

## **MINUTES**

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

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** Chairman Kelly Gebhardt, on March 13, 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)

##### **Members Excused:**

Sen. Christine Kaufmann (D)  
Sen. Jim Keane (D)  
Sen. Mitch Tropila (D)  
Sen. David E. Wanzonried (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: HB 402, 3/9/2009; SB 502, 3/9/2009

Executive Action: HB 402; HB 78

**HEARING ON HB 402**

**Opening Statement by Sponsor:**

00:01:01 Rep. Julie French (D), HD 36, opened the hearing on HB 402, Revise laws relating to land banking.

00:02:21 Sen. Tropila came to the committee.

**Proponents' Testimony:**

00:08:22 Jeanne Holman, Department of Natural Resources and Conservation (DNRC)

[EXHIBIT\(nas56a01\)](#)

[EXHIBIT\(nas56a02\)](#)

00:13:17 Tim Davis, Montana Smart Growth Coalition (MSGC)

00:14:01 Ariel Overstreet, Montana Stockgrowers Association

00:15:30 Harold Blattie, Montana Association of Counties (MACo)

00:17:18 Jason Todhunter, Montana Logging Association (MLA)

00:18:27 Casey Perkins, Montana Audubon

00:18:53 Canon Luerkens, On behalf of the Secretary of State

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:19:33 Sen. Hansen

00:20:07 Ms. Holman, DNRC

00:20:56 Sen. Hansen

00:21:05 Ms. Holman, DNRC

00:21:22 Sen. Barrett

00:21:46 Ms. Holman, DNRC

00:22:07 Sen. Barrett

00:22:31 Tom Schultz, DNRC

00:23:02 Sen. Barrett

00:23:16 Mr. Schultz, DNRC

00:23:53 Sen. Perry

00:24:15 Ms. Perkins, Montana Audubon

00:25:09 Sen. Curtiss

00:25:52 Ms. Holman, DNRC

00:26:30 Ms. Curtiss

00:26:40 Ms. Holman, DNRC

00:26:56 Sen. Peterson  
00:27:24 Ms. Holman, DNRC  
00:28:00 Sen. Peterson  
00:28:15 Ms. Holman, DNRC  
00:29:05 Sen. Barrett  
00:29:35 Sen. Perry

**Closing by Sponsor:**

00:29:54 Rep. French

**Additional Discussion:**

00:32:16 Sen. Curtiss  
00:32:29 Sen. Barrett  
00:32:34 Chairman Gebhardt  
00:32:36 Sen. Barrett  
00:32:55 Mr. Schultz, DNRC  
00:33:12 Chairman Gebhardt

**EXECUTIVE ACTION ON HB 402**

Sen. Hansen and Sen. Perry left the committee before Executive Action took place.

00:34:00 **Motion/Vote:** Sen. Steinbeisser moved that **HB 402 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Keane, Sen. Hansen, Sen. Kaufmann, Sen. Perry and Sen. Wanzenried voted by proxy. Senator Gebhardt will carry the bill in the Senate.

**EXECUTIVE ACTION ON HB 78**

00:37:13 **Motion/Vote:** Sen. Peterson moved that **HB 78 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Keane, Sen. Tropila, Sen. Hansen, Sen. Kaufmann and Sen. Wanzenried voted no. Sen. Keane, Sen. Hansen, Sen. Perry, Sen. Kaufmann and Sen. Wanzenried voted by proxy. Sen. Hinkle will carry the bill in the Senate.

00:38:35 Chairman Gebhardt asked that the vote be left open.  
00:38:44 Sen. Peterson  
00:39:14 Chairman Gebhardt

00:39:38 Recess

01:01:00 Vice Chair Barrett took the position of Chair.  
01:01:03 Sen. Perry came to the committee.

**HEARING ON SB 502**

**Opening Statement by Sponsor:**

01:01:29 Sen. Jim Keane (D), SD 38, opened the hearing on SB 502, Environmental impact ombudsman. Sen. Gebhardt, with permission from Sen. Keane, opened and presented SB 502 on Sen. Keane's behalf.

**EXHIBIT (nas56a03)**

**Proponents' Testimony:**

01:02:14 Debbie Shea, Montana Mining Association (MMA)  
01:06:29 John Schaeffer, Environmental and Land Manager, Montana Tunnels  
01:11:18 Sen. Wanzonried came to the committee.  
01:14:18 Sen. Kaufmann came to the committee.  
01:21:07 Tom Lythgoe, Jefferson County Commissioner  
01:27:56 Leo Barry, Montana Mining Association (MMA)  
01:28:42 Sen. Keane came to the committee and resumed the position of presenting as sponsor.  
01:31:40 Sen. Gebhardt left the committee.

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:33:31 Sen. Perry  
01:34:10 Ms. Shea, MMA  
01:34:49 Sen. Perry  
01:35:09 Ms. Shea, MMA  
01:35:20 Sen. Perry  
01:35:23 Ms. Shea, MMA  
01:36:16 Chairwoman Barrett  
01:36:34 Ms. Shea, MMA  
01:36:46 Chairwoman Barrett  
01:36:49 Ms. Shea, MMA  
01:37:34 Chairwoman Barrett  
01:37:55 Mr. Barry, MMA  
01:38:58 Chairwoman Barrett  
01:39:18 Mr. Barry, MMA  
01:39:45 Chairwoman Barrett  
01:40:00 Mr. Barry, MMA

01:40:13 Sen. Curtiss  
01:41:01 Mr. Barry, MMA  
01:43:15 Chairwoman Barrett  
01:43:58 Mr. Schafer, Environmental and Land Manager, Montana  
Tunnels  
01:44:28 Chairwoman Barrett  
01:44:38 Sen. Tropila  
01:45:30 Mr. Barry, MMA  
01:46:18 Sen. Tropila  
01:46:45 Sen. Keane  
  
01:47:48 Chairwoman Barrett stated, for the record, that the  
committee had written permission from the sponsor, Sen.  
Keane, for Sen. Gebhardt to open on his behalf.

**Closing by Sponsor:**

01:48:04 Sen. Keane

**EXHIBIT** (nas56a04)

01:49:55 Chairwoman Barrett asked if there were any changes to  
the HB 78 votes. Sen. Tropila, Sen. Hansen and Sen.  
Keane changed their votes to yes. Final vote for **HB 78**  
**BE CONCURRED IN** is changed to 9-2 with Sen. Kaufmann  
and Sen. Wanzenried voting no.

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Lindsey Hern, Secretary

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Additional Documents:

**EXHIBIT ([nas56aad.pdf](#))**