

**MINUTES**

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

**ENERGY AND TELECOMMUNICATIONS**

**Call to Order:** Chairman Jerry W. Black, on March 10, 2009 at 3:00 P.M., in Room 317 Capitol

**ROLL CALL**

**Members Present:**

Sen. Jerry W. Black, Chairman (R)  
Sen. Aubyn Curtiss, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. Ron Erickson (D)  
Sen. John Esp (R)  
Sen. Kelly Gebhardt (R)  
Sen. Dave Lewis (R)

**Members Excused:** Sen. Bob Hawks (D)  
Sen. Lynda Moss (D)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Mitch Tropila (D)

**Members Absent:** None

**Staff Present:** Sonja Nowakowski, Legislative Branch  
Nadine Spencer, 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: HB 27, 2/24/2009; HB 82, 2/24/2009  
HB 294, 2/24/2009; HB 118, 3/4/2009

Executive Action: HB 27, HB 82, HB 118, HB 294, HB  
179

**HEARING ON HB 27****Opening Statement by Sponsor:**

00:01:00 Rep. Brady Wiseman (D), HD 65, opened the hearing on HB 27, Revise universal system benefit laws.

**EXHIBIT (ens53a01)**

00:01:33 Sen. Moss entered the hearing.

00:01:43 Sen. Hawks entered the hearing.

00:05:42 Sen. Tropila entered the hearing.

**Proponents' Testimony:**

00:06:04 Greg Jergeson, Montana Public Service Commission (PSC)

**EXHIBIT (ens53a02)**

00:07:56 John Fitzpatrick, NorthWestern Energy

00:08:35 Ken Morrison, Energy Share of Montana

00:10:00 Aidan Myhre, representing Montana Dakota Utilities

00:10:11 Sen. Stewart-Peregoy entered the hearing.

00:10:19 Anne Hedges, Montana Environmental Information Center (MEIC)

00:10:37 Gary Wiens, Montana Electric Cooperatives Association (MECA)

00:10:59 Ed Eaton, American Association of Retired Persons (AARP)

00:11:39 Casey Perkins, Montana Audubon

00:11:57 Jim Nolan, Montana Department of Public Health and Human Services (DPHHS)

00:12:27 Lou Moore, Montana Department of Environmental Quality (DEQ)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:13:20 Sen. Wiseman

**HEARING ON HB 82****Opening Statement by Sponsor:**

00:14:07 Rep. Robyn Driscoll (D), HD 51, opened the hearing on HB 82, Revise deposit of stranded 911 revenue.

**Proponents' Testimony:**

00:16:24 Becky Berger, Montana Department of Administration, Information Technology Services Division (ITSD)

**EXHIBIT (ens53a03)**

00:20:36 Bonnie Lorang, Montana Independent Telecommunications Systems (MITS)

00:21:24 Kevin Jam, Montana Telecommunications Association (MTA)

00:21:51 Harold Blattie, Montana Association of Counties (MACO)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:22:41 Sen. Curtiss

00:23:15 Bonnie Lorang

00:23:49 Sen. Curtiss

00:23:58 Bonnie Lorang

00:24:25 Becky Berger

00:25:32 Sen. Brown

00:26:16 Rep. Driscoll

00:26:32 Becky Berger

00:28:01 Sen. Brown

00:28:12 Becky Berger

00:29:07 Chairman Black

00:29:18 Becky Berger

00:30:19 Chairman Black

00:30:37 Becky Berger

00:31:18 Chairman Black

00:31:28 Becky Berger

**Closing by Sponsor:**

00:31:54 Rep. Driscoll

**HEARING ON HB 118**

**Opening Statement by Sponsor:**

00:33:18 Rep. Harry Klock (R), HD 83, opened the hearing on HB 118, Revise distribution of 911 funds.

**Proponents' Testimony:**

00:34:35 Becky Berger  
[EXHIBIT \(ens53a04\)](#)

00:39:27 Bonnie Lorang  
00:40:08 Kevin Jam  
00:40:26 Harold Blattie

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:42:48 Rep. Klock

**HEARING ON HB 294**

**Opening Statement by Sponsor:**

00:43:17 Rep. Gary MacLaren (R), HD 89, opened the hearing on HB 294, Revise natural gas laws.

