

HOUSE OF REPRESENTATIVES  
**NATURAL RESOURCES**  
**COMMITTEE**  
**ROLL CALL**

DATE: 2.18.05

NAME	PRESENT	ABSENT	EXCUSED
Chairman, Jim Peterson	✓		
Vice Chair, Rep. Jack Ross	✓		
Vice Chair, Chris... Harris	✓		
Rep. Debby Barrett	✓		
Rep. Norma Bixby		✓	
Rep. Dee Brown		✓	
Rep. Paul Clark	✓		
Rep. Sue Dickenson	✓		
Rep. George Everett	✓		
Rep. Gail Gutsche	✓		
Rep. Ralph Heinert	✓		
Rep. Kevin Furey	✓		
Rep. Llew Jones	✓		
Rep. Mike Jopek	✓		
Rep. Carol Lambert	✓		
Rep. Rick Maedje	✓		
Rep. V. Small-Eastman	✓		
Rep. Dave Wanzonried	✓		



401.3

## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 3

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 700** (first reading copy - white) do pass as amended.

Signed:

*Jim Peterson*  
Representative Jim Peterson, Chair

And, that such amendments read:

1. Title, line 10.

**Following:** "7-6-2225,"

**Insert:** "7-6-2226,"

2. Title, line 11.

**Strike:** "REPEALING SECTION 7-6-2226, MCA;"

3. Page 1, line 16.

**Following:** "reserve"

**Insert:** "trust"

4. Page 3, line 7.

**Following:** "county for"

**Insert:** "general"

**Following:** "planning"

**Insert:** "functions"

5. Page 1, line 18.

**Following:** "reserve"

**Insert:** "trust"

6. Page 1, line 19.

**Following:** "mine"

**Committee Vote:**

Yes 18, No 0.

411330SC.hkh

2/19/05

*jk*

**Insert:** "trust"

7. Page 1, line 27.

**Following:** "mine"

**Insert:** "trust"

8. Page 2, line 3.

**Following:** "to"

**Insert:** "existing business for retention and expansion or to assist"

**Strike:** "or expanding"

9. Page 2, line 9.

**Following:** "mine"

**Insert:** "trust"

10. Page 2, lines 10 through 12.

**Following:** "levies." on line 10

**Strike:** remainder of line 10 through line 12 in its entirety

11. Page 2, line 13.

**Following:** "mine"

**Insert:** "trust"

12. Page 2, line 15.

**Insert:** "Section 2. Section 7-6-2226, MCA, is amended to read:

"7-6-2226. **Metal mines license tax reserve account.** (1) The governing body of a county receiving tax collections under 15-37-117(1)(e) may establish a metal mines license tax reserve account to be used to hold the collections. The governing body may hold money in the account for any time period considered appropriate by the governing body. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(2) Money may be expended from the account ~~for any purpose as provided by law in 7-6-2225.~~

(3) Money in the account must be invested as provided by law. Interest and income from the investment of the metal mines license tax ~~reserve~~ account must be credited to the account."

**Renumber:** subsequent sections

13. Page 3, line 4.

**Following:** "reserve"  
**Insert:** "trust"

14. Page 4, line 18.  
**Following:** "reserve"  
**Insert:** "trust"

15. Page 4, line 21.  
**Strike:** section 5 in its entirety  
**Renumber:** subsequent section

- END -



## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 609** (first reading copy -  
- white) do pass as amended.

Signed:

A handwritten signature in black ink, appearing to read "Jim Peterson".

*Representative Jim Peterson, Chair*

**And, that such amendments read:**

1. Title, page 1, line 7.

**Strike:** "SECTIONS 27-19-201 AND"

**Insert:** "SECTION"

2. Page 1, line 11 through line 28.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 2, line 10.

**Strike:** "prevailing"

**Following:** "party"

**Insert:** "obtaining injunctive relief"

4. Page 2, line 11.

**Following:** "means"

**Insert:** "an action by a party with a water right"

**Strike:** "contest"

**Insert:** "enjoin"

5. Page 2, line 12 through line 14.

**Strike:** "valid"

**Following:** "right"

**Insert:** "."

**Strike:** remainder of line 12 through "." on line 13

6. Page 2, line 18.

**Strike:** "prevailing"

**Following:** "party"

**Committee Vote:**

Yes 18, No 0.

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2/19/05  
jbn

Insert: "obtaining injunctive relief"

7. Page 2, line 19.

Following: "means"

Insert: "an action by a party with a water right"

Strike: "contest"

Insert: "enjoin"

8. Page 2, line 20 through line 21.

Strike: "valid"

Following: "right"

Insert: "."

