

## MINUTES

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

#### COMMITTEE ON NATURAL RESOURCES

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

#### ROLL CALL

**Members Present:**

Rep. Gerald (Jerry) Bennett, Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
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. Wendy Warburton (R)  
Rep. Kerry White (R)  
Rep. Kathleen Williams (D)

**Members Excused:** Rep. Pat Connell, Vice Chair (R)  
Rep. Alan Doane (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: SB 24, 3/6/2013; SB 70, 3/6/2013; SB 233, 3/6/2013; SB 332, 03/08/2013

**HEARING ON SB 332****Opening Statement by Sponsor:**

00:17:10 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 332, Generally revise open-cut laws.

**Proponents' Testimony:**

00:18:22 Steve Wade, Montana Contractors' Association (MCA)  
00:27:07 Ed Coleman, Bureau Chief, Industrial and Energy Minerals Bureau, Permitting and Compliance Division, Department of Environmental Quality (DEQ)  
00:28:43 Scott Olsen, Helena Sand and Gravel  
00:29:07 Jackie Flikkema, Project Manager, Knife River Corporation  
00:29:25 Sen. Jim Peterson  
00:30:11 Harold Blattie, Executive Director, Montana Association of Counties (MACo)  
00:31:15 Tom Hopgood, Executive Director, Montana Mining Association (MMA)

**Opponents' Testimony:**

00:31:45 Jean Riley, Citizen

**Informational Testimony:**

00:33:28 Anne Hedges, Program Director, Montana Environmental Information Center (MEIC)

**Questions from Committee Members and Responses:**

00:34:47 Rep. Pomnichowski  
00:35:18 Ed Coleman, DEQ  
00:36:15 Rep. Pomnichowski  
00:36:46 Ed Coleman, DEQ  
00:36:52 Rep. Pomnichowski  
00:37:36 Sen. Tutvedt  
00:39:06 Rep. Pomnichowski  
00:39:11 Ed Coleman, DEQ  
00:39:54 Rep. Pomnichowski  
00:40:16 Ed Coleman, DEQ  
00:40:27 Rep. White  
00:40:34 Steve Wade, MCA  
00:43:28 Rep. White  
00:43:34 Ed Coleman, DEQ  
00:44:37 Rep. Williams  
00:46:17 Sen. Tutvedt  
00:46:40 Rep. Williams  
00:46:53 Sen. Tutvedt  
00:47:14 Rep. Pomnichowski  
00:48:22 Ed Coleman, DEQ  
00:49:04 Rep. Pomnichowski  
00:49:20 Ed Coleman, DEQ  
00:50:24 Rep. Pomnichowski  
00:50:36 Ed Coleman, DEQ  
00:51:11 Rep. Pomnichowski  
00:51:53 Ed Coleman, DEQ

00:52:04 Rep. Pomnichowski  
00:52:10 Joe Kolman, Environmental Research Analyst, Legislative Services Division  
(LSD)

**Closing by Sponsor:**

00:52:46 Sen. Tutvedt

**HEARING ON SB 233**

**Opening Statement by Sponsor:**

00:53:25 Sen. Jim Peterson (R), SD 15, opened the hearing on SB 233, Clarifying DNRC enforcement of interference with prior water right.

**EXHIBIT(nah52a01)**

**Proponents' Testimony:**

00:57:45 Arial Overstreet, Communications Manager, Montana Stockgrowers Association  
00:58:45 Chelcie Cremer, Regional Manager, Montana Farm Bureau Federation

**Opponents' Testimony:**

00:59:35 Anne Yates, Deputy Legal Counsel, Department of Natural Resources (DNRC)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:00:09 Rep. White  
01:01:11 Sen. Peterson  
01:02:22 Rep. Williams  
01:02:52 Sen. Peterson  
01:04:04 Rep. Williams  
01:04:11 Anne Yates, DNRC  
01:06:27 Rep. Shaw  
01:07:51 Sen. Peterson  
01:08:56 Rep. Pomnichowski  
01:09:01 Anne Yates, DNRC  
01:09:52 Rep. Pomnichowski  
01:11:18 Anne Yates, DNRC

**Closing by Sponsor:**

01:11:55 Sen. Peterson

**HEARING ON SB 70**

**Opening Statement by Sponsor:**

01:13:35 Sen. Edward Walker (R), SD 29, opened the hearing on SB 70, Eliminate dual regulation of certain refinery underground piping.

**Proponents' Testimony:**

01:15:05 Mark Hall, Section Supervisor, Hazardous Materials, Waste and Underground Tank Management Bureau, Permitting and Compliance Division, Department of Environmental Quality (DEQ)

[EXHIBIT\(nah52a02\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:18:14 Sen. Walker

**HEARING ON SB 24**

**Opening Statement by Sponsor:**

01:19:06 Sen. Matthew Rosendale (R), SD 19, opened the hearing on SB 24, Revise zoning laws for sand and gravel operations.

**Proponents' Testimony:**

01:21:39 Cary Hegreberg, Executive Director, Montana Contractors' Association  
01:25:31 Scott Olsen, Helena Sand and Gravel  
01:27:59 Jackie Flikkema, Knife River Corporation  
01:29:02 Dustin Stewart, Executive Director, Montana Building Industries Association (MBIA)  
01:30:15 Tom Hopgood, MMA  
01:30:44 Chuck Denowh, President, the Montana Group  
01:31:11 Harold Blattie, MACo  
01:31:53 Jim Smith, Montana Association of Planners (MAP)

**Opponents' Testimony:**

01:34:13 Casey Perkins, Director, Montana Smart Growth Coalition  
01:37:16 Jean Riley, Citizen  
01:40:10 Anne Hedges, MEIC  
01:43:35 Janet Ellis, Executive Director, Montana Audubon

**Informational Testimony:**

01:45:38 Ed Coleman, DEQ

**Questions from Committee Members and Responses:**

01:46:29 Rep. Lieser  
01:46:39 Dustin Stewart, MBIA  
01:47:11 Rep. Lieser  
01:48:05 Jim Smith, MAP  
01:48:38 Rep. Lieser  
01:49:19 Jim Smith, MAP

**Closing by Sponsor:**

01:49:44 Sen. Rosendale

01:54:17 Chair Bennett

[EXHIBIT\(nah52a03\)](#)

**ADJOURNMENT**

Adjournment: 02:02:50

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Rebecca Shaw, Secretary

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Additional Documents:

**EXHIBIT([nah52aad.pdf](#))**