

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Kerry White, on February 18, 2015 at 3:00 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Kerry White, Chair (R)
Rep. Steve Fitzpatrick, Vice Chair (R)
Rep. Ed Lieser, Vice Chair (D)
Rep. Gerald (Jerry) Bennett (R)
Rep. Bob Brown (R)
Rep. Zach Brown (D)
Rep. Virginia Court (D)
Rep. Mary Ann Dunwell (D)
Rep. Kelly Flynn (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Dale Mortensen (R)
Rep. Mark Noland (R)
Rep. Ray L. Shaw (R)
Rep. Scott Staffanson (R)
Rep. Kathleen Williams (D)

Members Excused: Rep. Andrea Olsen (D)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: Joe Kolman, Legislative Branch
Sherri Row, 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: HB 465, 2/13/2015; HB 519, 2/13/2015; HJ 19, 2/13/2015

Executive Action on: HB 434, HB 239, HJ 17, HR 2, HB 386

00:00:27 Chairman White

HEARING ON HB 519

Opening Statement by Sponsor:

00:04:16 Rep. Carl Glimm (R), HD 6, opened the hearing on HB 519, Generally revise exempt well laws.

[EXHIBIT\(nah37a01\)](#)

00:04:59 Rep. Olsen arrived

Proponents' Testimony:

00:12:14 Dustin Stewart, Montana Building Industry Association (MBIA)

[EXHIBIT\(nah37a02\)](#)

00:14:00 Rep. Williams

00:14:07 Dustin Stewart, MBIA

00:14:14 Chairman White

00:15:17 Rep. Williams

00:15:59 Chairman White

00:16:51 Dustin Stewart, MBIA

[EXHIBIT\(nah37a03\)](#)

[EXHIBIT\(nah37a04\)](#)

00:20:59 Spencer Woith, self

00:21:34 Abigail St. Lawrence, Montana Association of Realtors (MAR)

00:22:53 Bill Pierce, Builder

[EXHIBIT\(nah37a05\)](#)

00:25:39 Les Brunner, Trade Representative

[EXHIBIT\(nah37a06\)](#)

[EXHIBIT\(nah37a07\)](#)

00:27:47 Elaine Marcille, Helena Homebuilders

00:28:18 Ron Bartsch, Developer

00:29:30 Kim Smith, Sand and Gravel Business

[EXHIBIT\(nah37a08\)](#)

00:33:03 Joe Roberts, Montana Association of Registered Land Surveyors

00:35:11 Jay Skoog, American Council of Engineering Companies of Montana

00:36:10 Chairman White

00:37:02 Ben Wilson, self

00:37:09 Katie Hanning, self

00:37:18 James Zarling, General Contractor

00:37:50 Brian Beason, General Contractor

00:38:00 Sean Lawler, self

00:38:20 Randy Rognlie, Engineer with Casne and Associates

00:38:41 Byron Roberts, General Contractor

00:38:54 Rob Martin, Builder
 00:39:04 Ronda Wiggers, Montana Water Well Drillers Association
 00:39:35 Nancy Rae, self

Opponents' Testimony:

00:40:06 Krista Lee Evans, Senior Water Rights Coalition / Association of Gallatin
 Agricultural Irrigators (AGAI)
 00:41:51 Tim Davis, Department of Natural Resources and Conservation (DNRC)
 00:45:26 Jay Bodner, Montana Stock Growers Association
 00:47:03 Barbara Chillcott, Clark Fork Coalition
 00:51:18 Rep. Regier arrived
 00:52:04 Chelcie Cremer, Montana Farm Bureau
 00:53:11 Erin Farris-Olson, Montana Smart Growth

EXHIBIT(nah37a09)

