

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Vice Chairman Ralph Heinert, on April 2, 2007
at 3:35 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:

Hearing & Date Posted:	SB 324, 3/29/2007; SB 376, 3/29/2007; SB 446, 3/26/2007; SB 450, 3/29/2007
Executive Action:	SB 218; SJR 20; SB 324; SB 450; SB 147; SB 431

HEARING ON SB 446

Opening Statement by Sponsor:

00:01:51 Sen. Gary Perry (R), SD 35, opened the hearing on SB 446, Revise water law re: industrial waste discharge.

Proponents' Testimony:

00:02:23 Jon Dilliard, Department of Environmental Quality
[EXHIBIT](#)(nah70a01)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:06:30 Rep. Mendenhall
00:08:42 Mr. Dilliard
00:08:55 Rep. Cohenour
00:09:12 Mr. Dilliard

Closing by Sponsor:

00:09:51 Sen. Perry

HEARING ON SB 324

Opening Statement by Sponsor:

00:10:35 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 324, Revise ground water data collection procedures.

Proponents' Testimony:

00:13:07 Gerald Mueller, Facilitator, Clark Fork River Basin
Task Force
[EXHIBIT](#)(nah70a02)
00:16:05 Holly Franz, Pacific Power and Light Montana
00:16:26 Robin Shropshire, Hydrogeologist
00:18:21 John Tubbs, Department of Natural Resources and
Conservation
00:18:52 Mike Murphy, Montana Water Resources Association

Opponents' Testimony: None

Informational Testimony:

00:19:33 Tom Patton, Montana Bureau of Mines and Geology

Questions from Committee Members and Responses:

00:20:05 Rep. Erickson
00:20:41 Mr. Tubbs
00:21:50 Rep. Lambert
00:22:10 Sen. Jackson
00:22:16 Rep. Cohenour
00:22:50 Ms. Shropshire
00:23:25 Rep. Dickenson
00:23:54 Mr. Tubbs
00:24:16 Rep. Mendenhall
00:24:45 Mr. Patton
00:25:48 Rep. Lambert
00:26:28 Sen. Jackson
00:27:43 Rep. Cohenour
00:28:08 Mr. Patton
00:28:26 Rep. Heinert
00:29:02 Mr. Tubbs

Closing by Sponsor:

00:29:58 Sen. Perry

HEARING ON SB 376

Opening Statement by Sponsor:

00:30:15 Sen. Verdell Jackson (R), SD 5, opened the hearing on
SB 376, Revise water marketing law.

Proponents' Testimony:

00:37:11 Gerald Mueller, Facilitator, Clark Fork River Basin
Task Force

EXHIBIT (nah70a03)

00:40:27 Holly Franz, Pacific Power and Light, Montana
00:41:36 Mike Murphy, Montana Water Resources Association
00:42:07 John Tubbs, Department of Natural Resources and
Conservation

Opponents' Testimony: None

Informational Testimony:

00:43:56 Mark Reller, Bonneville Power Administration

Questions from Committee Members and Responses:

00:44:23 Rep. Lambert
00:44:45 Sen. Jackson
00:45:01 Rep. Van Dyk
00:45:21 Mr. Tubbs
00:46:10 Rep. Erickson
00:46:41 Mr. Mueller
00:48:46 Rep. Barrett
00:49:12 Ms. Franz
00:49:40 Rep. Heinert
00:51:39 Sen. Jackson

00:52:50 Rep. McNutt arrived at the meeting.

Closing by Sponsor:

00:53:53 Sen. Jackson

HEARING ON SB 450

Opening Statement by Sponsor:

00:56:08 Sen. Carol Juneau (D), SD 8, opened the hearing on SB 450, Extend water compact commission.

