

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

Call to Order: Chair Mike Cuffe, on February 19, 2013 at 8:30 AM, in Room 317C
Capitol

ROLL CALL

Members Present:

Rep. Mike Cuffe, Chair (R)
Sen. Matthew M. Rosendale Sr, Vice Chair (R)
Sen. John Brenden (R)
Rep. Galen Hollenbaugh (D)
Sen. Jim Keane (D)
Rep. Lea Whitford (D)

Members Excused: Rep. Duane Ankney (R)

Members Absent: None

Staff Present: Christina Butler, Legislative Branch
Catherine Duncan, Legislative Branch
Shawn Graham, OBPP
Tia Hunter, Committee Secretary
Gerry Murphy, OBPP

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:

Department of Administration Follow-up
Department of Agriculture - NP 1503, NP 3003
Department of Environmental Quality - DP 1005, Paragraph 2 on Page C-45 amended,
Proprietary Caps, DP 2001, DP 2006, DP 4010, DP 4006, DP 5004, DP 5007, DP 5007
amended, DP 5009
Department of Natural Resources and Conservation - DP 2101, Proprietary Rates, DP 2204,
DP 2319, DP 2407, DP 35016, DP 2307, Edit language
Department of Fish, Wildlife, and Parks - PL 302, PL 303, DP 301, DP 505, DP 509, DP 501,
DP 502, DP 504, All Proprietary Rates, DP 507, DP 510
Motion to include a provision for decision packages not included in the executive budget that
requires passage of the committee bill, 2208, 2209, 2010

00:09:16 Chairman Cuffe
[EXHIBIT\(jnh37a01\)](#)
00:09:38 Sen Brenden

Department of Administration

00:10:17 Mavin Eicholtz, Administrator, Department of Administration (DOA)
00:10:40 Chairman Cuffe
00:10:51 Mr. Eicholtz, DOA
00:11:34 Sen. Keane
00:12:18 Mr. Eicholtz, DOA
00:12:38 Sen. Keane
00:12:46 Mr. Eicholtz, DOA
00:13:03 Sen. Keane
00:13:17 Mr. Eicholtz, DOA
00:13:38 Sen. Keane
00:13:46 Mr. Eicholtz, DOA
00:13:57 Sen. Keane
00:14:21 Mr. Eicholtz, DOA
00:14:39 Sen. Keane
00:14:56 Chairman Cuffe
00:14:59 Sen. Keane
00:15:07 Chairman Cuffe
00:15:11 Mr. Eicholtz, DOA
00:15:17 Sen. Keane
00:15:30 Chairman Cuffe
00:15:31 Sen. Brenden
00:15:36 Mr. Eicholtz, DOA
00:15:47 Sen. Keane
00:15:58 Christina Butler, Legislative Fiscal Division (LFD)
00:16:04 Sen. Brenden
00:16:26 Chairman Cuffe
00:17:41 Ms. Butler, LFD
00:18:08 Chairman Cuffe

EXECUTIVE ACTION ON DEPARTMENT OF AGRICULTURE

00:18:16 **Motion/Vote:** Sen. Keane moved **APPROVAL OF NEW PROPOSAL 1503 - CENTRAL SERVICES DIVISION FULL-TIME-EMPLOYEE AUTHORITY**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:18:44 **Motion/Vote:** Chairman Cuffe moved **APPROVAL OF NEW PROPOSAL 3003 - EURASIAN WATERMILFOIL CONTAINMENT AND CONTROL, ONE-TIME-ONLY, RESTRICTED**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:19:23 Sen. Rosendale
00:19:52 Ms. Butler, LFD

EXECUTIVE ACTION ON DEPARTMENT OF ENVIRONMENTAL QUALITY

00:20:07 **Motion:** Sen. Rosendale moved **TO AMEND DECISION PACKAGE 1005 - CENTRAL MANAGEMENT PROGRAM BASE, TO REDUCE THE GENERAL FUND ALLOCATION BY AN ADDITIONAL \$11,669 LEAVING A BALANCE OF \$397,967.**

Discussion:

