

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Gordon R. Hendrick, on February 18, 2011 at 3:00 PM, in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Gordon R. Hendrick, Chair (R)
Rep. Brian Hoven, Vice Chair (R)
Rep. Gerald (Jerry) Bennett (R)
Rep. Pat Connell (R)
Rep. Virginia Court (D)
Rep. Alan Hale (R)
Rep. Bill Harris (R)
Rep. Cleve J. Loney (R)
Rep. Mike Miller (R)
Rep. Kathleen Williams (D)

Members Excused: Rep. Kelly Flynn (R)
Rep. Michele Reinhart (D)
Rep. Wendy Warburton (R)

Members Absent: None

Staff Present: Lauren Head, Committee Secretary
Joe Kolman, Legislative Branch

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 549, 2/15/2011; HB 586, 2/17/2011; HJ 18, 2/18/2011

Executive Action on: HJ 18; HB 433; HB 434; HB 468; HB 479; HB 481; HB 549;
HB 586; HB 232

00:02:38 Rep. Hands
00:03:27 Chairman Hendrick
00:03:49 Rep. Warburton joined the meeting.
00:04:33 Rep. Hands

HEARING ON HJ 18

Opening Statement by Sponsor:

00:05:02 Rep. Dan Skattum (R), HD 62, opened the hearing on HJ 18, Resolution calling for Montana's withdrawal from regional climate initiative.

[EXHIBIT\(nah40a01\)](#)

Proponents' Testimony:

00:07:21 Dr. Ed Berry, self

Opponents' Testimony:

00:08:30 Stan Frasier, self

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:38 Rep. Williams
00:10:17 Rep. Skattum
00:10:24 Rep. Williams
00:10:39 Rep. Skattum
00:11:24 Rep. Harris
00:12:14 Rep. Barrett
00:12:31 Chairman Hendrick
00:12:34 Rep. Harris
00:12:42 Mr. Berry
00:12:46 Rep. Harris
00:12:57 Rep. Flynn joined the meeting.
00:13:15 Mr. Berry
00:15:36 Rep. Warburton
00:16:11 Mr. Berry

Closing by Sponsor:

00:17:35 Rep. Skattum

HEARING ON HB 549**Opening Statement by Sponsor:**

00:18:41 Rep. Joe Read (R), HD 15, opened the hearing on HB 549, Clarify state's position on global warming and greenhouse gases.

[EXHIBIT\(nah40a02\)](#)

00:24:00 Rep. Hands

00:24:12 Chairman Hendrick

Proponents' Testimony:

00:25:40 Dr. Ed Berry, self

[EXHIBIT\(nah40a03\)](#)

[EXHIBIT\(nah40a04\)](#)

00:29:04 Chairman Hendrick left the meeting.

00:29:49 Ron Lowney, self

00:33:22 Clarice Ryan, self

Opponents' Testimony:

00:37:22 Steve Kourick, Montana Business Leaders for Clean Energy

00:39:59 Casey Perkins, Montana Audubon

[EXHIBIT\(nah40a05\)](#)

00:41:32 Chairman Hendrick rejoined the meeting.

00:41:45 Stan Frasier, self

00:43:44 Derf Johnson, Montana Environmental Information Center (MEIC)

00:45:09 Tom Jacobson, self

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:34 Rep. Barrett

00:47:39 Rep. Read

00:48:22 Rep. Barrett

00:48:38 Rep. Read

00:50:00 Rep. Barrett

00:50:45 Rep. Read

00:51:25 Rep. Barrett

00:52:06 Rep. Harris

00:52:40 Mr. Johnson

00:52:49 Rep. Harris

00:53:20 Mr. Johnson

00:53:37 Rep. Loney

00:53:48 Mr. Johnson

00:53:50 Rep. Loney

00:54:25 Mr. Johnson

00:54:29 Rep. Loney

00:55:06 Dr. Berry

00:56:13 Rep. Hale
00:56:48 Mr. Berry
00:57:01 Rep. Hale
00:57:29 Rep. Hands

Closing by Sponsor:

00:58:50 Rep. Read
01:00:01 Rep. Reinhart joined the meeting.

