

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Jeffrey W. Welborn, on February 24, 2021 at 2:45 PM, in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Jeffrey W. Welborn, Chair (R)
Sen. Jason D. Small, Vice Chair (R)
Sen. Duane Ankney (R)
Sen. Bob Brown (R)
Sen. Jill Cohenour (D)
Sen. Bruce Gillespie (R)
Sen. Brian Hoven (R)
Sen. Tom Jacobson (D)
Sen. Mike Lang (R)
Sen. Ryan Lynch (D)

Members Present by Zoom Video Conference:

Sen. Pat Flowers, Vice Chair (D)
Sen. JP Pomnichowski (D)

Members Excused: None

Members Absent: None

Staff Present: Lauren de Paepe, Committee Secretary
Jason Mohr, Legislative Branch
Jacquie Simmons, Remote Meeting Coordinator

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 284, 2/22/2021; SB 302, 2/19/2021; SB 348, 2/23/2021;
SB 352, 2/23/2021; SB 358, 2/23/2021
Executive Action: SB 304 - Be Tabled; SB 371 - Be Tabled; SB 233 - Do Pass as Amended; SB 302 - Do Pass; SB 348 - Do Pass; SB 284 - Do Pass; SB 258 - Be Tabled

14:48:06 Sen. Lang entered the meeting.

EXECUTIVE ACTION ON SB 304

14:48:52 **Motion/Vote:** Sen. Lang moved that **SB 304 BE TABLED**. Motion carried 11-0 by voice vote. Sen. Lynch was excused.

EXHIBIT(nas39a01)

EXECUTIVE ACTION ON SB 371

14:49:37 **Motion/Vote:** Sen. Small moved that **SB 371 BE TABLED**. Motion carried 11-0 by voice vote. Sen. Lynch was excused.

EXHIBIT(nas39a02)

EXECUTIVE ACTION ON SB 233

14:50:25 **Motion:** Sen. Ankney moved that **SB 233 DO PASS**.

14:50:48 **Motion:** Sen. Ankney moved that **SB 233 BE AMENDED**.

EXHIBIT(nas39a03)

Discussion:

14:51:39 Chair Welborn

14:51:59 Sen. Ankney

14:52:19 **Vote:** Motion carried 11-0 by voice vote. Sen. Lynch was excused.

14:52:37 **Motion:** Sen. Ankney moved that **SB 233 DO PASS AS AMENDED**.

Discussion:

14:52:48 Sen. Ankney

14:53:46 Sen. Cohenour

14:54:06 Jason Mohr, Legislative Services Division (LSD)

14:55:02 **Vote:** Motion carried unanimously by roll call vote. Sen. Lynch voted by proxy.

Committee Business:

14:55:52 Chair Welborn

14:57:16 Mr. Mohr, LSD

14:57:27 Chair Welborn

14:57:53 Sen. Lynch entered the meeting.

14:57:58 Sen. Flowers

HEARING ON SB 352**Opening Statement by Sponsor:**

14:59:47 Sen. John Esp (R), SD 30, opened the hearing on SB352, Clarify objections to water rights.

EXHIBIT(nas39a04)**Proponents' Testimony:**

15:01:32 Alan Redfield, citizen
15:02:46 Holly Franz, Senior Water Rights Coalition
15:04:02 Rachel Cone, Montana Farm Bureau Federation
15:04:24 Mike Murphy, Montana Water Resources Association
15:04:55 Raylee Honeycutt, Montana Stockgrowers Association

Opponents' Testimony:

15:05:52 Andrew Gorder, Clark Fork Coalition
15:10:12 Clayton Elliott, Montana Trout Unlimited

Informational Testimony:

15:13:37 Millie Heffner, Water Rights Bureau chief, Department of Natural Resources and Conservation (DNRC)
15:14:00 Anna Pakenham Stevenson, Water Resources Division administrator, DNRC

Questions from Committee Members and Responses:

15:14:30 Sen. Gillespie
15:16:57 Ms. Heffner, DNRC
15:17:29 Sen. Brown
15:18:18 Mr. Redfield, citizen
15:18:31 Sen. Flowers
15:18:57 Sen. Esp

Closing by Sponsor:

15:19:14 Sen. Esp

HEARING ON SB 358**Opening Statement by Sponsor:**

15:19:58 Sen. John Esp (R), SD 30, opened the hearing on SB358, Repeal numeric nutrient standards for water quality.

