

MINUTES

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

Call to Order: Chair Jeffrey W. Welborn, on February 26, 2021 at 3:20 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. Pat Flowers, Vice Chair (D)
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. JP Pomnichowski (D)

Members Excused:

Sen. Duane Ankney (R)

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 328, 2/22/2021; SJ 7, 2/19/2021; SJ 16, 2/23/2021; SJ 21, 2/26/2021; SR 81, 2/19/2021
Executive Action: SB 37 - Be Tabled; SJ 21 - Do Pass; SR 81 - Be Adopted; SB 324 - Be Tabled; SB 358 - Do Pass; SB 328 - Do Pass; SB 352 - Do Pass as Amended; SJ 16 - Do Pass; SJ 7 - Do Pass; SB 180 - Do Pass as Amended; SB 164 - Do Pass as Amended

EXECUTIVE ACTION ON SB 37

15:23:13 **Motion/Vote:** Sen. Brown moved that **SB 37 BE TABLED**. Motion carried 9-0 by voice vote. Sen. Ankney, Sen. Lynch and Sen. Pomnichowski were excused.

EXHIBIT(nas41a01)

15:23:42 Chair Welborn gave the duties of the chair to Vice Chair Small.

HEARING ON SR 81

Opening Statement by Sponsor:

15:24:00 Sen. Jeffrey Welborn (R), SD 36, opened the hearing on SR81, Confirm Governor's appointee to the Board of Environmental Review.

Proponents' Testimony:

15:24:44 Liane Taylor, board and appointments advisor, Governor's office

EXHIBIT(nas41a02)

15:25:41 Abigail St. Lawrence, Montana Building Industry Association

15:26:19 Alan Olson, executive director, Montana Petroleum Association

15:26:47 Peggy Trenk, citizen; Treasure State Resources Association

15:27:58 Jessie Luther, Idaho Forest Group

15:28:31 Clayton Elliott, Montana Trout Unlimited

15:29:09 Jay Bodner, Montana Stockgrowers Association

15:29:38 Nicole Rolf, Montana Farm Bureau Federation

15:30:29 Paul McKenzie, F.H. Stoltze Land & Lumber Company

EXHIBIT(nas41a03)

Additional Testimony Received:

EXHIBIT(nas41a04)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

15:32:15 Sen. Welborn

HEARING ON SJ 7

Opening Statement by Sponsor:

15:34:04 Sen. Jeffrey Welborn (R), SD 36, opened the hearing on SJ7, Resolution to remove Hidden Pasture Creek from WSA.

Sen. Pomnichowski entered the meeting.

Proponents' Testimony:

15:36:15 Jeff Johnson, Dell

[EXHIBIT\(nas41a05\)](#)

15:40:26 Sen. Lynch entered the meeting.

15:41:12 Ryan Hall, Montana Electric Cooperatives' Association

[EXHIBIT\(nas41a06\)](#)

15:42:08 Byron Martinell, chairman, Beaverhead Conservation District

[EXHIBIT\(nas41a07\)](#)

15:48:41 Jeff Tiberi, Montana Association of Conservation Districts

[EXHIBIT\(nas41a08\)](#)

15:49:19 Nicole Rolf, Montana Farm Bureau Federation

15:50:01 Jay Bodner, Montana Stockgrowers Association

15:50:58 Shelby DeMars, United Property Owners of Montana

Additional Testimony Received:

[EXHIBIT\(nas41a09\)](#)

Opponents' Testimony:

15:52:09 Noah Marion, Montana Wilderness Association

[EXHIBIT\(nas41a10\)](#)

15:54:35 Colin Cooney, Trout Unlimited (TU)

15:56:47 Mike Wilkinson, Wise River

[EXHIBIT\(nas41a11\)](#)

15:57:48 Alan Weltzien, Dillon

[EXHIBIT\(nas41a12\)](#)

16:01:11 Jack Kirkley, Dillon

Additional Testimony Received:

[EXHIBIT\(nas41a13\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

16:04:02 Sen. Gillespie

16:04:47 Mr. Cooney, TU

16:05:46 Sen. Lang

16:06:30 Mr. Cooney

Closing by Sponsor:

16:06:51 Sen. Welborn

16:12:14 Chair Small gave the duties of the chair to Sen. Welborn.

HEARING ON SB 328

Opening Statement by Sponsor:

16:12:59 Sen. Jason D. Small (R), SD 21, on behalf of Sen. Duane Ankney, opened the hearing on SB328, Revise coal bonding laws.

