

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on January 25, 2013 at 3:00 PM, in Room 422
Capitol

ROLL CALL

Members Present:

Sen. Chas Vincent, Chair (R)
Sen. John Brenden, Vice Chair (R)
Sen. Debby Barrett (R)
Sen. Jennifer Fielder (R)
Sen. Verdell Jackson (R)
Sen. Jim Keane (D)
Sen. Cliff Larsen (D)
Sen. Mike Phillips (D)
Sen. Rick Ripley (R)
Sen. Matthew M. Rosendale Sr (R)
Sen. Mitch Tropila (D)

Members Excused:

Sen. Bradley Hamlett (D)
Sen. Christine Kaufmann (D)
Sen. Edward Walker (R)

Members Absent: None

Staff Present: Mary Kulawik, 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 38, 1/21/2013
Executive Action on: SB 18 DPAA
SB 154 DPAA
SB 144 DPAA
SB 137 DPAA
SB 74 Partial Action

HEARING ON SB 38**Opening Statement by Sponsor:**

00:20:45 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 38, Establish stream depletion zones for exempt wells.

EXHIBIT(nas16a01)

00:23:25 Sen. Kaufmann entered the hearing.

Proponents' Testimony:

00:28:20 Dustin Stewart, Executive Director, Montana Building Industry Association (MBIA)
00:32:47 Krista Lee Evans, Senior Water Rights Coalition (SWRC) and Association of Gallatin Agricultural Irrigators (AGAI)
00:36:40 Ron Devlin, Montana Water Well Drillers Association (MWWDA)
00:38:52 Tom Hopgood, Montana Mining Association (MMA)
00:39:52 Mark Aagenes, Montana Trout Unlimited (MTU)
00:42:22 Mike Murphy, Montana Water Resources Association (MWRA)
00:44:19 John Youngberg, Montana Farm Bureau Federation (MFBF)
00:45:25 Jay Bodner, Montana Stockgrowers Association (MSGA)
00:47:15 Holly Franz, PPL Montana
00:48:05 Maureen Connor, Montana Association of Counties (MACo)

Opponents' Testimony:

00:48:44 Tim Davis, Water Resources Division, Montana Department of Natural Resources and Conservation (DNRC)
00:50:48 Sen. Hamlett entered the hearing.
00:52:26 Bill Schenk, Montana Department of Fish, Wildlife and Parks (FWP)

Informational Testimony:

00:53:37 Barbara Kingery, Subdivision Section, Montana Department of Environmental Quality (DEQ)
00:54:08 John Metesh, Montana Bureau of Mines and Geology (MBMG)

EXHIBIT(nas16a02)**Questions from Committee Members and Responses:**

01:11:47 Sen. Fielder
01:12:06 Sen. Vincent
01:12:17 Sen. Kaufmann
01:12:50 Tim Davis, DNRC
01:13:38 Sen. Rosendale
01:14:36 Sen. Vincent
01:16:27 Sen. Rosendale
01:18:36 John Metesh, MBMG
01:20:34 Sen. Keane

01:21:41 Sen. Vincent
 01:24:55 Sen. Keane
 01:25:11 Krista Lee Evans, SWRC and AGAI
 01:25:59 Sen. Phillips
 01:26:37 Sen. Vincent
 01:27:32 Sen. Phillips
 01:29:43 John Metesh

Closing by Sponsor:

01:30:20 Sen. Vincent

Discussion:

01:36:49 Chairman Vincent
 01:37:15 Sen. Kaufmann
 01:37:27 Chairman Vincent
 01:37:35 Sonja Nowakowski, Legislative Services Division (LSD)
 01:37:49 Sen. Kaufmann
 01:38:05 Chairman Vincent

EXECUTIVE ACTION ON SB 74

01:38:52 **Motion:** Sen. Phillips moved that **SB 74 BE TABLED.**

Discussion:

01:39:00 Sen. Tropila
 01:39:06 Chairman Vincent
 01:39:35 Sen. Tropila
 01:40:08 Sonja Nowakowski, LSD
 01:40:31 Sen. Tropila
 01:40:41 Chairman Vincent
 01:40:58 Sen. Ripley
 01:41:08 Sonja Nowakowski
 01:41:23 Sen. Ripley
 01:41:52 Chairman Vincent

01:42:07 Without objection, Sen. Phillips **WITHDREW MOTION SB 74 BE TABLED.**

Discussion:

01:42:18 Sen. Keane
 01:42:32 Chairman Vincent
 01:42:35 Sen. Keane
 01:42:47 Sonja Nowakowski
 01:42:57 Sen. Phillips
 01:43:19 Chairman Vincent

01:43:31 Sen. Phillips
 01:43:40 Sen. Hamlett
 01:43:48 Chairman Vincent

EXECUTIVE ACTION ON SB 18

01:44:44 **Motion:** Sen. Hamlett moved that **SB 18 DO PASS.**

01:45:55 **Motion:** Sen. Hamlett moved that **SB 18 BE AMENDED.**

[EXHIBIT\(nas16a03\)](#)

[EXHIBIT\(nas16a04\)](#)

Discussion:

01:46:24 Sen. Ripley
 01:46:26 Chairman Vincent
 01:46:37 Sen. Hamlett
 01:46:43 Sonja Nowakowski, Legislative Services Division (LSD)
 01:47:57 Sen. Hamlett

01:48:25 **Vote:** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

01:48:36 **Motion/Vote:** Sen. Hamlett moved that **SB 18 DO PASS AS AMENDED.**
 Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 154

01:49:22 **Motion:** Sen. De. Barrett moved that **SB 154 DO PASS.**

01:50:23 **Motion/Vote:** Sen. Brenden moved that **SB 154 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

[EXHIBIT\(nas16a05\)](#)

01:51:06 **Motion:** Sen. Brenden moved that **SB 154 DO PASS AS AMENDED.**

Discussion:

01:51:15 Sen. Tropila
 01:52:40 Chairman Vincent
 01:53:30 Sen. Kaufmann
 01:54:08 Chairman Vincent
 01:54:24 Shawn Thomas, Montana Department of Natural Resources and Conservation (DNRC)
 01:54:57 Sen. Keane
 01:55:06 Chairman Vincent

01:55:15 **Vote:** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 144

01:55:40 **Motion:** Sen. Keane moved that **SB 144 DO PASS.**

01:56:25 **Motion/Vote:** Sen. Keane moved that **SB 144 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

EXHIBIT(nas16a06)

01:57:03 **Motion:** Sen. Ripley moved that **SB 144 BE AMENDED.**

EXHIBIT(nas16a07)

EXHIBIT(nas16a08)

Discussion:

01:58:52 Chairman Vincent

01:59:17 Sen. Ripley

01:59:35 Sen. Brenden

02:00:05 Sen. Kaufmann

02:00:48 Chairman Vincent

02:01:01 Sen. Phillips

02:01:19 Sonja Nowakowski, LSD

02:02:53 Sen. Fielder

02:03:32 Sen. Larsen

02:04:06 Sen. Keane

02:05:56 Sen. Brenden

02:06:28 Sen. Tropila

02:07:15 Sen. Ripley

02:07:47 Greg Ames, Montana Department of Agriculture (MDA)

EXHIBIT(nas16a09)

02:15:30 Sen. Ripley

02:15:35 Sen. Tropila

02:16:06 Greg Ames, MDA

02:16:20 Sen. Phillips

02:16:45 Greg Ames

02:17:52 Sen. Kaufmann

02:19:41 Sen. Jackson

02:20:37 Sen. Fielder

02:21:42 Sen. Keane

02:22:18 Sen. Ripley

02:23:32 Sen. Brenden

02:24:32 Sonja Nowakowski

02:24:50 Sen. Kaufmann

02:25:00 Chairman Vincent

02:25:05 **Vote:** Motion carried 9-5 by roll call vote with Sen. Fielder, Sen. Jackson, Sen. Kaufmann, Sen. Larsen and Sen. Phillips voting no. Sen. Walker voted by proxy.

02:25:56 **Motion:** Sen. Keane moved that **SB 144 DO PASS AS AMENDED.**

Discussion:

02:26:02 Sen. Kaufmann
 02:26:14 Sen. Ripley
 02:26:30 Sen. Keane

02:26:36 **Vote:** Motion carried 12-2 by roll call vote with Sen. Kaufmann and Sen. Phillips voting no. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 137

02:27:55 **Motion:** Sen. Brenden moved that **SB 137 DO PASS.**

02:28:04 **Motion:** Sen. Brenden moved that **SB 137 BE AMENDED.**
[EXHIBIT\(nas16a10\)](#)

Discussion:

02:28:17 Sen. Kaufmann
 02:28:40 Sonja Nowakowski
 02:29:45 Chairman Vincent

02:30:01 **Vote:** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

02:30:17 **Motion:** Sen. Brenden moved that **SB 137 DO PASS AS AMENDED.**

Discussion:

02:30:28 Sen. Tropila
 02:31:51 Sen. Ripley
 02:32:44 Sen. Larsen
 02:32:52 Chairman Vincent
 02:33:01 Sen. Barrett
 02:33:07 Chairman Vincent
 02:33:19 Sen. Tropila
 02:33:41 Sen. Barrett
 02:33:51 Chairman Vincent
 02:34:03 Sen. Brenden
 02:34:28 Sen. Tropila
 02:36:00 Sen. Barrett
 02:36:52 Chairman Vincent
 02:37:48 Sen. Keane
 02:38:24 Sen. Rosendale

02:39:10 **Vote:** Motion carried 9-5 by roll call vote with Sen. Hamlett, Sen. Kaufmann, Sen. Keane, Sen. Larsen and Sen. Tropila voting no. Sen. Walker voted by proxy.

Committee Business:

02:40:17 Sen. Hamlett

[EXHIBIT\(nas16a11\)](#)

02:40:39 Chairman Vincent

02:41:06 Sen. Phillips

02:41:10 Chairman Vincent

02:41:24 Sen. Fielder

02:41:29 Chairman Vincent

ADJOURNMENT

Adjournment: 5:27 P.M.

Mary Kulawik, Secretary

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Additional Documents:

EXHIBIT([nas16aad.pdf](#))