

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Gerald (Jerry) Bennett, on April 3, 2013 at 3:00 PM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Pat Connell, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Steve Fitzpatrick (R)
Rep. Wylie Galt (R)
Rep. Brian Hoven (R)
Rep. Ed Lieser (D)
Rep. Mike Miller (R)
Rep. JP Pomnichowski (D)
Rep. Ray L. Shaw (R)
Rep. Wendy Warburton (R)
Rep. Kerry White (R)
Rep. Kathleen Williams (D)

Members Excused: Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Ryan Lynch (D)

Members Absent: None

Staff Present: Joe Kolman, Legislative Branch
Rebecca Shaw, Committee Secretary

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 237, 3/20/2013; SB 336, 3/20/2013; SB 347, 3/20/2013
Executive Action: SB 88, SB 278, SJ 15, SJ 17, SB 336, SB 237, SB 347

EXECUTIVE ACTION ON SB 88

00:12:42 **Motion/Vote:** Rep. Fitzpatrick moved that **SB 88 BE CONCURRED IN**. Motion carried 15-1 by voice vote with Rep. Doane voting no. Rep. Bennett and Rep. Lynch voted by proxy. Rep. Fitzpatrick will carry the bill.

00:13:27 Rep. Lynch entered.

EXECUTIVE ACTION ON SB 278

00:14:41 **Motion/Vote:** Rep. Fitzpatrick moved that **SB 278 BE CONCURRED IN**. Motion carried 14-2 by voice vote with Rep. Doane and Rep. Miller voting no. Rep. Bennett voted by proxy. Rep. Williams will carry the bill.

EXECUTIVE ACTION ON SJ 15

00:15:42 **Motion/Vote:** Rep. Fitzpatrick moved that **SJ 15 BE CONCURRED IN**. Motion carried 9-7 by roll call vote with Rep. Court, Rep. Eck, Rep. Hoven, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting no. Rep. Bennett voted by proxy. Rep. Connell will carry the bill.

HEARING ON SB 237

Opening Statement by Sponsor:

00:18:44 Sen. John Brenden (R), SD 18, opened the hearing on SB 237, Require land board approval of land purchases.

Proponents' Testimony:

00:27:03 Jeff Teberi, Executive Director, Montana Conservation Districts (MCD)

[**EXHIBIT\(nah69a01\)**](#)

00:27:08 Chuck Denowh, United Property Owners of Montana (UPOM)

00:29:34 Nicole Rolf, Eastern Montana Regional Manager, Montana Farm Bureau Federation (MFBF)

00:34:44 Arial Overstreet, Montana Stockgrowers Association (MSA)

00:36:57 Bob Gilbert, Citizens for Balanced Use (CBU)

Opponents' Testimony:

00:40:42 Jerry Davis, Montana Bowhunters Association (MBA)

[**EXHIBIT\(nah69a02\)**](#)

00:45:54 Becky Dockter, Chief Legal Counsel, Legal Unit, Montana Fish, Wildlife and Parks (FWP)

[**EXHIBIT\(nah69a03\)**](#)

[**EXHIBIT\(nah69a04\)**](#)

[**EXHIBIT\(nah69a05\)**](#)

00:53:32 Denny Iverson, Rancher, Missoula County

00:56:23 George Golie, Montana Wildlife Federation (MWF)

00:57:46 Gary Burnett, Executive Director, Blackfoot Challenge

00:59:46 Stan Frasier, Helena Hunter and Anglers Association

01:02:53 Kate Cholewa, City of Missoula

[**EXHIBIT\(nah69a06\)**](#)

01:04:42 Blake Henning, Vice President, Lands and Conservation Program, Rocky Mountain Elk Foundation (RMEF)
 01:07:41 Vito Quatraro, Montana Sportsmen Alliance
EXHIBIT(nah69a07)
 01:13:51 Robert Wood, Ravalli County Fish and Wildlife Association
 01:16:39 Janet Ellis, Executive Director, Montana Audubon
 01:18:14 Bob Sanders, Manager of Montana Conservation Programs, Ducks Unlimited (MDU)
 01:19:28 John Farley, Hamilton
 01:20:34 Mark Aagenes, Conservation Director, Montana Trout Unlimited (MTU)
 01:21:16 Jake Trower, Montana Conservation Voters

Informational Testimony: None

Questions from Committee Members and Responses:

01:22:04 Rep. Miller
 01:23:06 Becky Dockter, FWP
 01:23:13 Rep. Miller
 01:23:22 Becky Dockter, FWP
 01:24:22 Rep. Miller
 01:24:27 Rep. White
 01:25:46 Becky Dockter, FWP
 01:26:03 Rep. White
 01:26:09 Becky Dockter, FWP
 01:26:47 Rep. White
 01:28:37 Becky Dockter, FWP
 01:29:44 Rep. Warburton
 01:30:23 Becky Dockter, FWP
 01:30:27 Rep. Warburton
 01:30:35 Becky Dockter, FWP
 01:31:07 Rep. Warburton
 01:31:55 Janet Ellis, Montana Audubon
 01:33:07 Rep. Hoven
 01:33:23 Becky Dockter, FWP
 01:34:11 Rep. Hoven
 01:34:27 Becky Dockter, FWP
 01:35:10 Rep. Court
 01:35:19 Gary Burnett, Blackfoot Challenge
 01:36:29 Rep. Court
 01:36:42 George Golie, MWF
 01:38:15 Rep. Court
 01:39:02 Rep. Williams
 01:39:36 Becky Dockter, FWP
 01:40:23 Rep. Doane
 01:40:28 Becky Dockter, FWP
 01:40:52 Rep. Doane
 01:40:56 Vito Quatraro, Montana Sportsmen Alliance
 01:41:11 Rep. Warburton

Closing by Sponsor:

01:42:39 Sen. Brenden

HEARING ON SB 336

Opening Statement by Sponsor:

01:59:33 Bradley Hamlett (D), SD 10, opened the hearing on SB 336, Clarify the definition of spring in water law.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:01:21 Rep. Williams
02:01:59 Sen. Hamlett
02:02:49 Rep. Warburton
02:02:50 Chair Bennett entered.
02:02:53 Sen. Hamlett

Closing by Sponsor:

02:03:35 Sen. Hamlett

02:04:30 Recessed
02:09:00 Reconvened with all present.

