

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Kerry White, on March 25, 2015 at 3:00 PM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Kerry White, Chair (R)
Rep. Steve Fitzpatrick, Vice Chair (R)
Rep. Gerald (Jerry) Bennett (R)
Rep. Bob Brown (R)
Rep. Virginia Court (D)
Rep. Mary Ann Dunwell (D)
Rep. Kelly Flynn (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Dale Mortensen (R)
Rep. Mark Noland (R)
Rep. Andrea Olsen (D)
Rep. Ray L. Shaw (R)
Rep. Scott Staffanson (R)
Rep. Kathleen Williams (D)

Members Excused: Rep. Ed Lieser, Vice Chair (D)
Rep. Zach Brown (D)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: Joe Kolman, Legislative Branch
Sherri Row, 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: HB 626, 3/9/2015; HB 630, 3/9/2015; SB 330, 3/9/2015

Executive Action: HB 496; SJ 2; SB 34; HB 626; HB 630

00:00:04 Chairman White

HEARING ON SB 330

Opening Statement by Sponsor:

00:02:09 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 330, Clarify state water reservation reviews.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:06:17 Rep. Williams
00:06:42 Rep. Zach Brown arrived
00:07:12 Sen. Hamlett
00:07:31 Rep. Flynn
00:08:06 Sen. Hamlett
00:08:22 Joe Kolman, Legislative Services Division (LSD)

Closing by Sponsor:

00:09:02 Sen. Hamlett

HEARING ON HB 626

Opening Statement by Sponsor:

00:09:42 Rep. Nate McConnell (D), HD 89, opened the hearing on HB 626, Prohibit perpetual care of metal mine after remediation.

Proponents' Testimony:

00:15:43 Bonnie Gestring, Earth Works

[EXHIBIT\(nah62a01\)](#) 1 page

[EXHIBIT\(nah62a02\)](#) 2 page

00:20:33 Steve Gilbert, self

00:22:43 Mark Aagenes, Montana Trout Unlimited

00:25:09 Ben Bulis, American Fly Fishing Trade Association

00:27:34 Brian Ohs, National Trout Unlimited and on behalf of Robin Cunningham, Fishing Outfitters of Montana

[EXHIBIT\(nah62a03\)](#)

00:28:39 Rich Hohne, Simms Fishing Products

00:30:03 Rep. Zach Brown

00:30:34 Kascie Herron, American Rivers

[EXHIBIT\(nah62a04\)](#)

00:31:16 Brandon Boedecker, self
 00:31:35 John Kowalski, self
 00:32:13 Kelley Willett, self
 00:32:55 Rep. Dunwell
 00:33:46 Chairman White
 00:34:09 Rep. Bennett
 00:34:56 Chairman White
 00:35:32 Rep. Court
 00:36:13 Derf Johnson, Montana Environmental Information Center (MEIC)
 00:37:05 Tom Anacker, self
 00:37:43 Harry Murphy, self
 00:38:07 Amy Seaman, Montana Audubon
 00:39:17 Nick Gevock, Montana Wildlife Federation
 00:39:36 Jake Brown, Montana Public Interest Group
 00:40:03 Shelbi Dantic, Montana Conservation Voters

Opponents' Testimony:

00:40:53 Tammy Johnson, Montana Mining Association
 00:43:20 Rep. Regier arrived
 00:47:41 Ronda Wiggers, Golden Sunlight Mine

Informational Testimony:

00:51:34 Tom Livers, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:51:56 Rep. Dunwell
 00:52:46 Tom Livers, DEQ
 00:52:56 Rep. Dunwell
 00:53:06 Tom Livers, DEQ
 00:53:37 Rep. Dunwell
 00:53:59 Rep. McConnell
 00:54:45 Rep. Bennett
 00:55:15 Tom Livers, DEQ
 00:55:59 Rep. Flynn
 00:56:32 Tom Livers, DEQ
 00:57:01 Warren McCullough, Department of Environmental Quality (DEQ)
 00:58:26 Rep. Manzella
 00:59:28 Ronda Wiggers, Golden Sunlight Mine
 00:59:56 Warren McCullough, DEQ
 01:01:03 Rep. Williams
 01:01:57 Ronda Wiggers, Golden Sunlight Mine
 01:02:45 Rep. Williams
 01:04:31 Bonnie Gestring, Earth Works
 01:05:22 Rep. Zach Brown
 01:06:15 Tammy Johnson, Montana Mining Association
 01:07:39 Rep. Olsen
 01:09:15 Ronda Wiggers, Golden Sunlight Mine
 01:10:02 Rep. Olsen
 01:10:59 Tom Livers, DEQ
 01:11:26 Rep. Olsen

