

MINUTES

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

Call to Order: Chair Chas Vincent, on March 22, 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. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. Cliff Larsen (D)
Sen. Mike Phillips (D)
Sen. Rick Ripley (R)
Sen. Edward Walker (R)

Members Excused:

Sen. Debby Barrett (R)
Sen. Jennifer Fielder (R)
Sen. Bradley Hamlett (D)
Sen. Verdell Jackson (R)
Sen. Matthew M. Rosendale Sr (R)
Sen. Mitch Tropila (D)

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 392, 3/18/2013; HB 564, 3/18/2013

Executive Action: HB 388 - Be Concurred In
HB 451 - Be Concurred In
HB 513 - Be Concurred In As Amended
HB 106 - Be Concurred In As Amended
HJ 9 - Be Concurred In As Amended
HB 553 - Tabled

HEARING ON HB 392**Opening Statement by Sponsor:**

00:58:17 Rep. Alan Doane (R), HD 38, opened the hearing on HB 392, Allowing excavation/sale of fossils at Makoshika State Park to benefit the park.

Proponents' Testimony:

01:01:17 John Laney, Miles City Area Chamber of Commerce (MCACC)

01:03:40 Bob Gilbert, Dawson County Commission (DCC)

Opponents' Testimony:

01:04:24 Chas Van Genderen, Administrator, Montana Department of Fish, Wildlife and Parks (FWP)

01:05:531 Justin Sakalis, Montana Audubon (MA)

01:07:08 Sen. Rosendale entered the hearing.

Informational Testimony:

01:08:06 Mark Baumler, State Historic Preservation Officer, Montana Historical Society (MHS)

Questions from Committee Members and Responses:

01:09:01 Sen. Ripley

01:09:25 Chas Van Genderen, FWP

01:09:36 Sen. Hamlett entered the hearing.

01:10:24 Sen. Phillips

01:11:47 Rep. Doane

01:12:10 Sen. Phillips

01:12:21 Chas Van Genderen

01:13:18 Sen. Kaufmann

01:16:22 Mark Baumler, MHS

01:16:33 Rep. Doane

01:17:17 Chairman Vincent

01:18:06 Justin Sakalis, MA

01:18:34 Chairman Vincent

01:20:09 Chas Van Genderen

01:20:58 Chairman Vincent

01:21:26 Mark Baumler

01:22:12 Sen. Phillips

01:22:53 Mark Baumler

01:22:59 Sen. Keane

01:23:20 Chas Van Genderen

Closing by Sponsor:

01:23:47 Rep. Doane

HEARING ON HB 564

Opening Statement by Sponsor:

01:29:30 Rep. Champ Edmunds (R), HD 100, opened the hearing on HB 564, Revise district court venue laws.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:30:35 Sen. Kaufmann

01:31:42 Rep. Edmunds

01:32:00 Sen. Tropila entered the hearing.

Closing by Sponsor:

01:32:30 Rep. Edmunds

EXECUTIVE ACTION ON HB 388

01:33:22 **Motion/Vote:** Sen. Brenden moved that **HB 388 BE CONCURRED IN**. Motion carried 14-0 by voice vote. Sen. Barrett, Sen. Fielder and Sen. Jackson voted by proxy. Sen. Vincent will carry the bill.

EXECUTIVE ACTION ON HB 451

01:34:20 **Motion/Vote:** Sen. Brenden moved that **HB 451 BE CONCURRED IN**. Motion carried 14-0 by voice vote. Sen. Barrett, Sen. Fielder and Sen. Jackson voted by proxy. Sen. Rosendale will carry the bill.

EXECUTIVE ACTION ON HJ 9

01:35:27 **Motion:** Sen. Brenden moved that **HJ 9 BE CONCURRED IN**.

01:36:01 **Motion:** Sen. Kaufmann moved that **HJ 9 BE AMENDED**.

