

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Gordon R. Hendrick, on March 21, 2011 at 3:00 PM, in Room 472
Capitol

ROLL CALL

Members Present:

Rep. Gordon R. Hendrick, Chair (R)
Rep. Brian Hoven, Vice Chair (R)
Rep. Dick Barrett (D)
Rep. Gerald (Jerry) Bennett (R)
Rep. Virginia Court (D)
Rep. Alan Hale (R)
Rep. Cleve J. Loney (R)
Rep. Mike Miller (R)
Rep. Kathleen Williams (D)

Members Excused: Rep. Pat Connell (R)
Rep. Kelly Flynn (R)
Rep. Bill Harris (R)
Rep. Wendy Warburton (R)

Members Absent: Rep. Betsy Hands, Vice Chair (D)
Rep. Michele Reinhart (D)

Staff Present: Lauren Head, 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: SB 267, 3/16/2011; SB 356, 3/16/2011; SB 367, 3/16/2011

Executive Action on: SB 35, SB 9, SB 327, SB 87, SB 286, SB 292

00:01:53 Rep. Reinhart joined the meeting.
00:02:53 Rep. Connell joined the meeting.
00:03:50 Rep. Harris joined the meeting.
00:03:55 Rep. Hands joined the meeting.

EXECUTIVE ACTION ON SB 35

00:04:04 **Motion:** Rep. Hoven moved that **SB 35 BE CONCURRED IN.**

Discussion:

00:04:53 Joe Kolman, Legislative Services Division (LSD)
00:05:21 Rep. Flynn joined the meeting.
00:05:54 Rep. Barrett
00:06:12 Mr. Kolman
00:08:06 Rep. Reinhart

00:10:20 **Vote:** Motion carried 10-5 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting no. Rep. Warburton voted by proxy. Rep. Barrett will carry the bill.

EXECUTIVE ACTION ON SB 9

00:11:11 **Motion:** Rep. Hoven moved that **SB 9 BE CONCURRED IN.**

Discussion:

00:11:39 Mr. Kolman
00:12:21 **Vote:** Motion carried unanimously by roll call vote. Rep. Warburton voted by proxy.

HEARING ON SB 267

Opening Statement by Sponsor:

00:13:37 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 267, Revise laws related to total maximum daily load development.

Proponents' Testimony:

00:20:49 Mark Bostrom, Department Chief, Water Quality Planning Bureau, Department of Environmental Quality (DEQ)

EXHIBIT(nah63a01)

00:25:23 John Youngberg, Montana Farm Bureau Federation (MFBF), STAG
00:27:29 Patrick Heffernan, Montana Wood Products Association (MWPA)
00:28:27 Jeff Tiberi, Executive Director, Montana Association of Conservation Districts (MACD)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:29:08 Rep. Williams
00:30:03 Mr. Bostrom
00:30:40 Rep. Williams

Closing by Sponsor:

00:30:54 Sen. Vincent

HEARING ON SB 367

Opening Statement by Sponsor:

00:31:36 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 367, Establish nutrient standards variances.

Proponents' Testimony:

00:34:10 George Mathieus, DEQ
00:38:28 John Rundquist, Montana Leagues of Cities and Towns (MLCT)
00:39:19 Dave Galt, Executive Director, Montana Petroleum Association (MPA)
00:40:10 Rep. Hands left the meeting.
00:42:18 Doug Parker, self
00:42:36 Rep. Hands rejoined the meeting.
00:43:55 Jeff Tiberi, MACD
00:44:12 Tammy Johnson, Montana Mining Association (MMA)
00:44:48 Alec Hansen, Montana League of Cities and Towns (MLCT)
00:46:23 Jessie Luther, Burlington Northern Santa Fe (BNSF)
00:46:58 Don Allen, Western Environmental Trade Association (WETA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:49:17 Rep. Hands
00:49:45 Mr. Mathieus
00:50:48 Rep. Hale left the meeting.
00:51:16 Rep. Williams
00:51:38 Mr. Mathieus
00:53:40 Rep. Williams
00:53:52 Mr. Mathieus
00:53:54 Rep. Hale rejoined the meeting.

00:54:02 Vice Chair Hoven
 00:54:25 Mr. Mathieus
 00:54:39 Vice Chair Hoven
 00:54:51 Mr. Mathieus
 00:55:41 Chairman Hendrick
 00:56:00 Mr. Rundquist
 00:56:12 Chairman Hendrick
 00:56:40 Mr. Rundquist
 00:57:56 Rep. Hands
 00:58:15 Mr. Hansen

Closing by Sponsor:

00:59:17 Sen. Vincent

HEARING ON SB 297

Opening Statement by Sponsor:

01:01:08 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 297, Provide a separate process for coal beneficiation.

