

MINUTES

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

ENERGY AND TELECOMMUNICATIONS

Call to Order: Chairman Jerry W. Black, on February 19, 2009 at 3:00 P.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Jerry W. Black, Chairman (R)
Sen. Roy Brown (R)
Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Bob Hawks (D)
Sen. Dave Lewis (R)
Sen. Lynda Moss (D)

Members Excused: Sen. Aubyn Curtiss, Vice Chairman (R)
Sen. Ron Erickson (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: SB 424, 2/12/2009; SB 449,
2/12/2009; SB 475, 2/16/2009; SJ
28, 2/16/2009

Executive Action: SB 178, SB 290, SB 355, SB 403, SB
424, SB 449, SB 475, SJ 28, SJ 24

00:00:36 Sen. Erickson entered the hearing.

HEARING ON SB 449

Opening Statement by Sponsor:

00:01:58 Sen. Jim Keane (D), SD 38, opened the hearing on SB 449, Establish oil and gas education account.

Proponents' Testimony:

00:03:57 Tom Richmond, Montana Tech

00:05:17 Ed Bartlett, attorney representing Northern Alliance of Oil and Gas Producers

00:06:51 Dave Galt, Montana Petroleum Association (MPA)

00:07:04 Patrick Montalban, Northern Montana Oil and Gas Association (NMOCA)

00:07:27 Willie Duffield, Montana Association of Oil, Gas and Coal Counties (MAOGC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:08:19 Sen. Moss

00:08:35 Tom Richmond

00:09:19 Sen. Moss

00:09:38 Sen. Hawks

00:09:55 Sen. Keane

00:10:22 Sen. Hawks

00:10:27 Sen. Keane

Closing by Sponsor:

00:10:52 Sen. Keane

HEARING ON SJ 28

Opening Statement by Sponsor:

00:11:25 Sen. Jim Peterson (R), SD 15, opened the hearing on SJ 28, Resolution requesting an interim study on recycling and solid waste recovery.

EXHIBIT (ens39a01)

00:14:14 Sen. Tropila entered the hearing.

Proponents' Testimony:

00:14:43 Will Selser, Montana Recycling Association
[EXHIBIT \(ens39a02\)](#)

00:18:22 Tyler Evilsizer, S.A.V.E. Foundation
00:20:03 Elaine Taylor, Montana Beverage Association
00:21:11 Sheena Rice, Montana Public Interest Research Group

Opponents' Testimony: None

Informational Testimony:

00:21:53 Lou Moore, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:23:29 Sen. Hawks
00:24:00 Will Selser
00:24:12 Sen. Hawks
00:24:20 Will Selser
00:24:36 Sen. Hawks
00:25:34 Sen. Peterson
00:26:44 Sen. Erickson
00:27:30 Lou Moore
00:28:47 Sen. Erickson
00:29:07 Lou Moore
00:30:38 Sen. Hawks
00:31:24 Will Selser
00:33:23 Sen. Hawks
00:33:35 Will Selser
00:34:15 Sen. Black
00:34:41 Lou Moore
00:35:29 Chairman Black
00:35:42 Lou Moore

Closing by Sponsor:

00:36:21 Sen. Peterson

HEARING ON SB 475

Opening Statement by Sponsor:

00:38:14 Sen. John Esp (R), SD 31, opened the hearing on SB 475,
Require notice of oil or gas lease sale.
[EXHIBIT \(ens39a03\)](#)

Proponents' Testimony:

00:41:11 Corey Fisher, Trout Unlimited
00:42:24 Michael Gibson, Montana Council of Trout Unlimited
00:43:08 Dave Galt
00:44:26 Patrick Montalban

Opponents' Testimony: None.