HEARING ON SB 347

Opening Statement by Sponsor:

02:09:10 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 347, Revise water degradation laws.

EXHIBIT(nah69a08)

Proponents' Testimony:

02:10:25 Tammy Johnson, Bear Golden Sunlight Mine
02:15:07 Tom Hopgood, Executive Director, Montana Mining Association (MMA)
02:16:35 Leo Berry, Great Northern Properties
02:18:03 KD Feeback, CR Montana Corporation
02:21:15 Steve Wade, Montana Contractors Association (MCA)

Opponents' Testimony:

02:23:35 Mark Aagenes, MTU
02:24:02 Jim Jenson, Executive Director, Montana Environmental Information Center (MEIC)
02:24:51 Brenda Lindlief-Hall, Tongue River Valley Water Users Association (TRWUA)
02:25:53 Clayton Elliott, Northern Plains Resource Counsel

Informational Testimony:

02:27:04 George Mathieus, Administrator, Planning, Prevention and Assistance Division,
Department of Environmental Quality (DEQ)
02:27:55 Tim Davis, Administrator, Water Resources Division, Department of Natural
Resources (DNRC)

Questions from Committee Members and Responses:

02:28:02 Rep. Hoven
02:29:11 Sen. Vincent
02:33:54 Rep. Williams,
02:35:25 John North, Chief Legal Counsel, DEQ
02:36:37 Rep. Pomnichowski
02:37:37 Tammy Johnson, Bear Golden Sunlight Mine
02:38:37 Rep. Pomnichowski
02:39:11 Tim Davis, DNRC
02:40:07 Rep. Pomnichowski
02:41:58 Tim Davis, DNRC

Closing by Sponsor:

02:42:13 Sen. Vincent

02:45:31 Recessed
02:56:40 Reconvened with Rep. Eck excused.

EXECUTIVE ACTION ON SJ 17

02:57:02 **Motion:** Rep. Connell moved that **SJ 17 BE CONCURRED IN.**

Discussion:

02:57:48 Rep. Court

02:59:15 **Vote:** Motion failed 8-8 by roll call vote with Rep. Bennett, Rep. Connell, Rep.
Fitzpatrick, Rep. Galt, Rep. Miller, Rep. Shaw, Rep. Warburton and Rep. White
voting aye. Rep. Eck voted by proxy.

02:59:18 **Motion/Vote:** Rep. Connell moved that **SJ 17 BE TABLED AND THE VOTE
REVERSED.** Motion carried 15-0 by voice vote.

EXECUTIVE ACTION ON SB 336

02:59:41 **Motion:** Rep. Connell moved that **SB 336 BE CONCURRED IN.**

02:59:51 **Motion:** Rep. Connell moved that **SB 336 BE AMENDED.**
EXHIBIT(nah69a09)

Discussion:

03:00:07 Joe Kolman, LSD
03:01:55 Rep. Lieser
03:02:24 Rep. Connell
03:02:28 Joe Kolman, LSD

03:03:20 Rep. Williams

03:03:42 **Vote:** Motion carried unanimously by voice vote. Rep. Eck voted by proxy.

03:03:57 **Motion/Vote:** Rep. Connell moved that **SB 336 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Eck voted by proxy. Rep. Fitzpatrick will carry the bill.

EXECUTIVE ACTION ON SB 237

03:06:41 **Motion:** Rep. Connell moved that **SB 237 BE CONCURRED IN**.

Discussion:

03:06:52 Rep. White

03:09:07 Rep. Warburton

03:11:24 Rep. Connell

03:12:29 Rep. Shaw

03:15:28 Rep. Doane

03:20:04 **Vote:** Motion failed 7-9 by roll call vote with Rep. Bennett, Rep. Connell, Rep. Doane, Rep. Galt, Rep. Shaw, Rep. Warburton and Rep. White voting aye. Rep. Eck voted by proxy.

03:21:02 **Motion/Vote:** Rep. Connell moved that **SB 237 BE TABLED AND THE VOTE REVERSED**. Motion carried 12-3 by voice vote with Rep. Doane, Rep. Galt and Rep. Warburton voting no.

EXECUTIVE ACTION ON SB 347

03:18:31 **Motion:** Rep. Connell moved that **SB 347 BE CONCURRED IN**.

03:18:49 **Motion/Vote:** Rep. Connell moved that **SB 347 BE AMENDED**. Motion carried 14-2 by voice vote with Rep. Court and Rep. Pomnichowski voting no. Rep. Eck voted by proxy.

03:19:22 **Motion/Vote:** Rep. Connell moved that **SB 347 BE CONCURRED IN AS AMENDED**. Motion carried 10-6 by roll call vote with Rep. Court, Rep. Eck, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting no. Rep. Eck voted by proxy. Rep. White will carry the bill.

ADJOURNMENT

Adjournment: 03:21:30

Rebecca Shaw, Secretary

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Additional Documents:

EXHIBIT([nah69aad.pdf](#))