

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on February 20, 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. Bradley Hamlett (D)
Sen. Verdell Jackson (R)
Sen. Cliff Larsen (D)
Sen. Mike Phillips (D)
Sen. Rick Ripley (R)
Sen. Mitch Tropila (D)

Members Excused:

Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Matthew M. Rosendale Sr (R)
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 346, 2/18/2013; SB 332, 2/15/2013; SB 335, 2/18/2013; SB 337, 2/18/2013; SJ 15, 2/15/2013

Executive Action: SB 316, DPAA; SB 288, DPAA; SB 237, DPAA; SB 332, DPAA;
SJ 15, DP
SB 263 - Partial Action
SB 229 - Tabled; SB 234 - Tabled; SB 281 - Tabled

00:20:05 Sen. Kaufmann entered the hearing.

HEARING ON SB 346

Opening Statement by Sponsor:

00:20:17 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 346, Revise exempt well laws.

Proponents' Testimony:

00:23:36 Krista Lee Evans, Senior Water Rights Coalition (SWRC) and Association of Gallatin Agricultural Irrigators (AGAI)

00:25:55 Dustin Stewart, Executive Director, Montana Building Industry Association (MBIA)

00:26:49 John Youngberg, Montana Farm Bureau Federation (MFBF)

00:28:26 Ronda Wiggers, Montana Water Well Drillers Association (MWWDA)

EXHIBIT(nas38a01)

00:30:43 Greg Chilcott, President, Montana Association of Counties (MACo)

00:31:07 Mark Aagenes, Montana Trout Unlimited (MTU)

00:31:48 Justin Sakalis, Montana Audubon (MA)

00:32:06 Bill Schenk, Montana Department of Fish, Wildlife and Parks (FWP)

00:32:27 Jay Bodner, Montana Stockgrowers Association (MSGA)

00:33:20 Holly Franz, PPL Montana

00:33:37 Tom Hopgood, Montana Mining Association (MMA)

00:34:14 Jacob Cowgill, Montana Farmers Union (MFU)

00:34:37 Tim Davis, Water Resources Division Administrator, Montana Department of Natural Resources and Conservation (DNRC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:36:41 Sen. Fielder

00:38:35 Sen. Vincent

00:38:49 Sen. Hamlett

00:39:04 Sen. Vincent

Closing by Sponsor:

00:40:10 Sen. Vincent

HEARING ON SB 332

Opening Statement by Sponsor:

00:42:38 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 332, Generally revise open-cut laws.

EXHIBIT(nas38a02)

00:44:36 Sen. Walker entered the hearing.

Proponents' Testimony:

00:45:54 Steve Wade, Montana Contractors Association (MCA)

00:49:23 Ed Coleman, Bureau Chief, Montana Department of Environmental Quality (DEQ)

00:50:45 Greg Chilcott, President, Montana Association of Counties (MACo)

00:51:25 Steve Koontz, Koontz Construction

Opponents' Testimony:

00:52:56 Anne Hedges, Montana Environmental Information Center (MEIC)

00:54:05 Jean Riley, self

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:12 Sen. Brenden

00:57:58 Ed Coleman, DEQ

00:58:22 Sen. Tropila

00:58:44 Sen. Tutvedt

00:59:05 Sen. Tropila

00:59:18 Ed Coleman

01:00:06 Sen. Tropila

01:01:13 Jean Riley, self

01:01:35 Sen. Tropila

01:01:46 Steve Wade, MCA

01:02:35 Sen. Kaufmann

01:02:45 Ed Coleman

Closing by Sponsor:

01:03:29 Sen. Tutvedt

HEARING ON SB 335

Opening Statement by Sponsor:

01:04:17 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 335, Allow for removal of natural obstruction to exercise water right.

Proponents' Testimony:

01:07:20 John Youngberg, Montana Farm Bureau Federation (MFBF)
01:08:23 Jay Bodner, Montana Stockgrowers Association (MSGA)
01:09:30 Justin Sakalis, Montana Audubon (MA)
01:10:00 Jacob Cowgill, Montana Farmers Union (MFU)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:10:39 Sen. Keane
01:10:46 Sen. Hamlett
01:10:55 Sen. Kaufmann
01:12:26 Sen. Hamlett

Closing by Sponsor:

01:13:07 Sen. Hamlett

HEARING ON SB 337

Opening Statement by Sponsor:

01:14:10 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 337, Clarify standing provisions in Water Court proceedings.
01:14:45 Sen. Keane entered the hearing.