Strike: remainder of line 20 through line 21

- END -



## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 666** (first reading copy -  
- white) do pass.

Signed: 

*Representative Jim Peterson, Chair*

- END -

**Committee Vote:**  
Yes 17, No 1.

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2/19/05

jbn



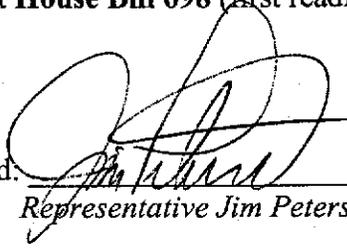
## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 698** (first reading copy - white) do pass as amended.

Signed: 

*Representative Jim Peterson, Chair*

**And, that such amendments read:**

1. Page 1, line 15.  
**Following:** "transfer"  
**Insert:** "of money"  
**Strike:** "of money"

- END -

**Committee Vote:**  
Yes 18, No 0.

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2/21/05

jp



Feb

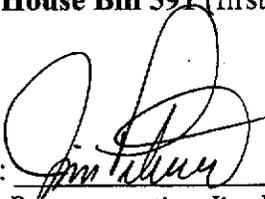
## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 591** (first reading copy - white) do pass as amended.

Signed:   
Representative Jim Peterson, Chair

**And, that such amendments read:**

1. Page 1, line 18 through line 19.

**Following:** "~~residential~~" on line 18

**Strike:** remainder of line 18 through "chapter" on line 19

**Insert:** "may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners"

2. Page 1, line 20.

**Strike:** "condition the"

**Insert:** "reasonably condition, but not prohibit, the complete"

3. Page 1, line 22.

**Following:** "asphalt"

**Strike:** ", on" through "as"

**Insert:** "in all zones other than"

- END -

**Committee Vote:**  
Yes 15, No 3.

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2/19/05  
jpw



20b

## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 69** (first reading copy -- white) do pass as amended.

Signed:

Handwritten signature of Jim Peterson in black ink.

*Representative Jim Peterson, Chair*

**And, that such amendments read:**

1. Title, page 1, line 9.

**Strike:** line 9 in its entirety

2. Title, page 1, line 12.

**Strike:** "AMENDING SECTION 15-38-202, MCA;"

3. Page 1, line 26 through line 27.

**Strike:** lines 26 and 27 in their entirety

**Renumber:** subsequent subsection

4. Page 2, line 27 through line 28.

**Strike:** subsection (2) in its entirety.

**Renumber:** subsequent subsections

5. Page 3, line 11 through page 7, line 25.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

6. Page 7, line 30.

**Insert:** "COORDINATION SECTION. Section 6. Coordination instruction. If House Bill No. 22 is passed and approved, [this act] is void."

**Renumber:** subsequent sections

- END -

**Committee Vote:**

Yes 18, No 0.

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2/19/05

Jan

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**COMMITTEE FILE COPY**

**TABLED BILL**

The **HOUSE NATURAL RESOURCES COMMITTEE** TABLED **HB 353, HB 622, HB 675, HB 714**, by motion, on **Friday, February 18, 2005**.



(For the Committee)



(Chief Clerk of the House)

1:25, 2/19

(Time) (Date)

February 19, 2005

Debra L. Polhemus, Secretary

Phone: 4788

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## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 11

Mr. Speaker:

We, your committee on Natural Resources recommend that House Bill 470 (first reading copy - white) do pass as amended.

Signed: 

Representative Jim Peterson, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Following: "COSTS"

Insert: "AND FEES"

2. Title, page 1, line 5.

Following: "SECTIONS"

Insert: "75-1-202,"

Following: "75-1-207,"

Strike: "75-1-220,"

Insert: "75-1-208,"

3. Title, page 1, line 6.

Strike: "75-10-929,"

Strike: "75-20-301,"

4. Title, line 7 through line 8.

Strike: "REPEALING" on line 7 through "75-1-204, MCA;" on line 8

5. Page 1, line 12.

Insert: "Section 1. Section 75-1-202, MCA, is amended to read:

"75-1-202. Agency rules to prescribe fees. Each agency of state government charged with the responsibility of issuing a lease, permit, contract, license, or certificate under any provision of state law may adopt rules prescribing fees which ~~shall~~ that must be paid by a person, corporation, partnership, firm, association, or other private entity when an application for a lease, permit, contract, license, or certificate will require an agency to compile an environmental impact statement as prescribed by 75-1-201 and the agency has not made the finding

Committee Vote:

Yes 15, No 3.

