

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES AND ENERGY

Call to Order: By **CHAIRMAN GREG LIND**, on April 16, 2007 at 10:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Greg Lind, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Dan Harrington (D)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Kelly Gebhardt (R)

Members Absent: None.

Staff Present: Claudia Johnson, Committee Secretary
Joe Kolman, 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: None.
Executive Action: HB 831

00:01:31 Chairman Lind

SUBCOMMITTEE ACTION ON HB 831

00:03:04 **Motion:** SEN. PERRY moved that HB 831 BE CONCURRED IN.

Discussion:

00:03:36 Sen. Lind to Sen. Perry

00:03:46 **Motion:** SEN. PERRY moved that AMENDMENT HB083104.AKL BE ADOPTED.

EXHIBIT (nas80a01)

Discussion:

00:04:32 Sen. Lind

00:04:43 Sen. Perry

00:04:54 Sen. Kaufmann to Joe Kolman, LSD

00:05:40 Joe Kolman, LSD

00:13:54 Sen. Perry to Joe Kolman, LSD

00:17:20 Sen. Lind

00:18:31 Sen. Kaufmann

00:19:24 Sen. Lind to Rep. McNutt

00:20:09 Sen. Kaufmann

00:20:59 Sen. Lind

00:21:13 Sen. Perry

00:21:45 **Motion/Vote:** SEN. KAUFMANN moved that AMENDMENT HB083104.AKL BE ADOPTED. Motion carried unanimously by voice vote.

00:22:26 **Motion:** SEN. PERRY moved that AMENDMENT HB083105.AKL BE ADOPTED.

EXHIBIT (nas80a02)

Discussion:

00:23:02 Krista Lee Evans, LSD

00:24:22 Sen. Lind

00:24:29 **Motion/Vote:** SEN. PERRY CALLED THE QUESTION ON
AMENDMENT HB083105.AKL. Motion carried unanimously by
voice vote.

Discussion:

00:24:52 Sen. Lind

00:25:00 Sen. Lind to Rep. McNutt

00:25:17 Sen. Lind

00:25:42 Sen. Kaufmann

00:26:41 Sen. Perry

00:27:36 **Motion:** SEN. KAUFMANN moved that AMENDMENT
HB083107.AKL be segregated and ADOPTED.

Discussion:

00:29:21 Joe Kolman, LSD

00:29:48 Sen. Lind

00:32:10 Sen. Lind to Krista Lee Evans, LSD

00:33:02 Sen. Perry to Krista Lee Evans, LSD

00:34:13 Sen. Lind to Sen. Kaufmann

00:34:36 **Motion/Vote:** SEN. PERRY moved that AMENDMENT
HB083108.AJK BE ADOPTED. Motion carried unanimously by
voice vote.

EXHIBIT (nas80a03)

00:35:27 **Motion:** SEN. KAUFMANN moved AMENDMENT PART 2 OF
HB083107.AKL BE ADOPTED.

Discussion:

00:36:34 Mary Sexton, Administrator, Department of Natural
Resources and Conservation (DNRC)

00:36:48 Tim Hall, Chief Legal Counsel, DNRC

00:38:12 Sen. Kaufmann to Tim Hall, DNRC

00:35:40 Sen. Lind to Tim Hall, DNRC

00:41:12 Sen. Lind

00:41:22 Sen. Kaufmann to Sen. Lind

00:43:13 Sen. Perry to Tim Hall, DNRC

00:45:31 Sen. Perry

00:45:50 Sen. Lind to Tim Hall, DNRC

00:47:14 Sen. Lind

00:47:40 Sen. Kaufmann to Sen. Perry

00:48:44 Sen. Lind to Rep. McNutt

00:52:19 Sen. Perry

00:52:37 Sen. Kaufmann to Tim Hall, DNRC

00:52:52 Sen. Perry to Tim Hall, DNRC

00:53:59 John Tubbs, DNRC

00:54:56 Sen. Perry to Tim Hall, DNRC

00:55:24 Tim Hall, DNRC

00:56:13 Sen. Kaufmann

00:56:53 Sen. Perry to Tim Hall, DNRC

00:58:23 Sen Lind to Tim Hall, DNRC

00:58:46 Sen. Kaufmann

00:58:59 Sen. Lind to Sen. Perry

00:59:25 Sen. Perry

00:59:55 Krista Lee Evans, LSD

01:00:31 **Vote:** MOTION that AMENDMENT HB083107.AKL BE ADOPTED
failed 1-2 by voice vote with SEN. KAUFMANN voting aye.

01:01:41 **Motion:** SEN. KAUFMANN moved that AMENDMENT
HB083104.AJK BE ADOPTED.

EXHIBIT (nas80a04) _____

Discussion:

01:05:06 Sen. Kaufmann to Sen. Perry

01:05:17 Sen. Kaufmann

01:08:51 Sen. Lind to Mary Sexton, DNRC

01:09:33 Sen. Lind to Linda Lovelace, Department of
Environmental Quality (DEQ)

01:10:02 Sen. Perry to Sen. Kaufmann

01:13:56 Sen. Lind to Sen. Perry

01:14:09 Sen. Perry to Rep. McNutt

01:14:59 **Vote:** Motion that AMENDMENT HB083104.AJK BE ADOPTED
carried unanimously by voice vote.

01:15:41 Sen. Lind

01:16:50 **Motion:** SEN. PERRY moved that AMENDMENT HB083110.AKL
BE ADOPTED.

