

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** By Chairman Walter McNutt, on February 21, 2007  
at 3:20 P.M., in Room 472 Capitol.

#### ROLL CALL

**Members Present:**

Rep. Walter McNutt, Chairman (R)  
Rep. Ron Erickson, Vice Chairman (D)  
Rep. Ralph Heinert, Vice Chairman (R)  
Rep. Duane Ankney (R)  
Rep. Debby Barrett (R)  
Rep. Jill Cohenour (D)  
Rep. Sue Dickenson (D)  
Rep. Betsy Hands (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Carol Lambert (R)  
Rep. Scott Mendenhall (R)  
Rep. JP Pomnichowski (D)  
Rep. John (Jack) W. Ross (R)  
Rep. Veronica Small-Eastman (D)  
Rep. Kendall Van Dyk (D)  
Rep. Chas Vincent (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Krista Lee Evans, Legislative Branch  
Nancy Kraft, 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 557, 2/12/2007; HB 583,  
2/12/2007; HB 584, 2/12/2007; HB  
717, 2/19/2007; HB 728, 2/16/2007

Executive Action: HB 717; HB 383; HB 408; HB 460; HB  
509; HB 555; HB 560; HB 607; HB  
708; HB 711; HJR 24; HJR 31; HB 282

**HEARING ON HB 557**

**Opening Statement by Sponsor:**

00:01:47 Rep. Ralph Heinert (R), HD 1, opened the hearing on HB  
557, Revise criteria for zoning impact on sand, gravel,  
and asphalt operations.

**Proponents' Testimony:**

00:06:48 Michael Kakuk, Montana Contractors' Association  
[EXHIBIT \(nah39a01\)](#)  
00:08:59 Bruce Tutvedt  
[EXHIBIT \(nah39a02\)](#)  
00:10:19 Bob Spoklie, Kalispell, Montana  
[EXHIBIT \(nah39a03\)](#)  
00:13:58 John Youngberg, Montana Farm Bureau  
00:15:02 Mike Newton, Fisher Sand and Gravel, Glendive, Montana  
00:21:18 Gary Krueger, Flathead County  
00:23:07 Joe Beasley  
[EXHIBIT \(nah39a04\)](#)  
00:25:23 Alrick Hale, JTL Group, Kalispell, Montana  
00:27:27 Jerry Bowser, Old Castle Materials Group  
00:30:13 Malcolm Long, JTL Group, Montana Chamber of Commerce  
00:31:10 Don Allen, Western Environmental Trade Association  
00:31:33 Carl Schweitzer, Kalispell Chamber of Commerce, Montana  
Sub-Contractors' Association

**Opponents' Testimony:**

00:32:02 Mike Sehestedt, Missoula Deputy County Attorney  
[EXHIBIT \(nah39a05\)](#)  
00:36:54 Rep. Mike Jopek, House District 4  
00:41:26 Janet Ellis, Montana Audubon Society

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:43:39 Rep. Erickson  
00:48:00 Mr. Kakuk

**Closing by Sponsor:**

00:48:25 Rep. Heinert

**HEARING ON HB 583**

**Opening Statement by Sponsor:**

00:50:09 Rep. Mike Jopek (D), HD 4, opened the hearing on HB 583, Revise open-cut mining law.

**Proponents' Testimony:**

00:51:27 Neil Harrington, Department of Environmental Quality  
[EXHIBIT \(nah39a06\)](#)

**Opponents' Testimony:**

00:59:58 Harold Blattie, Montana Association of Counties  
01:02:10 Don Rieger, Fallon County Commissioner  
01:02:51 Troy Blunt, Phillips County Commissioner  
01:03:55 Don McDowell, Powder River County Commissioner  
01:04:26 John Ostland, Yellowstone County Commissioner  
01:05:28 Gary Fjelstad, Rosebud County Commissioner  
01:05:49 Mike McGinley, Beaverhead County Commissioner  
01:06:05 Patrick Eggebrecht, McCone County Commissioner  
01:06:25 Michael Kakuk, Montana Contractor's Association  
[EXHIBIT \(nah39a07\)](#)  
01:07:36 Mark Rehbein, Richland County Commissioner  
01:07:58 Jerry Bowser, Old Castle Materials and Montana  
Contractors' Association  
01:09:20 Willie Duffield, Montana Association of Oil and Gas  
Producing Counties  
01:09:51 Bill Kennedy, Yellowstone County Commissioner

