MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Mike Milburn, on March 27, 2009 at 3:00 P.M., in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Mike Milburn, Chairman (R)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. JP Pominichowski, Vice Chairman (D)
Rep. Tony Belcourt (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Jill Cohenour (D)
Rep. Sue Dickenson (D)
Rep. Betsy Hands (D)
Rep. Brian Hoven (R)
Rep. Mike Menahan (D)
Rep. Scott Mendenhall (R)
Rep. Michele Reinhart (D)
Rep. Kendall Van Dyk (D)
Rep. Chas Vincent (R)
Rep. Wendy Warburton (R)

Members Excused:  Rep. Tom McGillvray (R)
Rep. Mike Miller (R)

Members Absent:  None

Staff Present:  Shirley Chovanak, 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:


Executive Action: SB 22; SB 131; HB 669; SB 62; SB 71; SB 97; SB 392; SB 396; SB 427; HB 678; SB 94; SJ 21; SB 206; HB 665

00:00:01 Chairman Milburn

HEARING ON HB 678

Opening Statement by Sponsor:

00:01:52 Rep. JP Pominchowski (D), HD 63, opened the hearing on HB 678, Revise opencut mining laws.

Proponents' Testimony:

00:15:07 Jean Riley, Homeowner/Resident, Eastgate II, East Helena
00:17:41 Carol Lee-Roark, Gateway Open-cut Action Mining Group
EXHIBIT(nah68a01)
00:22:38 Anne Hedges, Montana Environmental Information Center

Opponents' Testimony:

00:29:23 Cary Hegreberg, Montana Contractors Association (MCA)
00:34:57 Paul Thompson, Engineer, Gillen Construction
00:42:54 Harold Blattie, Montana Association of Counties
EXHIBIT(nah68a02)
00:47:28 Jerry Bowser, Environment Manager, Old Castle Materials
00:51:29 Robert Warren, Schellinger Company, Columbia Falls
00:53:18 Ron Pikes, Pine Construction, Bozeman
00:55:11 Steve Wade, MCA

Informational Testimony:

00:58:41 Judy Hanson, Permitting and Compliance Division, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

01:00:25 Rep. Belcourt
01:00:44 Ms. Hanson
01:01:00 Rep. Belcourt
01:01:09 Ms. Hanson
HEARING ON SB 22

Opening Statement by Sponsor:

01:44:17 Sen. Terry Murphy (R), SD 39, opened the hearing on SB 22, Create Water policy committee.

Proponents' Testimony:

01:46:48 Krista Lee Evans, Association of Gallatin Agriculture Irrigators; Senior Water Rights Coalition
01:47:35 Mike Murphy, Montana Water Resources Association
01:48:17 Robert Johnson, Montana AFL-CIO
01:48:35 Holly Franz, PPL Montana, Inc.
01:49:26 Ronda Wiggers, Montana Water Well Drillers Association
01:49:44 Mark Aagenes, Montana Trout Unlimited
01:50:11 Rep. Cohenour, HD 78, East Helena

Opponents' Testimony: None

Informational Testimony:

01:51:10 John Tubbs, DEQ
01:51:40 Ms. Hanson

Questions from Committee Members and Responses:

01:52:05 Rep. Mendenhall
01:52:30 Sen. Murphy
HEARING ON HB 665

Opening Statement by Sponsor:


EXHIBIT (nah68a03)

Proponents' Testimony:

02:00:32  Mr. Aagenes

Opponents' Testimony:

02:01:25  Tim Davis, Montana Smart Growth Coalition
02:03:18  Jenny Chambers, Chief, Water Protection Bureau, DEQ
02:04:56  Darryl James, Representative, City of Missoula
02:05:19  Jim Jensen, Montana Environmental Information Center

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:07:08  Rep. Stahl
02:11:04  Break
02:31:49  Reconvene
02:31:51  Rep. Pomnichowski
02:32:10  Ms. Kolman
02:32:54  Rep. Pomnichowski
02:33:05  Mr. Kolman
EXECUTIVE ACTION ON HB 669

02:34:00 Motion: Rep. Vincent moved that HB 669 DO PASS.