Proponents' Testimony:

15:22:26 Tammy Johnson, Montana Mining Association

EXHIBIT(nas39a05)

15:28:04 Heather McDowell, vice president of legal, environmental and government affairs, Sibanye-Stillwater Montana
15:30:40 Chair Welborn gave the duties of the chair to Sen. Ankney.
15:33:43 Dan Rostad, Boulder River Watershed Association

15:36:15 Dave Galt, Montana Petroleum Association
 15:37:41 Peggy Trenk, Treasure State Resources Association
 15:39:37 Tim Burton, executive director, Montana League of Cities and Towns

Opponents' Testimony:

15:41:39 Clayton Elliott, Montana Trout Unlimited
 15:42:57 Dr. Jon Kenning, Department of Environmental Quality (DEQ)
 15:47:42 Betsy Baxter, Big Timber
 15:49:46 Sarah Zuzulock, principal consulting engineer, Zuzulock Environmental Services
 15:57:01 Andrew Gorder, Clark Fork Coalition
 16:00:38 Jerry Iverson, Big Timber; East Boulder Mine oversight committee; Cottonwood Resource Council
 16:03:12 Paul Hawks, rancher, Sweetgrass County; Good Neighbor Agreement oversight committee

16:05:14 Sen. Ankney gave the duties of the chair to Vice Chair Small.

Informational Testimony:

16:05:38 Dr. Michael Suplee, Water Quality Planning Bureau, DEQ

Questions from Committee Members and Responses:

16:06:26 Sen. Cohenour
 16:11:47 Mr. Suplee, DEQ

 16:11:56 Sen. Lynch left the meeting.

 16:12:30 Sen. Flowers
 16:15:00 Mr. Kenning, DEQ

Closing by Sponsor:

16:16:01 Sen. Esp

HEARING ON SB 284

Opening Statement by Sponsor:

16:18:59 Sen. Russel (Russ) Tempel (R), SD 14, opened the hearing on SB284, Generally revise county gravel pit permitting.

[EXHIBIT\(nas39a06\)](#)

[EXHIBIT\(nas39a07\)](#)

Proponents' Testimony:

16:23:06 Eric Bryson, Montana Association of Counties (MACo)
 16:24:53 Shane Gorder, Richland County commissioner; former president, MACo
 16:26:34 Todd Devlin, Prairie County commissioner; former president, MACo
 16:27:31 Larry Hendrickson, Liberty County commissioner
 16:28:34 John Ostlund, Yellowstone County commissioner; former president, MACo
 16:31:11 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties
 16:32:15 Abigail St. Lawrence, Montana Building Industry Association
 16:33:23 Bob Gilbert, Phillips County; Musselshell County

Opponents' Testimony:

16:34:20 Glenn Marx, executive director, Montana Association of Land Trusts
16:39:33 Dave Galt, Montana Contractors' Association
16:41:49 Whitner Chase, Montana Conservation Voters
16:42:55 Ed Coleman, Coal and Open Cut Mining Bureau chief, Department of Environmental Quality (DEQ)

EXHIBIT(nas39a08)

16:45:28 Mike Newton, Fisher Sand & Gravel Company
16:48:27 Amy Seaman, Montana Audubon

EXHIBIT(nas39a09)**Informational Testimony:**

16:53:12 Chris Cronin, supervisor, Opencut Mining Section, DEQ

Questions from Committee Members and Responses:

16:53:32 Sen. Pomnichowski
16:55:01 Mr. Cronin, DEQ
16:55:16 Sen. Pomnichowski
16:55:56 Sen. Tempel
16:56:27 Sen. Pomnichowski
16:57:23 Mr. Bryson, MACo
16:58:47 Sen. Pomnichowski
16:59:06 Mr. Cronin
17:00:26 Sen. Lang
17:01:05 Ms. Seaman, Montana Audubon
17:01:44 Sen. Lang
17:05:56 Mr. Cronin
17:06:07 Sen. Flowers
17:07:56 Mr. Cronin
17:08:10 Sen. Flowers
17:08:26 Sen. Lang
17:08:54 Sen. Tempel

Closing by Sponsor:

17:09:45 Sen. Tempel

17:11:00 Sen. Lang left the meeting.

HEARING ON SB 302**Opening Statement by Sponsor:**

17:12:11 Sen. Walt Sales (R), SD 35, opened the hearing on SB302, Extend authorization deadline for use of navigable riverbed.

