

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **VICE CHAIRMAN HARRY KLOCK**, on April 2, 2007 at 3:30 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Alan Olson, Chairman (R)
Rep. George G. Groesbeck, Vice Chairman (D)
Rep. Harry Klock, Vice Chairman (R)
Rep. Scott Boggio (R)
Rep. Robyn Driscoll (D)
Rep. Dave Gallik (D)
Rep. Dennis Himmelberger (R)
Rep. Llew Jones (R)
Rep. Diane Rice (R)
Rep. Wayne Stahl (R)
Rep. Bill Thomas (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Todd Everts, Legislative Branch
Cindy Peterson, 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 849, 3/30/2007; SB 407,
3/30/2007; SB 461, 3/30/2007
Executive Action: HB 849, SB 391, SB 423, SB 461, SB
407

HEARING ON HB 849

Opening Statement by Sponsor:

00:00:29 Rep. Rick Ripley (R), HD 17, opened the hearing on HB
849, revise environmental laws.

[EXHIBIT\(feh70a01\)](#)

Proponents' Testimony:

00:02:39 Leo Berry, self

[EXHIBIT\(feh70a02\)](#)

Opponents' Testimony:

00:12:28 Wil Hammerquist, Governor's Office

Informational Testimony:

00:15:44 Richard Oppen, Director, Department of Environmental
Quality (DEQ)

00:15:58 Mary Sexton, Director, Department of Natural Resources
and Conservation (DNRC)

Questions from Committee Members and Responses:

00:16:10 Rep. Windy Boy
00:16:48 Mr. Berry
00:17:04 Rep. Windy Boy
00:17:19 Mr. Berry
00:17:51 Rep. Windy Boy
00:18:02 Director Oppen
00:18:25 Rep. Windy Boy
00:18:44 Director Oppen
00:19:07 Rep. Windy Boy
00:19:31 Mr. Hammerquist
00:19:44 Director Oppen
00:21:26 Rep. Windy Boy
00:21:33 Rep. Ripley
00:21:49 Rep. Gallik
00:22:11 Director Sexton
00:22:19 Rep. Gallik
00:22:37 Director Sexton
00:22:47 Rep. Gallik
00:23:04 Director Sexton
00:23:26 Rep. Gallik
00:23:42 Director Sexton
00:24:03 Rep. Gallik

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00:24:10 Director Sexton
00:24:20 Rep. Gallik
00:24:36 Rep. Ripley
00:25:19 Rep. Gallik
00:25:35 Rep. Ripley
00:26:05 Rep. Gallik
00:26:41 Rep. Ripley
00:26:55 Rep. Gallik
00:27:02 Rep. Ripley
00:27:13 Rep. Gallik
00:28:12 Rep. Ripley
00:28:33 Rep. Gallik
00:28:46 Director Oppen
00:29:12 Rep. Gallik
00:29:23 Director Oppen
00:29:38 Rep. Gallik
00:29:54 Director Sexton
00:30:10 Rep. Groesbeck
00:31:06 Director Oppen
00:31:26 Rep. Groesbeck
00:31:40 Director Oppen
00:32:00 Rep. Groesbeck
00:32:35 Director Oppen
00:33:09 Rep. Groesbeck
00:33:29 Rep. Ripley
00:33:46 Rep. Groesbeck
00:34:30 Rep. Ripley
00:35:30 Rep. Stahl
00:35:55 Rep. Olson
00:36:57 Director Oppen
00:38:16 Rep. Olson
00:38:19 Director Oppen
00:38:57 Rep. Olson
00:39:23 Director Oppen
00:39:36 Rep. Olson
00:39:43 Director Oppen

Closing by Sponsor:

00:41:40 Rep. Ripley

EXECUTIVE ACTION ON HB 849

00:43:32 **Motion:** Rep. Rice moved that HB 849 **DO PASS.**

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Discussion:

00:43:46 Rep. Groesbeck

00:44:44 Rep. Olson

00:45:16 **Substitute Motion:** Rep. Gallik moved that HB 849 **BE
TABLED.**

Discussion:

00:45:33 Rep. Gallik

00:45:47 Rep. Olson

00:45:52 Rep. Gallik

00:46:27 **Vote:** Motion failed 5-7 with Rep. Driscoll, Rep.
Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy
voting aye.