EXHIBIT (nah68a04)

Discussion:

02:35:34 Rep. Pomnichowski
02:35:47 Rep. Vincent
02:36:05 Rep. Pomnichowski
02:36:15 Mr. Kolman
02:36:28 Rep. Hands
02:37:24 Rep. Vincent
02:37:49 Rep. Menahan
02:38:18 Rep. Vincent
02:38:49 Rep. Hoven
02:39:02 Rep. Vincent
02:39:18 Chairman Milburn
02:39:24 Rep. Cohenour

02:40:29 Vote: Motion carried unanimously by voice vote with Reps. McGillvray, Miller, Reinhart, and Bennett voting by proxy.

EXECUTIVE ACTION ON SB 131

02:40:31 Motion: Rep. Pomnichowski moved that SB 131 BE CONCURRED IN AS AMENDED.

Discussion:

02:41:40 Rep. Vincent
02:43:08 Rep. Cohenour
02:44:41 Mr. Kolman
02:45:17 Rep. Hoven

02:45:53 Motion: Rep. Vincent moved that SB 131 BE CONCEPTUALLY AMENDED.

Discussion:

02:46:12 Mr. Kolman
02:46:35 Rep. Dickenson
02:47:05  Rep. Vincent

02:47:40  **Vote:** Motion carried 17-1 by voice vote with Rep. Cohenour voting no. Reps. McGillvray, Miller, Reinhart, and Bennett voted by proxy.

**Discussion:**

02:49:31  Rep. Vincent
02:49:46  Rep. Pomnichowski


**EXECUTIVE ACTION ON SB 94**

02:51:41  **Motion:** Rep. Pomnichowski moved that **SB 94 BE CONCURRED IN.**

02:53:11  Rep. Cohenour
02:54:20  Rep. Mendenhall
02:56:39  Rep. Pomnichowski
02:58:25  Rep. Cohenour
02:59:42  Rep. Mendenhall
03:00:11  Rep. Vincent
03:00:31  Rep. Dickenson
03:01:43  Rep. Van Dyk
03:03:29  Rep. Hoven
03:04:29  Rep. Pomnichowski
03:06:56  Rep. Vincent
03:07:34  Rep. Cohenour
03:08:56  Chairman Milburn

03:10:00  **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Blewett, Cohenour, Dickenson, Belcourt, and Menahan voting aye. Reps. Bennett, McGillvray, Miller, and Reinhart voted by proxy.
EXECUTIVE ACTION ON SB 62

03:11:00 Motion: Rep. Pominichowski moved that SB 62 BE CONCURRED IN.

03:11:52 Mr. Kolman


EXECUTIVE ACTION ON SB 71

03:13:35 Motion: Rep. Pominichowski moved that SB 71 BE CONCURRED IN.

03:14:51 Rep. Cohenour

03:15:05 Vote: Motion carried unanimously by voice vote with Reps. Bennett, McGillvray, Miller, and Reinhart voting by proxy. Rep. Hands will carry the bill in the House.

EXECUTIVE ACTION ON SB 97

03:15:38 Motion: Rep. Pominichowski moved that SB 97 BE CONCURRED IN.

03:16:02 Mr. Kolman
03:18:22 Rep. Cohenour
03:18:31 Rep. Dickenson
03:19:42 Rep. Hoven
03:19:51 Rep. Dickenson


EXECUTIVE ACTION ON SB 206

03:22:20 Motion: Rep. Hendrick moved that SB 206 BE CONCURRED IN.


EXECUTIVE ACTION ON SB 392

Motion: Rep. Hendrick moved that SB 392 BE CONCURRED IN.

Discussion:

EXECUTIVE ACTION ON SB 427

03:34:50 Motion: Rep. Pominichowski moved that SB 427 BE CONCURRED IN.