Proponents' Testimony:

17:13:25 Krista Lee Evans, Senior Water Rights Coalition; Association of Gallatin Agricultural Irrigators
17:14:26 Mike Murphy, Montana Water Resources Association
17:15:23 Raylee Honeycutt, Montana Stockgrowers Association

17:15:43 Rachel Cone, Montana Farm Bureau Federation
17:16:09 Clayton Elliott, Montana Trout Unlimited

Opponents' Testimony: None

Informational Testimony:

17:17:02 Shawn Thomas, Trust Land Management Division administrator, Department of
Natural Resource and Conservation (DNRC)
17:17:36 Brian Bramblett, attorney, DNRC

Questions from Committee Members and Responses: None

Closing by Sponsor:

17:18:09 Sen. Sales

HEARING ON SB 348

Opening Statement by Sponsor:

17:18:25 Sen. Walt Sales (R), SD 35, opened the hearing on SB348, Revise laws for use
of reclaimed wastewater for snowmaking.

Proponents' Testimony:

17:21:37 Rich Chandler, Lone Mountain Land Company, Big Sky

[EXHIBIT\(nas39a10\)](#)

[EXHIBIT\(nas39a11\)](#)

17:24:09 Krista Lee Evans, Association of Gallatin Agricultural Irrigators
17:25:04 Clayton Elliott, Montana Trout Unlimited

Opponents' Testimony: None

Informational Testimony:

17:26:23 Kevin Smith, Water Quality Division, Department of Environmental Quality
17:26:44 Millie Heffner, Water Rights Bureau chief, Department of Natural Resources and
Conservation (DNRC)
17:27:09 Laura Rennick, operations manager, Water Resources Division, DNRC

Questions from Committee Members and Responses:

17:27:29 Sen. Gillespie
17:28:09 Mr. Chandler, Lone Mountain Land Company

Closing by Sponsor:

17:28:49 Sen. Sales

17:29:40 Chair Small gave the duties of the chair to Sen. Welborn.

EXECUTIVE ACTION ON SB 302

17:30:06 **Motion/Vote:** Sen. Small moved that **SB 302 DO PASS**. Motion carried 11-0 by
voice vote. Sen. Lynch voted by proxy. Sen. Lang was excused.

EXECUTIVE ACTION ON SB 348

17:30:54 **Motion:** Sen. Small moved that **SB 348 DO PASS.**

Discussion:

17:31:22 Sen. Pomnichowski
 17:31:52 Sen. Hoven
 17:32:12 Sen. Small
 17:32:23 Sen. Sales
 17:32:55 Sen. Brown

17:33:15 **Vote:** Motion carried 11-0 by voice vote. Sen. Lynch voted by proxy. Sen. Lang was excused.

Committee Business:

17:33:49 Sen. Welborn
 17:34:33 Jason Mohr, Legislative Services Division (LSD)
 17:35:48 Chair Welborn
 17:36:08 Sen. Flowers

17:36:23 Sen. Lynch entered the meeting.

17:36:35 Mr. Mohr, LSD

17:36:58 Sen. Ankney left the meeting.

17:37:18 Sen. Small left the meeting.

17:38:06 Sen. Flowers

EXECUTIVE ACTION ON SB 284

17:39:49 **Motion:** Sen. Jacobson moved that **SB 284 DO PASS.**

Discussion:

17:40:27 Sen. Jacobson

17:41:02 **Vote:** Motion carried 7-5 by roll call vote with Sen. Cohenour, Sen. Flowers, Sen. Jacobson, Sen. Lynch and Sen. Pomnichowski voting no. Sen. Ankney, Sen. Lang and Sen. Small voted by proxy.

EXECUTIVE ACTION ON SB 358

17:42:03 **Motion:** Sen. Brown moved that **SB 358 DO PASS.**

Discussion:

17:42:23 Sen. Cohenour

17:42:58

Substitute Motion/Vote: Sen. Cohenour made a substitute motion that **SB 358 BE TABLED**. Substitute motion carried 7-5 by roll call vote with Sen. Ankney, Sen. Brown, Sen. Gillespie, Sen. Lang and Sen. Small voting no. Sen. Ankney, Sen. Lang and Sen. Small voted by proxy.

ADJOURNMENT

Adjournment: 5:44 PM

Lauren de Paepe, Secretary

ld

Additional Documents:

EXHIBIT([nas39aad.pdf](#))