HEARING ON HB 586

Opening Statement by Sponsor:

01:02:51 Rep. Virginia Court (D), HD 52, opened the hearing on HB 586, Provide for public disclosure of fluids used in hydraulic fracturing.

Proponents' Testimony:

01:07:37 Jerry Iverson, self and Cottonwood Resource Council
01:10:41 Beth Kaeding, former Chair, Northern Plains Resource Council (NPRC)
EXHIBIT(nah40a06)
01:13:31 Teresa Keaveny, Montana Conservation Voters (MCV)
01:14:36 Stan Frasier, self
01:16:27 Rep. Hale left the meeting.
01:16:50 Derf Johnson, MEIC
01:17:17 Brenda Lindlief-Hall, Tongue River Water Users Association
01:18:21 Rep. Hale rejoined the meeting.

Opponents' Testimony:

01:18:45 Gail Abercrombie, Montana Petroleum Association (MPA)
01:25:47 Bruce Williams, Fidelity Exploration and Production Company

Informational Testimony:

01:29:39 Tom Richmond, Administrator and Petroleum Engineer, Montana Board of Oil and Gas (MBOG)
01:30:03 Rep. Hands left the meeting.

Questions from Committee Members and Responses:

01:34:14 Rep. Miller
01:35:00 Rep. Court
01:35:13 Clayton Elliot, NPRC
01:36:05 Rep. Miller
01:36:24 Mr. Elliot
01:36:42 Rep. Miller

01:37:06 Ms. Abercrombie
01:37:15 Rep. Hands rejoined the meeting.
01:37:34 Rep. Miller
01:37:47 Ms. Abercrombie
01:38:09 Rep. Connell
01:38:39 Rep. Miller left the meeting.
01:38:52 Mr. Richmond
01:39:38 Rep. Connell
01:40:02 Mr. Richmond
01:40:34 Rep. Connell
01:41:20 Mr. Richmond
01:42:19 Rep. Reinhart
01:42:49 Mr. Elliot
01:45:23 Rep. Reinhart
01:45:42 Mr. Richmond
01:46:57 Rep. Reinhart
01:47:12 Mr. Richmond
01:47:33 Rep. Hands
01:47:50 Rep. Reinhart left the meeting.
01:48:01 Mr. Richmond
01:49:52 Rep. Hands
01:50:16 Rep. Miller rejoined the meeting.
01:50:18 Mr. Richmond
01:51:06 Vice Chair Hoven
01:51:25 Mr. Williams
01:51:58 Rep. Hands left the meeting.
01:52:35 Vice Chair Hoven
01:53:12 Mr. Williams
01:54:43 Vice Chair Hoven
01:54:56 Mr. Williams
01:55:39 Vice Chair Hoven
01:55:46 Mr. Williams
01:56:21 Rep. Barrett
01:56:53 Mr. Richmond
01:57:15 Rep. Bennett left the meeting.
01:57:21 Rep. Barrett
01:57:25 Mr. Richmond
01:57:30 Rep. Barrett
01:57:34 Mr. Richmond
01:58:02 Rep. Williams
01:58:24 Mr. Richmond
01:58:46 Rep. Williams
01:58:59 Mr. Richmond
02:00:13 Rep. Williams
02:00:19 Mr. Richmond

Closing by Sponsor:

02:00:48 Rep. Court
[EXHIBIT\(nah40a07\)](#)

02:02:12 Rep. Bennett rejoined the meeting.
02:05:06 Recess began.
02:19:08 Meeting reconvened.

