

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chair Gerald (Jerry) Bennett, on March 13, 2013 at 3:00 PM, in Room 172 Capitol

#### ROLL CALL

**Members Present:**

Rep. Gerald (Jerry) Bennett, Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Jennifer Eck (D)  
Rep. Wylie Galt (R)  
Rep. Brian Hoven (R)  
Rep. Ed Lieser (D)  
Rep. Ryan Lynch (D)  
Rep. Mike Miller (R)  
Rep. JP Pomnichowski (D)  
Rep. Ray L. Shaw (R)  
Rep. Wendy Warburton (R)  
Rep. Kerry White (R)  
Rep. Kathleen Williams (D)

**Members Excused:** Rep. Pat Connell, Vice Chair (R)  
Rep. Alan Doane (R)  
Rep. Steve Fitzpatrick (R)

**Members Absent:** None

**Staff Present:** Joe Kolman, Legislative Branch  
Rebecca Shaw, Committee Secretary

**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 18, 3/13/2013; SB 364, 3/8/2013; SB 345, 3/8/2013; SB 154, 3/8/2013  
Executive Action: SB 70, SB 76, SB 137, SB 332, SB 24

**HEARING ON SB 364****Opening Statement by Sponsor:**

00:44:52 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 364, Generally revise laws related to solid waste management.  
00:45:01 Rep. Shaw left.

**Proponents' Testimony:**

00:46:32 Mark Lambrecht, Executive Director, Treasure State Resource Industry Association (TSRIA)  
00:48:24 Tom Ebzery, Puget Sound Energy and Vista Corporation  
00:50:58 Lisa Perry, Community Relations Manager, PPL Montana  
00:51:06 Rick Thompson, Section Supervisor, Solid Waste Section, Department of Environmental Quality (DEQ)  
00:52:52 Gary Wiens, Assistant General Manager, Montana Electric Cooperatives Association (MECA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:53:38 Rep. Pomnichowski  
00:55:12 Rick Thompson, DEQ  
00:55:14 Rep. Pomnichowski  
00:55:41 Rick Thompson, DEQ  
00:56:15 Rep. Pomnichowski  
00:56:23 Sen. Vincent  
00:57:23 Rep. Pomnichowski  
00:57:44 Sen. Vincent  
00:57:57 Rep. Court  
00:58:45 Sen. Vincent  
00:58:58 Lisa Perry, PPL Montana

**Closing by Sponsor:**

01:00:11 Sen. Vincent

**HEARING ON SB 345****Opening Statement by Sponsor:**

01:00:21 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 345, Revise laws related to liability for forest and range fires.

**Proponents' Testimony:**

01:04:04 Julie Altemus, Executive Vice President, Montana Wood Products Association (MWPA)  
01:08:02 Paul McKenzie, Lands and Resource Manager, F.H. Stoltz Land and Lumber

[EXHIBIT\(nah54a01\)](#)

[EXHIBIT\(nah54a02\)](#)

[EXHIBIT\(nah54a03\)](#)

01:12:00 Mark Baker, Attorney, Plum Creek Lumber  
01:13:28 Keith Olson, Executive Director, Montana Logging Association (MLA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:14:20 Rep. White  
01:14:48 Sen. Vincent  
01:15:59 Rep. White  
01:16:29 Sen. Vincent  
01:17:31 Rep. White  
01:18:33 Sen. Vincent  
01:19:46 Rep. Lieser  
01:20:36 Mark Baker, Plum Creek Lumber  
01:21:49 Rep. Pomnichowski  
01:22:16 Sen. Vincent  
01:22:53 Shawn Thomas, Administrator, Trust Land Management Division, Department of Natural Resources and Conservation (DNRC)

**Closing by Sponsor:**

01:23:53 Sen. Vincent

**HEARING ON SB 154**

**Opening Statement by Sponsor:**

01:24:11 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 154, Require new sustainable yield determination.  
01:25:30 Rep. Connell entered.

**Proponents' Testimony:**

01:25:56 Julie Altemus, MWPA

**Opponents' Testimony:** None

**Informational Testimony:**

01:28:28 Shawn Thomas, DNRC

**Questions from Committee Members and Responses:**

01:28:50 Rep. Lieser  
01:29:42 Sen. Vincent  
01:29:46 Rep. Lieser  
01:29:51 Sen. Vincent  
01:30:37 Rep. Williams  
01:30:43 Shawn Thomas, DNRC  
01:31:24 Rep. Williams  
01:31:29 Shawn Thomas, DNRC  
01:32:05 Rep. Williams  
01:32:06 Shawn Thomas, DNRC

**Closing by Sponsor:**

01:32:30 Sen. Vincent

**HEARING ON SB 18****Opening Statement by Sponsor:**

01:32:44 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 18, Clarify taxation and ownership of river channel following an avulsion.

