

## MINUTES

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

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chair Gerald (Jerry) Bennett, on February 15, 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. Brian Hoven (R)  
Rep. Ed Lieser (D)  
Rep. Ryan Lynch (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. 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 435, 2/11/2013  
Executive Action: HB 389, HB 359, HB 381, HB 388, HB 392

**EXECUTIVE ACTION ON HB 389**

00:07:56 **Motion:** Rep. Connell moved that **HB 389 DO PASS.**

00:08:16 Joe Kolman, Legislative Services Division, LSD

00:08:36 **Vote:** Motion that **HB 389 DO PASS** carried unanimously, 16-0, by voice vote. Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON HB 359**

00:09:02 **Motion:** Rep. Connell moved that **HB 359 DO PASS.**

00:09:17 Joe Kolman, LSD

00:10:13 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 359 BE AMENDED.** Motion carried unanimously, 16-0, by voice vote. Rep. Warburton voted by proxy.

**EXHIBIT(nah34a01)**

00:12:21 **Motion:** Rep. Fitzpatrick moved that **HB 359 DO PASS AS AMENDED.**

**Discussion:**

00:12:56 Rep. Williams

00:13:28 Rep. Eck

00:14:43 Rep. Court

00:14:59 **Vote:** Motion carried 10-6 by roll call vote with Rep. Court, Rep. Eck, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting no. Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON HB 381**

00:16:50 **Motion:** Rep. Lieser moved that **HB 381 DO PASS.**

**Discussion:**

00:17:04 Joe Kolman, LSD

00:17:15 Rep. Miller

00:17:50 Joe Kolman, LSD

00:17:53 Rep. Miller

00:18:09 Joe Kolman, LSD

00:18:21 Rep. Miller

00:18:57 Rep. Connell

00:19:54 Chair Bennett

00:20:00 Rep. Lieser

00:20:42 Rep. White

00:20:54 Rep. Lieser **WITHDREW MOTION HB 381 DO PASS**

**EXECUTIVE ACTION ON HB 388**

00:21:15 **Motion:** Rep. Connell moved that **HB 388 DO PASS.**

**Discussion:**

00:21:24 Joe Kolman, LSD  
00:22:15 Chair Bennett  
00:23:27 Rep. Connell  
00:24:13 Rep. White  
00:25:13 Rep. Lieser  
00:26:29 Rep. Court

00:26:35 **Vote:** Motion carried unanimously, 16-0, by voice vote. Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON HB 392**

00:26:59 **Motion:** Rep. Doane moved that **HB 392 DO PASS.**

**Discussion:**

00:28:43 Rep. Connell  
00:30:14 Rep. Court

00:31:04 **Vote:** Motion carried 10-6 by roll call vote with Rep. Court, Rep. Eck, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting no. Rep. Warburton voted by proxy.

00:34:50 Rep. Court  
00:35:58 Rep. Pomnichowski

**HEARING ON HB 435****Opening Statement by Sponsor:**

00:36:49 Rep. Bill McChesney (D), HD 40, opened the hearing on HB 435, Revise laws related to coal board grants and railroad quiet zones.

[EXHIBIT\(nah34a02\)](#)

[EXHIBIT\(nah34a03\)](#)

**Proponents' Testimony:**

00:41:30 Charyn Ayoub, Sleeping Giant Citizen Council  
00:46:57 Eric Regensburger, Citizen, Helena  
00:48:27 Alec Hansen, Executive Director, Montana League of Cities and Towns  
00:51:54 Tom Kahle, Planner/Modeler, Montana Department of Transportation (MDT)

**Opponents' Testimony:** None

**Informational Testimony:**

00:53:09 Bud Clinch, Executive Director, Montana Coal Council

**Questions from Committee Members and Responses:**

00:57:30 Rep. Pomnichowski  
00:58:22 Tom Kahle, MDT  
00:58:46 Rep. Pomnichowski  
00:59:08 Tom Kahle, MDT  
00:59:29 Rep. Pomnichowski  
00:59:39 Rep. McChesney  
01:01:28 Rep. Pomnichowski  
01:01:54 Tom Kahle, MDT  
01:02:31 Rep. Miller  
01:03:05 Tom Kahle, MDT  
01:03:40 Rep. Miller  
01:03:58 Tom Kahle, MDT  
01:04:24 Rep. Miller  
01:04:52 Rep. Lynch  
01:05:18 Rep. McChesney  
01:05:27 Rep. Hoven  
01:05:43 Rep. McChesney  
01:06:09 Rep. Court  
01:06:45 Rep. McChesney  
01:07:07 Rep. Court  
01:07:46 Joe Kolman, LSD  
01:08:00 Rep. Hoven  
01:08:37 Tom Kahle, MDT  
01:09:56 Rep. Williams  
01:11:05 Rep. McChesney  
01:11:27 Bud Clinch, Montana Coal Council  
01:11:45 Rep. Williams  
01:12:36 Bud Clinch, Montana Coal Council

**Closing by Sponsor:**

01:14:28 Rep. McChesney  
01:16:30 Chair Bennett

**ADJOURNMENT**

Adjournment: 01:20:10

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Rebecca Shaw, Secretary

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Additional Documents:

**EXHIBIT([nah34aad.pdf](#))**