00:20:35 Ms. Butler, LFD

00:20:46 Sen. Rosendale

00:20:57 **Vote:** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:21:12 **Motion/Vote:** Sen. Rosendale moved **LANGUAGE AND STATUTORY AUTHORITY PARAGRAPH 2 ON PAGE C-45 AND TO CHANGE THE LANGUAGE FROM GENERAL FUND TO ORPHAN SHARE FUND.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:22:00 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DEPARTMENT OF ENVIRONMENTAL QUALITY PROPRIETARY CAPS AT 24% FOR PERSONAL SERVICES AND 4% FOR OPERATING.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:22:31 **Motion:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 2001 - PLANNING, PREVENTION, AND ASSIST OPERATIONS ADJUSTMENT WITH THE REMOVAL OF THE GENERAL FUND DOLLARS.**

00:22:46 Ms. Butler, LFD

00:22:52 **Vote:** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:23:05 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 2006 - DATABASE AND APPLICATION MAINTENANCE.** Motion carried 5-2 by roll call vote with Sen. Brenden and Sen. Keane voting no. Rep. Ankney voted by proxy.

00:23:57 **Motion/Vote:** Sen. Brenden moved **APPROVAL OF DECISION PACKAGE 4010 - LEAKING UNDERGROUND STORAGE TANK TRUST COST RECOVERY EXPENDITURES, ONE-TIME-ONLY.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:24:22 **Motion/Vote:** Rep. Whitford moved **APPROVAL OF DECISION PACKAGE 4006 - REMEDIATION DIVISION ADDITIONAL LEASED VEHICLE.** Motion carried 4-3 by roll call vote with Sen. Brenden, Chairman Cuffe, and Sen. Keane voting no. Rep. Ankney voted by proxy.

- 00:25:18 **Motion/Vote:** Sen. Keane moved **APPROVAL OF PRESENT LAW ADJUSTMENT 5004 - PERMITTING AND COMPLIANCE DIVISION LEASED VEHICLES**. Motion carried 5-2 by roll call vote with Sen. Brenden and Chairman Cuffe voting no. Rep. Ankney voted by proxy.
- 00:26:26 **Motion/Vote:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 5007 - INDUSTRIAL AND ENERGY MINERALS BUREAU (COAL AND OPENCUT) SYSTEMS SPECIALIST**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 00:26:52 Sen. Rosendale
00:26:56 Ms. Butler, LFD
00:27:43 Sen. Rosendale
00:27:47 Sen. Brenden
- 00:27:54 **Motion/Vote:** Sen. Rosendale moved **TO AMEND DECISION PACKAGE 5007 - INDUSTRIAL AND ENERGY MINERALS BUREAU (COAL AND OPENCUT) SYSTEMS SPECIALIST TO REPLACE THE GENERAL FUND WITH OPENCUT AND THE COAL URANIUM ACCOUNT**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 00:28:57 **Motion:** Sen. Rosendale moved **APPROVAL OF DECISION PACKAGE 5009 - INDUSTRIAL AND ENERGY MINERALS BUREAU FILENET DATA STORAGE**.

Discussion:

- 00:29:06 Rep. Hollenbaugh
00:29:46 Sen Keane
00:29:56 Rep. Hollenbaugh
00:30:22 Sen. Keane
00:30:24 Rep. Hollenbaugh
00:30:28 Sen. Keane
00:30:40 Rep. Hollenbaugh
00:30:59 Sen. Keane
00:31:07 Rep. Hollenbaugh
00:31:11 Sen. Brenden
00:31:18 Rep. Hollenbaugh
00:31:24 Sen. Brenden
- 00:31:32 **Vote:** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

**EXECUTIVE ACTION ON DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION**

- 00:31:47 **Motion/Vote:** Rep. Whitford moved **APPROVAL OF DECISION PACKAGE 2101 - CENTRAL SERVICES DIVISION AND OFFICE OF INFORMATION TECHNOLOGY APPLICATIONS DEVELOPMENT, ONE-TIME-ONLY**. Motion carried 6-1 by roll call vote with Sen. Brenden voting no. Rep. Ankney voted by proxy.