EXHIBIT (nas80a05)

01:18:09 Sen. Perry withdrew his motion on AMENDMENT
HB083110.AKL.

01:18:50 **Motion:** SEN. PERRY moved that AMENDMENT
HB083111.AKL BE ADOPTED.

EXHIBIT (nas80a06)

Discussion:

01:19:52 Sen. Perry to Krista Lee Evans, LSD

01:21:35 Sen. Lind to Tim Hall, DNRC
01:23:01 Sen. Perry to Art Wittich, Attorney for Water Rights
01:26:45 Sen. Lind to John Tubbs, DNRC
01:27:47 Sen. Kaufmann
01:29:05 Sen. Perry
01:29:27 Sen. Lind to Krista Lee Evans, LSD
01:31:10 **Sen. Perry withdraw his motion on AMENDMENT
HB083111.AKL.**
01:35:30 Subcommittee is over.

RECOMMENDATION to FULL COMMITTEE and EXECUTIVE ACTION ON HB 831

01:42:47 Chairman Lind
01:43:12 Sen. Tash
01:43:38 Joe Kolman, LSD
01:48:21 Sen. Lind to Joe Kolman, LSD
01:50:16 Sen. Lind
01:50:30 **Motion/Vote: SEN. TASH moved that AMENDMENT
HB083104.AKL BE ADOPTED. Motion carried unanimously by
voice vote. SEN. GEBHARDT voted by proxy.**
01:52:12 **Motion/Vote: SEN. TASH moved that AMENDMENT
HB083105.AKL BE ADOPTED. Motion carried unanimously by
voice vote. SEN. GEBHARDT voted by proxy.**
01:53:15 **Motion/Vote: SEN. PERRY moved that AMENDMENT
HB083108.AJK BE ADOPTED. Motion carried unanimously by
voice vote. SEN. GEBHARDT voted by proxy.**

Discussion:

01:54:11 Sen. Lind
01:54:43 **Motion: SEN. PERRY moved that AMENDMENT HB083104.AJK
BE ADOPTED.**

Discussion:

01:50:20 Sen. Lind

01:55:46 Sen. Perry to Krista Lee Evans, LSD

01:56:45 Sen. Perry to Tom Reid, Water Protection Bureau, DEQ

01:57:30 Sen. Tash to Tom Reid, DEQ

01:58:39 Sen. Wanzenried to Sen. Perry

01:59:16 Sen. Perry to Krista Lee Evans, LSD

02:00:30 **Vote: MOTION on AMENDMENT HB083104.AJK carried unanimously by voice vote. SEN. GEBHARDT voted by proxy.**

Discussion:

02:00:58 Sen. Wanzenried

02:01:03 **Motion: SEN. PERRY moved that HB 831 BE CONCURRED IN AS AMENDED.**

02:01:26 **Motion: SEN. TASH moved that AMENDMENT HB083101.AJK BE ADOPTED.**

EXHIBIT (nas80a07)

02:07:14 **Substitute Motion: SEN. LIND made a substitute motion that AMENDMENT HB083101.AJK BE SEGREGATED and ADOPT SECTIONS #2, #3, #4, and #5.**

Discussion:

02:07:58 Sen. Wanzenried to Sen. Tash

02:09:29 Sen. Wanzenried to Sen. Lind

02:09:49 Sen. Lind to Sen. Tash

02:14:08 Sen. Perry

02:15:20 Sen. Lind to Sen. Perry

02:17:14 Sen. Wanzenried to John Tubbs, DNRC

02:19:02 **Sen. Lind withdrew his motion to segregate AMENDMENTS #2, #3, #4, and #5.**

02:19:52 Sen. Tash

02:21:17 Sen. Wanzenried

02:21:42 **Motion/Vote: SEN. TASH moved that AMENDMENTS #4 AND #5 BE ADOPTED. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. GEBHARDT voted by proxy.**

02:23:35 **Motion/Vote: SEN. PERRY moved that AMENDMENTS #1, #6, and #7 BE ADOPTED. Motion carried unanimously by voice vote. SEN. GEBHARDT voted by proxy.**

02:24:14 **Motion: SEN. WANZENRIED moved that AMENDMENTS #2 and #3 BE ADOPTED.**

Discussion:

02:24:49 Sen. Lind

02:24:57 Sen. Tash

02:26:04 Krista Lee Evans, LSD

02:27:45 Sen. Lind

02:28:35 Sen. Wanzenried

02:28:52 **Vote: MOTION that AMENDMENT HB083101.AJK SECTIONS #2 AND #3 BE ADOPTED failed 2-7 by roll call vote with SEN. CURTISS and SEN. PERRY voting aye. SEN. GEBHARDT voted by proxy.**

02:30:00 **Motion: SEN. WANZENRIED moved that HB 831 BE CONCURRED IN AS AMENDED.**

Discussion:

02:30:24 **Substitute Motion/Vote: SEN. TASH made a substitute motion that HB 831 BE TABLED. Substitute motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. LIND, and SEN. PERRY voting aye. SEN. GEBHARDT voted by proxy.**

Discussion:

02:31:29 Sen. Lind to Sen. Perry

02:31:58 **Motion/Vote:** SEN. WANZENRIED moved that the motion be REVERSED and HB 831 BE CONCURRED IN AS AMENDED. Motion carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no. SEN. GEBHARDT voted by proxy.

ADJOURNMENT

Adjournment: 12:35 P.M.

SEN. GREG LIND, Chairman

CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

EXHIBIT ([nas80aad.pdf](#))