Proponents' Testimony:

16:16:15 Darryl James, Westmoreland Mining

EXHIBIT(nas41a14)

16:22:34 Bob Gilbert, City of Colstrip

16:23:34 Molly Schwend, executive director, Montana Coal Council

16:25:49 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties

16:27:12 Peggy Trenk, Treasure State Resources Association

Opponents' Testimony:

16:28:16 Derf Johnson, Montana Environmental Information Center

16:35:02 Steve Charter, Shepherd; Northern Plains Resource Council member

Informational Testimony:

16:38:57 Ed Coleman, Coal and Open Cut Mining Bureau chief, Department of Environmental Quality (DEQ)

16:39:25 Jesse Noel, environmental regulatory director, Westmoreland Mining

Questions from Committee Members and Responses:

16:39:51 Sen. Brown

16:41:54 Mr. James, Westmoreland Mining

16:43:43 Sen. Gillespie

16:44:33 Mr. James

16:45:20 Sen. Flowers

16:46:30 Mr. Coleman, DEQ

Closing by Sponsor:

16:47:42 Sen. Small

HEARING ON SJ 16

Opening Statement by Sponsor:

16:48:38 Sen. Steve Hinebauch (R), SD 18, opened the hearing on SJ16, Urge support for Keystone XL pipeline.

Proponents' Testimony:

16:52:48 Michael Freeman, Governor's office

16:54:10 Alan Olson, executive director, Montana Petroleum Association

16:58:20 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties

EXHIBIT(nas41a15)

17:01:07 Bridger Mahlum, Montana Chamber of Commerce

17:02:06 Ryan Hall, Montana Electric Cooperatives' Association
17:03:26 Nicole Rolf, Montana Farm Bureau Federation
17:04:27 Peggy Trenk, Treasure State Resources Association

Additional Testimony Received:

[EXHIBIT\(nas41a16\)](#)

Opponents' Testimony:

17:05:38 Josh Butterfly, citizen

[EXHIBIT\(nas41a17\)](#)

17:07:11 Laurie Little Dog, citizen

17:08:47 Daliyah Killsback, deputy political director, Western Native Voice

17:11:49 Cari Kimball, Montana Environmental Information Center

[EXHIBIT\(nas41a18\)](#)

17:14:34 Colette Werk, Fort Belknap

[EXHIBIT\(nas41a19\)](#)

17:15:52 Alvin "Jim" Kennedy, Fort Belknap

17:17:45 Andy Werk Jr., president, Fort Belknap Indian Community Council

[EXHIBIT\(nas41a20\)](#)

Additional Testimony Received:

[EXHIBIT\(nas41a21\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

17:19:32 Sen. Lang

17:19:57 Sen. Hinebauch

Closing by Sponsor:

17:20:24 Sen. Hinebauch

HEARING ON SJ 21

Opening Statement by Sponsor:

17:22:32 Sen. Mike Cuffe (R), SD 1, opened the hearing on SJ21, Resolution on Columbia River Treaty.

Proponents' Testimony:

17:29:31 Colin Cooney, Trout Unlimited

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

17:31:01 Sen. Cuffe
 17:31:53 Recess
 18:03:57 Reconvene

EXECUTIVE ACTION ON SJ 21

18:04:05 **Motion/Vote:** Sen. Small moved that **SJ 21 DO PASS**. Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SR 81

18:05:04 **Motion:** Sen. Small moved that **SR 81 BE ADOPTED**.

Discussion:

18:05:20 Chair Welborn
 18:05:47 Sen. Cohenour
 18:06:07 **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 voted by proxy.

EXECUTIVE ACTION ON SB 324

18:06:44 **Motion:** Sen. Small moved that **SB 324 DO PASS**.

18:07:05 **Motion:** Sen. Small moved that **SB 324 BE AMENDED**.
[EXHIBIT\(nas41a22\)](#)

Discussion:

18:07:25 Sen. Lynch
 18:07:31 Jason Mohr, Legislative Services Division (LSD)
 18:08:00 Sen. Cohenour
 18:08:26 Sen. Flowers
 18:09:12 **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 voted by proxy.

18:09:50 **Motion:** Sen. Small moved that **SB 324 DO PASS AS AMENDED**.

Discussion:

18:09:58 Sen. Jacobson
 18:10:41 Christopher Dorrington, director, Department of Environmental Quality (DEQ)
 18:11:44 Sen. Lang
 18:14:18 Mr. Dorrington, DEQ
 18:14:48 Sen. Lynch
 18:15:05 Mr. Dorrington

18:15:58 Sen. Brown
 18:16:45 Chair Welborn
 18:16:52 Sen. Cuffe
 18:18:16 Chair Welborn
 18:18:39 Sen. Cuffe
 18:19:41 Sen. Cohenour

EXHIBIT(nas41a23)

18:22:48 **Vote:** Motion failed 5-7 by roll call vote with Sen. Brown, Sen. Gillespie, Sen. Hoven, Sen. Lang and Sen. Small voting aye. Sen. Ankney voted by proxy.

18:23:44 **Motion/Vote:** Sen. Cohenour moved that **SB 324 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SB 358

18:24:38 **Motion:** Sen. Lang moved that **SB 358 BE REMOVED FROM TABLE**.