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*Jim Peterson*  
2/19/05

under 75-1-205(1)(a). An agency ~~must~~ shall determine ~~within 30 days after a completed application is filed~~ whether it will be necessary to compile an environmental impact statement and assess a fee as prescribed by this ~~part section~~ within any statutory timeframe for issuance of the lease, permit, contract, license, or certificate or, if no statutory timeframe is provided, within 90 days. ~~The~~ Except as provided in 85-2-124, the fee assessed under this ~~part section~~ shall ~~may~~ be used only to gather data and information necessary to compile an environmental impact statement as defined in parts 1 through 3. ~~No~~ A fee may ~~not~~ be assessed if an agency intends only to file a negative declaration stating that the proposed project will not have a significant impact on the human environment.""

**Renumber:** subsequent sections

6. Page 1, line 14.

**Following:** "fees"

**Insert:** "and costs"

7. Page 1, line 16.

**Following:** "paying"

**Insert:** ":

(a) "

8. Page 1, line 17.

**Following:** "process"

**Insert:** "if the agency makes a written determination, based on material evidence identified in the determination, that there will be a significant environmental impact or a potential for a significant environmental impact; or

(b) a fee as provided in 75-1-202 if the agency does not make the determination provided for in subsection (1)(a) "

9. Page 1, line 22.

**Following:** "distributing"

**Insert:** "a reasonable number of copies of"

10. Page 1, line 26.

**Following:** "distributing"

**Insert:** "a reasonable number of copies of"

11. Page 1, line 29.

**Following:** "(3)"

**Insert:** "(a) "

**Following:** "include"

**Insert:** ":

(a) "

12. Page 1, line 30.

**Following:** "statement"

**Strike:** "and"

Insert: ";

(b) "

Following: "of"

Insert: "an"

Following: "agency"

Strike: "employees"

Insert: "employee who is designated as the agency's coordinator for preparation of the environmental impact statement"

13. Page 2, line 1.

Following: "those activities"

Insert: "; and

(c) travel and per diem expenses for other agency personnel for attendance at meetings and hearings on the environmental impact statement"

14. Page 2, line 2 through line 6.

**Strike:** subsections (4) and (5) in their entirety

Insert: "(4) (a) Whenever the agency makes the determination in subsection (1) (a), it shall notify the applicant of the cost of conducting the process to determine the scope of the environmental impact statement. The applicant shall pay that cost, and the agency shall then conduct the scoping process. The timeframe in 75-1-208(4) (a) (i) and any statutory timeframe for a decision on the application is tolled until the applicant pays the cost of the scoping process.

(b) If the agency decides to hire a third-party contractor to prepare the environmental impact statement, the agency shall prepare a list of no fewer than four contractors acceptable to the agency and shall provide the applicant with a copy of the list. If fewer than four acceptable contractors are available, the agency shall include all acceptable contractors on the list. The applicant shall provide the agency with a list of at least 50% of the contractors from the agency's list. The agency shall select its contractor from the list provided by the applicant.

(c) Upon completion of the scoping process and subject to subsection (1) (d), the agency and the applicant shall negotiate an agreement for the preparation of the environmental impact statement. The agreement shall provide that:

(i) the applicant shall pay the cost of the environmental impact statement as determined by the agency after consultation with the applicant. In determining the cost, the agency shall identify and consult with the applicant regarding the data and information that must be gathered and studies that must be conducted.

(ii) the agency shall prepare the environmental impact statement within a reasonable time determined by the agency after consultation with the applicant and set out in the agreement. This timeframe supersedes any timeframe in statute or rule. If the applicant and the agency cannot agree on a timeframe, the agency shall prepare the environmental impact statement within

any timeframe provided by statute or rule.

(iii) the applicant shall make periodic advance payments to cover work to be performed;

(iv) the agency may order work on the environmental impact statement to stop if the applicant fails to make advance payment as required by the agreement. The time for preparation of the environmental impact statement is tolled for any period during which a stop-work order is in effect for failure to make advance payment.

(v) (A) if the agency determines that the actual cost of preparing the environmental impact statement will exceed the cost set out in the agreement or that more time is necessary to prepare the environmental impact statement, the agency shall submit proposed modifications to the agreement to the applicant;

(B) if the applicant does not agree to an extension of the time for preparation of the environmental impact statement, the agency may initiate the informal review process under subsection (4)(d). Upon completion of the informal review process, the agreement may be amended only with the consent of the applicant.

(C) if the applicant does not agree with the increased costs proposed by the agency, the applicant may refuse to agree to the modification and may also provide the agency with a written statement providing the reason that payment of the increased cost is not justified or, if applicable, the reason that a portion of the increased cost is not justified. The applicant may also request an informal review as provided in subsection (4)(d). If the applicant provides a written statement pursuant to this subsection (4)(c)(v)(C), the agreement must be amended to require the applicant to pay all undisputed increased cost and 75% of the disputed increased cost and to provide that the agency is responsible for 25% of the disputed increased cost. If the applicant does not provide the statement, the agreement must be amended to require the applicant to pay all increased costs.