00:56:01 Holly Franz, Mountain Water Company
 00:56:50 Jacob Cowgill, Montana Farmers Union
 00:57:23 Mark Aagenes, Montana Trout Unlimited
 00:58:25 Mike Murphy, Montana Water Resources Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:59:53 Rep. Flynn
 01:00:31 Krista Lee Evans, AGAI
 01:01:48 Rep. Flynn
 01:02:15 Krista Lee Evans, AGAI
 01:02:43 Rep. Flynn
 01:03:14 Rep. Glimm
 01:03:44 Rep. Flynn
 01:04:17 Rep. Glimm
 01:04:34 Rep. Williams
 01:05:28 Tim Davis, DNRC
 01:06:09 Rep. Williams
 01:06:27 Tim Davis, DNRC
 01:06:35 Rep. Williams
 01:06:59 Tim Davis, DNRC
 01:07:35 Rep. Williams
 01:07:39 Tim Davis, DNRC
 01:07:47 Rep. McConnell
 01:09:00 Holly Franz, Mountain Water Company
 01:10:20 Rep. Williams
 01:10:41 Chairman White
 01:11:17 Rep. Flynn
 01:12:15 Rep. Bob Brown
 01:13:04 Rep. Glimm
 01:13:09 Rep. Bob Brown
 01:13:22 Rep. Glimm
 01:13:50 Rep. Williams

01:14:59 Tim Davis, DNRC
01:16:15 Rep. Williams
01:16:55 Tim Davis, DNRC
01:17:57 Rep. Flynn
01:18:42 Krista Lee Evans, AGAI
01:20:48 Rep. Flynn
01:21:26 Holly Franz, Mountain Water Company
01:22:32 Rep. McConnell
01:23:01 Mark Aagenes, Montana Trout Unlimited
01:23:26 Chairman White
01:23:48 Tim Davis, DNRC
01:24:04 Chairman White
01:24:45 Tim Davis, DNRC
01:24:48 Chairman White
01:24:50 Tim Davis, DNRC
01:25:02 Chairman White
01:25:49 Dustin Stewart, MBIA
01:26:42 Chairman White
01:27:12 Krista Lee Evans, AGAI
01:27:39 Chairman White
01:28:21 Tim Davis, DNRC
01:28:56 Rep. Dunwell
01:29:19 Tim Davis, DNRC
01:29:46 Rep. Dunwell
01:30:00 Tim Davis, DNRC

Closing by Sponsor:

01:30:38 Rep. Glimm

01:33:11 Recess
01:37:59 Reconvened

HEARING ON HB 465

Opening Statement by Sponsor:

01:38:43 Rep. Theresa Manzella (R), HD 85, opened the hearing on HB 465, Preserve the ability of Montana citizens to heat structures by burning wood.

[EXHIBIT\(nah37a10\)](#)

01:43:29 Chairman White
01:43:47 Rep. Manzella

[EXHIBIT\(nah37a11\)](#)

[EXHIBIT\(nah37a12\)](#)

[EXHIBIT\(nah37a13\)](#)

Proponents' Testimony:

01:50:13 Garrett Bacon, self

Opponents' Testimony:

01:51:48 David Klemp, Department of Environmental Quality (DEQ)
 01:58:02 Mark Lambrecht, Treasure State Resource Industry Association
 02:00:25 Jim Carlson, City County Health Department in Missoula

EXHIBIT(nah37a14)

02:10:51 Anne Hedges, Montana Environmental Information Center (MEIC)

EXHIBIT(nah37a15)

02:14:42 Neal Ullman, Montana Conservation Voters

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

02:18:47 Rep. Bob Brown
 02:19:20 Jim Carlson, City County Health Department in Missoula
 02:21:16 Rep. Bob Brown
 02:21:28 Jim Carlson, City County Health Department in Missoula
 02:21:42 Rep. Bob Brown
 02:22:09 Jim Carlson, City County Health Department in Missoula
 02:23:02 Chairman White
 02:23:21 Jim Carlson, City County Health Department in Missoula
 02:24:04 Chairman White
 02:24:56 Jim Carlson, City County Health Department in Missoula
 02:25:09 Rep. McConnell
 02:25:57 Rep. Manzella
 02:26:14 Rep. McConnell
 02:26:28 Rep. Manzella
 02:26:54 Vice Chair Fitzpatrick assumes Chairman position
 02:26:55 Rep. McConnell
 02:27:40 Rep. Manzella
 02:27:51 Rep. McConnell
 02:27:59 Rep. Manzella
 02:28:29 Rep. Williams
 02:28:56 Rep. Staffanson
 02:29:26 Neal Ullman, Montana Conservation Voters
 02:30:00 Rep. Staffanson
 02:30:17 Jim Carlson, City County Health Department in Missoula
 02:32:21 Rep. Staffanson
 02:32:44 Rep. Manzella
 02:34:15 Rep. Zach Brown
 02:34:24 Rep. Manzella
 02:35:35 Rep. Noland
 02:36:11 Jim Carlson, City County Health Department in Missoula
 02:38:10 Rep. Mortenson
 02:38:36 Jim Carlson, City County Health Department in Missoula
 02:40:24 Rep. Mortenson
 02:40:42 Rep. Fitzpatrick
 02:40:58 Rep. Manzella

