

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on March 15, 2013 at 3:00 PM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Chas Vincent, Chair (R)
Sen. John Brenden, Vice Chair (R)
Sen. Debby Barrett (R)
Sen. Jennifer Fielder (R)
Sen. Bradley Hamlett (D)
Sen. Verdell Jackson (R)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Mike Phillips (D)
Sen. Rick Ripley (R)
Sen. Matthew M. Rosendale Sr (R)
Sen. Mitch Tropila (D)

Members Excused:

Sen. Cliff Larsen (D)
Sen. Edward Walker (R)

Members Absent: None

Staff Present: Mary Kulawik, 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 388, 2/26/2013; HB 451, 3/11/2013; HJ 9, 2/26/2013

Executive Action: SB 355 - DPAA
HB 37 - Be Concurred In As Amended
HB 106 - Be Concurred In As Amended
HB 291 - Be Concurred In As Amended
HB 359 - Be Concurred In
HB 24 - Be Concurred In As Amended

00:22:58 Chairman Vincent turned over Chair responsibilities to Vice Chair Brenden and left the hearing.

00:23:30 Sen. Larsen entered the hearing.

EXECUTIVE ACTION ON SB 355

00:23:44 **Motion:** Sen. Hamlett moved that **SB 355 DO PASS.**

00:24:42 **Motion:** Sen. Hamlett moved that **SB 355 BE AMENDED.**

Discussion:

00:24:49 Sonja Nowakowski, Legislative Services Division (LSD)

00:25:33 **Vote:** Motion carried 14-0 by voice vote. Sen. Vincent and Sen. Walker voted by proxy.

00:26:05 **Motion:** Sen. Brenden moved that **SB 355 BE AMENDED.**
EXHIBIT(nas56a01)

Discussion:

00:26:15 Sonja Nowakowski, LSD

00:26:38 **Vote:** Motion carried 14-0 by voice vote. Sen. Vincent and Sen. Walker voted by proxy.

00:26:56 **Motion:** Sen. Brenden moved that **SB 355 BE AMENDED.**

Discussion:

00:27:06 Sonja Nowakowski

00:27:24 **Vote:** Motion carried 14-0 by voice vote. Sen. Vincent and Sen. Walker voted by proxy.

00:27:37 **Motion:** Sen. Hamlett moved that **SB 355 DO PASS AS AMENDED.**

Discussion:

00:27:59 Sen. Barrett

00:28:09 Sen. Hamlett

00:29:27 Sen. Ripley

00:30:21 Sen. Fielder

00:30:37 Sen. Hamlett

00:30:44 Sonja Nowakowski

00:31:14 **Vote:** Motion carried 14-0 by voice vote. Sen. Vincent and Sen. Walker voted by proxy.

EXECUTIVE ACTION ON HB 37

00:31:52 **Motion:** Sen. Keane moved that **HB 37 BE CONCURRED IN.**

00:32:09 **Motion/Vote:** Sen. Phillips moved that **HB 37 BE AMENDED.** Motion carried 14-0 by voice vote. Sen. Vincent and Sen. Walker voted by proxy.

EXHIBIT(nas56a02)

00:33:09 **Motion:** Sen. Tropila moved that **HB 37 BE AMENDED.**

EXHIBIT(nas56a03)

Discussion:

00:33:25 Sen. Tropila

00:34:18 **Vote:** Motion carried 9-5 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Jackson, Sen. Vincent and Sen. Walker voting no. Sen. Vincent and Sen. Walker voted by proxy.

00:35:28 **Motion:** Sen. Hamlett moved that **HB 37 BE AMENDED.**

EXHIBIT(nas56a04)

Discussion:

00:37:02 Sen. Barrett
00:37:22 Sen. Ripley
00:37:53 Sen. Rosendale
00:38:19 Sen. Jackson
00:38:39 Sen. Kaufmann
00:39:00 Chairman Brenden
00:39:20 Sen. Keane
00:39:43 Sen. Larsen
00:40:46 Sen. Fielder
00:41:09 Sen. Hamlett

00:41:50 Without objection, Sen. Hamlett withdrew the BE AMENDED motion.

00:41:59 **Motion:** Sen. Keane moved that **HB 37 BE CONCURRED IN AS AMENDED.**

Discussion:

00:42:16 Sen. Hamlett
00:42:36 Sen. Kaufmann
00:43:52 Sen. Barrett
00:44:49 Joe Lamson, Deputy Director, Montana Department of Natural Resources and Conservation (DNRC)
00:45:39 Sen. Phillips
00:46:53 Sen. Fielder
00:47:15 Sen. Phillips

00:47:34 **Vote:** Motion carried 12-2 by roll call vote with Sen. Kaufmann and Sen. Tropila voting no. Sen. Vincent and Sen. Walker voted by proxy. Sen. Keane will carry the bill.

