

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Alan Olson, on March 26, 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. Robyn Driscoll (D)
Sen. Jeff Essmann (R)
Sen. Greg Jergeson (D)
Sen. Llew Jones (R)
Sen. Cliff Larsen (D)
Sen. Mitch Tropila (D)
Sen. Edward Walker (R)

Members Excused:

Sen. Ron Arthun (R)
Sen. Christine Kaufmann (D)
Sen. Jason Priest (R)
Sen. Chas Vincent (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: HB 431, 3/14/2013

Executive Action on: HB 188 - Be Concurred In As Amended (carried by Sen. Walker)
HB 417 - Be Concurred In (carried by Sen. Vincent)
HB 431 - Be Concurred In As Amended (carried by Sen. Walker)
HB 243 - Be Removed from Table (motion failed)

EXECUTIVE ACTION ON HB 188

00:11:49 **Motion:** Sen. Jackson moved that **HB 188 BE CONCURRED IN.**

Discussion:

00:12:38 Chairman Olson

00:13:00 Sen. Jergeson

00:14:20 Chairman Olson

00:14:27 **Motion:** Sen. Olson moved that **HB 188 BE AMENDED.**

EXHIBIT(ens65a01)

Discussion:

00:15:00 Sen. Jergeson

00:15:24 Chairman Olson

00:15:36 **Vote:** Motion carried 12-0 by voice vote. Sen. Kaufmann, Sen. Priest and Sen. Vincent voted by proxy. Sen. Arthun was excused.

00:15:52 **Motion:** Sen. Olson moved that **HB 188 BE AMENDED.**

EXHIBIT(ens65a02)

Discussion:

00:16:17 Sen. Essman

00:16:43 Sonja Nowakowski, Legislative Services Division (LSD)

00:17:17 Sen. Essmann

00:17:27 Without objection, Sen. Olson withdrew the BE AMENDED motion.

Discussion:

00:17:42 Sen. Tropila

00:17:52 Sen. Essmann

00:17:57 Sen. Tropila

00:17:59 Chairman Olson

00:18:32 **Motion:** Sen. Olson moved that **HB 188 BE AMENDED.**

EXHIBIT(ens65a03)

Discussion:

00:20:02 Sen. Jergeson

00:20:10 **Vote:** Motion carried 12-0 by voice vote. Sen. Kaufmann, Sen. Priest and Sen. Vincent voted by proxy. Sen. Arthun was excused.

00:20:21 **Motion/Vote:** Sen. Olson moved that **HB 188 BE AMENDED**. Motion carried 12-0 by voice vote. Sen. Kaufmann, Sen. Priest and Sen. Vincent voted by proxy. Sen. Arthun was excused. (See EXHIBIT 2)

00:21:14 **Motion:** Sen. Jergeson moved that **HB 188 BE AMENDED**.
[EXHIBIT\(ens65a04\)](#)

Discussion:

00:26:00 Chairman Olson

00:27:13 Sen. Priest entered the hearing.

00:31:27 Sen. Jergeson

00:31:36 Sen. Tropila

00:31:50 Sen. Jergeson

00:32:24 **Vote:** Motion failed 5-8 by roll call vote with Sen. Driscoll, Sen. Jergeson, Sen. Kaufmann, Sen. Larsen and Sen. Tropila voting aye. Sen. Arthun, Sen. Kaufmann and Sen. Vincent voted by proxy.

00:33:55 **Motion:** Sen. Olson moved that **HB 188 BE AMENDED**.
[EXHIBIT\(ens65a05\)](#)

Discussion:

00:34:26 Sen. Essmann

00:34:39 Ms. Nowakowski, LSD

00:35:17 **Vote:** Motion carried 13-0 by voice vote. Sen. Arthun, Sen. Kaufmann and Sen. Vincent voted by proxy.

00:35:36 **Motion:** Sen. Jergeson moved that **HB 188 BE AMENDED**.
[EXHIBIT\(ens65a06\)](#)

00:36:06 Sen. Priest left the hearing.

Discussion:

00:38:52 Chairman Olson

00:43:25 Sen. Jergeson

00:44:47 **Vote:** Motion failed 6-7 by roll call vote with Sen. Driscoll, Sen. Essmann, Sen. Jergeson, Sen. Kaufmann, Sen. Larsen and Sen. Tropila voting aye. Sen. Arthun, Sen. Kaufmann, Sen. Priest and Sen. Vincent voted by proxy.

Discussion:

- 00:46:10 Sen. Jergeson
- 00:46:12 Sen. Kaufmann entered the hearing.
- 00:47:10 **Motion:** Sen. Olson moved that **HB 188 BE CONCURRED IN AS AMENDED.**

Discussion:

- 00:47:23 Sen. Jergeson
- 00:47:30 Ms. Nowakowski
- 00:48:54 Sen. Jergeson
- 00:49:14 Chairman Olson
- 00:49:40 **Vote:** Motion carried 9-4 by roll call vote with Sen. Jergeson, Sen. Kaufmann, Sen. Larsen and Sen. Tropila voting no. Sen. Arthun, Sen. Priest and Sen. Vincent voted by proxy. Sen. Walker will carry the bill.