EXHIBIT(nas62a01)

Discussion:

01:36:12 Sen. Kaufmann
01:36:26 Sonja Nowakowski, Legislative Services Division (LSD)
01:36:42 Sen. Kaufmann
01:36:52 Chairman Vincent
01:37:04 Sen. Kaufmann
01:37:23 Sen. Brenden

01:37:42 **Vote:** Motion failed 5-9 by roll call vote with Sen. Kaufmann, Sen. Keane, Sen. Larsen, Sen. Phillips and Sen. Tropila voting aye. Sen. Barrett, Sen. Fielder and Sen. Jackson voted by proxy.

01:38:39 **Motion:** Sen. Tropila moved that **HJ 9 BE AMENDED.**
EXHIBIT(nas62a02)

Discussion:

01:38:48 Sen. Tropila
01:39:58 Chairman Vincent
01:40:00 Sen. Tropilla
01:40:32 Sen. Larsen
01:40:55 Sen. Brenden
01:41:07 Sen. Rosendale
01:41:24 Sen. Ripley
01:42:01 Sen. Keane
01:43:18 Sen. Walker
01:43:32 Sen. Tropila
01:44:42 Sen. Walker
01:45:10 Sen. Larsen
01:45:58 Chairman Vincent

01:46:19 Sen. Kaufmann left the hearing.

01:46:55 Sen. Brenden
01:48:10 Sen. Ripley

01:48:39 **Vote:** Motion carried 9-5 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Fielder, Sen. Jackson and Sen. Rosendale voting no. Sen. Barrett, Sen. Fielder, Sen. Jackson and Sen. Kaufmann voted by proxy.

01:49:57 **Motion:** Sen. Keane moved that **HJ 9 BE CONCURRED IN AS AMENDED.**

Discussion:

01:50:00 Sen. Phillips
01:53:07 Chairman Vincent
01:53:35 Sen. Phillips
01:54:32 Sen. Tropila
01:55:33 Sen. Phillips

01:56:34 Sen. Ripley
01:57:02 Chairman Vincent

01:58:20 **Vote:** Motion carried 12-2 by roll call vote with Sen. Kaufmann and Sen. Phillips voting no. Sen. Barrett, Sen. Fielder, Sen. Jackson and Sen. Kaufmann voted by proxy. Sen. Walker will carry the bill.

EXECUTIVE ACTION ON HB 513

01:59:42 **Motion:** Sen. Brenden moved that **HB 513 BE CONCURRED IN.**

02:00:30 **Motion:** Sen. Tropila moved that **HB 513 BE AMENDED.**
[EXHIBIT\(nas62a03\)](#)

Discussion:

02:00:40 Sen. Tropila
02:01:42 Sen. Brenden
02:01:50 Sen. Tropila

02:02:14 **Vote:** Motion carried 14-0 by voice vote. Sen. Barrett, Sen. Fielder, Sen. Jackson and Sen. Kaufmann voted by proxy.

02:02:29 **Motion/Vote:** Sen. Brenden moved that **HB 513 BE CONCURRED IN AS AMENDED.** Motion carried 13-1 by voice vote with Sen. Kaufmann voting no. Sen. Barrett, Sen. Fielder, Sen. Jackson and Sen. Kaufmann voted by proxy. Sen. Hamlett will carry the bill.

Note: After the meeting and without objection from the committee, Sen. Kaufmann corrected her proxy vote on HB 513.

EXECUTIVE ACTION ON HB 553

02:03:48 **Motion:** Sen. Brenden moved that **HB 553 BE CONCURRED IN.**

02:04:10 **Motion:** Sen. Brenden moved that **HB 553 BE AMENDED.**

Discussion:

02:04:28 Chairman Vincent
02:04:32 Sonja Nowakowski, LSD
02:05:14 Sen. Ripley

02:05:53 **Vote:** Motion carried 9-5 by roll call vote with Sen. Kaufmann, Sen. Keane, Sen. Larsen, Sen. Phillips and Sen. Tropila voting no. Sen. Barrett, Sen. Fielder, Sen. Jackson and Sen. Kaufmann voted by proxy.

