

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on February 20, 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. Jim Keane (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)

Members Excused:

Sen. Christine Kaufmann (D)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzenried (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 426, 2/11/2009; SB 427,
2/11/2009; SB 481, 2/17/2009

Executive Action: SB 370; SB 324; SB 440; SJ 21; SB
420; SB 422; SB 461; SB 200; SB
427; SB 426; SB 481

HEARING ON SB 426

Opening Statement by Sponsor:

00:01:12 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 426, National bison range water compact.

00:02:03 Sen. Tropila and Sen. Steinbeisser came to the committee.

Proponents' Testimony:

00:02:19 Chris Tweeten, Chairman, Reserve Water Rights Commission Compact (RWRCC)

[EXHIBIT \(nas40a01\)](#)

00:04:16 Jay Weiner, Staff Attorney, Reserved Water Rights Commission Compact (RWRCC)

00:06:10 Jennifer Perez Cole, Coordinator of Indian Affairs State of Montana

00:06:34 Megan Estep, Chief, Water Resource Division, Region 6, United States Fish, Wildlife and Services (USFWS)

[EXHIBIT \(nas40a02\)](#)

00:06:57 John Carter, Attorney, Kootney Tribe

00:07:34 Sen. Wanzenried came to the committee.

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:07:56 Sen. Laslovich

[EXHIBIT \(nas40a03\)](#)

00:08:23 Sen. Perry

Questions from Committee Members and Responses:

00:08:44 Chairman Gebhardt

00:08:59 Sen. Laslovich
00:09:01 Chairman Gebhardt
00:09:06 Mr. Tweeton, RWRCC
00:09:49 Chairman Gebhardt

HEARING ON SB 427

Opening Statement by Sponsor:

00:09:56 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 427, Create the Montana contaminated property compensation and restoration act.

[EXHIBIT \(nas40a04\)](#)

[EXHIBIT \(nas40a05\)](#)

Proponents' Testimony:

00:16:57 Mark Staples, Restoration Alliance: Business across Montana (Cenex, Town Pump, Holiday)
00:21:53 Bryan Webber, Board Chairman, Mountain West Co-op Missoula
00:24:44 Val Jeffries, Regional Director, Holiday Stores
00:25:42 Buck Pandis, Mountain View Co-op
00:28:10 John Traeger, Cenex Pipeline
00:29:11 Tom Richards, General Council, Town Pump Butte
00:29:57 Mike Halligen, Envirocon

Opponents' Testimony:

None

Informational Testimony:

00:33:24 Mr. Tweeton, RWRCCR
00:35:00 Sandi Olsen, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:35:27 Sen. Barrett
00:35:41 Sen. Laslovich
00:36:07 Sen. Barrett
00:36:13 Ms. Olsen, DEQ
00:36:49 Chairman Gebhardt
00:37:12 Mr. Halligen, Envirocon

Closing by Sponsor:

00:37:49 Sen. Laslovich

HEARING ON SB 481

Opening Statement by Sponsor:

00:40:51 Sen. Gregory Barkus (R), SD 4, opened the hearing on SB 481, Exempt economic stimulus projects from MEPA.

Proponents' Testimony:

00:43:48 Cary Hegreberg, Montana Contractors Association (MCA)
00:47:31 Mike Newton, Fisher Sand and Gravel
00:48:33 Scott Olsen, Helena Sand and Gravel
00:49:23 John Bennion, Montana Chamber of Commerce

Opponents' Testimony:

00:50:23 Kyla Wiens, Montana Environmental Informational Center (MEIC)
00:53:05 Richard Opper, Director, DEQ
00:55:17 Evan Barrett, Chief Business Officer, Governor's office of Economic Development

EXHIBIT (nas40a06)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:00:16 Sen. Peterson
01:00:38 Mr. Opper, DEQ
01:00:54 Sen. Peterson
01:01:08 Mr. Opper, DEQ
01:07:12 Sen. Peterson
01:07:34 Mr. Opper, DEQ
01:07:59 Sen. Wanzenried
01:08:25 Mr. Newton, Fisher Sand and Gravel
01:08:30 Sen. Wanzenried
01:08:38 Mr. Newton, Fisher Sand and Gravel
01:08:45 Sen. Wanzenried
01:09:22 Sen. Barkus
01:09:44 Sen. Wanzenried
01:09:56 Sen. Barkus
01:10:10 Sen. Barrett
01:10:41 Mr. Opper, DEQ
01:11:33 Sen. Barrett
01:12:02 Mr. Barrett, Governor's Office of Economic Development
01:13:09 Sen. Barrett
01:13:24 Mr. Barrett, Governor's Office of Economic Development