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:10:32 Rep. Cohenour  
01:10:54 Mr. Harrington  
01:12:31 Rep. Cohenour  
01:12:36 Mr. Kakuk  
01:14:05 Rep. Jopek  
01:15:49 Rep. Cohenour  
01:15:58 Krista Evans  
01:16:12 Rep. Mendenhall  
01:16:29 Mr. Blattie  
01:19:29 Rep. Barrett  
01:20:16 Mr. Harrington  
01:22:36 Rep. Erickson  
01:22:59 Mr. Harrington  
01:23:03 Rep. Erickson

01:23:23 Mr. Kakuk  
01:23:49 Rep. Erickson  
01:23:58 Mr. Harrington

**Closing by Sponsor:**

01:25:35 Rep. Jopek

**HEARING ON HB 584**

**Opening Statement by Sponsor:**

01:28:04 Rep. Mike Jopek (D), HD 4, opened the hearing on HB 584, Unanimous vote on sale of state lands.

**Proponents' Testimony:**

01:30:44 Kathy Bramer, Superintendent of Public Instruction Office

**Opponents' Testimony:** None

**Informational Testimony:**

01:33:03 Tom Schultz, Department of Natural Resources and Conservation

**Questions from Committee Members and Responses:**

01:33:20 Rep. Ross  
01:33:36 Ms. Bramer  
01:34:14 Mr. Schultz  
01:34:30 Rep. Ross  
01:34:40 Mr. Schultz  
01:34:58 Rep. Hendrick  
01:35:17 Ms. Bramer  
01:35:54 Rep. Barrett  
01:36:19 Ms. Bramer  
01:38:05 Rep. McNutt  
01:38:24 Rep. Jopek

**Closing by Sponsor:**

01:39:31 Rep. Jopek  
  
01:42:01 Break

**HEARING ON HB 717**

**Opening Statement by Sponsor:**

03:24:07 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB 717, Ratify Bowdoin Wildlife Refuge water compact.

**Proponents' Testimony:**

03:24:37 Chris Tweeten, Reserve Water Rights Compact Commission  
03:27:22 Jay Weiner, Staff Attorney, Reserve Water Rights Compact Commission

**EXHIBIT (nah39a08)**

03:32:36 Carmen Luna, Bowdoin National Wildlife Refuge Manager  
03:40:54 Candace West, Attorney General's Office

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:44:00 Rep. Lambert  
03:44:33 Rep. Stahl  
03:44:41 Rep. Erickson  
03:47:10 Mr. Weiner  
03:47:49 Rep. Ross  
03:48:31 Mr. Weiner  
03:51:20 Rep. Barrett  
03:51:37 Mr. Weiner

**Closing by Sponsor:**

03:52:52 Rep. Stahl

**HEARING ON HB 728**

**Opening Statement by Sponsor:**

03:53:40 Rep. Bill McChesney (D), HD 40, opened the hearing on HB 728, Expedite application review for permits.

**Proponents' Testimony:**

03:57:29 Mike Volesky, Governor's Office  
03:58:54 Tom Livers, Department of Environmental Quality  
04:01:31 Dave Galt, Montana Petroleum Association  
04:02:27 Todd O'Hair, Rio Tinto Energy of America  
04:03:19 Don Allen, Western Environmental Trade Association

04:04:23 Cary Hegreberg, Montana Contractors' Association;  
Montana Chamber of Commerce

**EXHIBIT (nah39a09)**

04:06:24 Candace Payne, Southern Montana Electric

04:07:09 Leo Berry, Great Northern Power Development and  
Bull Mountain Development Corporation

04:08:02 Debbie Shea, Montana Mining Association; and for Glenn  
Dobbs, Mines Management Incorporated

**EXHIBIT (nah39a10)**

**Opponents' Testimony:**

04:10:02 Jeff Barber, Montana Environmental Information Center

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

04:12:37 Rep. Dickenson  
04:15:53 Mr. Livers  
04:17:21 Rep. Dickenson  
04:17:38 Ms. Shea  
04:18:02 Rep. Heinert  
04:18:36 Mr. O'Hair  
04:19:40 Rep. Erickson  
04:21:55 Mr. Livers  
04:22:54 Rep. Erickson  
04:23:17 Rep. Mendenhall  
04:26:05 Mr. Livers  
04:28:54 Rep. Barrett  
04:29:37 Mr. Livers  
04:32:09 Rep. Cohenour  
04:32:39 Mr. Livers  
04:37:25 Rep. Heinert  
04:37:48 Mr. Livers  
04:38:38 Rep. Ankney  
04:39:53 Mr. Livers  
04:40:30 Rep. Vincent  
04:41:11 Ms. Shea  
04:41:54 Rep. Cohenour  
04:42:26 Mr. Livers  
04:43:06 Rep. Pomnichowski  
04:45:46 Mr. Livers  
04:47:20 Mr. Ankney

