmann moved that **SB 113 BE AMENDED with PARTS 1 AND 5.**

**Discussion:**

00:50:46 Sen. Keane  
00:51:32 Sen. Curtiss  
00:52:00 Sen. Kauffman, without objection withdrew the motion on Parts 1 and 5 of SB 113.

00:52:23 **Motion:** Sen. Kaufmann moved that **SB 113 BE AMENDED. EXHIBIT (nas16a04)**

**Discussion:**

00:53:20 Sen. Keane  
00:54:42 Sen. Barrett

00:54:54 Sen. Kaufmann  
 00:55:37 Chairman Gebhardt  
 00:56:35 Sen. Kaufmann

Sen. Steinbeisser left before vote.

00:57:08 **Vote:** Motion that **SB 113 BE AMENDED** (Exhibit 4) failed 2-9 by voice vote with Sen. Kaufmann and Sen. Wanzenried voting aye. Sen. Peterson, Sen. Perry, and Sen. Steinbeisser voted by proxy.

00:58:45 **Motion:** Sen. Keane moved that **SB 113 DO PASS AS AMENDED**.

00:58:59 **Vote:** Motion that **SB 113 DO PASS AS AMENDED** carried unanimously by voice vote. Sen. Peterson, Sen. Perry and Sen. Steinbeisser vote by proxy.

00:59:32 Sen. Keane  
 00:59:43 Mrs. Nowakowski, LSD  
 00:59:49 Chairman Gebhardt

**HEARING ON SB 97**

**Opening Statement by Sponsor:**

01:00:56 **SEN. DAVID WANZENRIED (D), SD 49**, opened the hearing on **SB 97**, Revise petroleum tank release laws.

**Proponents' Testimony:**

01:03:09 Terry Wadsworth, Executive Director, Petroleum Tank Release Compensation (PTRC)

**Opponents' Testimony:**

01:04:33 Ronna Alexander, Montana Petroleum Marketers and Convenience Store Association (MPMCSA)  
 01:07:31 Sen. Perry came to the committee.  
 01:08:24 Chairman Gebhardt  
 01:08:31 Ms. Alexander, MPMCSA  
 01:12:27 Sen. Perry left the committee.  
 01:12:41 Jacqueline Lenmark, American Insurance Association (AIA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:15:14 Sen. Barrett  
01:15:25 Mr. Wadesworsth, PTRC  
01:15:43 Sen. Tropila returned to committee  
01:17:01 Sen. Barrett  
01:17:08 Mr. Wadesworsth, PTRC  
01:17:24 Sen. Barrett  
01:17:41 Mr. Wadesworsth, PTRC  
01:18:36 Sen. Barrett  
01:18:51 Mr. Wadesworsth, PTRC  
01:19:04 Sandi Olson, Department of Environmental Quality (DEQ)  
01:20:09 Sen. Keane  
01:20:39 Mr. Wadesworsth, PTRC  
01:21:10 Sen. Keane  
01:21:22 Mr. Wadesworsth, PTRC  
01:22:01 Sen. Keane  
01:22:20 Mr. Wadesworsth, PTRC  
01:22:47 Sen. Keane  
01:23:11 Mr. Wadesworsth, PTRC  
01:23:21 Ms. Olson, DEQ  
01:24:19 Sen. Keane  
01:24:34 Ms. Olson, DEQ  
01:24:58 Mr. Wadesworsth, PTRC  
01:26:04 Chairman Gebhardt  
01:26:43 Mr. Wadesworsth, PTRC  
01:27:38 Sen. Curtiss  
01:28:18 Ms. Alexander, MPMCSA  
01:28:48 Sen. Curtiss  
01:29:01 Ms. Alexander, MPMCSA  
01:29:57 Sen. Tropila  
01:30:28 Ms. Alexander, MPMCSA  
01:30:44 Sen. Barrett  
01:31:12 Sen. Wanzenried  
01:31:22 Sen. Barrett  
01:31:30 Sen. Wanzenried

**EXHIBIT (nas16a05)**

01:32:25 Sen. Kaufmann  
01:32:48 Ms. Alexander, MPMCSA  
01:34:13 Sen. Kaufmann  
01:34:19 Mr. Wadesworth, PTRC  
01:35:01 Sen. Barrett  
01:35:25 Ms. Lenmark, AIA

**Closing by Sponsor:**

01:35:58 Sen. Wanzenried

**ADJOURNMENT**

Adjournment: 4:39 P.M.

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LINDSEY HERN, Secretary

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Additional Documents:

**EXHIBIT ([nas16aad.pdf](#))**