

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on February 7, 2005 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Jim Peterson, Chairman (R)
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. Mike Jopek (D)
Rep. Carol Lambert (R)
Rep. Rick Maedje (R)

Members Excused: None.

Members Absent: Rep. Christopher Harris, Vice Chairman (D)
Rep. Llew Jones (R)
Rep. Veronica Small-Eastman (D)
Rep. David E. Wanzonried (D)

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 460, 2/1/2005; HB 501, 2/1/2005

Executive Action: HJ 9; HJ 10; HB 143; HB 361; HB 403

HEARING ON HB 460

Opening Statement by Sponsor:

00:02:21 REP. PAUL CLARK (D), HD 13, opened the hearing on
HB 460, Revise metal mine bonding laws.

[EXHIBIT \(nah30a01\)](#)

[EXHIBIT \(nah30a02\)](#)

[EXHIBIT \(nah30a03\)](#)

Proponents' Testimony:

00:12:17 Warren McCullough, Chief, Department of
Environmental Quality's Environmental Management
Bureau

[EXHIBIT \(nah30a04\)](#)

00:16:58 Jeff Barber, Montana Environmental Information
Center

00:20:31 Cody Ferguson, Northern Plains Resource Council

Opponents' Testimony:

00:21:57 Angela Janacaro, Montana Mining Association

[EXHIBIT \(nah30a05\)](#)

00:25:31 Don Allen, Western Environmental Trade Association

Informational Testimony: None.

Questions from Committee Members and Responses:

00:28:50 REP. FUREY

00:31:50 REP. EVERETT

00:33:14 REP. DICKENSON

00:37:42 REP. GUTSCHE

00:39:44 REP. HEINERT

00:44:07 REP. BARRETT

00:48:46 REP. LAMBERT

00:50:22 REP. MAEDJE

00:54:32 REP. ROSS

Closing by Sponsor:

00:55:33 REP. PAUL CLARK (D), HD 13 closed the hearing on
HB 460.

HEARING ON HB 501**Opening Statement by Sponsor:**

00:59:30 **REP. NORMA BIXBY (D), HD 41**, opened the hearing on
HB 501, Revise board of oil and gas permitting.

EXHIBIT (nah30a06)

Proponents' Testimony:

01:05:39 Jeff Barber, Montana Environmental Information
Center

01:11:09 Michelle Reinhart, Northern Plains Resource
Council

Opponents' Testimony:

01:13:25 Tom Richmond, Administrator, Board of Oil & Gas

01:18:10 Jon Metropoulos, Attorney, Fidelity Exploration
and Development Company

01:21:54 Joe Icenogle, Fidelity Exploration and Development
Company

01:26:41 Jerome Anderson, Attorney, Helena, representing
Encore Acquisition Company, Fort Worth, Texas

01:32:14 Gail Abercrombie, Executive Director, Montana
Petroleum Association

01:35:20 Patrick Montalban, Small Independent Gas Stations,
Montana

01:39:46 Steve Wade, Burlington Resources

01:40:19 William Duffield, Director, Association of Oil
and Gas Counties

Informational Testimony:

01:41:27 Bob Gilbert, representing Rosebud County

Questions from Committee Members and Responses:

01:45:00 **REP. LAMBERT**

01:46:46 **REP. HEINERT**

01:49:22 **REP. ROSS**

Closing by Sponsor:

01:51:30 **REP. NORMA BIXBY (D), HD 41**, closed the hearing on
HB 501.

01:54:53 Break

02:03:49 **REP. SMALL-EASTMAN** arrived at hearing

02:05:23 Resume

EXECUTIVE ACTION ON HB 143

02:05:46 **Motion:** REP. CLARK moved that HB 143 DO PASS.
[EXHIBIT \(nah30a07\)](#)

02:06:24 **Motion:** REP. CLARK moved that HB 143 BE AMENDED.

Discussion:

02:06:42 Joe Kolman, Legislative Services Division
[EXHIBIT \(nah30a08\)](#)

02:08:03 REP. CLARK

02:12:22 **Vote:** Motion carried by voice vote 14-4 with REP.
BARRETT, MAEDJE, EVERETT and CHAIRMAN PETERSON
voting no and REPS. HARRIS, JONES and WANZENRIED
voting by proxy.

02:13:07 **Motion:** REP. CLARK moved that HB 143 DO PASS AS
AMENDED.

Discussion:

02:13:19 REP. CLARK

02:14:03 REP. DICKENSON

02:15:18 **Vote:** Motion failed 9-9 by roll call vote with
REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE,
HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED
voting aye and REPS. HARRIS, WANZENRIED and JONES
voting by proxy.

EXECUTIVE ACTION ON HB 361

02:17:13 **Motion:** REP. BROWN moved that HB 361 DO PASS.

02:17:23 **Motion:** REP. BROWN moved that HB 361 BE AMENDED.
[EXHIBIT \(nah30a09\)](#)

Discussion:

02:17:55 REP. BROWN

02:19:23 REP. JOPEK

02:20:25 **Vote:** Motion carried unanimously by voice vote.