Proponents' Testimony:

01:01:04 John Carter, Attorney, Confederated Salish and Kootenai Tribes (CSKT)

EXHIBIT (nah70a04)

01:11:35 James Steele, Jr., Chairman, CSKT
01:13:18 Carle Lankford, Vice-Chairman, CSKT
01:13:26 Steve Lozar, Tribal Council, CSKT
01:14:19 Ron Trahan, Tribal Council, CSKT
01:14:39 Michel Kenmille, CSK

Opponents' Testimony:

01:15:13 Susan Cottingham, Reserved Water Rights Compact Commission
01:21:20 John Metropoulos, Attorney, Flathead Joint Board of Control
01:25:05 Mike Murphy, Montana Water Resources Association

Informational Testimony: None

Questions from Committee Members and Responses:

01:26:31 Rep. Van Dyk
 01:26:54 Sen. Juneau
 01:27:04 Mr. Carter
 01:28:53 Rep. Erickson
 01:31:24 Mr. Carter
 01:32:17 Rep. Dickenson
 01:32:51 Mr. Metropoulos
 01:33:17 Ms. Cottingham

Closing by Sponsor:

01:34:52 Sen. Juneau

Questions from Committee Members and Responses: (Continued)

01:36:02 Rep. Dickenson
 01:36:32 Mr. Steele
 01:38:17 Rep. Mendenhall
 01:40:06 Mr. Carter
 01:41:22 Rep. Barrett
 01:44:21 Mr. Carter
 01:45:14 Rep. McNutt
 01:45:25 Ms. Cottingham

01:47:12 Break

EXECUTIVE ACTION ON SB 218

02:34:47 **Motion:** Rep. Heinert moved that SB 218 **BE CONCURRED IN.**

02:35:14 **Motion/Vote:** Rep. Heinert moved that SB 218 **BE AMENDED.** Motion carried 15-1 by voice vote with Rep. Barrett voting no. Rep. Ankney voted by proxy.

EXHIBIT (nah70a05)

02:36:29 **Motion:** Rep. Erickson moved that SB 218 **BE CONCURRED IN AS AMENDED.**

02:36:40 **Substitute Motion/Vote:** Rep. Mendenhall made a substitute motion that SB 218 **BE TABLED.** Substitute motion carried 9-7 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting no. Rep. Ankney voted by proxy.

EXECUTIVE ACTION ON SJR 20

02:37:50 **Motion:** Rep. Dickenson moved to **RECONSIDER THE MOTION TO TABLE** SJR 20.

Discussion:

02:39:00 Rep. Erickson

02:39:55 **Vote:** Motion failed 7-8 by roll call vote of those present and voting with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, and Van Dyk voting aye.

EXECUTIVE ACTION ON SB 324

02:41:16 **Motion:** Rep. Heinert moved that SB 324 **BE CONCURRED IN.**

02:41:25 **Motion:** Rep. Heinert moved that SB 324 **BE AMENDED.**
EXHIBIT(nah70a06)

Discussion:

02:41:47 Rep. Van Dyk

02:42:59 **Vote:** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy.

02:43:21 **Motion/Vote:** Rep. Heinert moved that SB 324 **BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Ankney voted by proxy. Rep. Taylor will carry the bill.

EXECUTIVE ACTION ON SB 450

02:44:07 **Motion:** Rep. Heinert moved that SB 450 **BE CONCURRED IN.**

02:44:18 **Motion:** Rep. McNutt moved that SB 450 **BE AMENDED.**
EXHIBIT(nah70a07)

Discussion:

02:45:38 Rep. Hands

02:46:04 Rep. Erickson

02:46:19 Rep. McNutt

02:48:12 Rep. Cohenour

02:48:45 Rep. Small-Eastman

02:49:24 Rep. Dickenson

02:49:58 Rep. McNutt

02:50:25 Rep. Mendenhall

02:51:12 **Motion:** Rep. Erickson moved to **SEGREGATE ITEMS 5 AND 6 FROM ITEMS 1 THROUGH 4** of the Amendment for SB 450.

Discussion:

02:51:45 Rep. McNutt
02:52:05 Rep. Small-Eastman
02:52:21 Rep. McNutt
02:52:58 Rep. Heinert
02:53:18 Rep. Barrett
02:53:46 Susan Cottingham
02:54:45 Rep. Erickson

02:55:40 Rep. McNutt stated that without objection, Items 5 and 6 will be segregated from the Amendments.

