

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: Chair Keith Regier, on February 15, 2013 at 3:00 PM, in Room 472
Capitol

ROLL CALL

Members Present:

Rep. Mary McNally, Vice Chair (D)
Rep. Jesse O'Hara, Vice Chair (R)
Rep. Tom Berry (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. Tom Steenberg (D)
Rep. Kathy Swanson (D)
Rep. Daniel Zolnikov (R)

Members Excused: Rep. Keith Regier, Chair (R)
Rep. Rae Peppers (D)

Members Absent: None

Staff Present: Molly Miltenberger, Committee Secretary
Hope Stockwell, Legislative Services Division (LSD)

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 431, 2/11/2013; HB 406, 2/11/2013; HB 417, 2/11/2013; HB 412, 2/11/2013

00:12:52 Rep. O'Hara

HEARING ON HB 431

Opening Statement by Sponsor:

00:15:01 Rep. Austin Knudsen (R), HD 36, opened the hearing on HB 431, Revise laws related to surface owner damage and disruption compensation.
00:26:06 Chair Regier entered.
00:26:25 Rep. O'Hara

Proponents' Testimony:

00:27:56 Wagner Harmen, Farmer, Rancher
00:32:26 Tyler Traeger, Farmer, Rancher
00:39:51 Rep. Peppers entered.
00:40:12 Raymond Bell, Farmer, Rancher
00:48:13 Rep. O'Hara
00:48:23 Todd Panasuck, Farmer, Rancher
00:50:35 Scott Panasuck, Farmer, Rancher
00:51:10 Dana Berwick, Farmer, Rancher
00:52:44 Rep. O'Hara
00:52:59 Bob Gilbert, Richland Economic Development Corporation
00:53:19 Chuck Denowh, Policy Director, United Property Owners of Montana
00:53:51 Hertha Lund, Land-Owner Attorney
00:54:32 John Youngberg, Vice President, Governmental Affairs, Montana Farm Bureau
00:54:52 Mark Fix, Rancher, Irrigator, and Northern Plains Resource Council (Northern Plains)
00:56:06 Jay Bodner, Director of Natural Resources, Montana Stockgrower's Association
00:56:25 Brad Sauer, Northern Plains Resource Council, Northern Plains
00:57:32 Derf Johnson, Montana Environmental Information Center

Opponents' Testimony:

00:58:03 Colton Branch, Oil, Gas Lawyer
01:01:57 Patrick Montalban, Chief Executive Officer, Mountain View Energy
01:05:40 Dan Bermingham, Land Manager, Omimex Canada
01:09:42 Rep. O'Hara
01:09:58 Ed Bartlett, Attorney, Continental Resources
01:10:58 Dennis Iversen, Land, Oil, and Gas Association
01:11:14 Dave Galt, Executive Director, Montana Petroleum Association (MPA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:14:10 Rep. Boland
01:14:55 Mr. Traeger
01:15:44 Rep. Boland
01:15:54 Mr. Harmon
01:16:49 Rep. Boland
01:17:43 Mr. Montalban
01:18:13 Rep. Boland
01:18:18 Mr. Montalban

01:18:49 Chair Regier
01:19:22 Mr. Galt, MPA
01:20:17 Rep. Regier
01:20:40 Rep. Knudsen
01:20:58 Rep. Berry
01:21:34 Rep. Knudsen
01:21:35 Rep. McNally
01:22:12 Mr. Bell
01:23:22 Rep. McNally
01:23:58 Mr. Branch
01:24:07 Rep. McNally
01:24:35 Mr. Branch
01:24:42 Rep. McNally
01:24:56 Mr. Branch
01:25:41 Rep. McNally
01:25:42 Mr. Branch
01:26:08 Rep. McNally
01:26:44 Rep. Knudsen
01:27:29 Rep. McNally
01:27:54 Rep. Knudsen
01:28:36 Rep. Berry
01:28:40 Mr. Branch
01:30:00 Rep. Berry
01:30:21 Mr. Branch
01:31:01 Rep. Lang
01:31:48 Mr. Galt, MPA
01:32:14 Rep. Hagan
01:34:01 Rep. Knudsen
01:34:19 Rep. Hagan
01:35:02 Rep. Knudsen
01:35:22 Rep. Kary
01:35:49 Mr. Todd Panasuck
01:35:56 Rep. Kary
01:36:01 Mr. Todd Panasuck
01:36:42 Rep. Kary
01:36:48 Mr. Todd Panasuck
01:36:56 Rep. Zolnikov
01:37:35 Mr. Bartlett

Closing by Sponsor:

01:38:57 Rep. Knudsen
01:43:13 Rep. O'Hara
01:43:24 Chair Regier

HEARING ON HB 406

Opening Statement by Sponsor:

01:43:40 Rep. Austin Knudsen (R), HD 36, opened the hearing on HB 406, Revise laws related to oil and gas pooling interests.

