

MINUTES

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on February 6, 2009 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Jim Keane (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Debby Barrett, Vice Chairman (R)
Sen. Christine Kaufmann (D)

Members Absent: None.

Staff Present: Lindsey Hern, 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 306, 1/30/2009; SB 307,
1/30/2009

Executive Action: SB 95; SB 147; SB 200

Sen. Kaufmann came in after roll call.

HEARING ON SB 306

Opening Statement by Sponsor:

00:01:36 Sen. John Esp (R), SD 31, opened the hearing on SB 306, Definition of remainders.

Proponents' Testimony:

00:06:11 Rick Breckenridge, Registered Land Surveyor
00:08:13 Jeff Larsen, Vice President, Montana Environmental
Consultants Association (MECA)
00:10:55 Charles Lapp, Flathead Building Association
00:13:30 Russell Crowder, American Dream Montana (ADM)
00:15:23 Sen. Wanzienried called the proponent's testimony out of
order.
00:15:25 Chairman Gebhardt provided an explanation.
00:15:57 Mr. Crowder continued.
00:16:52 Joe Roberts, Montana Association Registered of Land
Surveyors (MARLS)
00:17:25 Rick Hill, Montana Building Association

Opponents' Testimony:

00:18:29 Paul Stahl, Chief Deputy Montana County Attorney
Association (MCAA), Lewis and Clark County
00:26:31 Linda Stoll, Montana Association of Clerk and
Recorders (MACR), Montana Association of Planners
(MAP), and Missoula County
00:29:43 Harold Blattie, Montana Association of Counties (MACo)

Informational Testimony:

00:30:19 Jerry Grebenc, Montana Department of Commerce

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:32:04 Sen. Esp
00:36:48 Chairman Gebhardt
00:37:15 Sen. Esp

EXECUTIVE ACTION ON SB 200

Discussion:

00:38:00 Chairman Gebhardt
00:39:50 Sen. Wanzenried
00:39:54 Sen. Peterson left the committee.
00:40:09 Chairman Gebhardt
00:41:37 Sen. Wanzenried
00:42:34 Chairman Gebhardt

EXHIBIT (nas28a01)

00:42:50 Sen. Kaufmann
00:42:53 Chairman Gebhardt

00:44:00 **Motion:** Sen. Wanzenried moved that **SB 200 DO PASS.**

00:44:57 **Motion:** Sen. Wanzenried moved that **SB 200 BE AMENDED.**
EXHIBIT (nas28a02)

Discussion:

00:45:12 Sonja Nowakowski, Legislative Service Division (LSD)
00:46:17 **Vote:** Motion that **SB 200 BE AMENDED** carried
unanimously by voice vote. Members present and voting.
00:46:40 **Motion:** Sen. Wanzenried moved **SB 200 DO PASS AS**
AMENDED.

Discussion:

00:47:10 Chairman Gebhardt
EXHIBIT (nas28a03)

00:47:17 Sen. Kaufmann
00:47:42 Chairman Gebhardt
00:48:15 Sen. Perry
00:48:20 Chairman Gebhardt
00:48:26 Sen. Wanzenried
00:48:40 Chairman Gebhardt asked Sen. Perry to craft wording for
a potential conceptual amendment.
00:49:13 Sen. Perry recommended a potential conceptual
amendment to strike "elemental phosphorus" on Line 7
and substitute "means phosphorus containing compounds
measured to the standard mass of P".
00:50:06 Chairman Gebhardt
00:50:19 Sen. Perry
00:50:32 Mrs. Nowakowski, LSD
00:51:04 Chairman Gebhardt

00:51:16 Sen. Wanzenried on recommendation of Chairman Gebhardt withdrew the motion that SB 200 DO PASS AS AMENDED.