03:34:53 Mr. Kolman
03:34:50 Rep. Reinhart left.

03:35:29 Motion/Vote: Rep. Van Dyk moved that SB 427 BE AMENDED. Motion carried unanimously by voice vote with Reps. Bennett, McGillvray, Miller, and Reinhart voting by proxy.

EXHIBIT (nah68a06)

03:36:11 Motion/Vote: Rep. Pominichowski moved that SB 427 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote with Reps. Bennett, McGillvray, Miller, and Reinhart voting by proxy. Chairman Milburn will carry the bill in the House.

EXECUTIVE ACTION ON SJ 21

03:36:52 Motion: Rep. Van Dyk moved that SJ 21 BE CONCURRED IN.

Discussion:

03:37:31 Rep. Menahan


03:41:00 Motion/Vote: Rep. Van Dyk moved that SJ 21 BE TABLED AND THE VOTE REVERSED. Motion carried 12-6 by voice vote with Reps. Vincent, Warburton, Mendenhall, Miller, McGillvray, and Bennett voting no. Reps. Miller, McGillvray, and Bennett voted by proxy.

EXECUTIVE ACTION ON HB 665

03:41:23 Motion: Rep. Hendrick moved that HB 665 DO PASS.

03:41:43 Rep. Cohenour
03:43:06 Rep. Mendenhall
03:44:02 Rep. Reinhart
Motion: Rep. Hendrick moved that HB 665 BE AMENDED (refer to Exhibit 3).

Rep. Pominichowski
Rep. Hendrick
Mr. Kolman
Rep. Vincent
Rep. Cohenour
Rep. Vincent
Rep. Cohenour
Rep. Warburton

Vote: Motion failed 7-11 by roll call vote with Reps. Hendrick, Mendenhall, Hoven, Miller, Mendenhall, Milburn, and Warburton voting aye. Reps. Miller, McGillvray, and Bennett voted by proxy.

Vote: Motion carried 10-8 by roll call vote with Reps. Pominichowski, Van Dyk, Reinhart, Hands, Blewett, Cohenour, Menahan, and Dickenson voting no. Reps. Miller, McGillvray, and Bennett voted by proxy.

EXECUTIVE ACTION ON SB 22

Motion: Rep. Hendrick moved that SB 22 BE CONCURRED IN.

Rep. Cohenour


EXECUTIVE ACTION ON HB 665

Motion: Rep. Hoven moved that the committee RECONSIDER ITS ACTION ON HB 665.

Mr. Kolman
Rep. Mendenhall
Rep. Van Dyk
Mr. Kolman
Rep. Hendrick
Rep. Van Dyk
Chairman Milburn
Rep. Mendenhall
Chairman Milburn
03:56:00 **Vote:** Motion carried 9-6 by roll call vote with Chairman Milburn and Reps. Hendrick, Mendenhall, Belcourt, Vincent, and Warburton voting no.


**EXECUTIVE ACTION ON HB 678**

03:59:09 **Motion:** Rep. Pomnichowski moved that HB 678 DO PASS.

03:59:10 **Motion:** Rep. Cohenour moved that HB 678 BE AMENDED.  
**EXHIBIT** (nah68a07)

03:59:55 Mr. Kolman

04:00:11 **Vote:** Motion carried unanimously by voice vote with Reps. McGillvray, Miller, and Bennett voting by proxy.

04:00:31 **Motion:** Rep. Pomnichowski moved that HB 678 DO PASS AS AMENDED.

