

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Gerald (Jerry) Bennett, on March 18, 2013 at 2:30 PM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Pat Connell, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Steve Fitzpatrick (R)
Rep. Wylie Galt (R)
Rep. Brian Hoven (R)
Rep. Ed Lieser (D)
Rep. Mike Miller (R)
Rep. JP Pomnichowski (D)
Rep. Kerry White (R)
Rep. Kathleen Williams (D)

Members Excused: Rep. Ryan Lynch (D)
Rep. Ray L. Shaw (R)
Rep. Wendy Warburton (R)

Members Absent: None

Staff Present: Joe Kolman, Legislative Branch
Ellen Bush, 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 262, 3/8/2013; SB 201, 3/8/2013; SB 217, 3/8/2013; SB 48, 3/8/2013

Executive Action: HB 535, SB 154, SB 332, SB 345, SB 364

00:02:10 Chair Bennett

EXECUTIVE ACTION ON HB 535

00:02:48 **Motion:** Rep. Court moved to **RECONSIDER THE AMENDMENT** on **HB 535**.

Discussion:

00:03:16 Joe Kolman, Environmental Analyst, Legislative Services Division (LSD)

00:03:40 **Vote:** Motion carried unanimously by voice vote. Rep. Lynch, Rep. Shaw and Rep. Warburton voted by proxy.

00:03:47 Chair Bennett

00:04:38 Rep. Court

00:05:08 **Motion:** Rep. G. Bennett moved that **HB 535 DO PASS**.

00:05:26 **Motion:** Rep. Court moved that **HB 535 BE AMENDED**.
EXHIBIT(nah58a01)

Discussion:

00:08:11 Rep. Miller

00:09:23 Mr. Kolman, LSD

00:20:01 Rep. Warburton arrived and Rep. Galt left.

00:11:19 Rep. Court

00:12:42 Rep. Miller

00:13:23 Rep. Court

00:13:29 Chair Bennett

00:13:58 Rep. Pomnichowski

00:14:28 Rep. Court

00:15:24 Rep. Pomnichowski

00:15:29 Chair Bennett

00:17:55 Rep. Court

00:18:12 Mr. Kolman, LSD

00:18:59 Rep. Lieser

00:19:46 Rep. Shaw arrived.

00:19:34 Mr. Kolman, LSD

00:20:16 Rep. White

00:20:28 Rep. Bennett

00:22:24 Rep. Fitzpatrick left.

00:23:15 Rep. Pomnichowski

00:24:31 Chair Bennett

00:25:12 Rep. Pomnichowski

00:25:36 Chair Bennett

00:27:43 **Vote:** Motion failed 5-11 by voice vote with Rep. Court, Rep. Eck, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting aye. Rep. Fitzpatrick, Rep. Galt and Rep. Lynch voted by proxy.

00:27:49 **Motion:** Rep. Connell moved that **HB 535 BE AMENDED.**

[EXHIBIT\(nah58a02\)](#)

Discussion:

00:28:03 Rep. Hoven
00:28:21 Chair Bennett
00:28:49 Rep. Hoven
00:29:00 Rep. Bennett
00:29:38 Rep. Hoven
00:30:14 Chair Bennett
00:30:43 Rep. Miller
00:30:55 Mr. Kolman, LSD
00:31:04 Rep. Miller
00:31:12 Mr. Kolman
00:31:28 Rep. Miller

00:32:49 **Vote:** Motion carried 12-4 by roll call vote with Rep. Court, Rep. Eck, Rep. Lynch and Rep. Pomnichowski voting no. Rep. Fitzpatrick, Rep. Galt and Rep. Lynch voted by proxy.

00:32:55 **Motion/Vote:** Rep. Connell moved that **HB 535 DO PASS AS AMENDED.** Motion carried 11-5 by roll call vote with Rep. Connell, Rep. Eck, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting no. Rep. Fitzpatrick, Rep. Galt and Rep. Lynch voted by proxy.

00:34:31 Chair Bennett
00:34:37 Rep. White
00:34:40 Rep. Galt returned

HEARING ON SB 48

Opening Statement by Sponsor:

00:35:17 Sen. Greg Jergeson (D), SD 17, opened the hearing on SB 48, Establish regional water system rate process.

[EXHIBIT\(nah58a03\)](#)

Proponents' Testimony:

00:40:01 Anna Miller, Bureau Chief, Loan and Financial Management Bureau, Department of Natural Resources and Conservation (DNRC)
00:41:31 Krista Lee Evans, Dry Prairie Regulatory Water Authority and North Central Water Authority
00:42:47 Mike Murphy, Montana Water Resources Association (MWRA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:29 Rep. Hoven
00:44:02 Ms. Miller, DNRC
00:44:40 Rep. Hoven
00:44:45 Ms. Miller, DNRC
00:44:49 Rep. Hoven
00:44:59 Ms. Miller, DNRC
00:45:25 Chair Bennett

Closing by Sponsor:

00:45:33 Sen. Jergeson

HEARING ON SB 262**Opening Statement by Sponsor:**

00:46:51 Sen. John Brenden (R), SD 18, opened the hearing on SB 262, Prohibit state agencies from taking action on anonymous civil complaints.

Proponents' Testimony: None**Opponents' Testimony:**

00:49:46 John Arrigo, Administrator, Enforcement Division, Department of Environmental Quality (DEQ)

EXHIBIT(nah58a04)

00:54:40 Ann Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony: None**Questions from Committee Members and Responses:**

00:58:00 Rep. Doane
00:58:28 Mr. Arrigo, DEQ
00:59:08 Rep. Doane
00:59:26 Mr. Arrigo, DEQ
00:59:56 Rep. Doane
01:00:13 Mr. Arrigo, DEQ
01:00:50 Rep. Warburton
01:01:21 Sen. Brenden
01:02:54 Rep. Warburton
01:03:11 Sen. Brenden
01:03:48 Rep. Williams
01:04:10 Sen. Brenden
01:04:43 Rep. Williams
01:04:59 Sen. Brenden
01:05:38 Rep. White
01:06:28 Mr. Arrigo, DEQ
01:07:38 Rep. Williams

Closing by Sponsor:

01:07:57 Sen. Brenden

HEARING ON SB 201**Opening Statement by Sponsor:**

01:11:36 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 201, Revise laws on rural/urban interface and fire protection.

Proponents' Testimony:

01:15:49 Greg Chilcott, President, Montana Association of Counties (MACo) and Ravalli County Commissioner

01:16:56 Julia Altemus, Montana Wood Products Association (MWPA)

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

01:17:36 John Tubbs, Director, DNRC

Questions from Committee Members and Responses:

01:19:34 Rep. Connell
01:20:58 Mr. Tubbs, DNRC
01:22:50 Rep. Williams
01:23:42 Mr. Tubbs, DNRC
01:23:56 Rep. White
01:24:49 Sen. Hamlett
01:25:10 Rep. White
01:25:56 Mr. Tubbs, DNRC
01:26:20 Rep. White
01:26:42 Rep. Fitzpatrick returns.
01:27:14 Sen. Hamlett
01:27:43 Rep. White
01:28:29 Sen. Hamlett
01:28:48 Rep. Leiser
01:29:40 Mr. Tubbs, DNRC

Closing by Sponsor:

01:30:14 Sen. Hamlett

HEARING ON SB 217**Opening Statement by Sponsor:**

01:32:11 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 217, Revise laws governing watershed protection.

Proponents' Testimony:

01:36:53 Mr. Chilcott, MACo and Ravalli County Commissioner

01:38:00 Ms. Altemus, MWPA

01:38:59 Mr. Murphy, MWRA

Opponents' Testimony: None

Informational Testimony:

01:40:39 Mr. Tubbs, DNRC

Questions from Committee Members and Responses:

01:41:40 Rep. Leiser
 01:42:14 Sen. Hamlett
 01:42:24 Rep. Lieser
 01:42:31 Sen. Hamlett
 01:42:34 Rep. Pomnichowski
 01:43:10 Mr. Tubbs, DNRC
 01:43:39 Rep. Pomnichowski
 01:44:25 Mr. Tubbs, DNRC
 01:45:20 Rep. Pomnichowski
 01:46:14 Mr. Tubbs, DNRC
 01:46:37 Rep. Pomnichowski
 01:47:26 Sen. Hamlett
 01:48:00 Rep. Pomnichowski
 01:48:40 Sen. Hamlett
 01:49:12 Rep. Williams
 01:50:06 Mr. Tubbs, DNRC
 01:50:40 Rep. Williams
 01:50:57 Mr. Tubbs, DNRC
 01:51:19 Rep. Williams
 01:51:56 Sen. Hamlett
 01:52:09 Rep. Williams
 01:52:36 Sen. Hamlett

Closing by Sponsor:

01:52:45 Sen. Hamlett

01:56:51 Recessed.

02:07:51 Reconvened.

EXECUTIVE ACTION ON SB 15402:08:09 **Motion:** Rep. Connell moved that **SB 154 DO PASS.****Discussion:**

02:08:19 Mr. Kolman, LSD

02:08:47 Rep. Lieser

02:09:19 **Vote:** Motion carried unanimously by voice vote. Rep. Lynch voted by proxy.**EXECUTIVE ACTION ON SB 332**02:10:16 **Motion:** Rep. Connell moved that **SB 332 BE CONCURRED IN.**02:10:25 **Motion:** Rep. Pomnichowski moved that **SB 332 BE AMENDED.****[EXHIBIT\(nah58a05\)](#)**

- 02:13:17 Rep. Miller
02:13:20 Mr. Kolman, LSD
02:13:44 Chair Bennett
02:13:47 Rep. Fitzpatrick
- 02:16:03 **Vote:** Motion failed 6-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting aye. Rep. Lynch voted by proxy.
- 02:16:10 **Motion:** Rep. Court moved that **SB 332 BE AMENDED.**
EXHIBIT(nah58a06)

Discussion:

- 02:17:33 Rep. Williams
02:18:00 Rep. Fitzpatrick
- 02:19:46 **Vote:** Motion failed 6-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting aye. Rep. Lynch voted by proxy.
- 02:21:28 **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. Lynch voted by proxy. Rep. Connell will carry the bill.

EXECUTIVE ACTION ON SB 345

- 02:21:44 **Motion:** Rep. Connell moved that **SB 345 BE CONCURRED IN.**

Discussion:

- 02:21:53 Mr. Kolman, LSD
02:22:23 Rep. Pomnichowski
02:22:57 Chair Bennett
- 02:23:12 **Vote:** Motion carried unanimously by voice vote. Rep. Lynch voted by proxy. Rep. Bennett will carry the bill.

EXECUTIVE ACTION ON SB 364

- 02:23:32 **Motion/Vote:** Rep. Connell moved that **SB 364 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Lynch voted by proxy. Rep. Bennett will carry the bill.
- 02:24:20 Rep. Court
02:24:54 Chair Bennett
02:25:41 Rep. Miller
02:25:53 Chair Bennett
02:26:14 Rep. Pomnichowski
02:26:25 Chair Bennett

ADJOURNMENT

Adjournment: 02:26:39

Ellen Bush, Secretary

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Additional Documents:

EXHIBIT([nah58aad.pdf](#))