EXECUTIVE ACTION ON HB 433

02:19:19 **Motion:** Rep. G. Bennett moved that **HB 433 DO PASS.**

Discussion:

02:19:47 Rep. Bennett

02:20:32 **Motion:** Rep. Hendrick moved that **HB 433 BE AMENDED.**
EXHIBIT(nah40a08)

Discussion:

02:21:09 Chairman Hendrick
02:22:00 Rep. Bennett
02:22:43 Rep. Connell
02:23:07 Rep. Hands
02:23:37 Chairman Hendrick
02:23:46 Rep. Hands
02:24:09 Chairman Hendrick
02:24:21 Rep. Reinhart rejoined the meeting.
02:24:40 Rep. Hands
02:25:08 Chairman Hendrick
02:25:38 Rep. Hands
02:26:29 Rep. Flynn
02:26:59 Rep. Bennett
02:27:49 Rep. Harris
02:28:12 Chairman Hendrick
02:28:19 Rep. Williams

02:29:29 **Vote:** Motion carried 9-6 by roll call vote with Rep. Barrett, Rep. Court, Rep. Flynn, Rep. Hands, Rep. Reinhart and Rep. Williams voting no.

02:30:29 **Motion:** Rep. G. Bennett moved that **HB 433 DO PASS AS AMENDED.**

Discussion:

02:30:44 Rep. Bennett
02:31:54 Vice Chair Hoven
02:32:48 Rep. Reinhart
02:33:17 Joe Kolman, Legislative Services Division (LSD)
02:33:34 Rep. Reinhart
02:33:49 Mr. Kolman
02:34:19 Rep. Reinhart
02:37:00 Rep. Loney

02:38:09 Rep. Flynn
02:38:46 Rep. Williams
02:41:27 Rep. Hands
02:43:02 Rep. Miller
02:43:27 Mr. Kolman

02:43:57 **Vote:** Motion carried 9-6 by roll call vote with Rep. Barrett, Rep. Court, Rep. Flynn, Rep. Hands, Rep. Reinhart and Rep. Williams voting no.

02:45:02 Chairman Hendrick left the meeting.

EXECUTIVE ACTION ON HB 434

02:45:26 **Motion:** Rep. G. Bennett moved that **HB 434 DO PASS.**

Discussion:

02:45:43 Mr. Kolman

02:47:21 **Motion:** Rep. Flynn moved that **HB 434 BE AMENDED.**
EXHIBIT(nah40a09)

Discussion:

02:47:32 Rep. Reinhart
02:48:24 Rep. Miller
02:48:34 Rep. Reinhart
02:48:43 Rep. Connell

02:49:27 **Vote:** Motion carried 10-5 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Harris and Rep. Reinhart voting no. Rep. Hendrick voted by proxy.

02:50:49 **Motion:** Rep. Miller moved that **HB 434 DO PASS AS AMENDED.**

02:51:20 **Motion:** Rep. Connell moved that **HB 434 BE AMENDED.**
EXHIBIT(nah40a10)

Discussion:

02:51:41 Rep. Connell
02:52:38 Mr. Kolman
02:53:32 Rep. Hands
02:53:51 Mr. Kolman
02:54:00 Rep. Hands
02:54:28 Mr. Kolman
02:54:39 Rep. Hands
02:54:57 Mr. Kolman

02:55:23 **Vote:** Motion carried 12-2 by voice vote with Rep. Reinhart and Rep. Williams voting no. Rep. Hendrick was absent and did not vote.

02:55:42 **Motion:** Rep. G. Bennett moved that **HB 434 DO PASS AS AMENDED.**

Discussion:

02:55:55 Rep. Reinhart
 03:00:46 Rep. Hands left the meeting.
 03:00:55 Rep. Harris
 03:01:29 Rep. Loney
 03:01:32 Rep. Hands rejoined the meeting.
 03:01:47 Rep. Barrett
 03:03:38 Rep. Connell
 03:06:44 Rep. Reinhart
 03:07:25 Rep. Bennett left the meeting.
 03:07:32 Rep. Williams
 03:07:52 Rep. Connell left the meeting.
 03:08:15 Rep. Miller
 03:08:19 Rep. Connell rejoined the meeting.
 03:08:22 Rep. Bennett rejoined the meeting.
 03:08:35 Rep. Hands left the meeting.
 03:08:55 Rep. Barrett
 03:09:10 Rep. Hands rejoined the meeting.
 03:09:12 Chairman Hendrick rejoined the meeting.