**Proponents' Testimony:**

00:48:01 John Fitzpatrick  
[EXHIBIT \(ens53a05\)](#)

00:59:48 Greg Jergeson  
[EXHIBIT \(ens53a06\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:03:23 Sen. Erickson

01:03:54 John Fitzpatrick  
01:04:39 Sen. Tropila  
01:05:08 John Fitzpatrick  
01:05:37 Sen. Tropila  
01:06:00 John Fitzpatrick  
01:07:10 Sen. Brown  
01:07:52 Rep. MacLaren  
01:08:09 Sen. Brown  
01:08:42 Rep. MacLaren  
01:09:07 Sen. Brown  
01:09:52 John Fitzpatrick  
01:10:29 Sen. Brown  
01:10:44 John Fitzpatrick  
01:11:49 Sen. Brown  
01:12:14 Greg Jergeson  
01:12:39 Sen. Tropila  
01:13:17 Greg Jergeson  
01:14:16 Sen. Lewis  
01:14:50 John Fitzpatrick  
01:15:03 Sen. Tropila  
01:15:29 John Fitzpatrick  
01:16:47 Chairman Black  
01:16:59 John Fitzpatrick  
01:18:37 Chairman Black  
01:18:45 John Fitzpatrick  
01:19:11 Chairman Black  
01:19:25 John Fitzpatrick  
01:20:20 Chairman Black  
01:20:27 John Fitzpatrick  
01:21:12 Chairman Black  
01:21:21 John Fitzpatrick  
01:22:26 Chairman Black  
01:22:37 John Fitzpatrick  
01:23:35 Chairman Black  
01:23:53 John Fitzpatrick  
01:24:15 Chairman Black  
01:24:27 John Fitzpatrick  
01:25:29 Chairman Black  
01:25:34 John Fitzpatrick

**Closing by Sponsor:**

01:26:24 Rep. MacLaren

**DISCUSSION REGARDING STUDY BILL ON OWNERSHIP OF PORE SPACE**

01:28:12 Sonja Nowakowski  
01:28:39 Sen. Erickson  
01:30:28 Chairman Black  
01:30:53 Sen. Gebhardt

01:31:05 Sonja Nowakowski  
01:31:09 Sen. Gebhardt  
01:31:15 Sonja Nowakowski  
01:31:37 Sen. Gebhardt  
01:31:47 Sen. Esp  
01:31:58 Sen. Tropila  
01:32:12 Sen. Erickson

**DISCUSSION REGARDING SB 498**

01:33:18 Chairman Black  
01:33:43 Sen. Erickson  
01:33:59 Sonja Nowakowski  
01:34:08 Sen. Erickson  
01:34:28 Chairman Black  
01:34:35 Sen. Erickson  
01:34:47 Sen. Esp

**EXECUTIVE ACTION ON HB 179**

01:35:26 Sonja Nowakowski  
01:36:12 **Motion/Vote:** Sen. Erickson moved that **HB 179 BE CONCURRED IN AS AMENDED.** (HB 179 was amended by committee vote on 3/5/09.) **MOTION CARRIED** unanimously by voice vote. Sen. Hawks will carry the bill in the Senate.

**EXHIBIT (ens53a07)**

**EXECUTIVE ACTION ON HB 27**

01:37:26 **Motion/Vote:** Sen. Gebhardt moved that **HB 27 BE CONCURRED IN. MOTION CARRIED** unanimously by voice vote. Sen. Lewis will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 294**

01:38:04 **Motion:** Sen. Gebhardt moved that **HB 294 BE CONCURRED IN.**

**Discussion:**

01:38:20 Sen. Brown  
01:41:25 Sen. Lewis  
01:42:29 Sen. Esp  
01:43:19 Chairman Black

01:44:17 **Vote: MOTION CARRIED** 8-3 by roll call vote with Sens. Brown, Stewart-Peregoy and Black voting no. Sen. Esp will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 118**

01:45:52 **Motion/Vote:** Sen. Gebhardt moved that **HB 118 BE CONCURRED IN. MOTION CARRIED** unanimously by voice vote. Sen. Gebhardt will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 82**

01:46:17 **Motion:** Sen. Gebhardt moved that **HB 82 BE CONCURRED IN.**

**Discussion:**

01:46:28 Sen. Brown  
01:47:16 Sen. Gebhardt  
01:49:09 Sen. Brown  
01:49:14 Sen. Gebhardt  
01:49:58 Sen. Brown  
01:50:07 Sen. Gebhardt  
01:50:14 Sen. Esp  
01:50:25 Sen. Hawks  
01:51:00 Sen. Tropila

01:52:03 **Vote: MOTION CARRIED** unanimously by voice vote. Sen. Gebhardt will carry the bill in the Senate.

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT ([ens53aad.pdf](#))**