

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chair Jeffrey W. Welborn, on February 22, 2019 at 3:16 PM, in Room 303 Capitol

#### ROLL CALL

**Members Present:**

Sen. Jeffrey W. Welborn, Chair (R)  
Sen. JP Pomnichowski, Vice Chair (D)  
Sen. Tom Richmond, Vice Chair (R)  
Sen. Duane Ankney (R)  
Sen. Dick Barrett (D)  
Sen. Jill Cohenour (D)  
Sen. John Esp (R)  
Sen. Pat Flowers (D)  
Sen. Bruce Gillespie (R)  
Sen. Brian Hoven (R)  
Sen. Tom Jacobson (D)

**Members Excused:** Sen. Scott Sales (R)

**Members Absent:** None

**Staff Present:** Jason Mohr, Legislative Branch  
Mary Vandenbosch, 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 257, 2/15/2019; SB 264, 2/20/2019; SB 296, 2/20/2019

Executive Action: SB 48 - Do Pass as Amended  
SB 257 - Do Pass as Amended  
SB 264 - Do Pass  
SB 296 - Do Pass as Amended  
SB 201 - Do Pass as Amended  
SB 250 - Be Tabled

15:16:49 Chairman Welborn left the meeting and Vice Chair Pomnichowski assumed the duties of the chair.

**HEARING ON SB 264**

**Opening Statement by Sponsor:**

15:17:15 Sen. Jason Small (R), SD 21, opened the hearing on SB 264, Revise laws related to coal-fired generation remediation activities.

**Proponents' Testimony:**

15:18:25 Adam Haight, Montana American Federation of Labor and Congress of Industrial Organizations  
15:19:10 Jack McBroom, International Brotherhood of Electrical Workers, 233  
15:20:01 Darrell Holzer, Montana State Building and Construction Trades; City of Colstrip  
15:21:26 Cody Ferguson, Northern Plains Resource Council  
15:23:36 Anne Hedges, Montana Environmental Information Center  
15:24:35 John Johnson, Operating Engineers  
15:25:07 John Forkan, Montana State Association of Plumbers and Pipefitters  
15:26:02 Kim Rickard, business manager, Laborers' Local 1686  
15:26:33 Clint Penny, International Brotherhood of Boilermakers

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

15:27:18 Sen. Small

**HEARING ON SB 257**

**Opening Statement by Sponsor:**

15:29:44 Sen. Mike Cuffe (R), SD 1, opened the hearing on SB 257, Revise laws related to the Upper Columbia Conservation Commission.

**Proponents' Testimony:**

15:32:22 Mark Bostrom, Conservation and Resource Development Division administrator, Department of Natural Resources and Conservation  
15:33:26 Lori Curtis, chair, Upper Columbia Conservation Commission

**EXHIBIT(nas38a01)**

15:36:03 Colin Cooney, Trout Unlimited  
15:37:13 Dennis Clairmont, Confederated Salish and Kootenai Tribal Council

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

15:38:49 Sen. Pomnichowski  
 15:39:20 Sen Cuffe  
 15:39:36 Sen. Cohenour  
 15:40:08 Sen. Cuffe  
 15:41:01 Kate Wilson, Department of Natural Resources and Conservation; Upper  
 Columbia Conservation Commission

**Closing by Sponsor:**

15:41:42 Sen. Cuffe  
 15:42:18 Sen. Flowers  
 15:42:51 Sen. Cuffe

**HEARING ON SB 296**

**Opening Statement by Sponsor:**

15:43:47 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 296, Private right  
 of action for waste of water.

**Proponents' Testimony:**

15:45:17 Holly Franz, NorthWestern Energy (NWE)  
 15:45:31 Sen. Hoven and Sen. Welborn entered the hearing.  
 15:47:31 Carl DeVries, Rock Creek Water Users, Rocky Fork Decreed Water Users; Pete  
 Bertolino, Rock Creek Basin water commissioner  
 15:49:21 Krista Lee Evans, Senior Water Rights Coalition; Association of Gallatin  
 Agricultural Irrigators  
 15:50:57 Mike Murphy, Montana Water Resources Association  
 15:51:40 Sen. Ankney entered the hearing.  
 15:51:57 Liv Stavick, Montana Farm Bureau; Montana Stockgrowers Association  
 15:52:28 Colin Cooney, Trout Unlimited  
 15:52:48 Barbara Chillcott, Department of Natural Resources and Conservation

**Opponents' Testimony:**

15:53:18 Abigail St. Lawrence, Rocky Mountain Stockgrowers Association; Montana  
 Building Industry Association

**Informational Testimony:**

15:56:58 Jack Connors, attorney

**Questions from Committee Members and Responses:**

15:57:54 Sen. Flowers  
 15:58:21 Sen. Fitzpatrick  
 16:01:10 Sen. Hoven  
 16:01:42 Sen. Fitzpatrick  
 16:01:52 Ms. Franz, NWE  
 16:02:47 Sen. Hoven

16:03:04 Ms. Franz

**Closing by Sponsor:**

16:03:48 Sen. Fitzpatrick

16:07:11 Chairman Welborn resumed the responsibilities of the chair.