**Proponents' Testimony:**

01:35:16 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI)

01:37:41 John Youngberg, Vice President, Government Relations, Montana Farm Bureau Federation

01:38:55 Jacob Cowgill, Montana Farmer's Union

01:39:12 Chuck Denowh, Policy Director, United Property Owners of Montana (UPOM)

**Opponents' Testimony:** None**Informational Testimony:**

01:39:46 John Metesh, Director and State Geologist, Montana Bureau of Mines and Geology (MBMG)

**EXHIBIT(nah54a04)**

01:42:40 Rep. Fitzpatrick entered.

01:48:22 Shawn Thomas, DNRC

**Questions from Committee Members and Responses:**

01:48:32 Rep. Lieser

01:49:21 John Metesh, MBMG

01:50:23 Sen. Hamlett

01:51:15 Rep. Pomnichowski

01:51:28 John Metesh, MBMG

01:53:27 Rep. Pomnichowski

01:54:51 Shawn Thomas, DNRC

01:57:27 Rep. Hoven

01:59:55 Sen. Hamlett

02:01:16 Rep. Williams

02:02:04 Shawn Thomas, DNRC

02:02:55 Rep. Williams

02:03:03 Shawn Thomas, DNRC

02:04:06 Rep. Williams

02:04:11 Shawn Thomas, DNRC

02:06:01 Rep. Miller

02:07:08 Shawn Thomas, DNRC

02:07:12 Chair Bennett

02:07:27 Krista Lee Evans, AGAI

**Closing by Sponsor:**

02:08:56 Sen. Hamlett

02:09:20 Recessed  
02:21:41 Reconvened. Rep. Doane and Rep. Shaw were absent.

**EXECUTIVE ACTION ON SB 70**

02:22:27 **Motion/Vote:** Rep. Connell moved that **SB 70 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Doane and Rep. Shaw voted by proxy. Rep. Bennett will carry the bill.

**EXECUTIVE ACTION ON SB 76**

02:23:31 **Motion/Vote:** Rep. Connell moved that **SB 76 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Doane and Rep. Shaw voted by proxy. Rep. Lieser will carry the bill.

**EXECUTIVE ACTION ON SB 137**

02:24:41 **Motion:** Rep. Connell moved that **SB 137 BE CONCURRED IN**.

02:25:34 **Motion:** Rep. Pomnichowski moved that **SB 137 BE AMENDED**.  
[EXHIBIT\(nah54a05\)](#)

**Discussion:**

02:26:59 Rep. Hoven  
02:27:25 Rep. Pomnichowski  
02:28:21 Rep. Fitzpatrick

02:28:24 **Vote:** Motion failed 5-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Lieser, Rep. Lynch and Rep. Pomnichowski voting aye. Rep. Doane and Rep. Shaw voted by proxy.

02:29:47 **Vote:** Motion carried unanimously by voice vote. Rep. Doane and Rep. Shaw voted by proxy. Rep. Regier will carry the bill.

**EXECUTIVE ACTION ON SB 332**

02:30:23 **Motion:** Rep. Connell moved that **SB 332 BE CONCURRED IN**.

02:31:16 **Motion:** Rep. Court moved that **SB 332 BE AMENDED**.  
[EXHIBIT\(nah54a06\)](#)

**Discussion:**

02:34:05 Rep. White  
02:35:54 Joe Kolman, Environmental Research Analyst, Legislative Services Division (LSD)  
02:35:55 Rep. White  
02:35:59 Joe Kolman  
02:36:00 Rep. Court  
02:36:53 Rep. Williams  
02:36:58 Rep. Court

02:37:05 Joe Kolman, LSD  
02:38:07 Rep. Williams  
02:38:19 Joe Kolman, LSD

02:38:51 **Motion:** Rep. Miller moved that **SB 332 BE POSTPONED.**

**Discussion:**

02:39:04 Rep. Fitzpatrick  
02:39:36 Rep. White

02:40:06 **Vote:** Motion carried 12-2 by voice vote with Rep. Fitzpatrick and Rep. Warburton voting no. No proxy for Rep. Shaw or Rep. Doane

**EXECUTIVE ACTION ON SB 24**

02:40:54 **Motion:** Rep. Connell moved that **SB 24 BE CONCURRED IN.**

02:41:10 **Motion:** Rep. Pomnichowski moved that **SB 24 BE AMENDED.**  
**EXHIBIT(nah54a07)**

**Discussion:**

02:43:44 Rep. Miller  
02:44:21 Rep. White  
02:45:17 Rep. Connell

02:46:45 **Vote:** Motion failed 4-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Pomnichowski and Rep. Williams voting aye. Rep. Doane and Rep. Shaw voted by proxy.

**Discussion:**

02:48:12 Rep. Williams  
02:48:37 Rep. Court  
02:49:53 Rep. Lieser

02:51:02 **Vote:** Motion carried 10-6 by roll call vote with Rep. Court, Rep. Eck, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting no. Rep. Doane and Rep. Shaw voted by proxy. Rep. Fitzpatrick will carry the bill.

**ADJOURNMENT**

Adjournment: 02:55:17

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Rebecca Shaw, Secretary

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Additional Documents:

**EXHIBIT([nah54aad.pdf](#))**