

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION**

##### **Call to Order:**

**CHAIRMAN GALEN HOLLENBAUGH**, on January 27, 2009 at 8:30 A.M., in Room 317-C Capitol.

##### **ROLL CALL**

##### **Members Present:**

Rep. Galen Hollenbaugh, Chairman (D)  
Sen. Rick Ripley, Vice Chairman (R)  
Rep. Duane Ankney (R)  
Sen. John Brenden (R)  
Rep. Llew Jones (R)  
Rep. Robert Mehlhoff (D)  
Sen. Mitch Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** James Chamberlain, OBPP  
Tyrrell Hibbard, Committee Secretary  
Barbara Smith, 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:**

|                   |                                                                |
|-------------------|----------------------------------------------------------------|
| Hearing:          | Department of Environmental Quality                            |
| Executive Action: | Department of Environmental Quality<br>(DEQ) decision packages |

00:00:16 Ms. Smith  
**EXHIBIT(jnh19a01)**  
00:01:03 Chairman Hollenbaugh  
00:01:15 Mr. Chamberlain  
00:01:49 Sen. Tropila  
00:02:17 Mr. Chamberlain  
00:02:53 Chairman Hollenbaugh

**EXECUTIVE ACTION ON DEQ**

00:03:00 Chairman Hollenbaugh  
00:04:01 Ms. Smith  
00:04:25 **Motion:** Sen. Tropila moved that **DP 1001 BE ADOPTED.**  
00:04:40 **Substitute Motion/Vote:** Sen. Ripley moved **DP 1001 BE ADOPTED AS ONE TIME ONLY.** Motion carried unanimously by voice vote.

00:05:07 Ms. Smith  
00:05:29 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT INDIRECT RATES on page C-82 of LEGISLATIVE BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

00:05:55 Ms. Smith  
00:06:46 Sen. Ripley  
00:07:19 Rep. Mehlhoff  
00:07:40 Ms. Smith  
00:08:07 Sen. Tropila  
00:08:15 Ms. Smith  
00:08:34 Sen. Tropila  
00:09:07 Sen. Ripley  
00:10:12 Rep. Mehlhoff  
00:10:26 Tom Livers, Deputy Director, DEQ  
00:11:39 Rep. Mehlhoff  
00:12:14 Chairman Hollenbaugh  
00:12:20 Rep. Mehlhoff  
00:12:28 Sen. Ripley  
00:13:06 Chairman Hollenbaugh  
00:13:08 Mr. Livers  
00:13:52 Sen. Tropila  
00:14:37 Richard Oppen, Director, DEQ  
00:16:15 Sen. Tropila  
00:16:20 Sen. Ripley  
00:17:00 Rep. Mehlhoff  
00:17:39 Ms. Smith  
00:18:04 Rep. Mehlhoff  
00:18:20 Chairman Hollenbaugh  
00:18:25 Rep. Mehlhoff  
00:18:33 Sen. Ripley

00:18:38 Chairman Hollenbaugh  
00:18:44 Ms. Smith  
00:19:13 Chairman Hollenbaugh

00:20:44 **Vote:** Carried 6-1 by roll call vote, Sen.  
Tropila voting no. (January 28th action includes  
this as a **DO PASS** motion on **DP 1050.**)

00:20:24 Ms. Smith  
00:20:57 **Motion/Vote:** Sen. Ripley moved **TO DEFER DP 2005.**  
Motion passed unanimously.  
00:21:19 Chairman Hollenbaugh

00:21:23 Ms. Smith  
00:21:56 Chairman Hollenbaugh  
00:22:14 **Motion/Vote:** Rep. Mehlhoff moved **TO DEFER DP 2004.**  
Motion carried unanimously.

00:22:43 Chairman Hollenbaugh  
00:22:51 **Motion/Vote:** Rep. Mehlhoff moved **TO DEFER DP 2051.**  
Motion carried unanimously

00:23:00 Ms. Smith  
00:23:39 **Motion/Vote:** Sen. Ripley moved **TO APPROVE LANGUAGE AND  
STATUTORY AUTHORITY on page C-67 & C-68 of LEGISLATIVE  
BUDGET ANALYSIS.** Motion carried unanimously by voice  
vote.

00:24:21 Ms. Smith  
00:24:50 **Motion:** Rep. Mehlhoff moved **TO ELIMINATE TWO OF THE  
THREE POSITIONS AND KEEP POSITION 53140080 FILLED FOR  
NOW AS PER DP 2050.**

00:25:12 Chairman Hollenbaugh  
00:25:20 Mr. