

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on February 2, 2009 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (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 143, 1/26/2009; SB 246,
1/26/2009

Executive Action: SB 246; SB 206; SB 201; SB 180; SB
95; SB 107; SB 97; SB 102; SB 147;
SB 149; SB 143

HEARING ON SB 246

Opening Statement by Sponsor:

00:01:13 Sen. Gary Perry (R), SD 35, opened the hearing on SB 246, Require signs on opencut operations.

Proponents' Testimony:

00:01:50 Cary Hegreberg, Montana Contractors Association (MCA)

[EXHIBIT \(nas24a01\)](#)

[EXHIBIT \(nas24a02\)](#)

00:03:54 Judy Hanson, Administrator of the Permitting and Compliance Division, Department of Environment Quality (DEQ)

00:04:26 Cynthia Johnson, Montana Association of Counties (MACo)

[EXHIBIT \(nas24a03\)](#)

00:05:02 Jacqueline Flikkema, Knife River

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:06:14 Sen. Barrett

00:06:28 Sen. Perry

00:06:42 Mr. Hegreberg, MCA

00:07:57 Sen. Hansen

00:08:17 Sen. Perry

00:08:19 Sen. Hansen

00:08:22 Sen. Perry

00:08:45 Sen. Kauffman

00:09:10 Mr. Hegreberg, MCA

Closing by Sponsor:

00:09:51 Sen. Perry

Sen. Perry left after the SB 246 hearing.

EXECUTIVE ACTION ON SB 246

00:11:17 **Motion/Vote:** Sen. Keane moved that **SB 246 DO PASS**.
Motion carried unanimously by voice vote, present and
voting.

EXECUTIVE ACTION ON SB 206

00:13:21 **Motion:** Sen. Barrett moved that **SB 206 DO PASS**.

Discussion:

00:14:10 Chairman Gebhardt
00:14:16 Sen. Barrett

00:14:50 **Vote:** Motion that **SB 206 DO PASS** carried unanimously
by voice vote, present and voting.

EXECUTIVE ACTION ON SB 201

Sen. Steinbeisser came to the committee during Executive Action
on SB 201.

00:15:36 **Motion:** Sen. Gebhardt moved that **SB 201 DO PASS**.

00:16:02 **Motion/Vote:** Sen. Gebhardt moved that **SB 201 BE
AMENDED**. Motion that **SB 201 BE AMENDED** carried
unanimously by voice vote, present and voting.

EXHIBIT (nas24a04)

00:16:47 **Motion:** Sen. Gebhardt moved that **SB 201 AS AMENDED**.

Discussion:

00:16:51 Sen. Peterson
00:17:22 Chairman Gebhardt
00:19:34 Sen. Barrett
00:19:56 Sen. Peterson
00:20:27 Chairman Gebhardt
00:20:36 Sen. Barrett

00:21:00 **Vote:** Motion that **SB 201 DO PASS AS AMENDED** carried
unanimously by voice vote, present and voting.

HEARING ON SB 143

Opening Statement by Sponsor:

00:21:43 Sen. Rick Laible (R), SD 44, opened the hearing on SB 143, Revise condominium fire protection assessments.

Proponents' Testimony:

00:23:48 Mary Sexton, Department of Natural Resources and Conservation (DNRC)

[EXHIBIT \(nas24a05\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:27:01 Sen. Keane
00:27:23 Ms. Sexton, DNRC
00:27:26 Sen. Keane
00:27:51 Ms. Sexton, DNRC
00:28:44 Sen. Keane
00:28:51 Ms. Sexton, DNRC
00:28:57 Sen. Barrett
00:29:15 Sen. Laible
00:29:21 Sen. Barrett
00:29:42 Sen. Laible
00:31:01 Sen. Barrett
00:31:16 Sen. Laible
00:31:23 Chairman Gebhardt
00:31:40 Ms. Sexton, DNRC
00:31:53 Chairman Gebhardt
00:32:00 Ms. Sexton, DNRC
00:32:04 Chairman Gebhardt
00:32:21 Ms. Sexton, DNRC
00:32:54 Sen. Kaufmann
00:33:19 Ms. Sexton, DNRC
00:34:00 Sen. Kaufmann

Closing by Sponsor:

00:34:08 Sen. Laible

EXECUTIVE ACTION ON SB 143

00:35:07 Sen. Peterson
00:35:17 Chairman Gebhardt
00:35:22 Sen. Keane

00:35:41 **Motion:** Sen. Peterson moved that **SB 143 DO PASS.**

Discussion:

00:35:59 Sen. Peterson
00:36:46 Sen. Keane
00:36:53 Chairman Gebhardt

00:37:27 **Vote:** Motion that **SB 143 DO PASS** carried 8-1 by voice vote, present and voting, with Sen. Barrett voting no.