(d) If the applicant does not agree with costs determined under subsection (4)(c)(i) or proposed under subsection (4)(c)(v), the applicant may initiate the informal review process pursuant to 75-1-208(3). If the applicant does not agree to a time extension proposed by the agency under subsection (4)(c)(v), the agency may initiate an informal review by an appropriate board under 75-1-208(3). The period of time for completion of the environmental impact statement provided in the agreement is tolled from the date of submission of a request for a review by the appropriate board until the date of completion of the review by the appropriate board. However, the agency shall continue to work on preparation of the environmental impact statement during this period if the applicant has advanced money to pay for this work."

**Renumber:** subsequent subsection

15. Page 2, line 7.

Following: "fees"

Insert: "and costs"

16. Page 2, line 8.

Following: "fees"

Insert: "and costs"

17. Page 2, line 17.

**Strike:** "of environmental quality"

Following: "under"

**Strike:** "75-1-205"

Insert: "75-1-205(1) (a) "

18. Page 2, line 20 through page 3, line 19.

**Strike:** section 3 in its entirety

**ReNUMBER:** subsequent sections

**Insert:** "**Section 4.** Section 75-1-208, MCA, is amended to read:

"75-1-208. **Environmental review procedure.** (1) (a) Except as provided in 75-1-205(4) and subsection (1) (b) of this section, an agency shall comply with this section when completing any environmental review required under this part.

(b) To the extent that the requirements of this section are inconsistent with federal requirements, the requirements of this section do not apply to an environmental review that is being prepared jointly by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that must comply with the requirements of the National Environmental Policy Act.

(2) A project sponsor may, after providing a 30-day notice, appear before the environmental quality council at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the project. The environmental quality council shall ensure that the appropriate agency personnel are available to answer questions.

(3) If a project sponsor experiences problems in dealing with the agency or any consultant hired by the agency regarding an environmental review, the project sponsor may submit a written request to the agency director requesting a meeting to discuss the issues. The written request must sufficiently state the issues to allow the agency to prepare for the meeting. If the issues remain unresolved after the meeting with the agency director, the project sponsor may submit a written request to appear before the appropriate board, if any, to discuss the remaining issues. A written request to the appropriate board must sufficiently state the issues to allow the agency and the board to prepare for the meeting.

(4) (a) Subject to the requirements of subsection (5), to ensure a timely completion of the environmental review process, an agency is subject to the time limits listed in this subsection (4) unless other time limits are provided by law. All time limits are measured from the date the agency receives a complete application. An agency has:

(i) 60 days to complete a public scoping process, if any;  
(ii) 90 days to complete an environmental review unless a detailed statement pursuant to 75-1-201(1)(b)(iv) or 75-1-205(4), is required; and

(iii) 180 days to complete a detailed statement pursuant to 75-1-201(1)(b)(iv).

(b) The period of time between the request for a review by a board and the completion of a review by a board under 75-1-201(1)(b)(iv)(C)(III) or (8) or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting in 75-2-211, 75-2-218, 75-10-922, 75-20-216, 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, and 82-4-432.

(5) An agency may extend the time limits in subsection (4) by notifying the project sponsor in writing that an extension is necessary and stating the basis for the extension. The agency may extend the time limit one time, and the extension may not exceed 50% of the original time period as listed in subsection (4). After one extension, the agency may not extend the time limit unless the agency and the project sponsor mutually agree to the extension.

(6) If the project sponsor disagrees with the need for the extension, the project sponsor may request that the appropriate board, if any, conduct a review of the agency's decision to extend the time period. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(7) (a) Except as provided in subsection (7)(b), if an agency has not completed the environmental review by the expiration of the original or extended time period, the agency may not withhold a permit or other authority to act unless the agency makes a written finding that there is a likelihood that permit issuance or other approval to act would result in the violation of a statutory or regulatory requirement.

(b) Subsection (7)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82, chapter 4, parts 1 and 2.

(8) Under this part, an agency may only request that information from the project sponsor that is relevant to the environmental review required under this part.

(9) An agency shall ensure that the notification for any public scoping process associated with an environmental review conducted by the agency is presented in an objective and neutral manner and that the notification does not speculate on the potential impacts of the project.