**EXECUTIVE ACTION ON SB 48**

16:07:39 **Motion:** Sen. Richmond moved that **SB 48 DO PASS.**

16:08:24 **Motion:** Sen. Richmond moved that **SB 48 BE AMENDED.**  
**EXHIBIT(nas38a02)**

16:09:37 Jason Mohr, Legislative Services Division (LSD)

16:10:27 Sen. Pomnichowski

16:12:30 Sen. Richmond

16:13:51 Sen. Pomnichowski

16:14:50 Sen. Cohenour

16:16:08 Tim Davis, Water Quality Division administrator, Department of Environmental Quality (DEQ)

16:17:19 Sen. Cohenour

16:17:36 Mr. Davis, DEQ

16:17:57 **Substitute Motion:** Sen. Cohenour made a Substitute Motion that **AMENDMENT NO. SB004801.AJM BE AMENDED** to require the Department of Environmental Quality to consult with the Board of Environmental Review before rulemaking.

**Discussion:**

16:18:34 Sen. Ankney

16:19:22 **Vote:** Substitute Motion failed 4-8 by roll call vote with Sen. Barrett, Sen. Cohenour, Sen. Jacobson and Sen. Pomnichowski voting aye. Sen. S. Sales voted by proxy.

16:20:15 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

16:20:42 **Motion:** Sen. Richmond moved that **SB 48 DO PASS AS AMENDED.**

**Discussion:**

16:20:55 Sen. Cohenour

16:21:13 Sen. Richmond

16:21:49 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

**EXECUTIVE ACTION ON SB 257**

16:22:15 **Motion:** Sen. Richmond moved that **SB 257 DO PASS.**

16:22:36 **Motion/Vote:** Sen. Richmond moved that **SB 257 BE AMENDED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

[EXHIBIT\(nas38a03\)](#)

16:23:26 **Motion:** Sen. Flowers moved that **SB 257 BE AMENDED**.

[EXHIBIT\(nas38a04\)](#)

**Discussion:**

16:23:35 Chairman Welborn

16:23:57 Sen. Flowers

16:24:17 Chairman Welborn

16:24:30 Sen. Barrett

16:24:37 Chairman Welborn

16:24:44 Sen. Barrett

16:24:58 Chairman Welborn

16:25:10 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

16:25:22 **Motion/Vote:** Sen. Richmond moved that **SB 257 DO PASS AS AMENDED**. Motion carried 10-2 by voice vote with Sen. Esp and Sen. S. Sales voting no. Sen. S. Sales voted by proxy.

**EXECUTIVE ACTION ON SB 264**

16:26:17 **Motion/Vote:** Sen. Richmond moved that **SB 264 DO PASS**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

**EXECUTIVE ACTION ON SB 296**

16:27:00 **Motion:** Sen. Richmond moved that **SB 296 DO PASS**.

16:27:12 **Motion/Vote:** Sen. Richmond moved that **SB 296 BE AMENDED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

[EXHIBIT\(nas38a05\)](#)

16:27:42 **Motion/Vote:** Sen. Richmond moved that **SB 296 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

**EXECUTIVE ACTION ON SB 201**

16:29:07 **Motion:** Sen. Richmond moved that **SB 201 DO PASS**.

16:29:13 **Motion:** Sen. Ankney moved that **SB 201 BE AMENDED**.

[EXHIBIT\(nas38a06\)](#)

**Discussion:**

16:31:06 Sen. Pomnichowski

16:31:11 Sen. Barrett

16:31:18 Sen. Ankney

16:32:56 Sen. Barrett

16:33:16 Jason Mohr, Legislative Services Division (LSD)

16:33:52 Sen. Barrett

16:34:00 Sen. Pomnichowski

16:34:46 Mr. Mohr, LSD

16:35:22 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

16:35:47 **Motion/Vote:** Sen. Ankney moved that **SB 201 DO PASS AS AMENDED**.  
Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

16:36:27 Chairman Welborn

**EXECUTIVE ACTION ON SB 250**

16:36:50 **Motion/Vote:** Sen. Richmond moved that **SB 250 BE TABLED**. Motion carried  
unanimously by voice vote. Sen. S. Sales voted by proxy.

**EXHIBIT(nas38a07)**

**ADJOURNMENT**

Adjournment: 4:38 PM

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Mary Vandebosch, Secretary

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Additional Documents:

**EXHIBIT**([nas38aad.pdf](#))