

BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Friday, January 25, 2013
Place: Capitol

Time: 3:00 PM
Room: 422

BILLS and RESOLUTIONS HEARD:

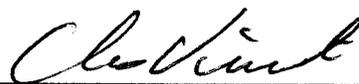
SB 38 - Establish stream depletion zones for exempt wells - Chas Vincent

EXECUTIVE ACTION TAKEN:

SB 18 DPAA
SB 154 DPAA
SB 144 DPAA
SB 137 DPAA

SB 74 - partial action

Comments:



SEN. Chas Vincent, Chair

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: 1-25-13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR CHAS VINCENT, CHAIR	✓	
SENATOR JOHN BRENDEN, VICE CHAIR	✓	
SENATOR DEBBY BARRETT	✓	
SENATOR JENNIFER FIELDER	✓	
SENATOR BRAD HAMLETT		EXCUSED
SENATOR VERDELL JACKSON	✓	
SENATOR CHRISTINE KAUFMANN		EXCUSED
SENATOR JIM KEANE	✓	
SENATOR CLIFF LARSEN	✓	
SENATOR MIKE PHILLIPS	✓	
SENATOR RICK RIPLEY	✓	
SENATOR MATTHEW ROSENDALE	✓	
SENATOR MITCH TROPILA	✓	
SENATOR ED WALKER		EXCUSED



SENATE STANDING COMMITTEE REPORT

January 25, 2013

Page 1 of 3

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 18** (first reading copy -- white) **do pass as amended.**

Signed: _____

Chas Vincent
Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Following: "AVULSION;"

Insert: "CREATING A PROCESS TO CLARIFY OWNERSHIP AFTER AN AVULSION OF ABANDONED BEDS OF RIVERS AND STREAMS NOT ADJUDICATED FOR TITLE;"

2. Title, page 1, line 7.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 77-1-103"

3. Page 1, line 12.

Strike: "bed of navigable"

4. Page 1, line 12 through line 13.

Strike: "Subject to" on line 12 through "if a navigable" on line 13

Insert: "If a"

5. Page 1, line 14.

Following: "avulsion"

Insert: "and if the segment of the river or stream where the avulsion occurred has been adjudicated as navigable for title purposes by a court of competent jurisdiction"

Committee Vote:

Yes 14, No 0

Fiscal Note Required

6. Page 1, line 22 through line 26.

Strike: "The department" on line 22 through "sale." line 26

Insert: "If the department determines that the new channel was formed by an avulsion and the old channel is abandoned, the department shall recommend to the board of land commissioners that the state and the affected owner exchange quitclaim deeds for the properties affected by the avulsion."

7. Page 1, line 27.

Following: "the board"

Insert: "and the exchange of quitclaim deeds"

8. Page 2, line 1.

Strike: "board approves the transfer or sale"

Insert: "quitclaim deeds are exchanged"

9. Page 2, line 6 through line 7.

Strike: subsection (8) in its entirety

Insert: "(8) (a) If an avulsion occurs on a segment of a river or stream that has not been adjudicated as navigable for title purposes by a court of competent jurisdiction but the department determines that historic evidence exists that the segment of river or stream was navigable at the time of statehood, an owner may seek to clarify title to the property affected by the avulsion.

(b) To seek title clarification, the affected owner shall submit the information to the department as required by subsection (2).

(c) If the department determines that the new channel was formed by an avulsion and that the old channel is abandoned, the department shall recommend to the board that the board issue a disclaimer of interest for the abandoned channel.

(d) Upon approval by the board, the affected owner may cite the disclaimer of interest to support an ownership claim in a quiet title action filed in a district court.

(e) Upon obtaining a quiet title judgment on the abandoned channel, the affected owner shall notify the department of revenue and the clerk and recorder of the county in which the affected property is located of the change in ownership and submit any information necessary to update the applicable ownership records.

(f) The land constituting the old channel is subject to property taxation payable by the affected owner from the date of the quiet title judgement."

