

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on February 11, 2009 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (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. Christine Kaufmann (D)
Sen. Jim Keane (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 324, 2/9/2009; SB 370, 2/9/2009

Executive Action: SB 100; SB 200

HEARING ON SB 324

Opening Statement by Sponsor:

00:01:40 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 324, Revise laws related to power generation water rights.

[EXHIBIT \(nas32a01\)](#)

00:03:56 Sen. Keane came to the committee.

Proponents' Testimony:

None

Opponents' Testimony:

00:23:15 Tom Ebzery, Attorney, Avista Corporation

[EXHIBIT \(nas32a02\)](#)

[EXHIBIT \(nas32a03\)](#)

[EXHIBIT \(nas32a04\)](#)

[EXHIBIT \(nas32a05\)](#)

00:28:42 Krista Lee Evans, Association of Galitin Agricultural Irrigators (AGAI), Senior Water Rights Coalition (SrWRC)

00:29:55 Mike Murphy, Montana Water Resources Association (MWRA)

00:30:46 John Youngberg, Montana Farm Bureau Federation (MFBF)

00:31:12 Mark Aagenes, Montana Trout Unlimited (MTU)

00:31:31 Holly Franz, PPL Montana

[EXHIBIT \(nas32a06\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:34:00 Sen. Jackson

00:38:57 Chairman Gebhardt

HEARING ON SB 370

Opening Statement by Sponsor:

00:39:34 Sen. Gary Perry (R), SD 35, opened the hearing on SB 370, Replace RIGWA with permit fee for sand and gravel operations.

Proponents' Testimony:

00:44:06 Cary Hegreberg, Montana Contractors Association (MCA)
EXHIBIT (nas32a07)

00:50:47 Anne Hedges, Montana Environmental Informational Center (MEIC)

00:51:33 Sen. Kaufmann came to the committee.

00:51:40 Gerry Rice, Sand and Gravel, Belgrade

00:52:22 Jackie Flikkema, Knife River

Opponents' Testimony:

None

Informational Testimony:

00:53:06 Tom Livers, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:54:09 Sen. Wanzenried

00:54:32 Mr. Livers, DEQ

00:55:05 Sen. Wanzenried

00:56:03 Mr. Livers, DEQ

00:57:09 Sen. Wanzenried

00:57:45 Sen. Perry

00:58:57 Sen. Wanzenried

00:59:30 Sen. Perry

00:59:37 Sen. Wanzenried

00:59:45 Sen. Perry

00:59:56 Sen. Tropila

01:00:39 Sen. Perry

01:00:53 Sen. Peterson left the committee.

01:01:03 Sen. Tropila

01:01:10 Sen. Perry

01:01:24 Sen. Tropila

01:01:33 Sen. Barrett

01:01:54 Sen. Perry

01:02:05 Mr. Livers, DEQ
 01:02:09 Sen. Barrett
 01:02:18 Mr. Livers, DEQ
 01:02:35 Sen. Tropila
 01:02:46 Richard Oppen, Director, DEQ
 01:03:04 Sen. Tropila
 01:03:44 Mr. Oppen, DEQ
 01:04:42 Sen. Curtiss
 01:05:04 Mr. Livers, DEQ
 01:05:46 Neil Harrington, Chief, Industrial Energy and Minerals
 Bureau, DEQ
 01:06:01 Sen. Curtiss
 01:06:20 Mr. Harrington, DEQ
 01:07:15 Sen. Curtiss
 01:07:30 Mr. Harrington, DEQ
 01:09:01 Sen. Wanzelried
 01:09:30 Chairman Gebhardt
 01:09:36 Sonja Nowakowski, Legislative Service Division (LSD)

Closing by Sponsor:

01:11:07 Sen. Perry
 01:12:01 Chairman Gebhardt
 01:12:06 Sen. Perry

EXECUTIVE ACTION ON SB 100

01:13:45 **Motion:** Sen. Gebhardt moved that **SB 100 DO PASS.**
 01:13:53 **Motion:** Sen. Gebhardt moved that **SB 100 BE AMENDED.**

EXHIBIT(nas32a08)

01:15:29 **Vote:** Motion that **SB 100 BE AMENDED** carried 10-1 by
 voice vote with Sen. Barrett voting no. Sen. Peterson
 voted by proxy.
 01:15:47 **Motion:** Sen. Gebhardt moved **SB 100 DO PASS AS AMENDED.**

Discussion:

01:16:00 Sen. Tropila
 01:16:28 Ms. Nowakowski, LSD
 01:16:46 Sen. Wanzelried
 01:17:18 Ms. Nowakowski, LSD
 01:17:36 Sen. Hansen
 01:17:53 Sen. Gebhardt
 01:18:00 Sen. Kaufmann
 01:18:32 Sen. Gebhardt

01:18:41 Sen. Kaufmann

01:18:43 Sen. Gebhardt

01:20:20 **Vote:** Motion that **SB 100 DO PASS AS AMENDED** carried 8-3 by voice vote with Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 200

01:21:25 **Motion:** Sen. Wanzenried moved **SB 200 AS AMENDED**.

01:21:56 **Motion:** Sen. Wanzenried moved that **SB 200 BE AMENDED**.
EXHIBIT (nas32a09)

Discussion:

01:22:17 Chairman Gebhardt

01:22:19 Sen. Perry

01:22:41 **Vote:** Motion that **SB 200 BE AMENDED** carried unanimously by voice vote. Sen. Peterson voted by proxy.

01:22:59 **Motion:** Sen. Wanzenried moved **SB 200 DO PASS AS AMENDED**.

Discussion:

01:23:14 Sen. Barrett

01:23:32 Ms. Nowakowski, LSD

01:23:58 George Matthiews, DEQ

01:24:22 Sen. Barrett

01:24:34 Ms. Nowakowski, LSD

01:24:53 Sen. Barrett

01:25:17 Ms. Nowakowski, LSD

01:25:38 Sen. Perry

01:26:09 Sen. Keane

01:26:31 Sen. Curtiss

01:26:58 Sen. Wanzenried

01:27:45 Sen. Kaufmann

01:28:02 Sen. Keane

01:28:20 Sen. Barrett

01:28:38 Sen. Tropila

01:28:46 Sen. Barrett

01:29:20 Sen. Perry

01:30:29 Chairman Gebhardt

01:32:29 Sen. Kaufmann

01:32:54 Chairman Gebhardt

01:33:02 **Vote:** Motion that **SB 200 DO PASS AS AMENDED** failed 4-7 by roll call vote with Sen. Kaufmann, Sen. Perry, Sen. Tropila, and Sen. Wanzenried voting aye. Sen. Peterson voted by proxy.

01:34:00 **Substitute Motion/Vote:** Sen. Keane made a substitute motion that **SB 200 BE TABLED AND THE VOTE REVERSED.** Substitute motion carried by voice vote. Sen. Peterson voted by proxy.

Additional Business:

01:34:36 Chairman Gebhardt
01:34:52 Sen. Keane
01:35:00 Chairman Gebhardt
01:35:13 Sen. Keane
01:35:36 Chairman Gebhardt
01:36:10 Sen. Wanzenried
01:36:20 Chairman Gebhardt

ADJOURNMENT

Adjournment: 4:45 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas32aad.pdf](#))