- 00:32:50 Ms. Butler, LFD
00:33:09 Sen. Brenden
- 00:33:11 **Motion/Vote:** Sen. Keane moved **APPROVAL OF THE PROPRIETARY RATES ON PAGE C-167**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 00:33:42 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 2204 - PROCEDURES MANUAL AND FIELD INSPECTIONS SYSTEM, ONE-TIME-ONLY, BIENNIAL, RESTRICTED**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 00:34:19 **Motion/Vote:** Sen. Brenden moved **APPROVAL OF DECISION PACKAGE 2319 - MONTANA SALINITY AMENDMENT, TO PROVIDE TECHNICAL ASSISTANCE TO FARMS AND RANCHES TO ADDRESS SALINE PROBLEMS BY THE MONTANA SALINITY CONTROL ASSOCIATION, ONE-TIME-ONLY. APPROPRIATES \$40,000 FOR EACH YEAR OF THE BIENNIUM TO BE USED BY THE MONTANA SALINITY CONTROL ASSOCIATION TO WORK WITH THE CONSERVATION DISTRICTS TO PROVIDE TECHNICAL ASSISTANCE TO MONTANA'S FARMS AND RANCHES AND TO ADDRESS SALINE PROBLEMS**. Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 00:34:42 Ms. Butler, LFD
00:34:50 Sen. Brenden
00:35:29 Chairman Cuffe
- 00:36:20 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 2407 - WATER RESOURCES DIVISION BOARD OF WATER WELL CONTRACTORS ADJUSTMENT**. Motion carried 6-1 by roll call vote with Sen. Rosendale voting no. Rep. Ankney voted by proxy.
- 00:37:21 **Motion:** Chairman Cuffe moved **APPROVAL OF DECISION PACKAGE 35016 - FORESTRY DIVISION NARROW BAND RADIOS, ONE-TIME-ONLY, RESTRICTED**.
- Discussion:**
- 00:37:36 Rep. Hollenbaugh
00:38:09 John Tubbs, Director, Department of Natural Resources and Conservation (DNRC)
- 00:38:57 **Vote:** Motion carried 5-2 by roll call vote with Sen. Brenden and Rep. Hollenbaugh voting no. Rep. Ankney voted by proxy.
- 00:39:38 **Motion:** Sen. Keane moved **APPROVAL OF PRESENT LAW ADJUSTMENT 2307 - CONSERVATION AND RESOURCE DEVELOPMENT DIVISION COAL BED METHANE PROGRAM OPERATING FUNDS**.

Discussion:

00:40:02 Sen. Brenden
00:40:05 Chairman Cuffe

00:40:29 **Vote:** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:40:55 Chairman Cuffe

EXECUTIVE ACTION ON DEPARTMENT OF FISH, WILDLIFE, AND PARKS

00:41:12 **Motion/Vote:** Chairman Cuffe moved **APPROVAL OF PRESENT LAW ADJUSTMENT 302 - FISHING ACCESS SITE OPERATIONS AND MAINTENANCE STAFF.** Motion carried 5-2 by roll call vote with Sen. Rosendale and Sen. Brenden voting no. Rep. Ankney voted by proxy.

00:42:01 **Motion/Vote:** Chairman Cuffe moved **APPROVAL OF PRESENT LAW ADJUSTMENT 303 - AQUATIC INVASIVE SPECIES, ONE-TIME-ONLY.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:42:14 **Motion/Vote:** Rep. Hollenbaugh moved **APPROVAL OF DECISION PACKAGE 301 - FUNDING SWITCH TO FEDERAL DINGELL-JOHNSON.** Motion carried 6-1 by roll call vote with Sen. Brenden voting no. Rep. Ankney voted by proxy.

00:43:14 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 505 - HABITAT MONTANA OPERATIONS AND MAINTENANCE.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:43:33 **Motion/Vote:** Sen. Brenden moved **APPROVAL OF DECISION PACKAGE 509 - AUCTION PROGRAMS AND NON-GAME CHECK OFF.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:43:46 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 501 - FUNDING SHIFT TO PITTMAN-ROBERTSON.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:44:13 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 502 - FUNDING SHIFT IN BLOCK MANAGEMENT.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

00:44:33 **Motion/Vote:** Sen. Keane moved **APPROVAL OF DECISION PACKAGE 504 - SAGE GROUSE RESEARCH.** Motion carried 5-2 by roll call vote with Sen. Brenden and Sen. Keane voting no. Rep. Ankney voted by proxy.

00:45:26 **Motion:** Chairman Cuffe moved **APPROVAL OF DECISION PACKAGE 506 - WOLF PROGRAM.**

00:48:27 Rep. Cuffe **withdrew the previous motion.** Without objection.