03:09:25 **Vote:** Motion carried 8-7 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Harris, Rep. Loney, Rep. Reinhart and Rep. Williams voting no.

03:10:45 Rep. Court
 03:10:58 Chairman Hendrick

EXECUTIVE ACTION ON HB 479

03:11:44 **Motion:** Rep. G. Bennett moved that **HB 479 DO PASS.**

03:12:40 **Motion:** Rep. Hoven moved that **HB 479 BE AMENDED.**
EXHIBIT(nah40a11)

Discussion:

03:13:04 Rep. Bennett
 03:13:43 Mr. Kolman
 03:16:35 Rep. Hands
 03:17:13 Rep. Reinhart
 03:17:26 Mr. Kolman
 03:17:50 Rep. Harris
 03:18:06 Rep. Barrett
 03:18:21 Mr. Kolman

03:18:45 **Vote:** Motion carried 11-4 by roll call vote with Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting no.

03:19:39 **Motion:** Rep. G. Bennett moved that **HB 479 DO PASS AS AMENDED.**

Discussion:

03:19:58 Rep. Barrett

03:20:25 Rep. Hands

03:20:59 **Vote:** Motion carried 10-5 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting no.

EXECUTIVE ACTION ON HB 549

03:22:02 **Motion:** Rep. Hoven moved that **HB 549 DO PASS.**

Discussion:

03:22:42 Mr. Kolman

03:22:57 **Motion/Vote:** Rep. Miller moved that **HB 549 BE TABLED.** Motion carried 12-3 by roll call vote with Rep. Hale, Rep. Hendrick and Rep. Warburton voting no.

EXECUTIVE ACTION ON HB 586

03:24:12 **Motion:** Rep. Hoven moved that **HB 586 DO PASS.**

Discussion:

03:24:43 Rep. Hands

03:26:49 Rep. Harris

03:27:21 Rep. Loney

03:27:43 Rep. Connell

03:28:48 Vice Chair Hoven

03:30:15 Rep. Hale

03:30:39 Rep. Barrett

03:30:43 Rep. Hands left the meeting.

03:32:27 Rep. Court

03:33:13 Rep. Hands rejoined the meeting.

03:33:17 Rep. Harris

03:34:40 **Vote:** Motion failed 5-10 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting aye.

03:35:43 **Motion/Vote:** Rep. G. Bennett moved that **HB 586 BE TABLED AND THE VOTE REVERSED.** Motion carried 10-5 by roll call vote with Rep. Barrett, Rep. Court, Rep. Hands, Rep. Reinhart and Rep. Williams voting no.

EXECUTIVE ACTION ON HJ 18

03:37:07 **Motion/Vote:** Rep. G. Bennett moved that **HJ 18 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 481

03:37:31 **Motion:** Rep. Hoven moved that **HB 481 DO PASS**.

Discussion:

03:38:30 Rep. Hands

03:39:00 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 468

03:39:31 **Motion/Vote:** Rep. G. Bennett moved that **HB 468 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 232

03:40:08 **Motion:** Rep. Hoven moved that **HB 232 BE REMOVED FROM TABLE**.

Discussion:

03:40:34 Rep. Hoven

03:41:45 Rep. Miller left the meeting.

03:43:16 **Vote:** Motion failed 5-9 by roll call vote with Rep. Flynn, Rep. Harris, Rep. Hoven, Rep. Loney and Rep. Warburton voting aye. Rep. Miller was absent and did not vote.

03:44:03 Rep. Miller rejoined the meeting.

03:44:39 Chairman Hendrick

03:45:01 Rep. Miller

03:45:18 Chairman Hendrick

03:45:38 Rep. Barrett

ADJOURNMENT

03:46:34 Adjournment

Lauren Head, Secretary

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Additional Exhibits:

[EXHIBIT\(nah40a12\)](#)

[EXHIBIT\(nah40a13\)](#)

Additional Documents:

[EXHIBIT\(nah40aad.pdf\)](#)