EXECUTIVE ACTION ON SB 180

00:38:36 **Motion:** Sen. Wanzenried moved that **SB 180 DO PASS.**

00:39:00 **Motion/Vote:** Sen. Wanzenried moved that **SB 180 BE AMENDED.** Motion that **SB 180 BE AMENDED** carried 7-3 by voice vote, present and voting, with Sen. Curtiss, Sen. Gebhardt, and Sen. Hansen voting no.

EXHIBIT (nas24a06)

00:39:25 Sen. Tropila came to the committee.

00:40:16 **Motion:** Sen. Wanzenried moved **SB 180 DO PASS AS AMENDED.**

Discussion:

00:40:32 Sen. Kaufmann

00:41:32 **Substitute Motion/Vote:** Sen. Keane moved that **SB 180 BE TABLED.** Motion carried 8-3 by roll call vote with Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Perry voted by proxy.

EXECUTIVE ACTION ON SB 95

00:43:43 Sen. Wanzenried

00:44:01 **Motion:** Sen. Wanzenried moved that **SB 95 DO PASS.**

00:44:10 **Motion:** Sen. Tropila moved that **SB 95 BE AMENDED.**
EXHIBIT (nas24a07)

Discussion:

00:44:31 Sen. Wanzenried

00:45:50 **Vote:** Motion that **SB 95 BE AMENDED** carried unanimously by voice vote. Sen. Perry voted by proxy.

00:46:00 **Motion:** Sen. Wanzenried moved **SB 95 DO PASS AS AMENDED.**

Discussion:

00:46:17 Sen. Kauffman

00:47:23 Sen. Barrett

00:48:24 Chairman Gebhardt

00:48:46 Sen. Peterson

00:48:57 Sen. Keane

00:49:13 **Vote:** Motion that **SB 95 DO PASS AS AMENDED** carried unanimously by voice vote. Sen. Perry voted by proxy.

EXECUTIVE ACTION ON SB 107

00:50:45 **Motion:** Sen. Gebhardt moved that **SB 107 DO PASS.**

00:50:54 **Motion:** Sen. Gebhardt moved that **SB 107 BE AMENDED.**
EXHIBIT (nas24a08)

Discussion:

00:51:07 Chairman Gebhardt

00:51:10 Sonja Nowakowski, Legislative Service Division (LSD)

00:52:42 Sen. Kaufmann

00:53:00 Chairman Gebhardt

00:53:57 Sen. Keane

00:53:59 Sen. Wanzenried

00:55:17 Sen. Keane

00:56:39 Sen. Barrett

00:56:56 Chairman Gebhardt

00:59:54 Sen. Tropila

01:00:26 Sen. Keane

01:00:48 Sen. Tropila

01:00:53 Sen. Keane

01:01:02 Sen. Curtiss

01:01:30 Chairman Gebhardt

- 01:02:32 **Vote:** Motion that **SB 107 BE AMENDED** carried unanimously by voice vote. Sen. Perry voted by proxy.
- 01:03:02 **Motion/Vote:** Sen. Gebhardt moved **SB 107 DO PASS AS AMENDED**. Motion that **SB 107 DO PASS AS AMENDED** carried 9-2 by voice vote with Sen. Kaufmann and Sen. Wanzenried voting no. Sen. Perry voted by proxy.
- 01:03:44 Sen. Perry came to the committee.