Informational Testimony:

00:45:36 Joe Lamson, Department of Natural Resources and
Conservation (DNRC)

Questions from Committee Members and Responses:

00:48:58 Sen. Hawks
00:49:19 Joe Lamson
00:49:54 Sen. Hawks
00:50:10 Sen. Esp
00:50:56 Sen. Hawks
00:51:21 Sen. Esp
00:52:01 Sen. Gebhardt
00:52:32 Sen. Esp
00:52:49 Chairman Black
00:52:56 Joe Lamson
00:54:05 Chairman Black
00:54:09 Joe Lamson
00:54:18 Chairman Black
00:54:27 Joe Lamson
00:54:53 Chairman Black
00:54:57 Joe Lamson

Closing by Sponsor:

00:55:11 Sen. Esp

HEARING ON SB 424

Opening Statement by Sponsor:

00:56:51 Sen. Gregory Barkus (R), SD 4, opened the hearing on SB
424, Control disposal of mercury thermostats.

Proponents' Testimony:

01:00:28 Jamie Silberberger, Women's Voices for the Earth (WVE)
EXHIBIT (ens39a04)

01:05:05 Samantha Omey, Honeywell
01:13:42 Don Judge, Montana Nurses Association (MNA)
01:15:08 Lora Wier, Montana Public Health Association (MPHA)

EXHIBIT (ens39a05)

01:15:57 Anne Hedges, Montana Environmental Information Center
(MEIC)
01:16:12 Matt Elsaesser, S.A.V.E. Foundation
01:16:39 Will Selser
01:16:59 Stacey Anderson, Planned Parenthood
01:17:34 Michael Gibson
01:18:14 Jim Murphy, Communicable Disease Program at the State
Health Department (DPHHS)
01:19:21 Doug Neil, Montana State Firemen's Association

Opponents' Testimony: None.

Informational Testimony:

01:20:31 Lou Moore

Questions from Committee Members and Responses:

01:21:00 Sen. Brown
01:21:31 Sen. Barkus
01:21:56 Sen. Brown
01:22:24 Ed Thamke, Department of Environmental Quality (DEQ)
01:23:15 Sen. Erickson
01:23:48 Samantha Omey
01:24:22 Sen. Erickson
01:25:04 Samantha Omey

Closing by Sponsor:

01:25:21 Sen. Barkus

EXECUTIVE ACTION ON SB 403

01:26:36 **Motion:** Sen. Gebhardt moved that **SB 403 DO PASS.**

01:27:30 **Motion:** Sen. Gebhardt moved that **SB 403 BE AMENDED.**

EXHIBIT (ens39a06)

Discussion:

01:28:15 Sonya Nowakowski
01:30:03 Sen. Gebhardt

01:30:43 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sen. Curtiss, Stewart-Peregoy, and Tropila voting by proxy.

01:30:56 **Motion:** Sen. Gebhardt moved that **SB 403 DO PASS AS AMENDED.**

Discussion:

01:31:42 Sen. Esp
01:32:03 Sen. Gebhardt
01:32:24 Sonja Nowakowski
01:32:44 Sen. Gebhardt
01:32:53 Sen. Erickson
01:33:15 Sen. Gebhardt

01:34:46 **Vote:** **MOTION CARRIED** 7-4 by roll call vote with Sens. Erickson, Moss, Stewart-Peregoy and Tropila voting no and Sens. Curtiss, Stewart-Peregoy and Tropila voting by proxy.

EXECUTIVE ACTION ON SB 290

01:36:39 **Motion:** Sen. Lewis moved that **SB 290 DO PASS.**

01:36:54 **Motion:** Sen. Gebhardt moved that **SB 290 BE AMENDED.**
EXHIBIT (ens39a07)

Discussion:

01:37:11 Sen. Esp
01:37:25 Chairman Black
01:37:50 Sen. Esp
01:38:07 Sen. Hawks
01:38:52 Sonja Nowakowski
01:40:10 Sen. Hawks
01:41:40 Sen. Esp

01:41:57 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sens. Curtiss, Stewart-Peregoy and Tropila voting by proxy.