**Closing by Sponsor:**

04:47:59 Rep. McChesney

04:54:14 Break

**EXECUTIVE ACTION ON HB 717**

05:25:28 **Motion:** Rep. Ross moved that HB 717 **DO PASS.**

**Discussion:**

05:25:39 Rep. Erickson

05:26:03 Rep. Barrett

05:26:14 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 383**

05:27:08 **Motion:** Rep. Heinert moved that HB 383 **DO PASS.**

05:27:56 **Motion/Vote:** Rep. Ankney moved that HB 383 **BE AMENDED.**  
Motion carried 9-7 by roll call vote with Reps.  
Cohenour, Dickenson, Erickson, Hands, Pomnichowski,  
Small-Eastman, and Van Dyk voting no.

05:29:24 **Motion:** Rep. Lambert moved that HB 383 **DO PASS AS  
AMENDED.**

**Discussion:**

05:30:00 Rep. Erickson

05:30:50 Rep. Cohenour

05:31:44 Rep. Lambert

05:33:13 Rep. Ankney

05:34:20 Rep. Dickenson

05:37:33 Rep. Hands

05:39:15 Rep. Small-Eastman

05:42:47 Rep. Van Dyk

05:45:56 Rep. Mendenhall

05:47:18 Rep. Lambert

05:47:57 **Vote:** Motion carried 9-7 by roll call vote with Reps.  
Cohenour, Dickenson, Erickson, Hands, Pomnichowski,  
Small-Eastman, and Van Dyk voting no.

**EXECUTIVE ACTION ON HB 408**

05:49:35 **Motion:** Rep. Heinert moved that HB 408 **DO PASS.**

**Discussion:**

05:50:01 Rep. Erickson

05:51:19 Rep. Mendenhall

05:52:55 Rep. Cohenour

05:54:46 Rep. Pomnichowski  
05:56:49 Rep. Vincent  
05:58:01 Rep. Ross  
05:58:35 Rep. Heinert  
06:01:29 Rep. Erickson

06:02:39 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.

06:03:39 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 408 **BE TABLED AND THE VOTE REVERSED**. Substitute motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 460**

06:04:26 **Motion:** Rep. Heinert moved that HB 460 **DO PASS**.

06:04:55 **Motion:** Rep. Mendenhall moved that HB 460 **BE AMENDED**.  
**EXHIBIT (nah39a11)**

**Discussion:**

06:10:53 Rep. Cohenour

06:13:40 **Vote:** Motion carried unanimously by voice vote.

06:13:56 **Motion:** Rep. Heinert moved that HB 460 **DO PASS AS AMENDED**.

**Discussion:**

06:14:06 Rep. Pomnichowski

06:15:12 Rep. Erickson

06:16:39 **Vote:** Motion carried 12-4 by roll call vote with Reps. Dickenson, Rep. Erickson, Rep. Hands, and Rep. Pomnichowski voting no.

**EXECUTIVE ACTION ON HB 509**

06:18:24 **Motion:** Rep. Heinert moved that HB 509 **DO PASS**.

06:18:46 **Motion:** Rep. Heinert moved that HB 509 **BE AMENDED**.

**Discussion:**

06:32:21 Rep. Erickson

06:34:28 Rep. Hands

06:34:43 **Vote:** Motion carried 15-1 by voice vote with Rep. Mendenhall voting no.

06:35:06 **Motion:** REP. ERICKSON moved that HB 509 DO PASS AS AMENDED.

**Discussion:**

06:35:19 Rep. Erickson  
06:36:50 Rep. Ankney  
06:38:55 Rep. Erickson  
06:39:41 Rep. Barrett  
06:42:46 Rep. Erickson  
06:43:02 Rep. Hendrick  
06:43:46 Rep. Ross  
06:44:11 Rep. Dickenson  
06:45:26 Rep. Lambert

06:45:59 **Substitute Motion/Vote:** Rep. Mendenhall made a substitute motion that HB 509 **BE TABLED**. Substitute motion carried 9-7 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting no.

**EXECUTIVE ACTION ON HB 555**

06:47:38 **Motion:** Rep. Heinert moved that HB 555 DO PASS.

**Discussion:**

06:48:11 Rep. Ankney  
06:48:24 **Vote:** Motion carried 15-1 by voice vote with Rep. Mendenhall voting no.

**EXECUTIVE ACTION ON HB 560**

06:49:09 **Motion:** Rep. Heinert moved that HB 560 DO PASS.