(10) An agency may not require the project sponsor to provide engineering designs in greater detail than that necessary to fairly evaluate the proposed project. The project sponsor may request that the appropriate board, if any, review an agency's

request regarding the level of design detail information that the agency believes is necessary to conduct the environmental review. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(11) An agency shall, when appropriate, consider the cumulative impacts of a proposed project. However, related future actions may only be considered when these actions are under concurrent consideration by any agency through preimpact statement studies, separate impact statement evaluations, or permit processing procedures."

**Renumber:** subsequent sections

19. Page 5, line 24 through line 30.

Strike: "At" on line 24 through "75-1-205." on line 30

20. Page 6, line 1.

Following: "in"

Insert: "75-1-205(4) and"

21. Page 6, line 4.

Strike: "if the department prepares the environmental impact statement,"

22. Page 6, line 6 through line 8.

Following: "~~statement,~~"

Strike: remainder of line 6 through "costs." on line 8

Insert: "if the department prepares the environmental impact statement;"

23. Page 10, line 6 through page 12.

Strike: "At" on line 6 through "75-1-205." on line 12

24. Page 10, line 13.

Following: "in"

Insert: "75-1-205(4) and"

25. Page 10, line 16.

**Strike:** "if the department prepares the environmental impact statement,"

26. Page 10, line 18 through line 20.

Following: "~~statement,~~"

Strike: remainder of line 18 through "costs." on line 20

Insert: "if the department prepares the environmental impact statement;"

27. Page 12, line 26 through page 13, line 1.

Strike: "At" on line page 12, line 26, through "75-1-205." on page 13, line 1

28. Page 13, line 3.

Strike: "and payment of any estimated cost pursuant to 75-1-205"

29. Page 13, line 7.

Following: "in"

Insert: "75-1-205(4) and"

30. Page 13, line 8 through line 9.

Strike: "and" on line 8 through "75-1-205" on line 9

31. Page 13, line 14 through page 14, line 11.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

32. Page 15, line 8.

Strike: "(a)"

33. Page 15, line 9.

Following: "~~(a)~~"

Strike: "(i)"

Insert: "(a)"

34. Page 15, line 10.

Following: "~~(b)~~"

Strike: "(ii)"

Insert: "(b)"

35. Page 15, line 13 through line 18.

**Strike:** subsection (b) in its entirety

36. Page 15, line 20.

Strike: "and payment of any estimated cost required to be paid under 75-1-205"

37. Page 15, line 25.

Following: "in"

Insert: "75-1-205(4),"

**Following:** "75-1-208(4) (b) "

**Insert:** ", "

38. Page 15, line 26 through line 27.

Strike: "and" on line 26 through "75-1-205" on line 27

39. Page 16, line 4.

Following: "in"

Insert: "75-1-205(4),"

Following: "75-1-208(4) (b) "

Insert: ", "

40. Page 16, line 5 through line 6.

Strike: "and" on line 5 through "75-1-205" on line 6

41. Page 16, line 23 through page 18, line 4.

Strike: section 10 in its entirety

Renumber: subsequent sections

42. Page 19, line 25.

Following: "in"

Insert: "75-1-205(4) and"

43. Page 19, line 28 through line 30.

Strike: "after" on line 28 through "costs" on line 30

44. Page 21, line 4 through line 9.

Strike: "At" on line 4 through "75-1-205." on line 9

45. Page 21, line 10.

Following: "in"

Insert: "75-1-205(4) and"

46. Page 21, line 11 through line 12.

Strike: "and" on line 11 through "75-1-205" on line 12

47. Page 21, line 14.

Strike: "after payment of any additional cost required to be paid by 75-1-205(5)"

48. Page 22, line 17.

Strike: "The" through ".\_"

49. Page 23, line 16.

Following: "in"

Insert: "75-1-205(4) and"

50. Page 23, line 17 through line 18.

Strike: "if" on line 17 through "necessary" on line 18

51. Page 24, line 5.

Strike: "(i)"

Following: "in"

Insert: "75-1-205(4) and"

52. Page 24, line 10.

Strike: "(ii)"

Following: "on"

Strike: ":",

53. Page 24, line 11.

Strike: "(A)"

54. Page 24, line 11 through line 13.

Strike: "if" on line 11 through "(B)" on line 13

55. Page 24, line 13 through line 15.

Strike: "or" on line 13 through "later" on line 15

56. Page 24, line 16.

Strike: "(iii)"

57. Page 27, line 29 through page 28, line 4.

Strike: "At" on page 27, line 29 through "75-5-205." on page 28, line 4

58. Page 28, line 5.

Following: "in"

Insert: "75-1-205(4) and"

59. Page 28, line 30 through page 29, line 2.

Strike: "If" on page 28, line 30, through "75-1-205." on page 29, line 2

60. Page 29, line 10 through line 11.

Strike; "However" on line 10 through "costs." on line 11

61. Page 32, line 22.

Following: "Costs"

