

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Walter McNutt, on January 31, 2007 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Walter McNutt, Chairman (R)
Rep. Ron Erickson, Vice Chairman (D)
Rep. Ralph Heinert, Vice Chairman (R)
Rep. Duane Ankney (R)
Rep. Debby Barrett (R)
Rep. Jill Cohenour (D)
Rep. Sue Dickenson (D)
Rep. Betsy Hands (D)
Rep. Gordon R. Hendrick (R)
Rep. Carol Lambert (R)
Rep. Scott Mendenhall (R)
Rep. JP Pomnichowski (D)
Rep. John (Jack) W. Ross (R)
Rep. Veronica Small-Eastman (D)
Rep. Kendall Van Dyk (D)
Rep. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Krista Lee Evans, Legislative Branch
Nancy Kraft, 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:

Executive Action: HB 94; HB 167; HB 184; HB 200; HB 201; HB 119; HB 259; HB 290; HB 55

EXECUTIVE ACTION ON HB 94

00:01:03 **Motion:** Rep. Van Dyk moved that HB 94 **DO PASS.**

00:01:28 **Motion/Vote:** Rep. McNutt moved that HB 94 **BE AMENDED.**
Motion carried unanimously by voice vote. Reps. Ankney,
Hendrick, and Cohenour voted by proxy.

EXHIBIT (nah21a01)

00:03:40 **Motion/Vote:** Rep. Van Dyk moved that HB 94 **DO PASS AS
AMENDED.** Motion carried unanimously by voice vote.
Reps. Ankney and Cohenour voted by proxy.

EXECUTIVE ACTION ON HB 167

00:04:18 **Motion:** Rep. Hands moved that HB 167 **DO PASS.**

00:04:36 **Motion:** Rep. Hands moved that HB 167 **BE AMENDED.**

EXHIBIT (nah21a02)

Discussion:

00:04:54 Rep Hands

00:05:17 **Vote:** Motion carried unanimously by voice vote.
Reps. Ankney and Cohenour voted by proxy.

00:05:41 **Motion/Vote:** Rep. Hands moved that HB 167 **DO PASS AS
AMENDED.** Motion carried 15-1 by voice vote with Rep.
Hendrick voting no. Reps. Ankney and Cohenour voted by
proxy.

EXECUTIVE ACTION ON HB 184

00:07:03 **Motion:** Rep. Erickson moved that HB 184 **DO PASS.**

Discussion:

00:07:19 Rep. Erickson
00:08:17 Rep. Ross
00:09:20 Rep. Erickson
00:09:37 Rep. Barrett
00:11:28 Rep. Dickenson
00:13:22 Rep. Hendrick
00:13:52 Rep. Lambert
00:14:42 Rep. Van Dyk
00:16:05 Rep. Mendenhall
00:18:11 Rep. Small-Eastman
00:18:36 Rep. Barrett
00:19:15 Rep. Pomnichowski
00:21:29 Rep. Erickson

00:23:26 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye. Rep. Cohenour voted by proxy.

00:24:23 **Substitute Motion/Vote:** Rep. Erickson made a substitute motion that HB 184 **BE TABLED AND THE VOTE REVERSED**. Substitute motion carried unanimously by voice vote. Rep. Cohenour voted by proxy.

EXECUTIVE ACTION ON HB 200

00:25:16 **Motion:** Rep. Dickenson moved that HB 200 **DO PASS**.

Discussion:

00:25:29 Rep. Lambert
00:25:57 Rep. Dickenson
00:26:53 Rep. Barrett
00:28:25 Rep. Ross
00:29:00 Rep. Dickenson
00:29:30 Rep. Mendenhall
00:30:42 Rep. Vincent

00:31:07 **Vote:** Motion failed 6-10 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, and Small-Eastman voting aye.

00:32:09 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 200 **BE TABLED AND THE VOTE REVERSED**. Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 201

00:32:46 **Motion:** Rep. Erickson moved that HB 200 **DO PASS**.