EXECUTIVE ACTION ON SB 147

00:52:42 **Motion:** Sen. Wanzenried moved that **SB 147 DO PASS.**

00:52:54 **Motion:** Sen. Wanzenried moved that **SB 147 BE AMENDED.**
EXHIBIT (nas28a04)

Discussion:

00:53:24 Mrs. Nowakowski, LSD
00:54:13 Sen. Wanzenried
00:54:42 Chairman Gebhardt
00:54:58 Sandi Olson, Department of Environmental Quality (DEQ)
00:56:56 Sen. Wanzenried
00:57:07 Chairman Gebhardt
00:57:14 Sen. Wanzenried

00:58:00 **Vote:** Motion that **SB 147 BE AMENDED** failed 5-6 by roll call vote with Sen. Hansen, Sen. Kaufmann, Sen. Keane, Sen. Tropila, and Sen. Wanzenried voting aye.

00:59:28 **Motion:** Sen. Wanzenried moved that **SB 147 BE AMENDED.**
EXHIBIT (nas28a05)

Discussion:

00:59:53 Chairman Gebhardt
01:00:00 Sen. Wanzenried

01:00:30 **Vote:** Motion that **SB 147 BE AMENDED** carried unanimously by voice vote. Sen. Barrett and Sen. Peterson voted by proxy.

01:00:59 **Motion:** Sen. Wanzenried moved **SB 147 DO PASS AS AMENDED.**

01:01:28 **Motion:** Sen. Keane moved that **SB 147 BE AMENDED.**
EXHIBIT (nas28a06)

Discussion:

01:02:02 Mrs. Nowakowski
01:04:16 Sen. Wanzenried
01:04:50 Ms. Olson, DEQ
01:05:14 Chairman Gebhardt
01:05:35 Sen. Kaufmann

01:06:05 Chairman Gebhardt

01:06:33 Sen. Tropila

01:07:13 Ms. Olson, DEQ

01:08:22 **Vote:** Motion that **SB 147 BE AMENDED** carried 10-1 by voice vote with Sen. Wanzenried voting no. Sen. Barrett and Sen. Peterson voted by proxy.

01:08:45 **Motion:** Sen. Keane moved **SB 147 DO PASS AS AMENDED.**

Discussion:

01:09:00 Chairman Gebhardt

01:10:57 Sen. Perry

01:12:48 **Vote:** Motion that **SB 147 DO PASS AS AMENDED** failed 4-7 by roll call vote with Sen. Kaufmann, Sen. Keane, Sen. Tropila, and Sen. Wanzenried voting aye. Sen. Barrett and Sen. Peterson voted by proxy.

01:13:19 **Substitute Motion/Vote:** Sen. Wanzenried made a substitute motion that **SB 147 BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote.

Additional Discussion:

01:14:10 Chairman Gebhardt

01:14:31 Sen. Perry

EXECUTIVE ACTION ON SB 95

Previous Executive Action Occurred on February 2, 2009

01:14:46 Sen. Kaufmann

01:14:57 Chairman Gebhardt

01:17:11 Sen. Kaufmann

01:17:46 Chairman Gebhardt

01:18:05 Sen. Kaufmann

01:18:08 Mrs. Nowakowski, LSD

01:18:37 Sen. Kaufmann

01:19:04 Mrs. Nowakowski, LSD

01:19:34 Sen. Kaufmann

01:19:52 Chairman Gebhardt

01:20:14 Sen. Wanzenried

01:21:09 Chairman Gebhardt

01:21:55 Sen. Wanzenried

01:22:33 Chairman Gebhardt

01:23:33 Sen. Wanzenried

01:24:05 **Motion:** Sen. Gebhardt moved to **RECONSIDER PREVIOUS ACTION on SB 95.**

Discussion:

01:24:23 Sen. Kaufmann

01:25:27 **Vote:** Motion to **RECONSIDER THE PREVIOUS ACTION on SB 95** failed 5-6 by roll call vote with Sen. Barrett, Sen. Gebhardt, Sen. Perry, Sen. Peterson, and Sen. Steinbeisser voting aye. Sen. Barrett and Sen. Peterson voted by proxy.