Proponents' Testimony:

01:03:22 Rich Southwick, VP, Great Northern Project Development, Great Northern Properties (GNP)

EXHIBIT(nah63a02)

01:07:57 Rep. Bennett left the meeting.
 01:12:19 Leo Berry, Attorney
 01:13:12 Rep. Bennett rejoined the meeting.
 01:15:05 Don Allen, WETA

Opponents' Testimony:

01:16:14 Clayton Elliott, Northern Plains Resource Council (NPRC)
 01:20:16 Anne Hedges, Montana Environmental Information Center (MEIC)

EXHIBIT(nah63a03)

01:24:16 Ross Proserpi, Montana Conservation Voters

Informational Testimony:

01:24:46 Ed Coleman, DEQ

Questions from Committee Members and Responses:

01:25:14 Rep. Loney
 01:25:29 Sen. Essmann
 01:26:04 Rep. Loney
 01:26:22 Sen. Essmann

01:26:55 Rep. Hands
01:27:28 Mr. Coleman
01:28:04 Rep. Hands
01:28:25 Mr. Coleman
01:28:51 Rep. Hands
01:28:55 Mr. Coleman
01:29:06 Rep. Hands
01:29:39 Mr. Coleman
01:30:31 Rep. Flynn
01:30:57 Mr. Southwick
01:31:22 Rep. Flynn
01:31:25 Rep. Hands left the meeting.
01:31:26 Rep. Miller left the meeting.
01:31:33 Mr. Southwick
01:32:05 Vice Chair Hoven
01:32:26 Mr. Southwick
01:32:54 Rep. Williams
01:33:47 Mr. Kolman
01:33:53 Rep. Williams
01:34:01 Mr. Coleman
01:34:09 Rep. Williams
01:34:49 Mr. Coleman
01:35:00 Sen. Essmann
01:36:05 Rep. Hands rejoined the meeting.
01:36:07 Rep. Williams
01:37:00 Mr. Coleman
01:37:34 Rep. Williams
01:37:41 Rep. Barrett
01:37:52 Rep. Miller rejoined the meeting.
01:38:24 Mr. Coleman
01:38:29 Rep. Barrett
01:38:57 Mr. Coleman
01:39:07 Mr. Berry
01:40:02 Rep. Flynn left the meeting.
01:40:48 Rep. Barrett
01:41:15 Mr. Berry
01:41:23 Rep. Reinhart
01:42:00 Mr. Berry
01:42:11 Rep. Reinhart
01:42:31 Mr. Berry
01:42:56 Rep. Reinhart
01:43:18 Mr. Berry
01:43:32 Rep. Reinhart
01:43:37 Mr. Berry
01:43:47 Rep. Reinhart
01:43:56 Mr. Berry
01:44:12 Rep. Reinhart
01:44:47 Mr. Coleman
01:45:05 Rep. Reinhart
01:45:32 Mr. Coleman

01:46:02 Rep. Reinhart
 01:46:07 Mr. Coleman
 01:46:34 Rep. Hands
 01:47:01 Rep. Flynn rejoined the meeting.
 01:48:00 Mr. Coleman
 01:48:14 Rep. Hands

Closing by Sponsor:

01:48:45 Sen. Essmann

HEARING ON SB 356

Opening Statement by Sponsor:

01:52:09 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 356, Clarifying definition of good cause for water right objections.

Proponents' Testimony:

01:56:27 Abigail St. Lawrence, Montana Association of Realtors (MAR)
 02:00:50 Holly Franz, PPL Montana
 02:03:29 Jim Hagenbarth, self
 02:05:19 Rep. Hale left the meeting.
 02:06:56 Dave Schmidt, Water Rights Solutions Inc.
 02:07:47 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI), Senior Water Rights Coalition (SWRC)
 02:08:45 Mike Murphy, Montana Water Resources Association (MWRA), Montana Farm Bureau Federation (MFBF)
 02:09:45 Jay Bodner, Montana Stockgrowers Association (MSGA)

Opponents' Testimony:

02:10:31 Mark Aagnes, Montana Trout Unlimited (MTU)
 02:13:39 Bob Lane, Chief Legal Council, Fish, Wildlife, and Parks (FWP)
 02:19:39 Rep. Warburton left the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:

02:22:34 Rep. Miller
 02:23:06 Mr. Lane
 02:24:04 Rep. Miller
 02:24:22 Mr. Lane
 02:25:12 Rep. Miller
 02:25:21 Mr. Lane
 02:26:01 Rep. Flynn
 02:26:17 Rep. Loney left the meeting.