02:06:53 **Motion:** Sen. Brenden moved that **HB 553 BE CONCURRED IN AS AMENDED.**

Discussion:

02:07:00 Sen. Kaufmann entered the hearing.

02:07:05 Sen. Larsen
02:07:18 Chairman Vincent

02:08:32 Sen. Fielder entered hearing.

02:08:44 Sen. Brenden
02:10:05 Sen. Keane
02:11:09 Sen. Ripley
02:12:16 Sen. Walker
02:14:51 Sen. Kaufmann
02:14:57 Chairman Vincent

02:15:05 **Vote:** Motion failed 6-8 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Hamlett, Sen. Jackson, Sen. Ripley and Sen. Rosendale voting aye. Sen. Barrett and Sen. Jackson voted by proxy.

02:16:13 **Substitute Motion/Vote:** Sen. Tropila made a substitute motion that **HB 553 BE TABLED AND THE VOTE REVERSED**. Substitute Motion carried 12-2 by voice vote with Sen. Brenden and Sen. Jackson voting no. Sen. Barrett and Sen. Jackson voted by proxy.

EXECUTIVE ACTION ON HB 106

02:16:54 **Motion:** Sen. Keane moved to **RECONSIDER THE ACTION** on **HB 106**.

Discussion:

02:17:03 Sen. Keane
02:17:42 Chairman Vincent
02:17:54 Sen. Tropila
02:18:03 Sen. Kaufmann
02:18:12 Sen. Keane
02:18:30 Sen. Fielder
02:18:48 Sen. Brenden
02:19:01 Sen. Hamlett
02:19:12 Chairman Vincent
02:19:18 Sen. Tropila
02:19:30 Chairman Vincent

02:20:36 **Vote:** Motion carried 14-0 by voice vote. Sen. Barrett and Sen. Jackson voted by proxy.

02:20:48 **Motion:** Sen. Keane moved that **HB 106 BE CONCURRED IN**.

Discussion:

02:21:05 Sonja Nowakowski
02:21:26 Sen. Fielder
02:21:45 Chairman Vincent
02:22:07 Sen. Brenden
02:22:30 Sen. Kaufmann
02:23:42 Sen. Keane
02:24:36 Sen. Kaufmann
02:24:58 Sen. Fielder
02:25:33 Sen. Tropila
02:25:50 Chairman Vincent

02:26:57 **Motion:** Sen. Keane moved that **HB 106 BE AMENDED.**
[EXHIBIT\(nas62a04\)](#)

Discussion:

02:27:05 Sen. Keane
02:27:24 Sonja Nowakowski
02:27:57 Sen. Ripley
02:28:22 Sen. Hamlett
02:29:00 Sen. Kaufmann

02:29:03 **Vote:** Motion carried 13-1 by roll call vote with Sen. Hamlett voting no. Sen. Barrett and Sen. Jackson voted by proxy.

02:29:45 **Motion/Vote:** Sen. Keane moved that **HB 106 BE CONCURRED IN AS AMENDED.** Motion carried 13-1 by voice vote with Sen. Hamlett voting no. Sen. Barrett and Sen. Jackson voted by proxy. Sen. Phillips will carry the bill.

Committee Business:

02:30:30 Chairman Vincent
02:30:40 Sen. Phillips
02:30:44 Chairman Vincent
02:31:00 Sen. Phillips
02:31:05 Chairman Vincent
02:32:25 Sonja Nowakowski
02:32:38 Chairman Vincent
02:32:42 Sen. Kaufmann
02:32:54 Sonja Nowakowski
02:33:29 Chairman Vincent

02:34:14 **Motion/Vote:** Sen. Keane moved that the committee write a letter to the Water Policy Committee regarding SB 330. Motion carried 14-0 by voice vote. Sen. Barrett and Sen. Jackson voted by proxy.

ADJOURNMENT.

5:35 P.M.

Mary Kulawik, Secretary

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Additional Documents:

EXHIBIT([nas62aad.pdf](#))