Chairman Gebhardt signed SB 95 out of committee on February 9, 2009. The committee report, dated February 3, 2009, reflecting committee action on February 2, is included in this set of minutes.

01:26:33 Sen. Curtiss requested that her vote on the reconsider motion be changed to aye.

01:26:28 Sen. Tropila objected.

01:26:36 Chairman Gebhardt ruled that the previous vote would stand.

01:27:05 Recess

HEARING ON SB 307

Opening Statement by Sponsor:

01:30:24 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 307, Adding exempt sale provision to subdivision review law.

Proponents' Testimony:

01:33:41 Jeff Larsen, MECA

01:37:19 Mr. Breckenridge, Land Surveyor

EXHIBIT (nas28a07)

EXHIBIT (nas28a08)

01:42:11 Mr. Lapp, Flathead Building Association

01:45:20 Joe Roberts, MARLS

01:47:19 Russell Crowder, ADM

01:48:19 Chairman Gebhardt

01:48:27 Mr. Crowder, ADM

01:48:43 James Yeagley, Self

Opponents' Testimony:

01:50:07 Paul Stahl, (MCAA)
01:55:36 Ms. Stoll, MAP, MACR, Missoula County
01:57:05 Tim Davis, Montana Smart Growth Coalition (MSGC)
01:58:10 Jerry Grebenc, Department of Commerce
01:59:15 Anne Hedges, Montana Environmental Information Center
(MEIC)
02:00:43 Tim Burton, Montana League of Cities and Towns (MLCT),
City Manager, Helena
02:01:11 Greg Chilcott, Self
02:02:22 Janet Ellis, Montana Audubon

EXHIBIT (nas28a09)

02:03:01 Myra Shults, MACo, Joint Powers Insurance Authority
(JPIA)

EXHIBIT (nas28a10)

Informational Testimony:

None

Questions from Committee Members and Responses:

02:04:28 Sen. Tropila
02:04:57 Chairman Gebhardt
02:05:14 Sen. Curtiss
02:05:45 Chairman Gebhardt
02:05:52 Ms. Shults, MACo, JPIA
02:06:25 Sen. Curtis
02:06:32 Ms. Shults, MACo, JPIA
02:06:48 Sen. Curtis
02:06:55 Ms. Shults, MACo, JPIA
02:07:55 Sen. Curtis
02:08:11 Mr. Breckenridge, Land Surveyor
02:08:46 Sen. Perry
02:09:33 Ms. Shults, MACo, JPIA
02:11:04 Sen. Perry
02:11:06 Ms. Shults, MACo, JPIA
02:11:09 Sen. Perry
02:11:42 Sen. Tutvedt
02:12:15 Sen. Perry
02:13:02 Sen. Tutvedt
02:13:11 Mr. Larson, MECA
02:14:26 Sen. Perry
02:14:37 Sen. Tropila
02:14:50 Mr. Breckenridge, Land Surveyor
02:16:33 Sen. Keane

02:16:50 Mr. Breckenridge, Land Surveyor
02:17:30 Sen. Keane
02:17:37 Mr. Breckenridge, Land Surveyor
02:18:02 Sen. Keane
02:18:38 Mr. Breckenridge, Land Surveyor
02:19:48 Sen. Keane
02:20:10 Mr. Breckenridge, Land Surveyor
02:20:18 Sen. Keane
02:20:22 Mr. Breckenridge, Land Surveyor
02:20:39 Sen. Wanzenried
02:20:54 Mr. Stahl, MCAA
02:21:00 Sen. Wanzenried
02:21:18 Mr. Stahl, MCAA
02:22:03 Sen. Wanzenried
02:22:19 Mr. Stahl, MCAA

Closing by Sponsor:

02:22:38 Sen. Tutvedt

Additional Business

02:24:44 Sen. Perry
02:24:49 Chairman Gebhardt

ADJOURNMENT

Adjournment: 5:30 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas28aad.pdf](#))