10. Page 2, line 8 through line 9.

Following: "section" on line 8

Insert: ", "

Strike: ":" on line 8 through "(a)" on line 9

11. Page 2, line 11 through line 13.

Strike: ";" on line 11 through "jurisdiction" on line 13

12. Page 2, line 16 through line 17.

Strike: "Except as" on line 16 through "2, the" on line 17

Insert: "The"

13. Page 2, line 19 through line 21.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

14. Page 2, line 30 through page 3, line 1.

Following: "section" on line 30

Insert: ", "

Strike: ":" on page 2, line 30 through "(a)" on page 3, line 1

15. Page 3, line 1 through line 2.

Following: "over it" on line 1

Insert: "at the low water mark"

Strike: ":" on page 3, line 1 through "[section 1]" on line 2

16. Page 3, line 4 through line 14.

Strike: section 3 in its entirety

Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

January 25, 2013

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 154** (first reading copy -- white) **do pass as amended.**

Signed: *Chas Vincent*
Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "LANDS;"

Insert: "REMOVING THE REQUIREMENTS FOR THE ANNUAL TIMBER SALE
TARGET;"

2. Page 1, line 20 through line 21.

Strike: subsection (3) in its entirety

- END -

Committee Vote:

Yes 14, No 0

Fiscal Note Required

SB0154001SC.swr



SENATE STANDING COMMITTEE REPORT

January 25, 2013

Page 1 of 2

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 144** (first reading copy -- white) **do pass as amended.**

Signed:

A handwritten signature in cursive script, appearing to read "Chas Vincent".

Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Strike: "AUTHORIZING"

Insert: "REQUIRING"

2. Title, page 1, line 6.

Following: "AWARDS;"

Insert: "PROHIBITING THE DEPARTMENT OF AGRICULTURE FROM APPLYING FOR OR RECEIVING GRANT AWARDS; CLARIFYING ELIGIBLE ADMINISTRATIVE COSTS AND EXPENDITURES SUBJECT TO THE ADMINISTRATIVE EXPENDITURE LIMITATION APPLICABLE TO THE NOXIOUS WEED MANAGEMENT PROGRAM;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 23.

Strike: "may"

Insert: "shall"

4. Page 1.

Following: line 25

Insert: "(e) The department may not apply for or receive grant awards from the noxious weed trust fund."

5. Page 2, line 14.

Strike: "administrative expenses of"

Committee Vote:

Yes 12, No 2

Fiscal Note Required

Insert: "costs incurred by"

Strike: "managing"

Insert: "administering"

6. Page 2, line 15.

Strike: "and" through "cost of"

Insert: ". In any fiscal year, the funds used by the department for"

Following: "the program"

Insert: ", including but not limited to personal services costs, operating costs, and other administrative and program costs attributable to the program,"

7. Page 2, line 15 through line 16.

Strike: the second "program" on line 15 through "expenses" on line 16

Insert: "amount expended through grants and contracts made under subsection (4). No additional administrative or other costs may be taken by the department on reverted funds used for future grant awards."

8. Page 2.

Following: line 27

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

- END -



SENATE STANDING COMMITTEE REPORT

January 25, 2013

Page 1 of 4

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 137** (first reading copy -- white) **do pass as amended.**

Signed:


Senator Chas Vincent, Chair

And, that such amendments read:

1. Page 1, line 13.

Following: "exclusions."

Insert: "(1)"

2. Page 1, line 17.

Strike: "(1)"

Insert: "(a)"

3. Page 1, line 18.

Following: "abandonment,"

Insert: "or"

4. Page 1, line 18.

Strike: ", or" through "circumstances"

5. Page 1, line 19.

Strike: "and"

6. Page 1, line 20.

Strike: "(2)"

Insert: "(b)"

Following: "violation"

Insert: "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an

Committee Vote:

Yes 9, No 5

Fiscal Note Required

SB0137001SC.swr



incorporated city or town"

7. Page 1, line 22.

Following: "exclusions."

Insert: "(1)"

8. Page 1, line 26.

Strike: "(1)"

Insert: "(a)"

9. Page 1, line 27.

Following: "abandonment,"

Insert: "or"

10. Page 1, line 27.

Strike: ", or" through "circumstances"

11. Page 1, line 28.

Strike: "and"

12. Page 1, line 29.

Strike: "(2)"

Insert: "(b)"

Following: "violation"

Insert: "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

13. Page 2, line 1.

Following: "exclusions."