Discussion:

00:47:26 Rep. Windy Boy

00:48:18 Rep. Olson

00:48:59 Rep. Gallik

00:50:42 Rep. Olson

00:50:52 Rep. Groesbeck

00:53:16 **Vote:** Motion failed 5-7 by roll call vote with Rep.
Boggio, Rep. Jones, Rep. Klock, Rep. Rice, and Rep.
Stahl voting aye.

00:54:18 **Motion/Vote:** Rep. Klock moved that HB 849 **BE TABLED
AND THE VOTE REVERSED.** Motion carried 11-1 by voice
vote with Rep. Stahl voting no.

HEARING ON SB 407

Opening Statement by Sponsor:

00:55:23 Sen. Keith Bales (R), SD 20, opened the hearing on SB
407, authorizing emergency discharges of coal bed
methane water.

EXHIBIT (feh70a03)

Proponents' Testimony:

01:02:35 Mark Moreland, Decker, Montana
01:05:55 Gordon Decker, Belgrade, and a ranch owner in
southeastern Montana

EXHIBIT (feh70a04)

01:13:26 Steve Pilcher, Montana Stockgrowers' Association
01:15:28 Megan Brower, Montana Farm Bureau
01:16:15 Gary Forrester, Fidelity Exploration
01:18:00 Bob Gilbert, Rosebud County and representing Willie
Duffield, Montana Association of Oil and Gas Counties
01:19:36 Charles Brooks, Billings Area Chamber of Commerce
01:21:14 Tom Ebzery, Nance Petroleum

Opponents' Testimony:

01:21:39 Roger Mugli, Manager of the Tongue Yellowstone
Irrigation District
01:26:08 Ray Mugli, Chairman, Northern Plains Coal Bed Methane
Task Force
01:31:45 Brenda Lindlief-Hall, Tongue River Water Users'
Association

EXHIBIT (feh70a05)

01:38:49 Ana Peterson, Montana Environmental Information Center
01:43:24 Molly Immen, Montana Audubon and American Fisheries

Informational Testimony:

01:44:04 Bonnie Lovelace, Department of Environmental Quality

Questions from Committee Members and Responses:

01:44:27 Rep. Driscoll
01:44:48 Mr. Forrester
01:45:31 Rep. Driscoll
01:45:35 Mr. Forrester
01:45:44 Rep. Groesbeck
01:46:00 Mr. Forrester
01:46:26 Rep. Groesbeck
01:46:40 Mr. Forrester
01:47:30 Rep. Groesbeck
01:47:47 Mr. Forrester
01:48:22 Rep. Groesbeck
01:49:27 Mr. Forrester
01:50:02 Rep. Groesbeck
01:51:14 Sen. Bales
01:51:56 Rep. Groesbeck
01:52:29 Sen. Bales

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01:53:01 Rep. Groesbeck
01:53:39 Sen. Bales
01:54:23 Rep. Gallik
01:55:10 Ms. Lovelace
01:55:58 Rep. Gallik
01:56:28 Ms. Lovelace
01:57:32 Rep. Gallik
01:57:49 Ms. Lovelace
01:57:54 Rep. Gallik
01:58:21 Ms. Lovelace
01:58:33 Rep. Gallik
01:59:00 Ms. Lovelace

02:03:00 Recess
02:31:15 Reconvene

Questions from Committee (Cont'd)

02:32:28 Rep. Stahl
02:33:00 George Mathieus, DEQ
02:33:11 Rep. Stahl
02:33:23 Mr. Mathieus
02:33:53 Rep. Stahl
02:34:06 Mr. Mathieus
02:34:36 Rep. Stahl
02:34:54 Mr. Mathieus
02:35:03 Rep. Stahl
02:35:12 Mr. Mathieus

EXECUTIVE ACTION ON SB 391

02:40:31 **Motion:** Rep. Windy Boy moved that SB 391 **BE CONCURRED IN.**

02:40:43 **Motion:** Rep. Stahl moved that SB 391 **BE AMENDED.**
EXHIBIT(feh70a06)

Discussion:

02:42:12 Rep. Stahl
02:43:06 Rep. Jones
02:43:50 Rep. Groesbeck
02:44:56 Rep. Stahl
02:45:31 Rep. Windy Boy
02:45:34 Mr. Everts
02:45:47 Rep. Jones