01:11:58 Rep. Flynn
01:12:26 Tammy Johnson, Montana Mining Association
01:15:34 Rep. Flynn
01:15:40 Warren McCullough, DEQ
01:17:18 Rep. Bob Brown
01:18:50 Rep. McConnell
01:20:11 Rep. Bob Brown
01:20:45 Rep. McConnell
01:21:24 Rep. Bob Brown
01:21:37 Rep. McConnell
01:22:19 Rep. Staffanson
01:22:52 Bonnie Gestring, Earth Works
01:23:36 Rep. Staffanson
01:23:39 Bonnie Gestring, Earth Works
01:24:06 Rep. Dunwell
01:25:05 Tom Livers, DEQ
01:26:55 Rep. Dunwell
01:27:10 Tom Livers, DEQ
01:27:59 Chairman White
01:28:03 Rep. Dunwell
01:28:17 Rep. Williams
01:28:42 Warren McCullough, DEQ
01:29:17 Rep. Williams
01:29:29 Chairman White
01:30:06 Amy Seaman, Montana Audubon
01:30:16 Chairman White
01:30:59 Rep. McConnell
01:32:04 Chairman White
01:32:48 Rep. McConnell
01:33:44 Chairman White
01:34:03 Rep. Court
01:34:27 Warren McCullough, DEQ
01:36:09 Rep. Court
01:36:29 Warren McCullough, DEQ
01:37:01 Rep. Court
01:38:01 Derf Johnson, MEIC
01:38:29 Jim Jensen, Montana Environmental Information Center (MEIC)
01:40:21 Chairman White
01:41:23 Tom Livers, DEQ
01:41:38 Chairman White
01:42:11 Tom Livers, DEQ

Closing by Sponsor:

01:43:57 Rep. McConnell

HEARING ON HB 630**Opening Statement by Sponsor:**

01:46:36 Rep. Theresa Manzella (R), HD 85, opened the hearing on HB 630, Retain state prerogatives to allocate, administer, protect state water resources.

Proponents' Testimony:

01:57:11 Katherine Vandamoer, Montana Land Alliance, Concerned Citizens of Western Montana
02:05:15 Terry Backs, self
02:06:00 Rep. Williams
02:06:20 Terry Backs, self

Opponents' Testimony:

02:09:39 Krista Lee Evans, Senior Water Rights Coalition, Association of Gallatin Agricultural Irrigators (AGAI)

02:14:10 Hertha Lund, Common Sense Citizens

[**EXHIBIT\(nah62a05\)**](#)

[**EXHIBIT\(nah62a06\)**](#)

02:22:22 James Matt, Confederate Salish-Kootenai Tribes
02:23:08 John Carter, Confederate Salish Kootenai Tribes
02:30:18 Mike Murphy, Montana Water Resources Association
02:31:36 Jay Bodner, Montana Stock Growers Association
02:32:35 Jay Cowgill, Montana Farmers Union

Informational Testimony:

02:33:03 Melissa Hornbein, Montana Water Rights Commission

Questions from Committee Members and Responses:

02:33:37 Rep. Olsen
02:34:25 John Carter, Confederate Salish-Kootenai Tribes
02:35:52 Rep. Williams
02:36:30 Rep. Manzella
02:36:50 Rep. Staffanson
02:37:29 John Carter, Confederate Salish-Kootenai Tribes
02:38:10 Rep. Noland
02:38:58 John Carter, Confederate Salish-Kootenai Tribes

Closing by Sponsor:

02:39:51 Rep. Manzella

02:46:43 Chairman White
02:47:24 Recess
03:12:20 Reconvened

03:12:30 Chairman White

EXECUTIVE ACTION ON HB 496

03:12:40 **Motion:** Rep. B. Brown moved that **HB 496 BE REMOVED FROM TABLE.**

Discussion:

03:13:01 Rep. McConnell
03:13:11 Joe Kolman, LSD

03:14:11 **Vote:** Motion carried 11-6 by roll call vote with Rep. Zach Brown, Rep. Court, Rep. Dunwell, Rep. McConnell, Rep. Olsen and Rep. Williams voting no. Rep. Lieser was excused.

03:14:29 **Motion:** Rep. Fitzpatrick moved that **HB 496 DO PASS.**

Discussion:

[EXHIBIT\(nah62a07\)](#)

03:14:53 **Motion:** Rep. Fitzpatrick moved that **HB 496 BE AMENDED.**

Discussion:

03:15:03 Joe Kolman, LSD
03:16:09 Rep. Flynn
03:16:49 Chairman White
03:17:36 Rep. Flynn
03:17:52 Chairman White
03:18:53 Rep. Williams
03:19:35 Chairman White
03:19:47 Rep. Williams
03:20:01 Rep. Shaw
03:20:49 Chairman White
03:21:03 Rep. Court

03:21:38 **Vote:** Motion carried 11-7 by roll call vote with Rep. Zach Brown, Rep. Court, Rep. Dunwell, Rep. Lieser, Rep. McConnell, Rep. Olsen and Rep. Williams voting no. Rep. Lieser voted by proxy.