Proponents' Testimony:

01:16:03 Holly Franz, PPL Montana (PPL)
01:17:47 Krista Lee Evans, Senior Water Rights Coalition (SWRC) and Association of Gallatin Agricultural Irrigators (AGAI)
01:18:35 John Youngberg, Montana Farm Bureau Federation (MFBF)
01:18:54 Jay Bodner, Montana Stockgrowers Association (MSGA)
01:19:08 Jacob Cowgill, Montana Farmers Union (MFU)
01:19:20 Abigail St. Lawrence, Montana Association of Realtors (MAR)

Opponents' Testimony:

01:20:17 Mark Aagenes, Montana Trout Unlimited (MTU)
01:24:30 Bill Schenk, Montana Department of Fish, Wildlife and Parks (FWP)

Informational Testimony: None

Questions from Committee Members and Responses:

01:28:13 Sen. Barrett
01:29:17 Mark Agenes, MTU
01:29:35 Sen. Keane
01:30:05 Bill Schenk, FWP
01:30:12 Chairman Vincent
01:31:38 Mark Agenes
01:32:11 Sen. Barrett
01:32:30 Holly Franz, PPL

Closing by Sponsor:

01:32:50 Sen. Hamlett

HEARING ON SJ 15

Opening Statement by Sponsor:

01:35:17 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SJ 15, Interim study on public land management.

Proponents' Testimony:

01:40:41 Greg Chilcott, President, Montana Association of Counties (MACo)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:43:30 Sen. Larsen
01:46:00 Sen. Fielder
01:46:26 Sen. Phillips
01:47:24 Sen. Fielder
01:47:49 Chairman Vincent
01:47:55 Sen. Phillips
01:48:15 Sen. Tropila
01:48:51 Sen. Fielder
01:49:18 Chairman Vincent
01:49:32 Sen. Jackson
01:50:25 Sen. Fielder

Closing by Sponsor:

01:51:06 Sen. Fielder

EXECUTIVE ACTION ON SB 229**Discussion:**

02:04:18 Chairman Vincent
02:04:28 Sen. Hamlett
02:04:57 Sen. Ripley
02:05:06 Chairman Vincent

02:05:27 **Motion:** Sen. Hamlett moved that **SB 229 DO PASS.**

Discussion:

02:06:02 Sen. Fielder
02:06:24 Chairman Vincent

02:07:15 **Vote:** Motion failed 6-8 by roll call vote with Sen. Barrett, Sen. Hamlett, Sen. Jackson, Sen. Keane, Sen. Larsen and Sen. Ripley voting aye. Sen. Rosendale voted by proxy.

02:08:26 **Motion/Vote:** Sen. Ripley moved that **SB 229 BE TABLED AND THE VOTE REVERSED.** Motion carried 13-1 by voice vote with Sen. Hamlett voting no. Sen. Rosendale voted by proxy.

EXECUTIVE ACTION ON SB 234

02:09:03 **Motion:** Sen. De. Barrett moved that **SB 234 DO PASS.**

02:09:13 **Substitute Motion/Vote:** Sen. Keane made a substitute motion that **SB 234 BE TABLED.** Substitute Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

EXECUTIVE ACTION ON SB 316

02:10:27 **Motion:** Sen. Fielder moved that **SB 316 DO PASS.**

02:11:05 **Motion:** Sen. Fielder moved that **SB 316 BE AMENDED.**
EXHIBIT(nas38a03)

02:11:30 **Vote:** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

02:11:47 **Motion:** Sen. Fielder moved that **SB 316 DO PASS AS AMENDED.**

Discussion:

02:11:58 Sen. Jackson
02:12:21 Sen. Fielder

02:12:49 **Vote:** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

EXECUTIVE ACTION ON SB 281

02:13:05 **Motion:** Sen. Phillips moved that **SB 281 DO PASS.**

02:13:11 Sen. Phillips

02:14:20 Chairman Vincent

02:14:48 Sen. Phillips

02:15:13 Sen. Ripley

02:15:35 Chairman Vincent

02:15:45 Without objection, Sen. Phillips withdrew the DO PASS motion.

EXECUTIVE ACTION ON SB 288

Discussion:

02:16:05 Sen. Tropila

02:16:25 Chairman Vincent

02:17:54 Sonja Nowakowski, Legislative Services Division (LSD)

02:18:09 **Motion:** Sen. De. Barrett moved that **SB 288 DO PASS.**

02:18:18 **Motion:** Sen. Vincent moved that **SB 288 BE AMENDED.**
[**EXHIBIT\(nas38a04\)**](#)

Discussion:

02:18:28 Sen. Tropila

02:18:43 Chairman Vincent

02:20:03 Sen. Ripley

02:20:12 Chairman Vincent

02:20:17 Sen. Phillips

02:20:32 Chairman Vincent

02:20:49 Sen. Tropila

02:21:05 Chairman Vincent

02:21:24 Sen. Keane

02:21:30 Chairman Vincent

02:21:42 **Vote:** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

02:21:57 **Motion:** Sen. Vincent moved that **SB 288 DO PASS AS AMENDED.**

Discussion:

02:22:04 Sen. Phillips

02:22:12 Chairman Vincent

02:24:05 Sen. Fielder

02:24:35 Chairman Vincent

02:26:58 Sen. Keane

02:27:29 Sen. Ripley

02:27:48 Chairman Vincent
 02:28:59 Sen. Tropila
 02:31:25 Chairman Vincent
 02:33:38 Sen. Tropila
 02:33:59 Sen. Barrett

02:34:32 **Vote:** Motion carried 11-3 by roll call vote with Sen. Keane, Sen. Larsen and Sen. Tropila voting no. Sen. Rosendale voted by proxy.