Discussion:

18:24:53 Sen. Lang
 18:25:27 Chair Welborn
 18:26:20 Sen. Small
 18:26:24 Jason Mohr, Legislative Services Division (LSD)
 18:26:36 Chair Welborn

18:27:08 **Vote:** Motion carried 9-3 by roll call vote with Sen. Cohenour, Sen. Flowers and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

18:27:52 **Motion:** Sen. Small moved that **SB 358 DO PASS**.

Discussion:

18:28:04 Sen. Jacobson
 18:28:42 Sen. Cohenour
 18:29:33 Sen. Flowers
 18:31:14 Sen. Lynch

18:31:48 **Vote:** Motion carried 9-3 by roll call vote with Sen. Cohenour, Sen. Flowers and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SB 328

18:32:26 **Motion/Vote:** Sen. Small moved that **SB 328 DO PASS**. Motion carried 10-2 by roll call vote with Sen. Cohenour and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SB 352

18:34:09 **Motion:** Sen. Small moved that **SB 352 DO PASS**.

18:34:19 **Motion:** Sen. Small moved that **SB 352 BE AMENDED.**
[EXHIBIT\(nas41a24\)](#)

Discussion:

18:34:34 Sen. Small

18:34:56 **Vote:** Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

18:35:11 **Motion:** Sen. Small moved that **SB 352 BE AMENDED.**
[EXHIBIT\(nas41a25\)](#)

Discussion:

18:35:22 Sen. Flowers

18:36:29 Jason Mohr, Legislative Services Division (LSD)

18:36:38 Sen. Flowers

18:36:48 Chair Welborn

18:37:02 Sen. Flowers

18:37:17 Chair Welborn

18:37:28 Sen. Lang

18:37:52 Mr. Mohr, LSD

18:38:27 Sen. Lang

18:38:56 **Vote:** Motion failed 6-6 by roll call vote with Sen. Cohenour, Sen. Flowers, Sen. Jacobson, Sen. Lynch, Sen. Pomnichowski and Sen. Welborn voting aye. Sen. Ankney voted by proxy.

18:39:42 **Motion/Vote:** Sen. Small moved that **SB 352 DO PASS AS AMENDED.** Motion carried 7-5 by roll call vote with Sen. Cohenour, Sen. Flowers, Sen. Jacobson, Sen. Lynch and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SJ 16

18:40:37 **Motion:** Sen. Small moved that **SJ 16 DO PASS.**

18:40:55 **Motion:** Sen. Small moved that **SJ 16 BE AMENDED.**
[EXHIBIT\(nas41a26\)](#)

Discussion:

18:41:42 Sen. Jacobson

18:42:09 Sen. Lynch

18:42:50 **Vote:** Motion failed 4-8 by roll call vote with Sen. Brown, Sen. Gillespie, Sen. Hoven and Sen. Lang voting aye. Sen. Ankney voted by proxy.

Discussion:

18:43:47 Sen. Flowers

18:44:40 Sen. Lang

18:45:56 **Vote:** Motion carried 9-3 by roll call vote with Sen. Cohenour, Sen. Flowers and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SJ 7

18:46:31 **Motion/Vote:** Sen. Small moved that **SJ 7 DO PASS**. Motion carried 8-4 by roll call vote with Sen. Cohenour, Sen. Flowers, Sen. Lynch and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SB 180

18:47:24 **Motion:** Sen. Small moved that **SB 180 DO PASS**.

18:47:39 **Motion/Vote:** Sen. Flowers moved that **SB 180 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

[EXHIBIT\(nas41a27\)](#)

18:50:44 **Motion:** Sen. Flowers moved that **SB 180 DO PASS AS AMENDED**.

Discussion:

18:50:51 Sen. Flowers
 18:51:43 Sen. Gillespie
 18:52:53 Sen. Lang
 18:56:48 Sen. Jacobson
 18:58:44 Sen. Lynch

19:00:15 **Vote:** Motion carried 7-5 by roll call vote with Sen. Ankney, Sen. Brown, Sen. Hoven, Sen. Lang and Sen. Welborn voting no. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SB 164

19:01:07 **Motion/Vote:** Sen. Small moved that **SB 164 BE REMOVED FROM TABLE**. Motion carried 7-5 by roll call vote with Sen. Cohenour, Sen. Flowers, Sen. Jacobson, Sen. Lynch and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

19:01:59 **Motion:** Sen. Small moved that **SB 164 DO PASS**.

19:02:23 **Motion:** Sen. Small moved that **SB 164 BE AMENDED**.

[EXHIBIT\(nas41a28\)](#)

Discussion:

19:03:01 Sen. Cohenour

19:04:13 **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 voted by proxy.

19:04:57 **Motion/Vote:** Sen. Small moved that **SB 164 DO PASS AS AMENDED**. Motion carried 7-5 by roll call vote with Sen. Cohenour, Sen. Flowers, Sen. Jacobson, Sen. Lynch and Sen. Pomnichowski voting no. Sen. Ankney voted by proxy.

ADJOURNMENT

Adjournment: 7:06 PM

Lauren de Paepe, Secretary

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Additional Documents:

EXHIBIT([nas41aad.pdf](#))