00:48:40 **Motion:** Chairman Cuffe moved **TO AMEND DECISION PACKAGE 506 TO INCLUDE 7 FULL-TIME EMPLOYEES PER FISCAL YEAR AND \$173,950 FROM STATE SPECIAL FOR FISCAL YEAR 2014 AND \$256,898 FROM STATE SPECIAL FOR FISCAL YEAR 2015 AND \$361,264 FROM FEDERAL FUND FOR FISCAL YEAR 2014 AND 278,316 FEDERAL FUND FOR FISCAL YEAR 2015.**

Discussion:

00:49:44 Sen. Brenden
00:49:50 Chairman Cuffe
00:50:36 Sen. Brenden
00:50:53 Chairman Cuffe
00:51:11 Sen. Brenden
00:51:35 Sen. Rosendale
00:52:02 Ken McDonald, Administrator, Wildlife Division, Department of Fish, Wildlife, and Parks (FWP)
00:52:32 Sen. Rosendale
00:52:59 Mr. McDonald, FWP
00:53:20 Sen. Keane
00:53:44 Mr. Donald, FWP
00:54:13 Sen. Keane
00:54:21 Mr. McDonald, FWP
00:54:53 Sen. Keane
00:55:04 Mr. McDonald, FWP
00:55:12 Gerry Murphy, Office of Budget and Program Planning (OBPP)
00:55:43 Sen. Keane
00:55:55 Mr. Murphy, OBPP
00:56:13 Sen. Brenden
00:56:16 Chairman Cuffe
00:56:36 Sen. Brenden
00:56:45 Chairman Cuffe
00:57:11 Sen. Brenden
00:57:24 Chairman Cuffe
00:57:34 Sen. Brenden
00:57:41 Chairman Cuffe
00:57:46 Sen. Brenden
00:57:53 Chairman Cuffe

00:57:56 **Substitute Motion:** Sen. Brenden made a substitute motion **TO TAKE OUT THE \$173,950 IN FISCAL YEAR 2014 AND \$256,898 IN FISCAL YEAR 2015.**

Discussion:

00:58:02 Sen. Brenden
00:58:22 Sue Daly, Administrator, Finance Division, FWP
00:58:44 Sen. Brenden
00:58:50 Sen. Rosendale
00:59:13 Ms. Daly, FWP
00:59:25 Chairman Cuffe
01:00:14 Sen. Brenden

- 01:00:39 Chairman Cuffe
01:00:42 Sen. Brenden **withdrew the previous substitute motion.** Without objection.
01:00:43 Rep. Cuffe **withdrew the motion to amend Decision Package 506.** Without objection.
- 01:00:55 Chairman Cuffe
- 01:00:59 **Motion/Vote:** Rep. Whitford moved **ALL PROPRIETARY RATES FOR DEPARTMENT OF FISH, WILDLIFE, AND PARKS.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 01:01:43 **Motion/Vote:** Chairman Cuffe moved **DECISION PACKAGE 507 - COMPLETION OF GRIZZLY BEAR POPULATION STUDY, ONE-TIME-ONLY, RESTRICTED. APPROPRIATES \$300,000 FOR FISCAL YEAR 2014 FOR COMPLETION OF THE CABINET-YAAK GRIZZLY BEAR POPULATION STUDY.** Motion carried 6-1 by roll call vote with Sen. Brenden voting no. Rep. Ankney voted by proxy.

Discussion:

- 01:02:58 Mr. Murphy, OBPP
01:03:04 Ms. Butler, LFD
01:03:09 Chairman Cuffe
01:03:13 Sen. Keane
01:04:16 Chairman Cuffe
- 01:04:30 Rep. Cuffe **withdrew the previous motion.** Without objection.
- 01:04:35 **Motion/Vote:** Chairman Cuffe moved **DECISION PACKAGE 510 - COMPLETION OF GRIZZLY BEAR POPULATION STUDY, ONE-TIME-ONLY, RESTRICTED. APPROPRIATES \$300,000 FOR FISCAL YEAR 2014 FOR COMPLETION OF THE CABINET-YAAK GRIZZLY BEAR DNA POPULATION STUDY.** Motion carried 6-1 by roll call vote with Sen. Brenden voting no. Rep. Ankney voted by proxy.