03:22:45 **Motion:** Rep. Fitzpatrick moved that **HB 496 DO PASS AS AMENDED.**

Discussion:

03:22:57 Rep. Flynn

03:24:59 **Vote:** Motion carried 11-7 by roll call vote with Rep. Zach Brown, Rep. Court, Rep. Dunwell, Rep. Lieser, Rep. McConnell, Rep. Olsen and Rep. Williams voting no. Rep. Lieser voted by proxy.

EXECUTIVE ACTION ON SJ 2

03:26:07 **Motion:** Rep. Fitzpatrick moved that **SJ 2 BE CONCURRED IN.**

EXHIBIT(nah62a08)

03:26:34 **Motion:** Rep. Fitzpatrick moved that **SJ 2 BE AMENDED.**

Discussion:

03:26:51 Rep. Williams

03:27:50 **Vote:** Motion carried unanimously by voice vote. Rep. Lieser voted by proxy.

03:28:06 **Motion:** Rep. Fitzpatrick moved that **SJ 2 BE CONCURRED IN AS AMENDED.**

Discussion:

03:28:15 Rep. Williams

03:28:42 **Vote:** Motion carried unanimously by voice vote. Rep. Lieser voted by proxy. Rep. Williams will carry the bill.

EXECUTIVE ACTION ON SB 34

03:29:43 **Motion:** Rep. Fitzpatrick moved that **SB 34 BE CONCURRED IN.**

Discussion:

03:30:04 Joe Kolman, LSD

03:31:17 **Vote:** Motion carried 15-3 by voice vote with Rep. Court, Rep. Olsen and Rep. Williams voting no. Rep. Lieser voted by proxy. Rep. Jerry Bennett will carry the bill.

EXECUTIVE ACTION ON HB 626

03:32:04 **Motion:** Rep. Fitzpatrick moved that **HB 626 DO PASS.**

Discussion:

03:32:23 Rep. Olsen

03:34:25 Rep. Dunwell

03:35:02 Rep. Zach Brown

03:36:33 Rep. Bob Brown

03:37:19 **Vote:** Motion failed 7-11 by roll call vote with Rep. Zach Brown, Rep. Court, Rep. Dunwell, Rep. Lieser, Rep. McConnell, Rep. Olsen and Rep. Williams voting aye. Rep. Lieser voted by proxy.

03:38:29 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 626 BE TABLED**. Motion carried unanimously by voice vote. Rep. Lieser voted by proxy.

EXECUTIVE ACTION ON HB 630

03:38:53 **Motion:** Rep. Fitzpatrick moved that **HB 630 DO PASS**.

Discussion:

03:39:07 Rep. Manzella

03:39:17 **Substitute Motion:** Rep. Jerry Bennett made a substitute motion that **HB 630 BE TABLED**.

Discussion:

03:39:39 Rep. McConnell
 03:39:52 Rep. Dunwell
 03:40:04 Chairman White
 03:40:26 Rep. Flynn
 03:40:38 Chairman White
 03:41:20 Rep. Shaw
 03:41:25 Joe Kolman, LSD
 03:41:33 Rep. Shaw
 03:31:46 Chairman White

03:42:28 **Vote:** Motion failed 7-11 by roll call vote with Rep. Jerry Bennett, Rep. Court, Rep. Dunwell, Rep. Flynn, Rep. Olsen, Rep. White and Rep. Williams voting aye. Rep. Lieser voted by proxy.

03:43:56 Rep. Fitzpatrick
 03:44:45 Rep. Bob Brown
 03:45:20 Rep. Staffanson
 03:45:46 Rep. Flynn
 03:46:15 Rep. Williams
 03:48:07 Rep. Olsen
 03:50:00 Rep. Noland
 03:50:28 Rep. Court
 03:50:49 Rep. Williams
 03:50:55 Rep. Court
 03:51:01 Rep. Williams
 03:51:18 Rep. Court

03:52:05 **Vote:** Motion carried 10-8 by roll call vote with Rep. Jerry Bennett, Rep. Zach Brown, Rep. Court, Rep. Dunwell, Rep. Flynn, Rep. Lieser, Rep. Olsen and Rep. Williams voting no. Rep. Lieser voted by proxy.

03:53:46 Chairman White

ADJOURNMENT

03:55:40 Adjournment

Sherri Row, Secretary

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Additional Documents:

EXHIBIT([nah62aad.pdf](#))