

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on January 28, 2005 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Jim Peterson, Chairman (R)
Rep. Christopher Harris, Vice Chairman (D)
Rep. John (Jack) W. Ross, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Norma Bixby (D)
Rep. Dee L. Brown (R)
Rep. Paul Clark (D)
Rep. Sue Dickenson (D)
Rep. George Everett (R)
Rep. Kevin T. Furey (D)
Rep. Gail Gutsche (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Mike Jopek (D)
Rep. Carol Lambert (R)
Rep. Rick Maedje (R)
Rep. Veronica Small-Eastman (D)
Rep. David E. Wanzenried (D)

Members Excused: None.

Members Absent: None.

Staff Present: Joe Kolman, Legislative Branch
Debra Polhemus, 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 403, 1/25/2005
Executive Action: HB 57; HB 206; HB 236;
HB 293; HB 303

HEARING ON HB 403

Opening Statement by Sponsor:

00:02:45 **REP. MIKE JOPEK (D), HD 4**, opened the hearing on **HB 403**, Protect existing ground water resources and users.

[EXHIBIT \(nah22a01\)](#)

[EXHIBIT \(nah22a02\)](#)

Proponents' Testimony:

00:12:15 Tim Davis, Montana Smart Growth Coalition
00:14:37 Matt Clifford, Conservation Director, Clark Fork Coalition
00:19:50 Linda Stoll, Montana Local Health Officers' Group (7 counties)

[EXHIBIT \(nah22a03\)](#)

00:21:16 John Wilson, Montana Trout Unlimited

[EXHIBIT \(nah22a04\)](#)

00:29:46 Gregory Sullivan

Opponents' Testimony:

00:31:07 Michael Kakuk, Montana Association for Realtors
00:35:19 Terry Lindsay, Water Well Driller, Montana Water Well Drillers Association

[EXHIBIT \(nah22a05\)](#)

00:44:58 Linda Lindsay, Realtor, Century 21 Real Estate

00:46:38 Delight Gollaher, Cascade, Montana

Informational Testimony:

00:53:48 Jack Stults, DNRC

Questions from Committee Members and Responses:

00:55:43 **REP. FUREY**

00:58:07 **REP. GUTSCHE**

01:02:08 **REP. BROWN**

01:02:59 Jack Stults, Department of Natural Resources and Conservation

01:04:23 **REP. EVERETT**

01:08:03 **REP. CLARK**

Closing by Sponsor:

01:16:38 **REP. MIKE JOPEK (D), HD 4** closed hearing on **HB 403**.

01:19:25 break
01:28:06 resume

EXECUTIVE ACTION ON HB 57

01:28:59 Motion: REP. HARRIS moved that HB 57 BE AMENDED to include all sections shows in Exhibit 6 EXCEPT section 1, 2, 4, 23 & 24.

EXHIBIT (nah22a06)

EXHIBIT (nah22a07)

Discussion:

01:33:05 REP. BROWN
01:33:43 Sandy Olson, Department of Environmental Quality
01:35:51 REP. CLARK
01:36:27 Vote: Motion carried unanimously by voice vote.

01:36:53 Motion: REP. HARRIS moved that HB 57 BE AMENDED to include sections 1, 2, 4, 23 & 24 shown in Exhibit 6.

Discussion:

01:37:20 REP. BARRETT
01:38:47 REP. MAEDJE
01:39:55 REP. BARRETT

01:40:34 REP. HARRIS withdrew his motion.

01:41:04 Motion: REP. HARRIS moved that HB 57 DO PASS AS AMENDED.

Discussion:

01:41:19 CHAIRMAN PETERSON
01:46:16 REP. CLARK
01:47:39 REP. HEINERT
01:54:17 Sandy Olson, Department of Environmental Quality
01:54:53 REP. ROSS
01:55:40 REP. BARRETT
01:56:24 REP. HARRIS
01:57:12 REP. BARRETT
01:57:36 REP. MAEDJE
02:00:32 REP. HARRIS

02:01:02 Vote: Motion carried 10-8 by roll call vote with REPS. BARRETT, BROWN, EVERETT, HEINERT, JONES, LAMBERT, PETERSON, and ROSS voting no and REPS. FUREY and JOPEK voting by proxy.

EXECUTIVE ACTION ON HB 206

02:04:29 **Motion:** REP. GUTSCHE moved that HB 206 BE AMENDED.

EXHIBIT (nah22a08)Discussion:

02:05:35 Jack Stults, Department of Natural Resources and Conservation

02:07:37 **REP. CLARK**

02:09:10 **REP. ROSS**

02:09:51 Vote: Motion carried unanimously by voice vote.

02:10:10 **Motion/Vote:** REP. GUTSCHE moved that HB 206 DO PASS AS AMENDED. Motion carried 17-1 by voice vote with REP. BARRETT voting no.

EXECUTIVE ACTION ON HB 236

02:11:42 **Motion:** REP. PETERSON moved that HB 236 BE AMENDED.

EXHIBIT (nah22a09)Discussion:

02:13:26 **REP. BARRETT**

02:14:38 **REP. HARRIS**

02:14:51 Vote: Motion carried unanimously by voice vote.

02:15:09 **Motion:** REP. MAEDJE moved that HB 236 DO PASS AS AMENDED.

Discussion:

02:15:27 **REP. SMALL-EASTMAN**

02:16:16 Vote: Motion carried 17-1 by voice vote with REP. BARRETT voting no.

EXECUTIVE ACTION ON HB 293

02:17:32 **Motion:** REP. HARRIS moved that HB 293 BE AMENDED.

EXHIBIT (nah22a10)Discussion:

02:18:28 **REP. DICKENSON**

02:18:52 **REP. HARRIS**

02:19:19 Vote: Motion carried unanimously by voice vote with REP. BROWN voting by proxy.

02:19:58 **Motion:** REP. HARRIS moved that HB 293 DO PASS AS AMENDED.

Discussion:

02:20:08 REP. HEINERT
02:20:45 REP. EVERETT
02:21:46 REP. LAMBERT
02:22:26 REP. CLARK
02:24:50 REP. BARRETT
02:26:08 REP. ROSS
02:27:12 REP. MAEDJE
02:29:28 REP. DICKENSON
02:30:54 REP. GUTSCHE
02:32:47 CHAIRMAN PETERSON
02:33:56 REP. SMALL-EASTMAN

02:34:22 **Vote:** Motion failed 9-9 by roll call vote with REPS. HARRIS, FUREY, JOPEK, BIXBY, DICKENSON, WANZENRIED, GUTSCHE, SMALL-EASTMAN and CLARK voting aye with REPS. FUREY, JOPEK and BROWN voting by proxy.

EXECUTIVE ACTION ON HB 303

02:36:10 **Motion:** REP. CLARK moved that HB 303 DO PASS.

Discussion:

02:36:24 REP. GUTSCHE
02:39:48 REP. MAEDJE
02:40:17 REP. GUTSCHE
02:42:02 CHAIRMAN PETERSON
02:43:26 REP. CLARK
02:44:41 REP. SMALL-EASTMAN
02:49:14 REP. GUTSCHE
02:50:48 REP. JONES
02:51:56 REP. CLARK

02:52:36 **Vote:** Motion failed 9-9 by roll call vote with REPS. HARRIS, FUREY, JOPEK, BIXBY, DICKENSON, WANZENRIED, GUTSCHE, SMALL-EASTMAN and CLARK voting aye and REPS. FUREY, JOPEK and BROWN voting by proxy.

02:53:51

ADJOURNMENT

Adjournment: 6:10 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah22aad0.PDF](#))