EXECUTIVE ACTION ON SB 97

- 01:03:56 Sen. Wanzenried
- 01:04:38 **Motion:** Sen. Wanzenried moved that **SB 97 DO PASS**.
- 01:04:44 **Motion:** Sen. Wanzenried moved that **SB 97 BE AMENDED**. [EXHIBIT \(nas24a09\)](#)
- 01:05:59 Mrs. Nowakowski, LSD
- 01:08:41 Sen. Wanzenried
- 01:10:03 Chairman Gebhardt
- 01:10:10 Sen. Kaufmann
- 01:10:40 Sen. Wanzenried
- 01:11:07 Chairman Gebhardt
- 01:12:12 Sen. Wanzenried
- 01:12:40 Terry Wadsworth, Executive Director, Petroleum Tank Release Compensation Board, DEQ
- 01:13:17 Chairman Gebhardt
- 01:13:21 Mr. Wadsworth, DEQ
- 01:13:26 Chairman Gebhardt
- 01:13:41 Mr. Wadsworth, DEQ
- 01:14:55 Chairman Gebhardt
- 01:15:16 Mr. Wadsworth, DEQ
- 01:15:28 Sen. Wanzenried
- 01:15:58 Mr. Wadsworth, DEQ
- 01:17:29 **Vote:** Motion that **SB 97 BE AMENDED** carried 10-1 by voice vote with Sen. Kaufmann voting no.
- 01:18:01 **Motion/Vote:** Sen. Wanzenried moved **SB 97 DO PASS AS AMENDED**. Motion that **SB 97 DO PASS AS AMENDED** carried unanimously by voice vote.

Discussion:

01:19:14 Sen. Wanzenried
01:19:25 Chairman Gebhardt
01:20:28 Sen. Kaufmann
01:20:58 Chairman Gebhardt

EXECUTIVE ACTION ON SB 102

Sen. Peterson left the committee before Executive Action on SB 102.

01:22:17 **Motion:** Sen. Perry moved that **SB 102 DO PASS.**

Discussion:

01:22:34 Sen. Wanzenried
01:23:16 Sen. Gebhardt
01:24:14 Sen. Keane
01:24:21 Sen. Barrett
01:24:37 Ms. Nowakowski, LSD
01:24:47 Chairman Gebhardt
01:25:18 Sen. Kaufmann
01:26:11 Ms. Nowakowski
01:26:45 Sen. Barrett
01:27:15 Sen. Perry
01:27:49 Sen. Curtiss
01:28:09 Sen. Kaufmann
01:28:44 Sen. Barrett
01:29:06 Chairman Gebhardt
01:29:50 Sen. Perry

01:31:00 **Vote:** Motion that **SB 102 DO PASS** carried 7-4 by voice vote with Sen. Barrett, Sen. Curtiss, Sen. Gebhardt, and Sen. Hansen voting no. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 147

01:32:51 **Motion:** Sen. Wanzenried moved that **SB 147 DO PASS.**

Discussion:

01:33:01 Chairman Gebhardt
01:33:12 Sen. Wanzenried
01:33:34 Ms. Nowakowski, LSD
01:35:51 Sen. Wanzenried
01:36:53 Chairman Gebhardt

01:36:57 Sen. Wanzenried, without objection, withdrew his motion.

EXECUTIVE ACTION ON SB 149

01:38:41 Chairman Gebhardt

01:39:07 **Motion:** Sen. Kaufmann moved that **SB 149 DO PASS.**

01:39:15 **Motion:** Sen. Kaufmann moved that **SB 149 BE AMENDED.**
EXHIBIT (nas24a10)

Discussion:

01:39:32 Sen. Kaufmann

01:39:50 Chairman Gebhardt

01:40:02 **Vote:** Motion that **SB 149 BE AMENDED** carried unanimously by voice vote. Sen. Peterson voted by proxy.

01:40:21 **Motion:** Sen. Kaufmann moved **SB 149 DO PASS AS AMENDED.**

Discussion:

01:40:35 Sen. Kaufmann

01:41:22 Sen. Barrett

01:43:51 Sen. Curtiss

01:44:21 Sen. Perry

01:44:44 Sen. Wanzenried

01:45:15 Sen. Perry

01:45:31 Chairman Gebhardt

01:46:06 **Vote:** Motion that **SB 149 DO PASS AS AMENDED** failed 3-8 by roll call vote with Sen. Kaufmann, Sen. Keane, and Sen. Tropila voting aye. Sen. Peterson voted by proxy.

01:46:56 Chairman Gebhardt

01:46:59 **Motion:** Sen. Keane moved that **SB 149 BE TABLED AND THE VOTE REVERSED.**

01:47:13 Chairman Gebhardt granted the motion without a vote to tabled the bill and reverse the vote.

Additional Business:

01:47:26 Mrs. Nowakowski, LSD

01:49:12 Chairman Gebhardt

ADJOURNMENT

Adjournment: 4:50 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas24aad.pdf](#))