EXECUTIVE ACTION ON SB 281

02:36:02 **Motion:** Sen. Phillips moved that **SB 281 DO PASS.**

Discussion:

02:36:38 Sen. Fielder
 02:37:27 Sen. Phillips
 02:37:33 Sen. Ripley
 02:38:28 Sen. Fielder
 02:38:37 Sen. Ripley
 02:39:12 Sen. Larsen
 02:40:06 Sen. Barrett
 02:41:05 Chairman Vincent
 02:44:49 Sen. Phillips
 02:45:47 Chairman Vincent
 02:46:23 Sen. Brenden

02:48:20 **Substitute Motion/Vote:** Sen. Brenden made a substitute motion that **SB 281 BE TABLED.** Substitute motion failed 7-7 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Jackson, Sen. Ripley, Sen. Rosendale, Sen. Vincent and Sen. Walker voting aye. Sen. Rosendale voted by proxy.

02:49:41 **Motion/Vote:** Sen. Phillips moved that **SB 281 DO PASS.** Motion failed 6-8 by roll call vote with Sen. Hamlett, Sen. Kaufmann, Sen. Keane, Sen. Larsen, Sen. Phillips and Sen. Tropila voting aye. Sen. Rosendale voted by proxy.

02:51:26 **Motion/Vote:** Sen. Phillips moved that **SB 281 BE TABLED AND THE VOTE REVERSED.** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

EXECUTIVE ACTION ON SB 263

02:52:22 **Motion:** Sen. Hamlett moved that **SB 263 DO PASS.**

Discussion:

02:52:29 Sen. Hamlett
 02:52:39 Chairman Vincent
 02:52:45 Sen. Hamlett
 02:53:25 Sen. Brenden

02:53:48 Without objection, Sen. Hamlett withdrew the DO PASS motion.

EXECUTIVE ACTION ON SB 237

02:54:03 **Motion:** Sen. Brenden moved that **SB 237 DO PASS.**

02:54:32 **Motion:** Sen. Brenden moved that **SB 237 BE AMENDED.**
EXHIBIT(nas38a05)

Discussion:

02:55:20 Sonja Nowakowski, LSD

02:55:42 **Vote:** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

02:55:52 **Motion:** Sen. Brenden moved that **SB 237 DO PASS AS AMENDED.**

Discussion:

02:56:02 Sen. Kaufmann

02:57:34 Sen. Hamlett

02:58:02 Sen. Phillips

02:58:57 Sen. Brenden

03:02:39 Sen. Keane

03:04:10 Chairman Vincent

03:04:35 Sen. Fielder

03:05:36 Sen. Hamlett

03:07:09 Sen. Brenden

03:07:25 Chairman Vincent

03:13:11 **Vote:** Motion carried 10-4 by roll call vote with Sen. Kaufmann, Sen. Larsen, Sen. Phillips and Sen. Tropila voting no. Sen. Rosendale voted by proxy.

EXECUTIVE ACTION ON SB 332

03:15:00 **Motion:** Sen. Phillips moved that **SB 332 DO PASS.**

03:15:24 **Motion:** Sen. Jackson moved that **SB 332 BE AMENDED.**
EXHIBIT(nas38a06)

Discussion:

03:16:10 Sen. Kaufmann

03:16:28 Sonja Nowakowski

03:17:08 **Vote:** Motion carried 14-0 by voice vote.

03:17:22 **Motion:** Sen. Brenden moved that **SB 332 BE AMENDED.**
EXHIBIT(nas38a07)

Discussion:

03:17:36 Sonja Nowakowski

03:17:50 **Vote:** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

03:18:02 **Motion:** Sen. Brenden moved that **SB 332 DO PASS AS AMENDED.**

Discussion:

03:18:12 Sen. Barrett

03:18:37 Chairman Vincent

03:18:46 **Vote:** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

EXECUTIVE ACTION ON SJ 15

03:19:34 **Motion:** Sen. Fielder moved that **SJ 15 DO PASS.**

Discussion:

03:19:46 Sen. Kaufmann

03:20:10 **Vote:** Motion carried 14-0 by voice vote. Sen. Rosendale voted by proxy.

ADJOURNMENT

Adjournment: 6:05 P.M.

Mary Kulawik, Secretary

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Additional Documents:

EXHIBIT([nas38aad.pdf](#))