**Discussion:**

06:49:25 Rep. Erickson  
06:52:11 Rep. Vincent  
06:53:07 Rep. Cohenour  
06:55:22 Rep. Heinert  
  
06:56:49 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.  
06:57:48 **Substitute Motion/Vote:** Rep. Cohenour made a substitute motion that HB 560 **BE TABLED AND THE VOTE**

**REVERSED.** Substitute motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 607**

06:58:28 **Motion:** Rep. Erickson moved that HB 607 **DO PASS.**

06:58:35 **Substitute Motion/Vote:** Rep. Erickson made a substitute motion that HB 607 **BE TABLED.** Substitute motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 708**

06:59:02 **Motion:** Rep. Vincent moved that HB 708 **DO PASS.**

07:00:04 **Substitute Motion/Vote:** Rep. Vincent made a substitute motion that HB 708 **BE TABLED.** Substitute motion carried 14-2 by voice vote with Reps. Heinert and Ross voting no.

**EXECUTIVE ACTION ON HB 711**

07:00:56 **Motion:** Rep. Heinert moved that HB 711 **DO PASS.**

07:01:09 **Substitute Motion/Vote:** Rep. Mendenhall made a substitute motion that HB 711 **BE TABLED.** Substitute motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HJR 24**

07:01:36 **Motion:** Rep. Hands moved that HJ 24 **BE ADOPTED.**

07:01:59 **Motion:** Rep. Hands moved that HJ 24 **BE AMENDED.**

[EXHIBIT \(nah39a12\)](#)

**Discussion:**

07:03:34 Rep. Erickson

07:04:01 **Vote:** Motion carried unanimously by voice vote.

07:04:16 **Motion:** REP. HANDS moved that HJ 24 **BE ADOPTED AS AMENDED.**

**Discussion:**

07:04:29 Rep. Hendrick

07:05:53 Rep. Erickson

07:07:32 Rep. Hands

07:09:32 Rep. Dickenson

07:10:29 **Vote:** Motion carried 9-7 by roll call vote with Reps. Barrett, Heinert, Hendrick, Lambert, McNutt, Mendenhall, and Ross voting no.

**EXECUTIVE ACTION ON HJR 31**

07:11:57 **Motion:** Rep. Heinert moved that HJR 31 **BE ADOPTED**.

07:12:17 **Motion/Vote:** Rep. Heinert moved that HJR 31 **BE AMENDED**. Motion carried unanimously by voice vote.

**EXHIBIT (nah39a13)**

07:13:48 **Motion:** Rep. Heinert moved that HJR 31 **BE ADOPTED AS AMENDED**.

**Discussion:**

07:14:01 Rep. Erickson

07:15:10 **Substitute Motion/Vote:** Rep. Small-Eastman made a substitute motion that HJ 31 **BE TABLED**. Substitute motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye. Rep. Ankney voted by proxy.

07:16:27 **Vote:** Motion carried 9-7 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.

**EXECUTIVE ACTION ON HB 282**

07:18:40 **Motion:** Rep. Ross moved that HB 282 **DO PASS**.

07:18:50 **Motion/Vote:** Rep. Ross moved that HB 282 **BE AMENDED**. Motion carried 13-3 by voice vote with Reps. Barrett, Hendrick, and Mendenhall voting no.

**EXHIBIT (nah39a14)**

07:20:33 **Motion:** Rep. Erickson moved that HB 282 **DO PASS AS AMENDED**.

**Discussion:**

07:20:42 Rep. Erickson

07:23:25 Rep. Vincent

07:26:11 Rep. Hands

07:29:02 Rep. Ankney

07:30:06 Rep. Cohenour

07:30:46 Rep. Pomnichowski

07:32:18 Rep. Mendenhall

07:33:41 Rep. Erickson

07:35:19 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.

07:36:19 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 282 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote.

**Discussion of Proposed Bill Combining HB 138 & HB 373**

**EXHIBIT (nah39a15)**

07:38:00 Krista Evans  
07:45:26 Rep. McNutt  
07:46:48 Rep. Barrett  
07:49:09 Ms. Evans  
07:50:05 Rep. Ankney  
07:50:56 Ms. Evans

**Additional Exhibits:**

Document received on HB 557; Hearing 02/21/07

**EXHIBIT (nah39a16)**

**ADJOURNMENT**

07:51:35 Adjournment: 11:10 P.M.

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REP. WALTER MCNUTT, Chairman

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NANCY KRAFT, Secretary

WM/nk

Additional Exhibits:

**EXHIBIT ([nah39aad.pdf](#))**