EXHIBIT(feh34a01)

01:52:18 Chair Regier

Proponents' Testimony:

01:52:49 Scott Panasuck, Farmer, Rancher

01:53:39 Dick Iverson, Northern Montana Oil and Gas Association

02:00:09 Wagner Harmon, Farmer, Rancher

02:02:33 Dennis Portar, Mineral Owner

02:04:06 Dana Berwick

02:04:21 Tyler Traeger, Farmer, Rancher

02:04:30 Todd Panasuck, Farmer, Rancher

02:04:48 Mark Fix, Landowner, and Northern Plains Resource Council (Northern Plains)

EXHIBIT(feh34a02)

Opponents' Testimony:

02:05:24 Dave Galt, Executive Director, Montana Petroleum Association (MPA)

02:07:14 Kent Beers, 3rd Generation Montanan, Senior Vice President, Oasis Petroleum

02:18:15 Todd Slawson, Owner, Slawson Exploration Company

02:28:56 Jeff Herman, Region Manager, Petro-Hunt, LLC

EXHIBIT(feh34a03)

EXHIBIT(feh34a04)

02:30:57 Patrick Montalban, Mountainview Energy Inc.

02:34:16 Chair Regier

02:34:21 Dan Birmingham, Omimex

02:35:05 Gary Forrester, Fidelity Exploration and Production

02:35:37 Dennis Iverson, Northern Montana Oil and Gas Association

Informational Testimony:

02:36:07 Tom Richmond, Administrator, Montana Board of Oil and Gas (MBOGC)

Questions from Committee Members and Responses:

02:36:59 Rep. Hagan

02:37:49 Rep. Knudsen

02:38:17 Rep. Hagan

02:39:34 Rep. Knudsen

02:40:18 Rep. Hagan

02:41:04 Mr. Richmond, MBOGC

02:43:03 Rep. Berry

Closing by Sponsor:

02:43:41 Rep. Knudsen

02:46:48 Meeting recessed.

02:53:55 Meeting resumed.

HEARING ON HB 417

Opening Statement by Sponsor:

02:55:17 Rep. Kelly Flynn (R), HD 68, opened the hearing on HB 417, Revise eminent domain laws related to due process.

EXHIBIT(feh34a05)

Proponents' Testimony:

03:02:58 Hertha Lund, Attorney
03:05:37 John Alki, Montana-Dakota Utilities Companies (MDU)
03:10:20 Bob Haseman, Land Owners
03:11:30 Tom Ebzery, Attorney, Century Link
03:12:14 Chuck Hahn, Rancher
03:12:53 Dave Galt, Executive Director, Montana Petroleum Association (MPA)
03:13:17 Bruce Maurer, Farmer
03:13:50 Jay Bodner, Director of Natural Resources, Montana Stockgrower's Association
03:14:36 Chuck Denowh, Policy Director, United Property Owners of Montana
03:14:52 Deborah Hanneman, Jefferson County Commissioners
03:15:14 Leo Berry, Attorney, Burlington-Northern Santa Fe Railway (BNSF)
03:15:31 Brad Sauer, Rancher
03:16:27 Mark Fix, Rancher, Irrigator
03:17:34 Jacob Cowgill, Montana Farmer's Union
03:17:49 Darryl James, Montana Alberta Tie Line

Opponents' Testimony:

03:18:56 Edward G. Beaudette, Staff Attorney, Montana Department of Transportation (MDOT)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

03:33:13 Rep. Flynn

HEARING ON HB 412

Opening Statement by Sponsor:

03:36:03 Rep. Kelly Flynn (R), HD 68, opened the hearing on HB 412, Revise eminent domain laws related to the siting of a public use.

Proponents' Testimony:

03:38:39 Hertha Lund, Attorney
03:42:19 Bruce Maurer, Farmer
EXHIBIT(feh34a06)
03:48:42 Leona Somerfeld, 4th Generation Montanan
03:54:10 Bob Haseman, Self
03:54:34 Mark Fix, Rancher, Irrigator
03:56:12 Jacob Cowgill, Montana Farmer's Union
03:56:42 Shelby Demars, Self

03:57:13 Brad Sauer, Rancher, Northern Plains Resource Council (Northern Plains)
03:59:48 Jay Bodner, Director of Natural Resources, Montana Stockgrower's Association,
Montana Farm Bureau

Opponents' Testimony:

04:01:19 Leo Berry, Attorney
04:09:35 Darryl James, Montana Alberta Tie Line
04:15:50 Edward G. Beaudette, Staff Attorney, Montana Department of Transportation
(MDOT)
04:25:35 John Alke, Montana Dakota Utilities (MDU)
04:27:06 John Fitzpatrick, Northwestern Energy (NWE)
04:31:05 Gary Wiens, Montana Electric Cooperative Association (MECA)

Informational Testimony: None

Questions from Committee Members and Responses:

04:32:50 Rep. Boland
04:33:22 Ms. Lund
04:36:17 Rep. McNally
04:37:04 Mr. Berry
04:38:30 Rep. McNally
04:38:56 Rep. Flynn
04:41:40 Chair Regier

Closing by Sponsor:

04:40:40 Rep. Flynn

ADJOURNMENT

Adjournment: 04:42:03

Molly Miltenberger, Secretary

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Additional Documents:

EXHIBIT([feh34aad.pdf](#))