EXECUTIVE ACTION ON HB 417

- 00:50:53 **Motion:** Sen. Jackson moved that **HB 417 BE CONCURRED IN.**

Discussion:

- 00:51:10 Sen. Jergeson
- 00:51:20 Chairman Olson
- 00:51:27 **Vote:** Motion carried 13-0 by voice vote. Sen. Arthun, Sen. Priest and Sen. Vincent voted by proxy. Sen. Vincent will carry the bill.

HEARING ON HB 431

Opening Statement by Sponsor:

- 00:53:05 Rep. Austin Knudsen (R), HD 36, opened the hearing on HB 431, Revise laws related to surface owner damage and disruption compensation.
- 00:53:35 Chairman Olson and Vice Chair Jackson left the hearing and Sen. Walker took over as Chair.
- 01:00:00 Sen. Walker
- 01:00:16 Sen. Tropila

Proponents' Testimony:

- 01:00:30 Raymond Bell, representing himself
- 01:07:20 Nathan Harmon, representing himself
- 01:10:58 Chairman Olson entered the hearing and resumed role as Chair.

01:12:28 Dana Berwick, representing himself
 01:16:35 Nicole Rolf, representing Montana Farm Bureau Federation and Montana Stock Growers Association
 01:17:35 Clayton Elliott, representing Northern Plains Resource Council
 01:18:42 Bob Gilbert, Richmond Economic Development Corporation
 01:19:04 Derf Johnson, Montana Environmental Information Center

Opponents' Testimony:

01:19:31 Colby Branch, representing himself
 01:26:10 Dave Galt, Executive Director, Montana Petroleum Association (MPA)

EXHIBIT(ens65a07)

01:28:17 Dennis Iverson, Northern Montana Oil and Gas Association
 01:29:22 Tom Ebzery, representing Devon Energy Corporation

Informational Testimony: None

Questions from Committee Members and Responses:

01:34:27 Sen Jergeson
 01:34:50 Mr. Berwick, self

 01:35:32 Sen. Vincent entered the hearing.

 01:35:55 Sen. Jergeson
 01:42:29 Rep. Knudsen
 01:43:15 Sen. Walker
 01:45:28 Rep. Knudsen
 01:45:58 Sen. Walker
 01:48:28 Mr. Branch, self
 01:49:08 Sen. Tropila
 01:50:31 Mr. Galt, MPA
 01:50:44 Sen. Tropila
 01:51:28 Rep. Knudsen
 01:53:00 Chairman Olson

Closing by Sponsor:

01:53:12 Rep. Knudsen

EXECUTIVE ACTION ON HB 431

01:56:48 **Motion:** Sen. Walker moved that **HB 431 BE CONCURRED IN.**

01:57:00 **Motion:** Sen. Walker moved that **HB 431 BE AMENDED.**

EXHIBIT(ens65a08)

Discussion:

01:58:26 Sen. Jergeson
 02:02:15 Sen. Walker
 02:03:00 Sen. Tropila
 02:03:25 Chairman Olson
 02:03:51 Ms. Nowakowski
 02:04:15 Sen. Tropila
 02:04:45 Rep. Knudsen
 02:06:10 Chairman Olson
 02:06:39 Rep. Knudsen
 02:06:50 Chairman Olson

 02:07:09 Sen. Vincent left the hearing.

 02:07:35 Rep. Knudsen
 02:07:45 Chairman Olson

 02:08:02 Sen. Jackson entered the hearing.

 02:08:45 Rep. Knudsen
 02:09:13 Sen. Tropila
 02:09:30 Chairman Olson
 02:09:35 Sen. Tropila
 02:09:45 Rep. Knudsen
 02:10:29 Chairman Olson
 02:10:36 Rep. Knudsen
 02:10:42 Sen. Essmann
 02:11:00 Rep. Knudsen
 02:11:23 Sen. Walker
 02:11:39 Chairman Olson
 02:11:44 Ms. Nowakowski
 02:12:22 Sen. Tropila
 02:12:35 Mr. Galt
 02:12:40 Chairman Olson
 02:12:49 Sen. Kaufmann
 02:13:44 Sen. Essmann

 02:15:08 **Vote:** Motion carried 9-1 by voice vote with Sen. Kaufmann voting no. Sen. Arthun, Sen. Priest and Sen. Vincent were excused.

Discussion:

02:15:19 Sen. Jergeson
 02:17:21 Sen. Essmann

 02:17:54 **Motion/Vote:** Sen. Walker moved that **HB 431 BE CONCURRED IN AS AMENDED**. Motion carried 12-1 by roll call vote with Sen. Olson voting no. Sen. Arthun, Sen. Priest and Sen. Vincent voted by proxy. Sen. Walker will carry the bill.

EXECUTIVE ACTION ON SB 243

02:19:13

Motion/Vote: Sen. Jackson moved that **SB 243 BE REMOVED FROM TABLED**. Motion failed 5-5 by roll call vote with Sen. Essmann, Sen. Jackson, Sen. Jones, Sen. Olson and Sen. Walker voting aye. Sen. Arthun, Sen. Priest and Sen. Vincent were excused.

ADJOURNMENT

Adjournment: 5:12 pm

Julie Emge, Secretary

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Additional Documents:

EXHIBIT([ens65aad.pdf](#))