Insert: "and fees"

62. Page 32, line 26.

Following: "water"

Insert: "and the application or combination of applications involves the use of 4,000 or more acre-feet per year and 5.5 or more cubic feet per second of water"

63. Page 32, line 26.

Following: "applicant"

Insert: "shall follow the process and"

64. Page 32, line 27.

Following: "costs"

Insert: "or fees"

Following: "in"

Strike: "75-5-205"

Insert: "Title 75, chapter 1, parts 1 and 2"

65. Page 32, line 27 through page 33, line 1.

Strike: "The" on line 27 through "(2)" on page 33, line 1

66. Page 33, line 7.

Following: "costs"

Insert: "and fees"

67. Page 33, line 9 through line 24.

Strike: "Any" on line 9 through "expense." on line 24

68. Page 33, line 25.

**Strike:** "(5)"

**Insert:** "(4)"

**Following:** "Costs"

**Insert:** "or fees"

69. Page 34, line 2.

**Strike:** "(6)"

**Insert:** "(5)"

**Following:** "costs"

**Insert:** "or fees"

70. Page 34, line 3.

**Strike:** "(7)"

**Insert:** "(6)"

71. Page 35, line 19.

**Following:** "costs"

**Insert:** "or fees"

72. Page 35, line 22 through line 23.

**Strike:** section 22 in its entirety

**Renumber:** subsequent sections

- END -



## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 581** (first reading copy - white) do pass.

Signed: 

Representative Jim Peterson, Chair

- END -

**Committee Vote:**  
Yes 13, No 5.

411342SC.hkh

2/19/05  
jhp



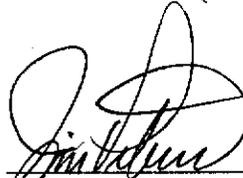
## HOUSE STANDING COMMITTEE REPORT

February 19, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on Natural Resources recommend that **House Bill 453** (first reading copy - white) do pass as amended.

Signed: 

*Representative Jim Peterson, Chair*

**And, that such amendments read:**

1. Page 2, line 8.

**Strike:** "\$500"

**Insert:** "\$250"

**Strike:** "\$5,000"

**Insert:** "\$1,000"

2. Page 2, line 11 through line 12.

**Following:** "of the" on line 11

**Strike:** "first" on line 11 through "or in the" on line 12

**Following:** "occurred" on line 12

**Insert:** " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

3. Page 3, line 11.

**Strike:** "\$500"

**Insert:** "\$250"

4. Page 3, line 12.

**Strike:** "\$5,000"

**Insert:** "\$1,000"

5. Page 3, line 15 through line 16.

**Following:** "of the" on line 15

**Strike:** "first" on line 15 through "or in the" on line 16

**Following:** "occurred" on line 16

**Insert:** " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

**Committee Vote:**

Yes 10, No 8.

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2/19/05  
jpm

Clark County"

6. Page 4, line 21 through line 22.

**Following:** "of the" on line 21

**Strike:** "first" on line 21 through "or in the" on line 22

**Following:** "occurred" on line 22

**Insert:** " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

7. Page 6, line 4.

**Strike:** "\$500"

**Insert:** "\$250"

8. Page 6, line 5.

**Strike:** "\$5,000"

**Insert:** "\$1,000"

- END -

HOUSE OF REPRESENTATIVES  
NATURAL RESOURCES COMMITTEE  
**ROLL CALL VOTE**

DATE: 2.18.05 BILL NUMBER: HB 582  
MOTION/MOTION NUMBER: To Table

NAME	AYE	NO	PROXY
Vice Chair, Rep. Jack Ross	✓		
Vice Chair, Rep. Chris Harris		✓	
Rep. Debby Barrett	✓		
Rep. Rick Maedje	✓		
Rep. Kevin Furey		✓	
Rep. Mike Jopek		✓	
Rep. George Everett	✓		
Rep. Norma Bixby		✓	
Rep. Sue Dickenson		✓	
Rep. Dave Wanzenried		✓	✓
Rep. Carol Lambert	✓		
Rep. Llew Jones	✓		
Rep. Gail Gutsche		✓	
Rep. V. Small-Eastman		✓	
Rep. Ralph Heinert	✓		
Rep. Dee Brown	✓		✓
Rep. Paul Clark		✓	
Chair, Rep. Jim Peterson	✓		

VOTE TOTAL: 9-9 tie Proxy: 2  
(failed)