02:26:36 Ms. Franz
02:27:28 Rep. Flynn
02:27:58 Ms. Franz
02:28:52 Rep. Flynn
02:29:03 Rep. Loney rejoined the meeting.
02:29:25 Ms. Franz
02:30:44 Rep. Barrett
02:31:31 Ms. Franz
02:32:42 Rep. Barrett
02:33:00 Ms. Franz
02:33:34 Rep. Harris
02:34:26 Rep. Miller left the meeting.
02:34:53 Mr. Lane
02:35:44 Rep. Harris
02:36:24 Mr. Lane
02:37:46 Rep. Reinhart
02:38:05 Mr. Aagnes
02:39:04 Rep. Reinhart
02:39:25 Mr. Aagnes
02:39:45 Rep. Reinhart
02:39:54 Mr. Aagnes
02:40:21 Rep. Reinhart
02:40:41 Mr. Lane
02:41:21 Rep. Warburton rejoined the meeting.
02:42:19 Rep. Reinhart
02:42:28 Mr. Lane
02:43:33 Vice Chair Hoven
02:43:46 Rep. Miller rejoined the meeting.
02:43:59 Mr. Lane
02:44:41 Vice Chair Hoven
02:44:52 Mr. Lane
02:45:37 Rep. Flynn
02:46:03 Ms. St. Lawrence
02:46:12 Rep. Flynn
02:46:31 Ms. St. Lawrence
02:47:20 Rep. Williams
02:47:40 Ms. Franz
02:47:43 Rep. Williams
02:48:01 Ms. Franz
02:48:08 Rep. Williams
02:48:50 Ms. Franz
02:49:50 Rep. Williams
02:49:57 Ms. Franz
02:50:12 Rep. Williams
02:50:39 Ms. Franz
02:51:22 Rep. Miller
02:51:47 Mr. Lane

EXHIBIT(nah63a04)

Closing by Sponsor:

02:53:24 Sen. Hamlett

EXECUTIVE ACTION ON SB 87

02:59:47 **Motion:** Rep. Hoven moved that **SB 87 BE CONCURRED IN.**

Discussion:

02:59:59 Mr. Kolman

03:00:26 Rep. Miller

03:01:05 **Vote:** Motion carried unanimously by voice vote. Rep. Williams will carry the bill.

EXECUTIVE ACTION ON SB 327

03:01:29 **Motion:** Rep. Hoven moved that **SB 327 BE CONCURRED IN.**

Discussion:

03:01:48 Mr. Kolman

03:02:16 Rep. Williams

03:02:55 **Motion:** Rep. K. Williams moved that **SB 327 BE AMENDED.**

[**EXHIBIT**](#)(nah63a05)

Discussion:

03:03:13 Rep. Williams

03:04:27 Rep. Connell

03:04:58 **Vote:** Voice vote was inconclusive.

03:05:40 **Vote:** Motion carried 10-5 by roll call vote with Rep. Connell, Rep. Hale, Rep. Harris, Rep. Hendrick and Rep. Warburton voting no.

03:06:27 **Motion:** Rep. Hoven moved that **SB 327 BE CONCURRED IN AS AMENDED.**

Discussion:

03:06:46 Rep. Connell

03:08:59 Rep. Barrett

03:09:44 Rep. Harris

03:11:05 **Vote:** Motion carried 12-3 by roll call vote with Rep. Connell, Rep. Hendrick and Rep. Warburton voting no. Rep. Di. Barrett will carry the bill.

EXECUTIVE ACTION ON SB 286

03:12:40 **Motion:** Rep. Hoven moved that **SB 286 BE CONCURRED IN.**

Discussion:

03:12:55 Mr. Kolman

03:13:43 Rep. Barrett

03:13:59 Mr. Kolman

03:15:20 Rep. Hands

03:16:17 **Vote:** Motion carried unanimously by voice vote. Rep. Berry will carry the bill.

EXECUTIVE ACTION ON SB 292

03:16:35 **Motion:** Rep. Hoven moved that **SB 292 BE CONCURRED IN.**

Discussion:

03:16:48 Mr. Kolman

03:17:27 Rep. Reinhart

03:18:12 Chairman Hendrick

03:18:47 Rep. Reinhart

03:18:52 Rep. Barrett

03:19:10 Rep. Hale

03:19:26 Rep. Miller

03:19:48 Rep. Loney

03:20:03 Rep. Court

03:20:53 Rep. Harris

03:21:38 Rep. Bennett

03:22:01 Rep. Williams

03:23:19 Rep. Loney

03:23:36 Rep. Miller

03:24:19 Rep. Williams

03:24:32 Rep. Court left the meeting.

03:24:56 Mr. Kolman

03:25:55 Rep. Connell

03:27:11 Rep. Williams

03:27:37 **Vote:** Motion carried 10-5 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting no. Rep. Court voted by proxy. Rep. Hoven will carry this bill.

ADJOURNMENT

03:30:00 Adjournment

Lauren Head, Secretary

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Additional Documents:

EXHIBIT([nah63aad.pdf](#))