

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on February 23, 2015 at 3:00 PM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Chas Vincent, Chair (R)
Sen. Rick Ripley, Vice Chair (R)
Sen. Duane Ankney (R)
Sen. John Brenden (R)
Sen. Pat Connell (R)
Sen. Jennifer Fielder (R)
Sen. Bradley Hamlett (D)
Sen. Brian Hoven (R)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Cliff Larsen (D)
Sen. Mike Phillips (D)

Members Excused: None

Members Absent: None

Staff Present: Taylor Fridrich, 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 353, 2/19/2015; SB 354, 2/19/2015; SB 361, 2/19/2015; SB 389, 2/19/2015

Executive Action: SB 361 - Do Pass SB 354 - Do Pass SB 323 - Do Pass
SB 47 - Do Pass SB 355 - Do Pass SB 353 - Do Pass
SB 203 - Be Tabled SB 389 - Do Pass as Amended
SB 368 - Do Pass - bill was voted on 2/20/2015, but was held in committee pending the fiscal note.

HEARING ON SB 353**Opening Statement by Sponsor:**

00:01:45 Sen. Rick Ripley (R), SD 10, opened the hearing on SB 353, Constitutional referendum to divert coal trust and create Build Montana program.

[EXHIBIT\(nas41a01\)](#)

Proponents' Testimony:

00:10:06 Cary Hegreberg, executive director, Montana Contractors Association (MCA)

00:14:59 Darryl James, Montana Society of Engineers (MSE)

00:16:18 Brad Griffin, Montana Retailers Association (MRA)

00:17:11 Mark Lambrecht, executive director, Treasure State Resource Industry Association (TSRIA)

00:17:36 Jerry Bowser, environmental manager, Helena Sand and Gravel Inc.

00:20:13 Glenn Oppel, Montana Chamber of Commerce

00:20:31 Jay Skoog, American Council of Engineering Companies of Montana (ACEC - MT)

[EXHIBIT\(nas41a02\)](#)

00:24:02 Riley Johnson, National Federation of Independent Businesses (NFIB)

Opponents' Testimony:

00:24:47 Hal Harper, representing himself, and the Citizens for the Coal Tax Trust Fund (CITF)

[EXHIBIT\(nas41a03\)](#)

00:31:09 Dan Villa, budget director, Governor's Office (GOV)

00:36:20 Vernon Bertelsen, self

00:39:06 Erik Burke, MEA-MFT

Informational Testimony:

00:41:52 Linda McCulloch, Secretary of State

Questions from Committee Members and Responses:

00:43:39 Sen. Brenden

00:44:31 Mr. Hegreberg, MCA

00:44:38 Sen. Brenden

00:45:06 Mr. Hegreberg

00:45:36 Sen. Brenden

00:45:52 Mr. Hegreberg

00:46:07 Sen. Ankney

00:46:41 Sen. Ripley

00:47:29 Sen. Ankney

00:48:01 Mr. Hegreberg

00:48:51 Sen. Ankney

00:50:37 Sen. Phillips
 00:53:28 Mr. Harper, MCT
 00:53:55 Sen. Hamlett
 00:54:03 Mr. Villa, GOV
 00:55:07 Sen. Hamlett
 00:55:29 Sen. Kaufmann
 00:55:54 Mr. Villa
 00:57:59 Sen. Kaufmann
 00:58:20 Mr. Villa
 00:58:50 Sen. Kaufmann
 00:59:02 Mr. Harper
 01:00:59 Chairman Vincent
 01:01:40 Mr. Villa
 01:02:28 Chairman Vincent
 01:02:46 Mr. Villa
 01:02:56 Chairman Vincent

Closing by Sponsor:

01:03:07 Sen. Ripley

HEARING ON SB 354

Opening Statement by Sponsor:

01:05:52 Sen. Rick Ripley (R), SD 10, opened the hearing on SB 354, Create infrastructure funding program.

Proponents' Testimony: Same as SB 353

Opponents' Testimony: Same as SB 353

Informational Testimony: None

Questions from Committee Members and Responses:

01:06:29 Sen. Brenden
 01:06:47 Chairman Vincent
 01:07:09 Dan Villa, budget director, Governor's Office (GOV)
 01:08:16 Chairman Vincent
 01:08:51 Mr. Villa
 01:09:11 Sen. Keane
 01:09:39 Hal Harper, representing himself, and the Citizens for the Coal Tax Trust Fund (CITF)

Closing by Sponsor:

01:10:59 Sen. Ripley

HEARING ON SB 361

Opening Statement by Sponsor:

01:11:45 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 361, Clarify standing provisions in Water Court proceedings.

Proponents' Testimony:

01:13:29 Mark Aagenes, executive director, Montana Trout Unlimited (TU)
01:14:01 Krista Lee Evans, Senior Water Rights Coalition (SRWRC) and Association of Gallatin Agricultural Irrigators (AGAI)
01:14:45 Mike Murphy, Montana Water Resources Association (MWRA)
01:15:36 Jay Bodner, Montana Stockgrowers Association (MSGA) and Montana CattleWomen (MCW)
01:16:18 Chelcie Cremer, Montana Farm Bureau Federation (MFBF)
01:16:46 Jacob Cowgill, Montana Farmers Union (MFU)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:09 Chairman Vincent
01:17:32 Mr. Aagenes, TU

Closing by Sponsor:

01:19:16 Sen. Hamlett

HEARING ON SB 389

Opening Statement by Sponsor:

01:19:49 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 389, Provide definitions for intermittent, ephemeral streams.