Discussion:

02:56:05 Rep. Van Dyk
02:56:49 Rep. Vincent

02:57:06 **Vote:** Motion carried 11-5 by roll call vote on Items 1-4 with Reps. Cohenour, Dickenson, Erickson, Hands, and Small-Eastman voting no. Rep. Ankney voted by proxy.

Discussion:

02:58:12 Krista Evans
02:59:43 Rep. McNutt
02:59:49 Rep. Mendenhall
03:00:21 Rep. Heinert

03:00:52 **Vote:** Motion carried 12-4 by roll call vote on Items 5-6 with Reps. Cohenour, Erickson, Hands, and Small-Eastman voting no. Rep. Ankney voted by proxy.

03:01:56 **Motion/Vote:** Rep. Heinert moved that SB 450 BE **CONCURRED IN AS AMENDED**. Motion failed 8-8 by roll call vote with Reps. Ankney, Cohenour, Dickenson, Hands, Heinert, McNutt, Ross, and Small-Eastman voting aye. Rep. Ankney voted by proxy.

03:02:59 **Motion/Vote:** Rep. Mendenhall moved that SB 450 BE **TABLED**. Motion carried 10-6 by roll call vote with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, and Small-Eastman voting no. Rep. Ankney voted by proxy.

03:05:48 **Motion:** Rep. Hands moved to **RECONSIDER THE MOTION TO TABLE** SB 450.

Discussion:

03:06:44 Rep. McNutt
03:07:25 Rep. Small-Eastman
03:07:31 Rep. Mendenhall

03:07:45 **Vote:** Motion failed 6-9 by roll call vote of those present and voting with Reps. Cohenour, Dickenson, Erickson, Hands, Pomnichowski, and Small-Eastman voting aye.

EXECUTIVE ACTION ON SB 147

03:08:46 **Motion/Vote:** Rep. Lambert moved to **RECONSIDER THE MOTION TO TABLE** SB 147. Motion carried 9-6 by roll call vote of those present and voting with Reps. Barrett, Heinert, Hendrick, McNutt, Mendenhall, and Vincent voting no.

Discussion:

03:11:18 **Motion:** Rep. Lambert moved that SB 147 **BE CONCURRED IN**.
03:11:36 **Motion:** Rep. Heinert moved that SB 147 **BE AMENDED**.
EXHIBIT (nah70a08)

Discussion:

03:11:50 Rep. Cohenour
03:13:12 Rep. Vincent
03:14:18 Rep. Lambert
03:15:07 Rep. Pomnichowski
03:16:25 Rep. Barrett

03:16:55 **Vote:** Motion failed 8-8 by roll call vote with Reps. Ankney, Heinert, Hendrick, Lambert, McNutt, Mendenhall, Ross, and Vincent voting aye. Reps. Ankney and Hands voted by proxy.

Discussion:

03:18:25 Rep. Erickson
03:19:15 Rep. Lambert
03:20:32 Rep. Vincent
03:21:34 Rep. Cohenour

03:21:53 **Vote:** Motion carried 9-7 by roll call vote with Reps. Ankney, Barrett, Heinert, Hendrick, McNutt, Mendenhall,

and Vincent voting no. Reps. Ankney and Hands voted by proxy. Rep. Lambert will carry the bill.

EXECUTIVE ACTION ON SB 431

03:23:59 **Motion/Vote:** Rep. Erickson moved that SB 431 **BE CONCURRED IN**. Motion carried 11-5 by roll call vote with Reps. Barrett, Dickenson, Pomnichowski, Van Dyk, and Vincent voting no. Reps. Ankney and Hands voted by proxy. Rep. Nooney will carry the bill.

Additional Exhibit:

Document pertaining to SB 452; Hearing 03/30/07

[EXHIBIT](#) (nah70a09)

ADJOURNMENT

03:25:43 Adjournment: 7:00 P.M.

REP. WALTER MCNUTT, Chairman

NANCY KRAFT, Secretary

WM/nk

Additional Exhibits:

EXHIBIT ([nah70aad.pdf](#))