

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on February 22, 2013 at 3:00 PM, in Room 422
Capitol

ROLL CALL

Members Present:

Sen. Chas Vincent, Chair (R)
Sen. Debby Barrett (R)
Sen. Bradley Hamlett (D)
Sen. Verdell Jackson (R)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Cliff Larsen (D)
Sen. Rick Ripley (R)
Sen. Matthew M. Rosendale Sr (R)

Members Excused:

Sen. John Brenden, Vice Chair (R)
Sen. Jennifer Fielder (R)
Sen. Mike Phillips (D)
Sen. Mitch Tropila (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 364, 2/22/2013; SB 345, 2/18/2013; SB 347, 2/18/2013; SJ 17, 2/18/2013; SB 354, 2/19/2013; and SB 339, 2/18/2013

Executive Action: SJ 17 - DP; SB 335 - DP; SB 337 - DP; SB 345 - DP; SB 364 - DPAA; SB 346 - DPAA; SB 265 - DP; SB 347 - DP
SB 330 - Tabled; SB 263 - Tabled; SB 339 - Tabled
SB 354 - Motion failed, vote not reported out of committee

01:30:42 Chairman Vincent turned over Chair responsibilities to Sen. Keane.

HEARING ON SB 364

Opening Statement by Sponsor:

01:31:56 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 364, Generally revise laws related to solid waste management.

[EXHIBIT\(nas40a01\)](#)

Proponents' Testimony:

01:33:58 Mark Lambrecht, Treasure State Resource Industry Association (TSRIA)

01:36:20 Sen. Brenden entered the hearing.

01:36:57 David Hoffman, PPL Montana

01:38:01 Edward Thamke, Montana Department of Environmental Quality (DEQ)

01:39:42 Gary Wiens, Montana Electric Cooperative Association (MECA)

Opponents' Testimony:

01:40:00 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony: None

Questions from Committee Members and Responses:

01:42:27 Sen. Kaufmann

01:42:46 Edward Thamke, DEQ

Closing by Sponsor:

01:43:18 Sen. Vincent

HEARING ON SB 345

Opening Statement by Sponsor:

01:44:06 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 345, Revise laws related to liability for forest and range fires.

01:46:02 Sen. Tropila entered the hearing.

Proponents' Testimony:

01:47:13 Julie Altemus, Montana Wood Products Association (MWPA)

[EXHIBIT\(nas40a02\)](#)

01:49:00 Sen. Fielder entered the hearing.

01:51:35 Paul McKenzie, F.H. Stoltze Land and Lumber Company (FHSLLC)

[EXHIBIT\(nas40a03\)](#)

[EXHIBIT\(nas40a04\)](#)

[EXHIBIT\(nas40a05\)](#)

01:52:31 Sen. Phillips entered the hearing.

01:54:55 Mark Staples, Attorney, Plum Creek Timber Company (PCTC)

01:55:17 Al Smith, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:57:16 Sen. Tropila

01:57:20 Al Smith, MTLA

Closing by Sponsor:

01:57:38 Sen. Vincent

HEARING ON SB 347

Opening Statement by Sponsor:

01:58:03 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 347, Revise water degradation laws.

Proponents' Testimony:

02:02:19 Tom Hopgood, Montana Mining Association (MMA)

02:05:12 Tammy Johnson, Golden Sunshine Mine (GSM), Revett Minerals (RM), and
Tintina Resources (TR)

02:06:28 Mark Lambrecht, Treasure State Resource Industry Association (TSRIA)

02:06:40 Doug Parker, self

02:07:02 Doug Rogness, self

02:07:51 K.D. Feedback, CR Montana Cooperative (CRMC)

Opponents' Testimony:

02:08:38 Jim Jensen, Montana Environmental Information Center (MEIC)

02:10:29 Bonnie Gestring, self

[EXHIBIT\(nas40a06\)](#)

[EXHIBIT\(nas40a07\)](#)

[EXHIBIT\(nas40a08\)](#)

[EXHIBIT\(nas40a09\)](#)

02:13:32 Paul Roos, self
02:14:34 Krista Lee Evans, Senior Water Rights Coalition (SWRC) and Association of Gallatin Agricultural Irrigators (AGAI)
02:15:42 Brenda Lindlief-Hall, Attorney, Tongue River Water Users (TRWU)
02:16:41 Brianna Randall, Clark Fork Coalition (CFC)

[EXHIBIT\(nas40a10\)](#)

02:18:00 Mark Aagenes, Montana Trout Unlimited (MTU)

[EXHIBIT\(nas40a11\)](#)

02:18:30 Mike Murphy, Montana Water Resources Association (MWRA)

02:18:51 Clayton Elliott, Northern Plains Resource Council (NPRC)

Informational Testimony:

02:19:14 George Mathieus, Montana Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

02:19:58 Sen. Fielder
02:20:15 George Mathieus, DEQ
02:21:00 Sen. Ripley
02:21:13 George Mathieus

Closing by Sponsor:

02:21:35 Sen. Vincent
02:22:45 Sen. Vincent resumed the chair.

HEARING ON SJ 17

Opening Statement by Sponsor:

02:23:30 Sen. Verdell Jackson (R), SD 5, opened the hearing on SJ 17, Resolution to encourage voluntary streamside best management practices.

[EXHIBIT\(nas40a12\)](#)

[EXHIBIT\(nas40a13\)](#)

[EXHIBIT\(nas40a14\)](#)

Proponents' Testimony:

02:29:42 Mark Bostrom, Montana Department of Environmental Quality (DEQ)

[EXHIBIT\(nas40a15\)](#)

02:29:58 Paul McKenzie, F.H. Stoltze Land and Lumber Company (FHSLLC)

02:30:21 Julie Altemus, Montana Wood Products Association (MWPA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:30:44 Sen. Jackson

HEARING ON SB 354

Opening Statement by Sponsor:

02:31:14 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 354, Revise laws related county historic rights-of-way.

02:32:52 Sen. Walker entered the hearing.

Proponents' Testimony: None

Opponents' Testimony:

02:33:47 Shawn Thomas, Administrator of Trust Land Division, Montana Department of Natural Resources and Conservation (DNRC)

Informational Testimony: None

Questions from Committee Members and Responses:

02:37:14 Sen. Tropila

02:37:30 Sen. Walker left the hearing.

02:38:12 Sen. Hamlett

02:38:23 Sen. Fielder

02:38:41 Sen. Hamlett

02:39:10 Sen. Kaufmann

02:39:15 Sen. Hamlett

02:39:34 Sen. Kaufmann

02:39:56 Shawn Thomas, DNRC

02:40:10 Sen. Jackson

02:42:02 Shawn Thomas

Closing by Sponsor:

02:42:59 Sen. Hamlett

HEARING ON SB 339

Opening Statement by Sponsor:

02:45:08 Sen. John Brenden (R), SD 18, opened the hearing on SB 339, Allow counties to limit percentage of property owned by nonprofits.

[EXHIBIT\(nas40a16\)](#)

Proponents' Testimony: None

Opponents' Testimony:

02:51:01 Dick Dolan, American Prairie Reserve (APR)

02:58:44 Glenn Marx, Executive Director, Montana Association of Land Trust (MALT)

[EXHIBIT\(nas40a17\)](#)

03:03:03 Liz Moore, Montana Non-Profit Association (MNPA)

[EXHIBIT\(nas40a18\)](#)

[EXHIBIT\(nas40a19\)](#)

03:06:10 Ben Lamb, National Wildlife Federation (NWF) and World Wildlife Fund (WWF)

03:06:29 Jay Erickson, Montana Land Reliance (MLR)

Informational Testimony: None

Questions from Committee Members and Responses:

03:07:15 Sen. Ripley

03:07:27 Sen. Fielder

03:07:56 Liz Moore, MNPA

03:08:05 Sen. Phillips

03:08:24 Dick Dolan, APR

03:09:35 Sen. Rosendale

03:09:59 Dick Dolan

03:10:52 Sen. Barrett

03:11:05 Liz Moore

03:12:22 Sen. Hamlett

03:14:32 Sen. Brenden

03:15:20 Chairman Vincent

03:15:33 Glenn Marx

Closing by Sponsor:

03:15:47 Sen. Brenden

Committee Business:

03:30:40 Chairman Vincent

03:31:50 Sen. Phillips

03:32:04 Chairman Vincent

EXECUTIVE ACTION ON SJ 17

03:32:39 **Motion/Vote:** Sen. Jackson moved that **SJ 17 DO PASS**. Motion carried 14-0 by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 335

03:33:33 **Motion:** Sen. Hamlett moved that **SB 335 DO PASS**.