02:20:37 **Motion:** REP. BROWN moved that HB 361 BE AMENDED.
[EXHIBIT \(nah30a10\)](#)

Discussion:

02:21:03 **REP. MAEDJE**
02:22:47 **REP. CLARK**
02:22:55 Neil Harrington, Department of Environmental
Quality
02:23:49 **REP. JOPEK**
02:24:16 **Vote: Motion carried unanimously by voice vote.**
02:24:31 **Motion/Vote: REP. MAEDJE moved that HB 361 DO
PASS AS AMENDED. Motion carried unanimously by
voice vote.**

EXECUTIVE ACTION ON HB 403

02:25:30 **Motion: REP. JOPEK moved that HB 403 DO PASS.**
02:25:54 **Motion: REP. JOPEK moved that HB 403 BE AMENDED.
[EXHIBIT \(nah30a11\)](#)**

Discussion:

02:27:04 **REP. JOPEK**
02:27:34 Jack Stults, Department of Natural Resources and
Conservation
02:29:48 **REP. BROWN**
02:30:21 **REP. GUTSCHE**
02:30:40 **REP. JOPEK**
02:31:00 **REP. CLARK**
02:32:21 **REP. BARRETT**
02:33:13 **REP. JOPEK**
02:33:39 **REP. GUTSCHE**
02:34:13 **Vote: Motion carried by voice vote 13-5 with
REPS. BARRETT, EVERETT, MAEDJE, BROWN and LAMBERT
voting no and REPS. HARRIS, WANZENRIED and JONES
voting aye by proxy.**
02:35:00 **Motion: REP. JOPEK moved that HB 403 DO PASS AS
AMENDED.**

Discussion:

02:35:45 REP. LAMBERT
02:36:41 REP. BROWN
02:37:30 REP. JOPEK
02:38:13 REP. DICKENSON
02:38:48 REP. ROSS
02:39:10 REP. BIXBY
02:40:24 REP. MAEDJE
02:41:45 REP. GUTSCHE
02:42:40 REP. FUREY
02:43:43 CHAIRMAN PETERSON
02:44:19 REP. JOPEK

02:45:28 Vote: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. HARRIS, WANZENRIED and JONES voting by proxy.

EXECUTIVE ACTION ON HJ 9

02:46:47 Motion: REP. BARRETT moved that HJ 9 DO PASS.

02:47:48 Motion: REP. JOPEK moved that HJ 9 BE AMENDED.
[EXHIBIT \(nah30a12\)](#)

Discussion:

02:47:52 REP. JOPEK
02:48:42 REP. BARRETT
02:51:09 REP. FUREY
02:51:58 REP. ROSS

02:52:22 Vote: Motion failed 7-11 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. HARRIS, WANZENRIED and JONES voting by proxy.

02:54:05 Motion: REP. JOPEK moved that HJ 9 BE AMENDED.
[EXHIBIT \(nah30a13\)](#)

Discussion:

02:44:41 REP. BARRETT
02:46:41 REP. DICKENSON
02:57:34 REP. HEINERT
02:41:29 CHAIRMAN PETERSON
02:59:32 REP. HEINERT
03:00:35 REP. MAEDJE
03:01:42 REP. JOPEK
03:02:13 REP. BARRETT

03:03:04 **Vote:** Motion failed 7-11 by roll call vote with REPS. BIXBY, DICKENSON, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. HARRIS, WANZENRIED and JONES voting by proxy.

03:04:23 **Motion:** REP. BARRETT CALLED THE QUESTION ON HJ 9.

03:04:26 **Vote:** Motion failed 9-9 by roll call vote with REPS. BARRETT, BROWN, EVERETT, HEINERT, JONES, LAMBERT, MAEDJE, PETERSON, and ROSS voting aye and REPS. HARRIS, WANZENRIED and JONES voting by proxy.

EXECUTIVE ACTION ON HJ 10

03:06:30 **Motion:** REP. BROWN moved that HJ 10 DO PASS.

03:06:57 **Motion:** REP. BROWN moved that HJ 10 BE AMENDED.

Discussion:

03:07:21 REP. BROWN
03:07:53 REP. DICKENSON
03:08:30 REP. BROWN
03:09:19 REP. ROSS
03:09:56 REP. MAEDJE
03:10:51 REP. BROWN
03:11:49 REP. EVERETT
03:12:10 REP. BROWN
03:13:05 REP. CLARK
03:13:50 REP. BARRETT

03:14:12 **Vote:** Motion failed 5-13 by voice vote with REPS. BIXBY, BROWN, HARRIS, WANZENRIED and GUTSCHE voting aye and REPS. JONES, HARRIS and WANZENRIED voting by proxy.

Discussion:

03:14:43

REP. HEINERT

03:16:05

REP. MAEDJE

03:16:29

Vote: Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 6:35 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah30aad0.PDF](#))