01:42:15 **Motion:** Sen. Hawks moved that **SB 290 DO PASS AS AMENDED.**

Discussion:

01:42:23 Sonja Nowakowski
01:43:00 Chairman Black

01:43:37 Sen. Lewis
01:43:49 Sen. Erickson

01:44:59 **Motion:** Sen. Erickson moved that **SB 290 BE AMENDED.**
EXHIBIT (ens39a08)

Discussion:

01:45:05 Sonja Nowakowski
01:45:16 Sen. Erickson
01:45:24 Chairman Black

01:45:36 **Vote: MOTION CARRIED** by voice vote by members present
and voting with Sen. Esp voting no.

01:45:52 **Motion/Vote:** Sen. Hawks moved that **SB 290 BE AMENDED.**
MOTION CARRIED by voice vote by members present and
voting with Sen. Esp voting no.

01:47:02 **Motion/Vote:** Sen. Erickson moved that **SB 290 DO PASS**
AS AMENDED. MOTION CARRIED 10-1 by voice vote with
Sen. Esp voting no and Sens. Curtiss, Stewart-Peregoy
and Tropila voting by proxy.

EXECUTIVE ACTION ON SB 355

01:48:46 **Motion:** Sen. Moss moved that **SB 355 DO PASS.**

01:48:52 **Motion:** Sen. Moss moved that **SB 355 BE AMENDED.**
EXHIBIT (ens39a09)

Discussion:

01:49:54 Sen. Brown
01:50:03 Sen. Tropila entered the hearing.
01:50:05 Sen. Moss

01:50:32 **Vote: MOTION CARRIED** unanimously by voice vote with
Sens. Curtiss and Stewart-Peregoy voting by proxy.

01:51:05 Sen. Moss
EXHIBIT (ens39a10)

01:56:06 Sen. Gebhardt
01:57:41 Sen. Brown
01:57:56 Sen. Moss
01:58:54 Sen. Brown
01:59:06 Sen. Moss
01:59:53 Sen. Brown

02:00:13 Sen. Moss
02:01:14 Sen. Esp
02:01:31 Sen. Hawks
02:03:28 Sen. Erickson
02:04:11 Sen. Tropila
02:05:24 Chairman Black
02:06:20 Sen. Gebhardt
02:08:15 Sen. Hawks
02:09:20 Sen. Brown
02:09:52 Sen. Moss
02:10:03 Marty Tuttle, Department of Commerce
02:11:39 Sen. Brown
02:11:46 Marty Tuttle
02:12:20 Sen. Hawks
02:12:38 Marty Tuttle
02:13:46 Sen. Hawks
02:14:04 Marty Tuttle
02:14:08 Sen. Hawks
02:14:21 Marty Tuttle
02:15:21 Sen. Esp
02:15:30 Sen. Moss

02:18:01 **Vote:** Without a Do Pass as Amended motion, and no objection from the committee, **SB 355 FAILED** 5-6 by roll call vote with Sens. Erickson, Hawks, Moss, Stewart-Peregoy and Tropila voting aye and Sens. Curtiss, Lewis and Stewart-Peregoy voting by proxy.

02:19:04 **Motion/Vote:** Sen. Esp moved that **SB 355 BE TABLED AND THE VOTE REVERSED. WITHOUT OBJECTION** from the committee the **MOTION CARRIED.**

EXECUTIVE ACTION ON SJ 24

02:19:12 **Motion:** Sen. Hawks moved that **SJ 24 DO PASS.**

Discussion:

02:19:38 Chairman Black
02:19:44 Sen. Hawks
02:24:49 Sen. Erickson
02:25:47 Sen. Moss
02:26:37 Sen. Esp
02:26:46 Sen. Hawks
02:27:16 Chairman Black
02:28:43 Sen. Hawks
02:28:57 Chairman Black
02:29:17 Sen. Brown
02:29:21 Chairman Black

02:29:25 **Vote:** **MOTION FAILED** 5-6 by roll call vote with Sens. Erickson, Hawks, Moss, Stewart-Peregoy and Tropila voting aye and Sens. Lewis, Stewart-Peregoy and Curtiss voting by proxy.

02:30:31 **Motion/Vote:** Sen. Esp moved that **SJ 24 BE TABLED AND THE VOTE REVERSED**. Without objection from the committee the **MOTION CARRIED**.