Discussion:

03:33:53 Sen. Kaufmann

03:34:35 **Motion/Vote:** Sen. Kaufmann moved that **SB 335 BE AMENDED**. Motion failed 7-7 by roll call vote with Sen. Fielder, Sen. Kaufmann, Sen. Keane, Sen. Larsen, Sen. Phillips, Sen. Rosendale and Sen. Vincent voting aye. Sen. Walker voted by proxy.

EXHIBIT(nas40a20)

03:36:14 **Vote:** Motion carried 14-0 by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 337

03:36:38 **Motion:** Sen. Hamlett moved that **SB 337 DO PASS**.

Discussion:

03:37:12 Sen. Kaufmann

03:38:12 Sen. Hamlett

03:39:13 Sen. Jackson

03:39:42 Sen. Kaufmann

03:41:02 Sen. Barrett

03:41:41 Sen. Hamlett

03:42:52 **Vote:** Motion carried 13-1 by roll call vote with Sen. Kaufmann voting no. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 345

03:43:50 **Motion/Vote:** Sen. Ripley moved that **SB 345 DO PASS**. Motion carried 14-0 by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 364

03:44:39 **Motion:** Sen. Brenden moved that **SB 364 DO PASS**.

03:45:17 **Motion/Vote:** Sen. Brenden moved that **SB 364 BE AMENDED**. Motion carried 14-0 by voice vote. Sen. Walker voted by proxy.

03:45:37 **Motion/Vote:** Sen. Brenden moved that **SB 364 DO PASS AS AMENDED**.
Motion carried 14-0 by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 346

03:46:20 **Motion:** Sen. Brenden moved that **SB 346 DO PASS**.

03:46:36 **Motion/Vote:** Sen. Brenden moved that **SB 346 BE AMENDED**. Motion carried
14-0 by voice vote. Sen. Walker voted by proxy.

EXHIBIT(nas40a21)

Discussion:

03:47:45 Sen. Barrett

03:47:46 Sen. Walker entered the hearing.

03:48:03 Chairman Vincent

03:50:42 **Motion/Vote:** Sen. Brenden moved that **SB 346 DO PASS AS AMENDED**.
Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON SB 330

03:51:11 **Motion:** Sen. De. Barrett moved that **SB 330 DO PASS**.

Discussion:

03:51:20 Sen. Barrett

03:52:02 **Motion:** Sen. De. Barrett moved that **SB 330 BE AMENDED**.
EXHIBIT(nas40a22)

Discussion:

03:52:23 Sen. Tropila

03:52:43 Sen. Barrett

03:53:23 Abigail St. Lawrence, Montana Association of Realtors (MAR)

03:54:25 **Vote:** Motion carried 14-0 by voice vote.

03:54:32 **Motion:** Sen. De. Barrett moved that **SB 330 DO PASS AS AMENDED**.

Discussion:

03:54:36 Sen. Barrett

03:55:28 Sen. Keane

03:55:49 Sen. Tropila

03:56:00 Sen. Barrett

03:56:09 Sen. Hamlett

03:56:36 Sen. Ripley
03:57:02 Sen. Hamlett

03:57:20 **Vote:** Motion failed 5-9 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Fielder, Sen. Jackson and Sen. Vincent voting aye.

03:58:09 **Motion/Vote:** Sen. Ripley moved that **SB 330 BE TABLED AND THE VOTE REVERSED**. Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON SB 354

03:58:45 **Motion:** Sen. Hamlett moved that **SB 354 DO PASS**.

Discussion:

03:58:55 Sen. Hamlett
04:00:42 Sen. Fielder
04:01:20 Sen. Hamlett
04:01:39 Chairman Vincent
04:01:45 Sen. Phillips
04:02:04 Sen. Ripley
04:02:13 Sonja Nowakowski, Legislative Services Division (LSD)
04:02:23 Sen. Larsen
04:02:43 Sen. Hamlett
04:02:56 Sen. Fielder
04:03:30 Sen. Hamlett
04:04:10 Sen. Keane
04:04:50 Sen. Fielder

04:05:07 **Vote:** Motion failed 7-7 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Fielder, Sen. Hamlett, Sen. Jackson, Sen. Ripley and Sen. Vincent voting aye.

04:06:00 **Motion:** Sen. Kaufmann moved that **SB 354 BE TABLED**.