HOUSE OF REPRESENTATIVES  
 NATURAL RESOURCES COMMITTEE  
**ROLL CALL VOTE**

DATE: 2.18.05 BILL NUMBER: HB582  
 MOTION/MOTION NUMBER: DO PASS

NAME	AYE	NO	PROXY
Vice Chair, Rep. Jack Ross		✓	
Vice Chair, Rep. Chris Harris	✓		
Rep. Debby Barrett		✓	
Rep. Rick Maedje		✓	
Rep. Kevin Furey	✓		
Rep. Mike Jopek	✓		
Rep. George Everett		✓	
Rep. Norma Bixby	✓		
Rep. Sue Dickenson	✓		
Rep. Dave Wanzenried	✓		✓
Rep. Carol Lambert		✓	
Rep. Llew Jones		✓	
Rep. Gail Gutsche	✓		
Rep. V. Small-Eastman	✓		
Rep. Ralph Heinert		✓	
Rep. Dee Brown		✓	✓
Rep. Paul Clark	✓		
Chair, Rep. Jim Peterson		✓	

VOTE TOTAL: 9-9 tie (2 proxy)

HOUSE OF REPRESENTATIVES  
 NATURAL RESOURCES COMMITTEE  
**ROLL CALL VOTE**

DATE: 2.18.05 BILL NUMBER: HB581  
 MOTION/MOTION NUMBER: DO PASS

NAME	AYE	NO	PROXY
Vice Chair, Rep. Jack Ross		✓	
Vice Chair, Rep. Chris Harris	✓		
Rep. Debby Barrett		✓	
Rep. Rick Maedje	✓		
Rep. Kevin Furey	✓		
Rep. Mike Jopek	✓		
Rep. George Everett		✓	
Rep. Norma Bixby	✓		
Rep. Sue Dickenson	✓		
Rep. Dave Wanzenried	✓		✓
Rep. Carol Lambert	✓		
Rep. Llew Jones	✓		
Rep. Gail Gutsche	✓		
Rep. V. Small-Eastman	✓		
Rep. Ralph Heinert	✓		
Rep. Dee Brown		✓	✓
Rep. Paul Clark	✓		✓
Chair, Rep. Jim Peterson		✓	

VOTE TOTAL: 13.5 (3 proxy)

HOUSE OF REPRESENTATIVES  
 NATURAL RESOURCES COMMITTEE  
**ROLL CALL VOTE**

DATE: 2.18.05 BILL NUMBER: HB453  
 MOTION/MOTION NUMBER: DO PASS

NAME	AYE	NO	PROXY
Vice Chair, Rep. Jack Ross		✓	
Vice Chair, Rep. Chris Harris	✓		
Rep. Debby Barrett		✓	
Rep. Rick Maedje		✓	
Rep. Kevin Furey	✓		
Rep. Mike Jopek	✓		
Rep. George Everett		✓	
Rep. Norma Bixby	✓		
Rep. Sue Dickenson	✓		
Rep. Dave Wanzenried	✓		✓
Rep. Carol Lambert		✓	
Rep. Llew Jones		✓	
Rep. Gail Gutsche	✓		
Rep. V. Small-Eastman	✓		
Rep. Ralph Heinert	✓		
Rep. Dee Brown		✓	✓
Rep. Paul Clark	✓		
Chair, Rep. Jim Peterson		✓	

VOTE TOTAL: 10.8 (2 proxy)

D. Brown

### COMMITTEE PROXY

DATE: \_\_\_\_\_

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Ross

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO	SENATE BILL/AMENDMENT	AYE	NO
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1/28/05 HB 293-01	✓	
✓ HB 293 amended		✓
✓ HB 303		✓
2/18/05 HB 582 (Table)	✓	
2/18/05 HB 582		✓
2/18/05 HB 581		✓
2/18/05 HB 453		✓


Rep/Sen. D. Brown  
 (Signature)

# COMMITTEE PROXY

DATE: \_\_\_\_\_

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Chris Harris, Gail Gotsche

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT      AYE      NO

HB 450	✓	
<del>HB 450</del>		
TABLE HB 714	✓	
HB 700	✓	
HB 609	✓	
TABLE HB 622	✓	
HB 666	✓	
TABLE HB 675	✓	
<del>HB 582</del>		
HB 582	✓	

SENATE BILL/AMENDMENT      AYE      NO

HB 581	✓	
HB 453		

Rep./Sen. Paul Clark  
 (Signature)

## COMMITTEE PROXY

DATE: \_\_\_\_\_

I request to be excused from the NATURAL RESOURCES COMM

Committee because of other commitments. I desire to leave my proxy vote with:

REP HARRIS

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO	SENATE BILL/AMENDMENT	AYE	NO
HB 22	✓				
TABLE HB 714	✓				
HB 700	✓				
HB 609	✓				
TABLE HB 622	✓				
HB 666	✓				
HP 675	✓				
HB 698	✓				
HB 591	✓				
HB 69	✓				
HB 470	✓				
<del>HB 200</del> <del>HB 201</del>		N			

Rep./Sen. Dennis Bily  
 (Signature)

## COMMITTEE PROXY

DATE: \_\_\_\_\_

I request to be excused from the NATURAL RESOURCES COMM.