[EXHIBIT\(nas41a04\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

01:23:28 Tim Davis, administrator, Water Resources Division, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

01:23:49 Sen. Phillips
 01:24:09 Mr. Davis, DNRC

Closing by Sponsor:

01:24:31 Sen Hamlett
 01:25:13 Recess
 01:35:20 Reconvened

EXECUTIVE ACTION ON SB 203

01:36:00 **Motion/Vote:** Sen. Keane moved that **SB 203 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 361

01:36:45 **Motion/Vote:** Sen. Hamlett moved that **SB 361 DO PASS**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 323

01:37:26 **Motion:** Sen. Fielder moved that **SB 323 DO PASS**.

Discussion:

01:37:51 Sen. Fielder
 01:38:22 Sen. Ripley
 01:38:37 Sen. Fielder
 01:38:59 Sen. Hamlett
 01:39:30 Sen. Fielder
 01:39:59 Sen. Brenden
 01:40:28 Chairman Vincent
 01:41:22 Sen Fielder
 01:41:26 Chairman Vincent
 01:41:30 Sen. Hamlett
 01:42:19 Sen. Fielder
 01:42:51 Chairman Vincent

01:43:13 **Vote:** Motion carried 8-4 by roll call vote with Sen. Kaufmann, Sen. Keane, Sen. Larsen and Sen. Phillips voting no.

EXECUTIVE ACTION ON SB 389

01:44:48 **Motion:** Sen. Hamlett moved that **SB 389 DO PASS**.

01:45:13 **Motion:** Sen. Hamlett moved that **SB 389 BE AMENDED**.
[EXHIBIT\(nas41a05\)](#)

Discussion:

01:45:45 Sen. Fielder
 01:45:49 Sen. Hamlett
 01:45:54 Sen. Kaufmann
 01:46:26 Sen. Hamlett
 01:46:40 Sen. Kaufmann
 01:47:08 Sen. Hamlett
 01:47:59 Sen. Kaufmann
 01:48:33 Sen. Hamlett

01:49:56 **Vote:** Motion carried 11-1 by roll call vote with Sen. Vincent voting no.

01:50:08 **Motion:** Sen. Hamlett moved that **SB 389 DO PASS AS AMENDED.**

Discussion:

01:50:17 Chairman Vincent
 01:50:40 Sen. Hamlett
 01:51:54 Sen. Chairman

01:52:03 **Vote:** Motion carried 10-2 by roll call vote with Sen. Kaufmann and Sen. Vincent voting no.

EXECUTIVE ACTION ON SB 355

01:53:16 **Motion:** Sen. Ankney moved that **SB 355 DO PASS.**

Discussion:

01:53:30 Sen. Kaufmann
 01:55:39 Chairman Vincent
 01:55:58 Sen. Fielder
 01:56:44 Sen. Ankney
 02:01:29 Sen. Kaufmann
 02:02:15 Sen. Ankney
 02:02:35 Chairman Vincent
 02:03:36 Sen. Ankney

02:03:48 **Vote:** Motion carried 10-2 by roll call vote with Sen. Kaufmann and Sen. Phillips voting no.

EXECUTIVE ACTION ON SB 353

02:04:42 **Motion:** Sen. Ripley moved that **SB 353 DO PASS.**

Discussion:

02:04:53 Sen. Ripley
 02:05:47 Sen. Keane

02:06:06 Sen. Ankney
 02:06:52 Sen. Brenden
 02:07:57 Sen. Phillips
 02:08:45 Sen. Larsen
 02:09:26 Sen. Fielder
 02:09:55 Sen. Connell
 02:10:54 Sen. Hoven
 02:11:35 Sen. Ripley

02:13:41 **Vote:** Motion carried 7-5 by roll call vote with Sen. Hamlett, Sen. Kaufmann, Sen. Keane, Sen. Larsen and Sen. Phillips voting no.

EXECUTIVE ACTION ON SB 354

02:14:27 **Motion:** Sen. Ripley moved that **SB 354 DO PASS.**

Discussion:

02:14:46 Sen. Brenden
 02:20:08 Sen. Keane
 02:20:52 Sen. Hamlett
 02:21:17 Sen. Ripley

02:22:00 **Vote:** Motion carried 7-5 by roll call vote with Sen. Hamlett, Sen. Kaufmann, Sen. Keane, Sen. Larsen and Sen. Phillips voting no.

EXECUTIVE ACTION ON SB 47

02:22:47 **Motion:** Sen. Kaufmann moved that **SB 47 DO PASS.**

02:24:13 Sen. Keane
 02:25:00 Sen. Ankney
 02:25:29 Sen. Hamlett
 02:25:42 Sen. Larsen
 02:26:14 Sen. Fielder
 02:27:45 Sen. Connell
 02:29:29 Sen. Brenden
 02:29:51 Sen. Ripley
 02:30:15 Sen. Kaufmann

02:31:15 **Vote:** Motion carried 7-5 by roll call vote with Sen. Ankney, Sen. Brenden, Sen. Fielder, Sen. Ripley and Sen. Vincent voting no.

Committee Business:

02:32:34 Chairman Vincent

ADJOURNMENT

Adjournment: 5:35 P.M.

Taylor Fridrich, Secretary

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Additional Documents:

EXHIBIT([nas41aad.pdf](#))