EXECUTIVE ACTION ON HB 106

00:49:05 **Motion:** Sen. Keane moved that **HB 106 BE CONCURRED IN.**

00:49:50 **Motion:** Sen. Keane moved that **HB 106 BE AMENDED.**
[EXHIBIT\(nas56a05\)](#)

Discussion:

00:49:58 Sonja Nowakowski, LSD
00:51:15 Bruce Loble, Chief Water Judge, Water Court (WC)
00:52:30 Sen. Phillips
00:52:48 Bruce Loble, WC

00:53:12 **Vote:** Motion carried 14-0 by voice vote. Sen. Vincent and Sen. Walker voted by proxy.

00:53:35 **Motion:** Sen. Keane moved that **HB 106 BE CONCURRED IN AS AMENDED.**

Discussion:

00:53:49 Sen. Fielder

00:54:40 **Vote:** Motion carried 12-2 by roll call vote with Sen. Hamlett and Sen. Ripley voting no. Sen. Vincent and Sen. Walker voted by proxy. Sen. Rosendale will carry the bill. (Vote not reported out of committee by request of Chairman Vincent.)

EXECUTIVE ACTION ON HB 291

00:56:19 **Motion:** Sen. Larsen moved that **HB 291 BE CONCURRED IN.**

00:56:44 **Motion:** Sen. Phillips moved that **HB 291 BE AMENDED.**
[EXHIBIT\(nas56a06\)](#)

Discussion:

00:57:08 Sen. Tropila

00:57:29 **Vote:** Motion carried 12-2 by roll call vote with Sen. Vincent and Sen. Walker voting no. Sen. Vincent and Sen. Walker voted by proxy.

00:58:35 **Motion/Vote:** Sen. Keane moved that **HB 291 BE CONCURRED IN AS AMENDED.** Motion carried 14-0 by voice vote. Sen. Vincent and Sen. Walker voted by proxy. Sen. Larsen will carry the bill.

EXECUTIVE ACTION ON HB 359

00:59:27 **Motion:** Sen. De. Barrett moved that **HB 359 BE CONCURRED IN.**

Discussion:

00:59:39 Sen. Fielder
00:59:43 Chairman Brenden
01:00:02 Sen. Kaufmann
01:01:24 Sen. Rosendale
01:01:24 Sen. Tropila

01:02:55 Sen. Hamlett left the hearing.

01:03:00 Sen. Ripley
01:03:30 Sen. Phillips
01:04:40 Sen. Barrett
01:05:23 Sen. Kaufmann
01:06:13 Sen. Fielder
01:06:51 Chairman Brenden

01:07:55 **Vote:** Motion carried 9-4 by roll call vote with Sen. Kaufmann, Sen. Larsen, Sen. Phillips and Sen. Tropila voting no. Sen. Vincent and Sen. Walker voted by proxy. Sen. Hamlett was excused. Sen. Fielder will carry the bill.

EXECUTIVE ACTION ON HB 24

01:09:21 **Motion:** Sen. Keane moved that **HB 24 BE CONCURRED IN.**

01:10:00 **Motion:** Sen. Keane moved that **HB 24 BE AMENDED.**
EXHIBIT(nas56a07)

Discussion:

01:10:10 Sonja Nowakowski, Legislative Services Division (LSD)
01:11:48 Sen. Larsen
01:11:58 Sonja Nowakowski, LSD
01:12:45 Chairman Brenden
01:14:11 Sen. Ripley

01:14:42 **Vote:** Motion carried 13-0 by roll call vote. Sen. Vincent and Sen. Walker voted by proxy. Sen. Hamlett was excused.

01:15:30 **Motion:** Sen. Keane moved that **HB 24 BE CONCURRED IN AS AMENDED.**

Discussion:

01:15:38 Chairman Brenden
01:16:44 Sen. Ripley

01:18:43 Sen. Keane
 01:20:37 Sen. Jackson
 01:21:25 Sen. Fielder
 01:23:02 Sen. Barrett

01:24:15 **Vote:** Motion carried 13-0 by roll call vote. Sen. Vincent and Sen. Walker voted by proxy. Sen. Hamlett was excused. Sen. Keane will carry the bill.

01:27:05 Chairman Brenden turned over Chair responsibilities to Sen. Keane and left hearing.

HEARING ON HB 388

Opening Statement by Sponsor:

01:27:15 Rep. Mike Cuffe (R), HD 2, opened the hearing on HB 388, Revise wood products revolving loan fund.

Proponents' Testimony:

01:29:43 Julia Altemus, Montana Wood Products Association (MWPA)
[EXHIBIT\(nas56a08\)](#)
[EXHIBIT\(nas56a09\)](#)

01:34:24 Andy Poole, Deputy Director, Montana Department of Commerce (DOC)
[EXHIBIT\(nas56a10\)](#)

01:35:24 Mark Lambrecht, Executive Director, Treasure State Resource Industry Association (TSRIA)

01:35:42 Joe Lamson, Deputy Director, Montana Department of Natural Resources and Conservation (DNRC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:37:01 Sen. Larsen
 01:37:24 Andy Poole, DOC
 01:37:56 Sen. Rosendale
 01:38:07 Andy Poole
 01:38:46 Sen. Kaufmann
 01:40:47 Andy Poole
 01:41:22 Sen. Tropila
 01:41:29 Andy Poole
 01:42:19 Sen. Fielder
 01:43:15 Andy Poole

Closing by Sponsor:

01:43:37 Rep. Cuffe

HEARING ON HB 451

Opening Statement by Sponsor:

01:46:38 Rep. Wylie Galt (R), HD 83, opened the hearing on HB 451, Revise firewarden laws.