Discussion:

00:33:04 Krista Evans
00:34:41 Rep. Erickson

00:34:45 **Motion:** Rep. McNutt moved that HB 201 **BE AMENDED**.
[EXHIBIT \(nah21a03\)](#)

Discussion:

00:35:00 Rep. Mendenhall
00:35:28 Rep. Erickson
00:36:13 Rep. Barrett
00:37:13 Rep. Cohenour
00:38:00 Rep. Heinert

00:38:49 Rep. Mendenhall
 00:40:16 Rep. Ross
 00:40:42 Rep. Erickson
 00:41:07 Rep. McNutt
 00:41:51 Rep. Ross
 00:42:20 Rep. Mendenhall

00:42:52 **Vote:** Motion carried 15-1 by roll call vote with Rep. Barrett voting no by proxy.

00:44:21 **Motion:** Rep. Erickson moved that HB 201 **DO PASS AS AMENDED.**

00:44:37 **Motion:** Rep. Mendenhall moved that HB 201 **BE AMENDED. EXHIBIT(nah21a04)**

Discussion:

00:44:30 Rep. Erickson
 00:45:27 Rep. McNutt
 00:45:45 Rep. Mendenhall
 00:46:23 Rep. Van Dyk
 00:46:45 Rep. Dickenson
 00:47:11 Ms. Evans
 00:47:48 Rep. Heinert

00:48:14 **Vote:** Motion carried 11-5 by roll call vote with Reps. Cohenour, Erickson, Hands, Pomnichowski, and Vincent voting no. Rep. Barrett voted by proxy.

00:49:22 **Motion:** Rep. Erickson moved that HB 201 **DO PASS AS AMENDED.**

Discussion:

00:49:38 Rep. Cohenour
 00:50:00 Rep. Vincent
 00:50:51 Rep. Ross
 00:51:46 Rep. Hands
 00:52:08 Neil Harrington, Department of Environmental Quality (DEQ)
 00:55:31 Rep. Ross
 00:55:37 Rep. Heinert
 00:56:37 Mr. Harrington

00:57:59 **Motion:** Rep. Cohenour moved **RECONSIDERATION OF ACTION ON AMENDMENT #2 TO HB 201.**

Discussion:

00:59:15 Rep. Erickson

01:00:17 Rep. Mendenhall

01:01:01 Rep. Lambert

01:01:18 Rep. McNutt

01:02:41 Rep. Ross

01:03:09 **Vote:** Motion failed 5-11 by roll call vote with Reps. Ankney, Barrett, Cohenour, Heinert, and Vincent voting aye. Rep. Barrett voted by proxy.

01:04:32 **Vote:** Motion carried 12-4 by roll call vote with Reps. Hendrick, Lambert, Mendenhall, and Vincent voting no. Rep. Barrett voted by proxy.

EXECUTIVE ACTION ON HB 119

01:06:30 **Motion:** Rep. Cohenour moved that HB 119 **DO PASS.**

01:07:13 **Motion:** Rep. Cohenour moved that HB 119 **BE AMENDED.**

EXHIBIT(nah21a05)

Discussion:

01:10:34 Rep. Dickenson

01:11:33 **Vote:** Motion carried 12-4 by roll call vote with Reps. Dickenson, Hands, Pomnichowski, and Van Dyk voting no. Rep. Barrett voted by proxy.

01:12:44 **Motion:** Rep. Cohenour moved that HB 119 **DO PASS AS AMENDED.**

Discussion:

01:13:41 Rep. Vincent

01:14:00 Rep. Van Dyk

01:14:16 Rep. Vincent

01:15:10 Rep. Cohenour

01:16:04 Rep. Lambert

01:16:14 Rep. Erickson

01:17:20 Rep. Vincent

01:17:43 Rep. McNutt

01:19:50 Rep. Cohenour

01:21:00 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.