01:14:11 Sen. Barrett
01:14:35 Ms. Wiens, MEIC
01:14:48 Sen. Barrett
01:14:49 Ms. Wiens, MEIC
01:14:54 Sen. Barrett
01:14:57 Ms. Wiens, MEIC
01:15:14 Sen. Barrett
01:15:25 Ms. Wiens, MEIC
01:15:37 Sen. Perry
01:15:57 Mr. Hegreberg, MCA
01:17:11 Sen. Perry
01:17:17 Mr. Hegreberg, MCA
01:17:40 Sen. Perry
01:17:52 Mr. Hegreberg, MCA
01:18:55 Sen. Perry
01:19:01 Mr. Hegreberg, MCA
01:19:11 Sen. Perry
01:19:30 Mr. Opper, DEQ
01:19:51 Sen. Perry
01:20:06 Sen. Barkus
01:20:09 Sen. Perry
01:21:26 Sen. Barkus
01:22:24 Sen. Perry
01:22:33 Sen. Barkus
01:22:48 Sen. Peterson
01:24:06 Mr. Barrett, Governor's Office of Economic Development
01:24:27 Sen. Peterson
01:24:33 Mr. Barrett, Governor's Office of Economic Development
01:24:41 Chairman Gebhardt
01:24:53 Mr. Barrett, Governor's Office of Economic Development
01:25:00 Sen. Perry
01:25:31 Mr. Opper, DEQ
01:26:16 Sen. Barrett
01:27:10 Mr. Opper, DEQ
01:27:47 Sen. Barrett
01:27:58 Sen. Tropila
01:28:22 Sen. Barkus
01:28:28 Sen. Tropila
01:28:44 Sen. Barkus
01:28:59 Sen. Tropila
01:29:45 Sen. Barkus
01:30:35 Sen. Tropila

Closing by Sponsor:

01:30:47 Sen. Barkus
01:32:17 Recess

Committee Business:

01:43:08 Chairman Gebhardt
01:43:17 Sen. Perry
01:43:27 Sen. Wanzenried

EXECUTIVE ACTION ON SB 370

01:43:50 **Motion:** Sen. Perry moved that **SB 370 DO PASS.**

01:44:37 **Motion:** Sen. Keane moved that **SB 370 BE AMENDED.**
EXHIBIT (nas40a07)

Discussion:

01:44:46 Sonja Nowakowski, Legislative Service Division, (LSD)

01:45:29 **Vote:** Motion that **SB 370 BE AMENDED** carried
unanimously by voice vote. Sen. Kaufmann voted by
proxy.

01:45:39 **Motion:** Sen. Perry moved that **SB 370 DO PASS AS**
AMENDED.

Discussion:

01:45:50 Sen. Peterson
01:46:12 Sen. Keane

01:46:21 **Motion:** Sen. Perry without objection withdrew
his motion on **SB 370.**

EXECUTIVE ACTION ON SB 324

01:47:35 **Motion/Vote:** Sen. Keane moved that **SB 324 BE TABLED.**
Motion carried unanimously by voice vote. Sen. Kaufmann
voted by proxy.

EXECUTIVE ACTION ON SB 440

01:48:26 Vice Chairman Barrett took position of Chair.
01:48:28 **Motion:** Sen. Gebhardt moved that **SB 440 DO PASS.**

Discussion:

01:48:32 Sen. Gebhardt
01:49:05 Sen. Peterson

01:49:12 **Vote:** Motion that **SB 440 DO PASS** carried 7-4 by roll call vote with Sen. Hansen, Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

EXECUTIVE ACTION ON SJ 21

01:50:15 **Motion/Vote:** Sen. Curtiss moved that **SJ 21 DO PASS**. Motion carried 7-4 by roll call vote with Sen. Hansen, Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

EXECUTIVE ACTION ON SB 420

01:52:38 **Motion/Vote:** Sen. Keane moved that **SB 420 BE TABLED**. Motion carried 7-4 by voice vote with Sen. Barrett, Sen. Curtiss, Sen. Gebhardt, and Sen. Perry voting no. Sen. Kaufmann voted by proxy.

EXECUTIVE ACTION ON SB 422

01:53:43 **Motion/Vote:** Sen. Tropila moved that **SB 422 BE TABLED**. Motion carried 6-5 by voice vote with Sen. Barrett, Sen. Curtiss, Sen. Keane, Sen. Perry, and Sen. Tropila voting no. Sen. Kaufmann voted by proxy.

Discussion on SB 421:

01:54:34 Sen. Barrett
01:54:43 Ms. Nowakowski, LSD

EXECUTIVE ACTION ON SB 461

01:55:15 **Motion:** Sen. Perry moved that **SB 461 DO PASS**.

Discussion:

01:55:47 Sen. Wanzenried
01:55:58 Chairman Gebhardt
01:56:00 Sen. Wanzenried
01:56:17 Sen. Peterson
01:56:24 Sen. Perry
01:56:38 Chairman Gebhardt
01:57:27 Sen. Perry
01:57:32 Chairman Gebhardt
01:57:52 Sen. Perry
01:58:45 Sen. Barrett
01:59:33 Sen. Tropila
02:00:54 Sen. Perry

02:01:19 **Vote:** Motion that **SB 461 DO PASS** carried 6-5 by roll call vote with Sen. Barrett, Sen. Curtiss, Sen. Gebhardt, Sen. Hansen, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

EXECUTIVE ACTION ON SB 426

02:02:15 **Motion:** Sen. Wanzenried moved that **SB 426 DO PASS**.

02:02:41 **Motion/Vote:** Sen. Wanzenried moved that **SB 426 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Kaufmann voted by proxy. (Exhibit 3)

02:03:17 **Motion/Vote:** Sen. Wanzenried moved that **SB 426 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Kaufmann voted by proxy.

EXECUTIVE ACTION ON SB 427

02:03:58 **Motion:** Sen. Keane moved that **SB 427 DO PASS**.

02:04:05 **Motion:** Sen. Keane moved that **SB 427 BE AMENDED**. (Exhibit 4)

02:04:14 **Motion/Vote:** Sen. Keane without objection withdrew the motion on SB 427 (Exhibit 4) and moved that **SB 427 BE AMENDED**. (Exhibit 5) Motion carried unanimously by voice vote. Sen. Kaufmann voted by proxy.

02:04:24 **Motion/Vote:** Sen. Keane moved that **SB 427 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Kaufmann voted by proxy.

EXECUTIVE ACTION ON SB 481

02:06:54 **Motion:** Sen. Peterson moved that **SB 481 DO PASS**.

Discussion:

02:07:07 Sen. Barrett
[EXHIBIT \(nas40a08\)](#)

02:07:43 Chairman Gebhardt (Exhibit 6)

02:08:08 Sen. Perry

02:08:20 Sen. Peterson

02:08:42 Sen. Keane

02:09:16 Chairman Gebhardt

02:09:54 **Vote:** Motion that **SB 481 DO PASS** carried 7-4 by roll call vote with Sen. Hansen, Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

Discussion on SB 370:

02:10:44 Sen. Gebhardt
02:10:50 Sen. Perry
02:10:53 Chairman Gebhardt

EXECUTIVE ACTION ON SB 200

02:11:06 Sen. Wanzenried

02:11:35 **Motion:** Sen. Wanzenried moved to **RECONSIDER THE MOTION on SB 200 AS AMENDED.**

Discussion:

02:12:04 Sen. Wanzenried
02:12:17 Sen. Barrett
02:12:46 Chairman Gebhardt

02:13:14 **Vote:** Motion to **RECONSIDER THE MOTION on SB 200** carried 6-5 by roll call vote with Sen. Barrett, Sen. Curtiss, Sen. Gebhardt, Sen. Peterson, and Sen. Steinbeisser voting no. Sen. Kaufmann voted by proxy.

02:14:02 **Motion:** Sen. Wanzenried moved that **SB 200 DO PASS AS AMENDED.**

Discussion:

02:14:49 Sen. Perry
02:14:56 Chairman Gebhardt
02:15:23 Sen. Tropila
02:16:07 Sen. Curtiss
02:16:24 Chairman Gebhardt
02:17:06 Sen. Barrett
02:17:30 Sen. Wanzenried

02:18:03 **Vote:** Motion that **SB 200 DO PASS AS AMENDED** failed 5-6 by roll call vote with Sen. Hansen, Sen. Kaufmann, Sen. Keane, Sen. Tropila, and Sen. Wanzenried voting aye. Sen. Kaufmann voted by proxy.

02:18:44 **Motion/Vote:** Sen. Wanzenried moved that **SB 200 BE TABLED AND THE VOTE REVERSED.** Motion carried by voice vote. Sen. Kaufmann voted by proxy.

EXECUTIVE ACTION ON SB 370

- 02:19:24 **Motion:** Sen. Perry moved that **SB 370 DO PASS.**
Continuing conversation and re-stating the motion as
stated earlier.
- 02:19:34 **Motion:** Sen. Perry moved that **SB 370 DO PASS AS**
AMENDED. Motion on amendment was passed by unanimous
voice vote previously. (Exhibit 7)

Discussion:

- 02:19:46 Sen. Perry
- 02:20:02 Harold Blattie, Executive Director, Montana Association
of Counties, (MACo)
- 02:23:12 Sen. Barrett
- 02:23:21 Sen. Tropila
- 02:23:35 Ms. Olson, DEQ
- 02:23:51 Sen. Tropila
- 02:23:53 Ms. Olson, DEQ
- 02:24:05 Sen. Tropila
- 02:24:09 Judy Hansen, DEQ
- 02:24:27 Sen. Tropila
- 02:25:04 Ms. Hansen, DEQ
- 02:25:10 Sen. Wanzenried
- 02:25:24 Mr. Blatie, MACo
- 02:25:53 Sen. Wanzenried
- 02:26:32 Chairman Gebhardt
- 02:26:59 **Motion:** Sen. Perry without objection withdrew his
motion on **SB 370.**
- 02:27:02 Sen. Barrett
- 02:27:14 Mr. Blatie, MACo
- 02:27:34 Chairman Gebhardt
- 02:27:40 Mr. Blatie, MACo

ADJOURNMENT

Adjournment: 5:35 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas40aad.pdf](#))