Proponents' Testimony:

01:47:01 Rick Seidlitz, Fire Warden, Firewardens Association (FA)

01:47:31 Joe Lamson, Deputy Director, Montana Department of Natural Resources and Conservation (DNRC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:48:06 Sen. Phillips

01:48:25 Sen. Walker entered the hearing.

01:48:41 Joe Lamson, DNRC

01:49:11 Sen. Tropila

01:49:26 Rep. Galt

Closing by Sponsor:

01:49:55 Rep. Galt

HEARING ON HJ 9

Opening Statement by Sponsor:

01:50:40 Rep. Jonathan McNiven (R), HD 44, opened the hearing on HJ 9, Joint resolution supporting coal.

Proponents' Testimony:

01:54:38 Bud Clinch, Montana Coal Coalition (MCC)

[EXHIBIT\(nas56a11\)](#)

02:00:26 Sen. Vincent resumed the responsibilities of the Chair.

02:01:07 D. B. Kenner, Chairman, Montana State Legislative Board (MSLB) and
Brotherhood of Locomotive Engineers and Trainmen (BLET)

02:01:53 Art Noonan, NorthWestern Energy (NWE)

02:04:30 Keith Allen, International Brotherhood of Electrical Workers (IBEW)

02:05:06 Gail Abercrombie, Montanans for Responsible Energy Development (MRED)

02:06:00 Jessie Luther, Montana Contractors Association (MCA) and Great Northern
Properties (GNP)

02:07:19 Al Ekblad, Montana AFL-CIO

02:08:30 Tom Berrum, United Transportation Union (UTU)

02:10:12 Henry Kriegel, Americans for Prosperity-Montana (APM)

02:11:39 John Roeber, Manager, International Brotherhood of Boilermakers Local Lodge
11 (IBB)

02:12:18 Jess LaBuff, International Brotherhood of Boilermakers Local Lodge 11 (IBB)

02:13:21 Darren Brown, International Brotherhood of Boilermakers Local Lodge 11 (IBB)

02:13:32 Michael Seacrease, self

02:13:41 Barbara Ranf, Burlington Northern Sante Fe (BNSF) Railways

02:13:56 Laura Feist, Montana Mining (MM)

02:14:06 Mark Lambrecht, Executive Director, Treasure State Resource Industry
Association (TSRIA)

02:14:17 Quentin Nyman, Executive Director, Montana Public Employees Association
(MPEA) and Vice President, Montana AFL-CIO

02:14:34 Todd O'Hair, Senior Manager for Government Affairs, Cloud Peak Energy (CPE)
[EXHIBIT\(nas56a12\)](#)

02:14:53 Aimee Grmoljez, Arch Coal (AC)

02:15:08 Dan Flynn, International Brotherhood of Electrical Workers (IBEW)

Opponents' Testimony:

02:15:34 Raymond Willms, self

02:19:17 Julie Devlin, self
[EXHIBIT\(nas56a13\)](#)

02:22:17 Kate Cholewa, City of Missoula

02:22:56 Clayton Elliott, Northern Plains Resource Council (NPRC)
[EXHIBIT\(nas56a14\)](#)

02:23:22 Jan Hoem, self
[EXHIBIT\(nas56a15\)](#)

02:27:18 Laulette Hansen, self
[EXHIBIT\(nas56a16\)](#)

02:32:35 Harold Hoem, self

02:34:45 Anne Hedges, Montana Environmental Information Center (MEIC)

02:35:57 Janet Ellis, Montana Audubon (MA)

Informational Testimony: None

Questions from Committee Members and Responses:

02:36:17 Sen. Walker
02:37:06 Ann Hedges, MEIC
02:37:35 Sen. Phillips
02:37:44 Bud Clinch, MCC
02:39:56 Sen. Phillips
02:40:58 Art Noonan, NWE
02:43:03 Sen. Phillips
02:45:08 Rep. McNiven
02:46:42 Sen. Keane
02:47:19 Rep. McNiven
02:47:47 Sen. Rosendale
02:47:56 Bud Clinch
02:48:46 Sen. Tropila
02:49:44 Rep. McNiven
02:51:09 Sen. Kaufmann
02:51:50 Art Noonan
02:53:24 Sen. Kaufmann
02:55:14 Rep. McNiven

Closing by Sponsor:

02:56:04 Rep. McNiven

ADJOURNMENT

Adjournment: 5:38 PM

Mary Kulawik, Secretary

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Additional Document

Additional Documents:

EXHIBIT([nas56aad.pdf](#))