

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chair Gerald (Jerry) Bennett, on February 11, 2013 at 3:00 PM, in Room 172 Capitol

#### ROLL CALL

**Members Present:**

Rep. Gerald (Jerry) Bennett, Chair (R)  
Rep. Pat Connell, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Alan Doane (R)  
Rep. Jennifer Eck (D)  
Rep. Steve Fitzpatrick (R)  
Rep. Wylie Galt (R)  
Rep. Ed Lieser (D)  
Rep. Mike Miller (R)  
Rep. JP Pomnichowski (D)  
Rep. Ray L. Shaw (R)  
Rep. Kerry White (R)  
Rep. Kathleen Williams (D)

**Members Excused:** Rep. Brian Hoven (R)  
Rep. Ryan Lynch (D)  
Rep. Wendy Warburton (R)

**Members Absent:** None

**Staff Present:** Joe Kolman, Legislative Branch  
Rebecca Shaw, 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 389, 2/5/2013; HB 381, 2/5/2013; HB 359, 2/5/2013

00:37:10 Chair Bennett  
00:37:12 Rep. Hoven entered

### **HEARING ON HB 389**

#### **Opening Statement by Sponsor:**

00:37:28 Rep. Robert (Bob) Mehlhoff (D), HD 26, opened the hearing on HB 389, Increase contract amount in bidding process for drainage district.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:40:23 Rep. White  
00:40:39 Rep. Mehlhoff  
00:41:16 Chair Bennett  
00:43:17 Rep. Hoven  
00:43:30 Rep. Mehlhoff

#### **Closing by Sponsor:**

00:44:02 Rep. Mehlhoff

### **HEARING ON HB 359**

#### **Opening Statement by Sponsor:**

00:44:43 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 359, Order admissible in civil action.

#### **Proponents' Testimony:**

00:47:38 Leo Berry, Attorney, Burlington Northern Sante Fe (BNSF) Railway  
[EXHIBIT\(nah30a01\)](#)  
00:56:11 Mark Staples, Atlantic Richfield Company (ARCO)  
00:58:03 Tom Hopgood, Executive Director, Montana Mining Association

#### **Opponents' Testimony:**

00:59:30 Roger Sullivan, Attorney, McGarvey, Heberling, Sullivan and McGarvey, PC  
[EXHIBIT\(nah30a02\)](#)  
01:12:43 David Slovak, Attorney, Lewis, Slovak & Kovacich, P.C.  
01:20:16 Hal Smith, Montana Trial Lawyers Association

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

01:22:03 Rep. Connell  
01:22:57 Leo Berry, BNSF  
01:24:20 Rep. Williams  
01:25:37 David Slovak, Lewis, Slovak & Kovacich, P.C.

01:27:46 Rep. Williams  
01:28:23 David Slovak, Lewis, Slovak & Kovacich, P.C.  
01:30:10 Rep. Williams  
01:31:17 Rep. Miller  
01:32:32 David Slovak, Lewis, Slovak & Kovacich, P.C.  
01:33:33 Chair Bennett  
01:33:54 Leo Berry, BNSF

**Closing by Sponsor:**

01:34:22 Rep. Fitzpatrick

**HEARING ON HB 381**

**Opening Statement by Sponsor:**

01:36:11 Rep. Ed Lieser (D), HD 4, opened the hearing on HB 381, Revise fines for lakeshore protection violations.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:40:52 Rep. Doane  
01:41:20 Rep. Lieser  
01:41:51 Rep. Williams  
01:42:44 Rep. Court  
01:43:26 Chair Bennett  
01:44:37 Rep. Shaw  
01:45:08 Rep. Lieser

**Closing by Sponsor:**

01:45:23 Rep. Lieser

01:45:52 Chair Bennett

**ADJOURNMENT**

Adjournment: 01:46:26

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Rebecca Shaw, Secretary

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Additional Documents:

**EXHIBIT([nah30aad.pdf](#))**