EXECUTIVE ACTION ON SB 475

02:30:32 **Motion:** Sen. Esp moved that **SB 475 DO PASS**.

02:30:50 **Motion:** Sen. Esp moved that **SB 475 BE AMENDED**.
EXHIBIT (ens39a11)

Discussion:

02:32:47 Sen. Esp
02:32:14 Sen. Gebhardt
02:32:18 Sen. Esp
02:32:27 Sonja Nowakowski

02:33:08 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sens. Curtiss, Lewis, Moss and Stewart-Peregoy voting by proxy.

02:33:17 **Motion/Vote:** Sen. Esp moved that **SB 475 DO PASS AS AMENDED**. Motion carried unanimously by voice vote with Sens. Curtiss, Lewis, Moss and Stewart-Peregoy voting by proxy.

EXECUTIVE ACTION ON SJ 28

02:33:59 **Motion:** Sen. Gebhardt moved that **SJ 28 DO PASS**.

02:34:03 **Motion:** Sen. Gebhardt moved that **SJ 28 BE AMENDED**.
EXHIBIT (ens39a12)

Discussion:

02:34:21 Sen. Gebhardt
02:34:59 Sen. Hawks
02:35:31 Sen. Gebhardt

02:35:53 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sens. Curtiss, Lewis, Moss and Stewart-Peregoy voting by proxy.

02:36:21 **Motion/Vote:** Sen. Gebhardt moved that **SJ 28 DO PASS AS AMENDED. MOTION CARRIED** 10-1 by voice vote with Sen. Esp voting no and Sens. Curtiss, Lewis, Moss and Stewart-Peregoy voting by proxy.

EXECUTIVE ACTION ON SB 449

02:36:59 **Motion:** Sen. Gebhardt moved that **SB 449 DO PASS.**

Discussion:

02:37:09 Sen. Gebhardt
02:37:21 Sen. Hawks
02:38:01 Sonja Nowakowski

02:38:23 **Vote: MOTION CARRIED** unanimously by voice vote with Sens. Curtiss, Lewis, Moss and Stewart-Peregoy voting by proxy.

DISCUSSION ON SJ 24

02:38:40 Sen. Erickson
EXHIBIT (ens39a13)

02:40:46 Sen. Brown
02:41:16 Sen. Esp
02:41:33 Sen. Gebhardt
02:41:59 Chairman Black
02:42:03 Sen. Erickson
02:42:06 Chairman Black
02:42:18 Sen. Hawks
02:43:12 Chairman Black
02:43:27 Sen. Tropila

EXECUTIVE ACTION ON SB 424

02:43:46 **Motion:** Sen. Esp moved **DO PASS SB 424.**

Discussion:

02:44:03 Sonja Nowakowski
02:44:28 Sen. Erickson
02:44:39 Sen. Tropila

02:45:00 **Motion:** Sen. Brown moved that **SB 424 BE AMENDED. EXHIBIT (ens39a14)**

Discussion:

02:45:31 Chairman Black

02:45:34 Sen. Brown

02:45:56 **Vote: MOTION CARRIED** unanimously by voice vote with Sens. Curtiss, Lewis, Moss and Stewart-Peregoy voting by proxy.

02:46:22 **Motion/Vote:** Sen. Gebhardt moved that **SB 424 DO PASS AS AMENDED. MOTION CARRIED** 9-2 by voice vote with Sens. Gebhardt and Esp voting no and Sens. Curtiss, Lewis, Moss and Stewart-Peregoy voting by proxy.

EXECUTIVE ACTION ON SB 178

02:46:56 **Motion/Vote:** Sen. Gebhardt moved that **SB 178 BE TABLED.** Motion carried unanimously with Sens. Lewis, Curtiss, Moss and Stewart-Peregoy voting by proxy.

Additional Exhibits:

[EXHIBIT \(ens39a15\)](#)

[EXHIBIT \(ens39a16\)](#)

ADJOURNMENT

Adjournment: 6:00 P.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT ([ens39aad.pdf](#))