04:00:43 **Motion:** Rep. Hendrick moved that HB 678 BE AMENDED.  
**EXHIBIT** (nah68a08)

04:00:52 Mr. Kolman

04:01:31 **Motion:** Rep. Hendrick moved that HB 678 BE AMENDED.  
**EXHIBIT** (nah68a09)
04:01:55 Chairman Milburn
04:02:54 Mr. Kolman
04:04:10 Chairman Milburn
04:04:15 Rep. Hands
04:04:47 Mr. Kolman
04:06:55 Rep. Hands
04:07:15 Chairman Milburn
04:07:51 Rep. Dickenson
04:08:08 Mr. Kolman
04:08:54 Rep. Cohenour
04:09:10 Mr. Kolman
04:09:57 Chairman Milburn
04:10:06 Ms. Hanson
04:10:27 Rep. Cohenour
04:10:45 Ms. Hanson, DEQ
04:11:08 Chairman Milburn
04:11:19 Rep. Cohenour
04:11:30 Chairman Milburn
04:11:39 Mr. Kolman
04:12:27 Rep. Hands
04:14:09 Chairman Milburn
04:15:30 Rep. Cohenour
04:15:41 Rep. Pomnichowski

04:17:51 **Vote:** Motion carried unanimously by voice vote with Reps. Miller, McGillvray, Blewett, and Bennett voting by proxy.

04:18:39 **Motion:** Rep. Hendrick moved that HB 678 BE AMENDED (refer to Exhibit 8).

04:18:58 Mr. Kolman
04:21:45 Chairman Milburn
04:24:35 Mr. Kolman
04:25:33 Chairman Milburn
04:25:36 Mr. Kolman
04:25:54 Rep. Pomnichowski

04:27:51 **Substitute Motion:** Rep. Pomnichowski MOVED TO SEGREGATE AMENDMENT 4 AND THAT AMENDMENTS 1, 2, AND 3 DO PASS (refer to Exhibit 8).

**Discussion:**

04:28:40 Rep. Van Dyk
04:29:30 Chairman Milburn
04:30:42 Rep. Pomnichowski
04:30:59 Chairman Milburn

04:31:55 **Vote:** Motion to **SEGREGATE AMENDMENT 4** carried 11-7 by voice vote with Reps. Mendenhall, Warburton, Vincent, and Belcourt voting no. Reps. McGillvray, Bennett, and Miller voted by proxy.

04:32:45 Rep. Cohenour
04:34:37 Rep. Pomnichowski
04:37:59 Rep. Van Dyk
04:39:21 Mr. Kolman

04:41:10 **Vote:** Motion that **AMENDMENTS 1, 2, AND 3 DO PASS** carried 14-4 by roll call vote with Reps. Hands, Blewett, Cohenour, and Dickenson voting no. Reps. Miller, McGillvray, and Bennett voted by proxy.

04:41:15 Chairman Milburn
04:43:32 Rep. Van Dyk
04:43:43 Chairman Milburn
04:49:03 Rep. Mendenhall
04:49:11 Mr. Kolman
04:49:48 Mr. Kolman
04:50:05 Rep. Vincent
04:50:23 Mr. Kolman
04:50:29 Chairman Milburn
04:50:31 Rep. Mendenhall
04:51:13 Rep. Pomnichowski
04:52:12 Rep. Warburton
04:52:29 Rep. Cohenour
04:52:36 Rep. Reinhart
04:52:52 Chairman Milburn

04:53:34 **Vote:** Motion that **HB 678 DO PASS AS AMENDED** carried 12-6 by roll call vote with Reps. Mendenhall, Vincent, Miller, McGillvray, Bennett, and Warburton voting no. Reps. Miller, McGillvray, and Bennett voted by proxy.

04:54:40 Rep. Hands
04:55:15 Chairman Milburn
04:55:60 Chairman Milburn
ADJOURNMENT

04:56:36 Adjournment: 9:00 P.M.

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Shirley Chovanak, Secretary

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Additional Exhibits

EXHIBIT (nah68a10) Letter from Clark Fork Coalition re: SB 22
EXHIBIT (nah68a11) Letter from Hydrometrics, Inc. for Montana Well Drillers Association re: SB 94

Additional Documents:

EXHIBIT (nah68aad.pdf)