Discussion:

04:06:02 Chairman Vincent
04:06:15 Sen. Kaufmann
04:06:21 Chairman Vincent

04:06:22 Without objection, Sen. Kaufmann withdrew the motion to table.

EXECUTIVE ACTION ON SB 265

04:06:50 **Motion:** Sen. Jackson moved that **SB 265 DO PASS**.

Discussion:

04:07:10 Sen. Fielder
04:08:26 Sen. Ripley

04:08:44 Sen. Brenden
 04:09:15 Sen. Tropila
 04:09:40 Chairman Vincent
 04:09:54 Sen. Hamlett
 04:10:58 Chairman Vincent
 04:11:04 Sen. Jackson

04:11:44 **Vote:** Motion carried 10-4 by roll call vote with Sen. Kaufmann, Sen. Larsen, Sen. Phillips and Sen. Tropila voting no.

EXECUTIVE ACTION ON SB 347

04:12:58 **Motion:** Sen. Vincent moved that **SB 347 DO PASS.**

Discussion:

04:13:25 Chairman Vincent
 04:15:41 Sen. Ripley
 04:17:10 Sen. Keane
 04:19:29 Sen. Kaufmann
 04:20:19 Sen. Hamlett
 04:21:02 Sen. Barrett
 04:21:22 Sonja Nowakowski, LSD
 04:21:55 Sen. Tropila
 04:23:04 Chairman Vincent
 04:24:04 Sen. Ripley
 04:24:45 Sen. Tropila
 04:25:04 Chairman Vincent

04:26:52 **Vote:** Motion carried 12-2 by roll call vote with Sen. Hamlett and Sen. Kaufmann voting no.

EXECUTIVE ACTION ON SB 263

04:28:02 **Motion:** Sen. Hamlett moved that **SB 263 DO PASS.**

04:28:53 **Motion:** Sen. Hamlett moved that **SB 263 BE AMENDED.**
[EXHIBIT\(nas40a23\)](#)

Discussion:

04:29:05 Sen. Hamlett
 04:30:14 Sen. Larsen
 04:30:37 Sen. Hamlett

04:31:20 **Vote:** Motion carried 14-0 by voice vote.

04:31:31 **Motion:** Sen. Hamlett moved that **SB 263 DO PASS AS AMENDED.**

Discussion:

04:31:46 Sen. Ripley
 04:32:14 Sen. Hamlett
 04:33:58 Sen. Keane
 04:34:27 Sen. Rosendale
 04:34:58 Sen. Fielder
 04:35:36 Sen. Tropila
 04:39:21 Sen. Hamlett
 04:40:12 Sen. Tropila
 04:40:19 Sen. Fielder
 04:41:00 Sen. Tropila
 04:41:22 Chairman Vincent
 04:42:39 Sen. Hamlett

04:43:11 **Vote:** Motion failed 7-7 by roll call vote with Sen. Fielder, Sen. Hamlett, Sen. Jackson, Sen. Phillips, Sen. Rosendale, Sen. Vincent and Sen. Walker voting aye.

04:44:10 **Motion/Vote:** Sen. Hamlett moved that **SB 263 BE TABLED AND THE VOTE REVERSED**. Motion carried 13-1 by voice vote with Sen. Jackson voting no.

EXECUTIVE ACTION ON SB 339

04:44:52 **Motion:** Sen. Brenden moved that **SB 339 DO PASS**.

Discussion:

04:45:11 Sen. Keane
 04:45:40 Sen. Brenden
 04:46:26 Chairman Vincent
 04:47:17 Sen. Barrett
 04:47:54 Sen. Jackson
 04:48:41 Sen. Kaufmann
 04:48:47 Sen. Brenden

04:48:54 **Vote:** Motion failed 2-12 by roll call vote with Sen. Brenden and Sen. Ripley voting aye.

04:49:39 **Motion/Vote:** Sen. Brenden moved that **SB 339 BE TABLED AND THE VOTE REVERSED**. Motion carried 13-1 by voice vote with Sen. Brenden voting no.

Committee Business:

04:49:55 Sen. Hamlett
 04:50:23 Sonja Nowakowski
 04:50:34 Chairman Vincent

ADJOURNMENT

Adjournment: 7:42 P.M.

Mary Kulawik, Secretary

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Additional Document

Additional Documents:

EXHIBIT([nas40aad.pdf](#))