EXECUTIVE ACTION ON DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

- 01:05:25 **Motion:** Sen. Keane moved **TO EDIT THE LANGUAGE TO READ: DURING THE 2015 BIENNIUM UP TO 2.2 MILLION CURRENTLY DEPOSITED IN THE STATE HYDROPOWER PROJECT EARNINGS ACCOUNT IS APPROPRIATED FOR THE PURPOSE OF REPAIRING, REHABILITATING, AND IMPROVING STATE WATER PROJECTS.**

Discussion:

- 01:06:05 Rep. Hollenbaugh
01:06:18 Sen. Keane
01:06:27 Chairman Cuffe

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- 01:06:30 Tim Davis, Administrator, Water Resources Division, Department of Natural Resources and Conservation (DNRC)
- 01:06:44 Chairman Cuffe
- 01:06:47 Mr. Davis, DNRC
- 01:06:57 Sen. Brenden
- 01:07:05 Mr. Davis, DNRC
- 01:07:43 Sen. Brenden
- 01:07:44 Mr. Davis, DNRC
- 01:07:51 **Vote:** Motion carried 6-1 by roll call vote with Sen. Brenden voting no. Rep. Ankney voted by proxy.
- 01:08:37 **Motion/Vote:** Sen. Brenden moved **TO INCLUDE A PROVISION FOR DECISION PACKAGES NOT INCLUDED IN THE EXECUTIVE BUDGET THAT REQUIRE FUNDING FROM THE COAL TAX SHARED ACCOUNT THAT REQUIRES PASSAGE OF THE COMMITTEE BILL TO STOP THE TRANSFER OF THE COAL TAX SHARED ACCOUNT BALANCE TO THE GENERAL FUND FOR THE FISCAL YEAR 2013, 2014, 2015.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 01:09:17 **Motion/Vote:** Sen. Keane moved **2208, ONE-TIME-ONLY, CONTINUE THE SPECIAL REVENUE STUDY, FUNDING FROM OIL AND GAS, FOR \$178,976 IN FISCAL YEAR 2014 AND \$169,717 IN FISCAL YEAR 2015 TO CONTINUE THE ELM COULEE STUDY FOR THE ENGINEERING FEASIBILITY STUDY TO EVALUATE THE BENEFITS AND THE MEASURABLE GAS IMPROVEMENT OF OIL RECOVERY IN THE BAKKEN OIL COULEE FIELDS IN RICHLAND COUNTY, MONTANA.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 01:10:28 **Motion/Vote:** Sen. Keane moved **2209, COMPLIANCE FIELD INSPECTIONS, ONE-TIME-ONLY, STATE SPECIAL REVENUE \$196,178 FOR FISCAL YEAR 2014 \$196,178 FISCAL YEAR 2015, 3 FULL-TIME EMPLOYEES RELATED TO THE FIELD INSPECTIONS ASSOCIATED WITH THE BAKKEN OIL BOOM IN EASTERN MONTANA.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.
- 01:11:14 **Motion/Vote:** Sen. Keane moved **2210, EDUCATION FUNDING, RESTRICTED, BIENNIAL, AN ADDITIONAL 1.4 MILLION RESTRICTED, BIENNIAL APPROPRIATION TO FUND EDUCATIONAL AND RESEARCH ACTIVITIES BY BOARD OF OIL AND GAS.**
- Discussion:**
- 01:11:48 Ms. Butler, LFD
- 01:12:03 Sen. Keane
- 01:12:17 **Vote:** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

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Discussion:

01:12:44 Chairman Cuffe
01:12:46 Rep. Hollenbaugh
01:13:11 Chairman Cuffe
01:13:38 Sen. Brenden
01:13:47 Chairman Cuffe
01:14:15 Sen. Keane
01:14:41 Ms. Daly, FWP
01:15:21 Sen. Keane
01:15:30 Ms. Daly, FWP
01:15:47 Sen. Keane
01:15:58 Ms. Daly, FWP
01:16:05 Sen. Keane
01:16:12 Ms. Daly, FWP
01:16:25 Chairman Cuffe

ADJOURNMENT

Adjournment: 01:16:53

Tia Hunter, Secretary

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Additional Documents:

EXHIBIT([jnh37aad.pdf](#))