Committee because of other commitments. I desire to leave my proxy vote with:

REP HARRIS

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT      AYE      NO

TABLE HB 714	✓	
HB 700	✓	
HB 609	✓	
TABLE HB 622	✓	
HB 666	✓	
HB 675	✓	
HB 698	✓	
HB 591	✓	
HB 69	✓	
HB 470	✓	
TABLE HB 582		✓
HB 582	✓	

SENATE BILL/AMENDMENT      AYE      NO

HB 581	✓	
HB 453	✓	

Rep./Sen. WENZEL  
 (Signature)

# VISITORS REGISTER

Montana

House of Representatives

NATURAL RESOURCES COMMITTEE

Date: February 18, 2005 Bill Number: **HB 698**

Sponsor: Rep. M. Lange

*Please print ~ Please print ~ Please print ~ Please print*

Name	Representing	Support	Oppose	Informational
Bob Gilbert	WALSH RESURVIVIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 18, 2005 Bill Number: **HB 622**

Sponsor: Rep. E. Butcher

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Jack Falken	Flathead County <sup>WHS</sup> District		X	X
Jon Williard	DEQ			X
John Camden	DEQ			X
LINDA STOLL	MT LOCAL HEALTH OFFICERS		✓	
FRANK CROWLEY	Mountain water Co.		✓	
Steve Wahn	MRWS		✓	
Colenn Opper	MT Assn. Visitors		✓	
Paul Lesarek	coffee creek water	✓		
CHARLES HARTMANN	COFFEE CREEK MT.	✓		
Richard A. Cooper	Coffee Creek Mt.	✓		
Tammy McMill	MT. Assoc. of Planners		X	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 18, 2005 Bill Number: **HB 609**

Sponsor: **Rep. J. Taylor**

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Tim Hall	DNR	X		
John Youngberg	MEBF		X	
Mike Murphy	MWRA		X	
MARK FILL	SELF NPRC		X	
Dena Hoff	Self		X	
Brenda Lindler Hall	Tongue River Water Users Assn			✓
Janice Taylor	HD 11	X		
Jed C. Fitch	MT Trial Lawyers		X	
Sarah Carlson	MACD	X with amend ments		
MICK SEEBURG	Assoc of Gallatin Irrigators	X with Amend		
John Semple	Assoc of Gallatin Ag Irrigators	X with Amend		
Holly Franz	PPC Montana	X with Amend		
JACK STULTS	DNR/WATER	with Amend		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 18, 2005 Bill Number: **HB 666**

Sponsor: **Rep. B. Bergren**

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
CARL PETERS	LOCKWOOD WATER SEWER DISTRICT BOARD	X		
Steve Wade	Montana Rural Water Systems	X		
Dan Semmens	Dorsey & Whitney	X		X
Jack Fallon	Flathead County Water Dist #1	X		X
Rick Russell	Lockwood Water & Sewer Dist	X		
Nancy Belk	Lockwood Water & Sewer Dist	X		
Michael Cruzan	Lockwood Water & Sewer Dist	X		
David Campbell	BGS	X		X
Richard Lewis	Lockwood Water & Sewer	X		
Daniel J Belk	Lockwood Resident	X		
Anna Miller	DNRC	X		
Bob Murdo	Self	X		
Charles Brooks	Yellowstone Co	X		
Bill Kennedy	Yell. County M&CO	X		
Doug Tomsett	MT CONTRACTORS ASSN	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.





# VISITORS REGISTER

Montana

House of Representatives

## NATURAL RESOURCES COMMITTEE

Date: February 18, 2005 Bill Number: **HB 675**

Sponsor: Rep. R. Maedje

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Don Hargrove	self		X	
Dan McLean	self		X	
Mona Jameson	MT ASS. OF H. MALT Land Reliance		X	
Janet Ellis	MT Audubon		X	
JERRI WELLS	Boggy Mt. Ranch		X	
MARK BAKER	PLUM CREEK		X	
LISA BAY	RANCHER		X	
MIKE BAY	RANCHER		X	
Rock/Riz/6/79	MT Land Reliance		X	
Jerry Scheid	Rancher		X	
Jane Williams	Nature Conservancy		✓	
Don Allen	WETA		✓	
GARY FORRESTER	PLUM CREEK		X	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.