Closing by Sponsor:

02:41:45 Rep. Manzella

HEARING ON HJ 19

Opening Statement by Sponsor:

02:44:08 Rep. Ed Lieser (D), HD 5, opened the hearing on HJ 19, Resolution against efforts to claim, take over, litigate, or sell federal lands.

Proponents' Testimony:

02:50:43 Nick Gevock, Montana Wildlife Federation (MWF)

02:51:37 Kurt Alt, Montana Sportsman Alliance

EXHIBIT(nah37a16)

02:52:55 Jerry Davis, Montana Bow Hunters Association

02:53:26 Jim Posewitz, Helena Hunters and Anglers Association

EXHIBIT(nah37a17)

02:56:03 Joe Parry, Dryland Farmer/Landowner, Montana Sportsman Alliance

02:58:38 Stan Frasier, self

03:01:22 Ben Lamb, National Wildlife Federation, Montana Audobon Association

03:01:43 Clayton Elliott, Montana Wilderness Association

EXHIBIT(nah37a18)

03:02:18 Brian Ohs, Montana Trout Unlimited

03:02:55 John Borgreen, Russell Country Sportsman Association

03:03:54 Neal Ullman, Montana Conservation Voters

Opponents' Testimony: None

Informational Testimony:

03:05:16 Bill Avey, Helena and Lewis and Clark National Forest

Questions from Committee Members and Responses:

03:05:32 Rep. Zach Brown

03:06:13 Bill Avey, Helena and Lewis and Clark National Forest

03:06:28 Rep. Court

03:07:05 Rep. Lieser

03:07:07 Rep. Bob Brown

03:07:36 Rep. Lieser

03:09:40 Rep. Bob Brown

03:10:19 Rep. Lieser

03:10:58 Rep. Bob Brown

03:11:13 Rep. Lieser

03:12:06 Rep. White

03:13:57 Bill Avey, Helena and Lewis and Clark National Forest

03:15:48 Rep. White

03:16:20 Bill Avey, Helena and Lewis and Clark National Forest

03:17:24 Rep. Jerry Bennett

03:18:25 Rep. Lieser
03:18:50 Rep. Noland
03:20:37 Bill Avey, Helena and Lewis and Clark National Forest
03:21:10 Rep. Noland
03:22:09 Bill Avey, Helena and Lewis and Clark National Forest
03:22:58 Rep. Flynn
03:23:21 Bill Avey, Helena and Lewis and Clark National Forest
03:23:37 Rep. Flynn
03:24:10 Bill Avey, Helena and Lewis and Clark National Forest
03:24:42 Rep. Flynn
03:25:35 Bill Avey, Helena and Lewis and Clark National Forest
03:26:36 Rep. Dunwell
03:27:05 Bill Avey, Helena and Lewis and Clark National Forest
03:28:16 Rep. Manzella
03:28:54 Bill Avey, Helena and Lewis and Clark National Forest
03:29:15 Rep. Manzella
03:29:33 Rep. Mortensen
03:30:07 Rep. Lieser
03:30:23 Rep. Court
03:31:02 Bill Avey, Helena and Lewis and Clark National Forest
03:33:07 Rep. Jerry Bennett
03:33:47 Rep. Lieser
03:34:19 Rep. Staffanson
03:34:40 Rep. Lieser
03:36:49 Rep. Staffanson
03:37:18 Rep. Lieser
03:38:55 Rep. Williams
03:40:48 Bill Avey, Helena and Lewis and Clark National Forest
03:41:40 Rep. Bob Brown
03:42:19 Bill Avey, Helena and Lewis and Clark National Forest
03:43:40 Rep. Bob Brown
03:43:46 Bill Avey, Helena and Lewis and Clark National Forest

Closing by Sponsor:

03:44:05 Rep. Lieser

03:45:27 Recess
03:52:38 Reconvened
03:52:39 Chariman White resumes chairman

EXECUTIVE ACTION ON HB 434

03:53:07 **Motion:** Rep. Fitzpatrick moved that **HB 434 DO PASS.**

Discussion:

03:53:21 Joe Kolman, Legislative Services Division (LSD)
03:54:22 Chairman White

EXHIBIT(nah37a19)

03:55:02 **Motion:** Rep. Fitzpatrick moved that **HB 434 BE AMENDED.**

Discussion:

03:55:35 Joe Kolman, LSD

03:56:47 Chairman White

03:57:43 Rep. Lieser

03:57:44 Rep. Noland leaves

03:57:45 Rep. Regier leaves

03:58:27 **Vote:** Motion carried unanimously by voice vote. Rep. Noland and Rep. Regier voted by proxy.

03:58:43 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 434 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Noland and Rep. Regier voted by proxy.

03:59:15 Rep. Williams

03:59:50 Rep. Olsen

EXECUTIVE ACTION ON HB 239

04:00:12 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 239 BE TABLED.** Motion carried unanimously by voice vote. Rep. Noland and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HJ 17

04:00:43 **Motion:** Rep. Fitzpatrick moved that **HJ 17 DO PASS.**

Discussion:

04:01:13 Rep. Williams

04:03:09 **Motion/Vote:** Rep. Williams moved a **CONCEPTUAL AMENDMENT FOR HJ 17 TO ADD "QUALIFIED" IN FRONT OF "LOCAL"**. Motion carried 15-3 by roll call vote with Rep. Fitzpatrick, Rep. Olsen and Rep. White voting no. Rep. Noland and Rep. Regier voted by proxy.

04:05:09 **Motion:** Rep. Fitzpatrick moved that **HJ 17 DO PASS AS AMENDED.**

Discussion:

04:05:23 Rep. Bob Brown

04:05:40 Rep. Lieser

04:06:17 Rep. Zach Brown

04:06:45 Rep. Fitzpatrick

04:06:58 **Vote:** Motion failed 8-10 by roll call vote with Rep. Bob Brown, Rep. Zach Brown, Rep. Court, Rep. Dunwell, Rep. Lieser, Rep. McConnell, Rep. Olsen and Rep. Williams voting aye. Rep. Noland and Rep. Regier voted by proxy.

04:08:14 **Motion/Vote:** Rep. Fitzpatrick moved that **HJ 17 BE TABLED**. Motion carried 16-0 by voice vote. Rep. Noland and Rep. Regier were excused.

EXECUTIVE ACTION ON HR 2

04:08:31 **Motion:** Rep. Fitzpatrick moved that **HR 2 BE ADOPTED**.

Discussion:

04:08:35 Joe Kolman, LSD

04:08:49 **Vote:** Motion carried unanimously by voice vote. Rep. Noland and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 386

04:09:15 **Motion:** Rep. Fitzpatrick moved that **HB 386 DO PASS**.

Discussion:

04:09:38 Rep. Court

04:09:47 Joe Kolman, LSD

04:10:09 Brief Recess

04:18:02 Reconvened

EXHIBIT(nah37a20)

04:18:13 **Motion:** Rep. Fitzpatrick moved that **HB 386 BE AMENDED**.

Discussion:

04:18:21 Rep. Court

04:23:21 Rep. Zach Brown

04:24:35 Rep. Bob Brown

04:25:15 Rep. Mortensen

04:25:48 Rep. Court

04:26:58 Rep. Jerry Bennett

04:28:02 Chairman White

04:29:54 **Vote:** Motion failed 7-11 by roll call vote with Rep. Zach Brown, Rep. Court, Rep. Dunwell, Rep. Lieser, Rep. McConnell, Rep. Olsen and Rep. Williams voting aye. Rep. Noland and Rep. Regier voted by proxy.

04:31:25 **Vote:** Motion carried 17-1 by voice vote with Rep. Court voting no. Rep. Noland and Rep. Regier voted by proxy.

04:32:23 Chairman White

ADJOURNMENT

04:33:18 Adjournment:

Sherri Row, Secretary

sr

Additional Documents:

EXHIBIT([nah37aad.pdf](#))