01:22:08 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 119 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 259

01:23:11 **Motion:** Rep. Erickson moved that HB 259 **DO PASS**.
01:23:23 **Motion:** Rep. Heinert moved that HB 259 **BE AMENDED**.
EXHIBIT(nah21a06)

Discussion:

01:24:27 Krista Evans

01:26:16 **Vote:** Motion carried unanimously by voice vote.
01:26:37 **Motion/Vote:** Rep. Mendenhall moved that HB 259 **BE AMENDED**. Motion carried unanimously by voice vote.
EXHIBIT(nah21a07)
01:28:15 **Motion:** Rep. Erickson moved that HB 259 **DO PASS AS AMENDED**.

Discussion:

01:28:30 Rep. Lambert

01:29:00 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 290

01:30:18 **Motion:** Rep. Erickson moved that HB 290 **DO PASS**.

Discussion:

01:30:40 Rep. Ankney
01:31:21 Rep. Barrett
01:31:45 Rep. McNutt
01:32:26 Rep. Ankney
01:32:48 Rep. Erickson
01:33:21 Rep. Ross

01:33:40 **Vote:** Motion carried unanimously by voice vote.
01:34:08 **Motion/Vote:** Rep. Erickson moved that HB 290 **BE PLACED ON THE CONSENT CALENDAR**. Motion failed 15-1 by voice vote with Rep. Mendenhall voting no.

EXECUTIVE ACTION ON HB 55

01:35:34 **Motion:** Rep. Erickson moved that HB 55 **DO PASS**.
01:35:55 **Motion:** Rep. Erickson moved that HB 55 **BE AMENDED**.
EXHIBIT(nah21a08)

Discussion:

01:37:10 Krista Evans
 01:43:15 Rep. Erickson
 01:43:37 Rep. Cohenour
 01:44:44 Rep. McNutt
 01:45:21 Rep. Barrett
 01:45:27 Ms. Evans

01:45:49 **Vote:** Motion carried unanimously by voice vote.
 01:46:11 **Motion:** Rep. Erickson moved that HB 55 **DO PASS AS AMENDED.**

Discussion:

01:46:25 Rep. Erickson
 01:49:00 Rep. Cohenour
 01:50:11 Rep. Ankney
 01:51:13 Rep. Ross
 01:52:14 Rep. Erickson
 01:52:19 Tom Schultz, Department of Natural Resources and Conservation (DNRC)
 01:53:11 Rep. Dickenson
 01:54:00 Rep. Barrett
 01:55:35 Rep. Pomnichowski
 01:57:28 Rep. Heinert
 01:58:50 Rep. Ross
 01:59:30 Rep. Erickson
 02:00:43 Rep. Ankney
 02:01:32 Rep. Mendenhall
 02:01:52 Rep. Erickson
 02:02:54 Rep. Cohenour
 02:04:25 Rep. Hendrick
 02:05:47 Rep. Erickson
 02:07:18 Rep. Hendrick
 02:08:28 Rep. Heinert
 02:08:54 Mr. Schultz
 02:09:46 Rep. Cohenour
 02:10:45 Rep. McNutt

02:13:40 **Vote:** Motion failed 7-9 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye. Reps. Erickson and Van Dyk voted by proxy.

02:14:47 **Substitute Motion/Vote:** Rep. Heinert made a substitute motion that HB 55 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote. Reps. Erickson and Van Dyk voted by proxy.

02:15:34 Request for Committee Bill/Resolution

[EXHIBIT](#) (nah21a09)

Discussion:

02:16:37 Willie Duffield, Montana Association of Oil, Gas, &
Coal Counties

02:18:09 Rep. Hendrick

02:20:48 Rep. Cohenour

02:20:53 Mr. Duffield

02:21:33 Rep. Lambert

02:22:05 Rep. Mendenhall

02:22:23 Mr. Duffield

02:22:44 Rep. Cohenour

02:23:07 Rep. McNutt

02:23:48 Rep. Mendenhall

02:24:05 Mr. Duffield

ADJOURNMENT

02:25:50 Adjournment: 5:35 P.M.

REP. WALTER MCNUTT, Chairman

NANCY KRAFT, Secretary

WM/nk

Additional Exhibits:

EXHIBIT ([nah21aad.pdf](#))