Insert: "(1)"

14. Page 2, line 5.

Strike: "(1)"

Insert: "(a)"

15. Page 2, line 6.

Following: "abandonment,"

Insert: "or"

16. Page 2, line 6.

Strike: ", or" through "circumstances"

17. Page 2, line 7.

Strike: "and"

18. Page 2, line 8.

Strike: "(2)"

Insert: "(b)"

Following: "violation"

Insert: "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

19. Page 2, line 10.

Following: "exclusions."

Insert: "(1)"

20. Page 2, line 14.

Strike: "(1)"

Insert: "(a)"

21. Page 2, line 15.

Following: "abandonment,"

Insert: "or"

22. Page 2, line 15.

Strike: ", or" through "circumstances"

23. Page 2, line 16.

Strike: "and"

24. Page 2, line 17.

Strike: "(2)"

Insert: "(b)"

Following: "violation"

Insert: "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

25. Page 2, line 19.

Following: "exclusions."

Insert: "(1)"

26. Page 2, line 23.

Strike: "(1)"

Insert: "(a)"

27. Page 2, line 24.

Following: "abandonment,"

Insert: "or"

28. Page 2, line 24.

Strike: ", or" through "circumstances"

29. Page 2, line 25.

Strike: "and"

30. Page 2, line 26.

Strike: "(2)"

Insert: "(b)"

Following: "violation"

Insert: "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

- END -

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 1-25-13 BILL NO SB144 MOTION NO. _____
 MOTION: _____

MOTION ON ~~AMENDMENT~~ ~~SB144~~ ~~AND~~
014402

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOHN BRENDEN, VICE CHAIR	✓		
SENATOR DEBBY BARRETT	✓		
SENATOR JENNIFER FIELDER		✓	
SENATOR BRAD HAMLETT	✓		
SENATOR VERDELL JACKSON		✓	
SENATOR CHRISTINE KAUFMANN		✓	
SENATOR JIM KEANE	✓		
SENATOR CLIFF LARSEN		✓	
SENATOR MIKE PHILLIPS		✓	
SENATOR RICK RIPLEY	✓		
SENATOR MATTHEW ROSENDALE	✓		
SENATOR MITCH TROPILA	✓		
SENATOR ED WALKER	✓		✓
SENATOR CHAS VINCENT, CHAIR	✓		

9 - 5

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 1-25-13 BILL NO SB144 MOTION NO. _____
 MOTION: _____
MOTION ON SB144 AS AMENDED

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
SENATOR JOHN BRENDEN, VICE CHAIR	✓		
SENATOR DEBBY BARRETT	✓		
SENATOR JENNIFER FIELDER	✓		
SENATOR BRAD HAMLETT	✓		
SENATOR VERDELL JACKSON	✓		
SENATOR CHRISTINE KAUFMANN		✓	
SENATOR JIM KEANE	✓		
SENATOR CLIFF LARSEN	✓		
SENATOR MIKE PHILLIPS		✓	
SENATOR RICK RIPLEY	✓		
SENATOR MATTHEW ROSENDALE	✓		
SENATOR MITCH TROPILA	✓		
SENATOR ED WALKER	✓		✓
SENATOR CHAS VINCENT, CHAIR	✓		

12-2

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 1-25-13 BILL NO SB 137 MOTION NO. _____

MOTION: MOTION ON SB 137 as amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOHN BRENDEN, VICE CHAIR	✓		
SENATOR DEBBY BARRETT	✓		
SENATOR JENNIFER FIELDER	✓		
SENATOR BRAD HAMLETT		✓	
SENATOR VERDELL JACKSON			
SENATOR CHRISTINE KAUFMANN		✓	
SENATOR JIM KEANE		✓	
SENATOR CLIFF LARSEN		✓	
SENATOR MIKE PHILLIPS			
SENATOR RICK RIPLEY			
SENATOR MATTHEW ROSENDALE			
SENATOR MITCH TROPILA		✓	
SENATOR ED WALKER	✓		✓
SENATOR CHAS VINCENT, CHAIR	✓		

9-5