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02:46:11 Mr. Everts
02:46:29 Rep. Windy Boy

HEARING ON SB 407 (Cont'd)

Closing by Sponsor:

02:47:33 Sen. Bales

HEARING ON SB 461

Opening Statement by Sponsor:

02:53:30 Sen. Keith Bales (R), SD 20, opened the hearing on SB 461, generally revise laws pertaining to mining of coal.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

02:56:26 Neil Harrington, DEQ

Questions from Committee Members and Responses:

02:56:43 Rep. Windy Boy
02:57:18 Mr. Harrington
02:57:30 Rep. Olson
02:58:26 Mr. Harrington

Closing by Sponsor:

02:58:39 Sen. Bales

EXECUTIVE ACTION ON SB 461

02:59:30 **Motion/Vote:** Rep. Groesbeck moved that SB 461 **BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy. Rep. Olson will carry SB 461 on the floor of the House.

EXECUTIVE ACTION ON SB 391 (Cont'd)

03:00:47 Mr. Everts

03:01:32 **Vote:** Motion carried unanimously by voice vote. Rep. Gallik, Rep. Driscoll, and Rep. Rice voted by proxy.

03:02:07 **Motion:** Rep. Stahl moved that SB 391 **BE CONCURRED IN AS AMENDED.**

03:02:18 **Motion:** Rep. Groesbeck moved that SB 391 **BE AMENDED.**
EXHIBIT(feh70a07)

Discussion:

03:03:05 Rep. Groesbeck

03:03:41 Rep. Olson

03:03:48 Rep. Groesbeck

03:04:01 Janet Ellis, Montana Audubon

03:04:33 **Vote:** Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.

03:04:57 **Motion:** Rep. Himmelberger moved that SB 391 **BE CONCURRED IN AS AMENDED.**

03:05:08 **Motion/Vote:** Rep. Olson moved that SB 391 **BE AMENDED.**
Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.
EXHIBIT(feh70a08)

03:06:22 **Motion:** Rep. Olson moved that SB 391 **BE CONCURRED IN AS AMENDED.**

Discussion:

03:06:31 Rep. Jones

03:07:21 Rep. Olson

03:07:49 **Substitute Motion/Vote:** Rep. Himmelberger made a substitute motion that SB 391 **BE TABLED.** Substitute motion carried 7-5 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy voting no. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.

EXECUTIVE ACTION ON SB 423

03:09:21 **Motion:** Rep. Windy Boy moved that SB 423 **BE CONCURRED IN.**

Discussion:

3:09:41 Rep. Thomas

03:10:12 **Motion:** Rep. Olson moved that SB 423 **BE AMENDED.**
EXHIBIT (feh70a09)

Discussion:

03:10:44 Mr. Everts

03:12:47 Rep. Groesbeck

03:13:22 **Vote:** Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.

03:14:04 **Motion:** Rep. Himmelberger moved that SB 423 **BE CONCURRED IN AS AMENDED.**

Discussion:

03:14:31 Rep. Olson

03:15:38 **Substitute Motion/Vote:** Rep. Boggio made a substitute motion that SB 423 **BE TABLED.** Motion carried 7-5 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy voting no. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.

EXECUTIVE ACTION ON SB 407

03:17:23 **Motion:** Rep. Klock moved that SB 407 **BE CONCURRED IN.**

Discussion:

03:17:53 Rep. Klock

03:18:04 Rep. Olson

03:18:57 Rep. Stahl

03:19:38 Mr. Everts

03:20:57 Rep. Windy Boy

03:22:11 Mr. Everts

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03:23:40 **Vote:** Motion carried 7-5 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy voting no. Rep. Klock, Rep. Driscoll, Rep. Gallik and Rep. Rice voted by proxy. Rep. Jones will carry SB 407 on the floor of the House.

Additional Exhibits:

E-mail from Michelle Frodey-Hutchins dated April 3, 2007

EXHIBIT (feh70a10)

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ADJOURNMENT

03:28:09 Adjournment: 7:02 P.M.

REP. ALAN OLSON, Chairman

CINDY PETERSON, Secretary

AO/cp

Additional Exhibits:

EXHIBIT ([feh70aad.pdf](#))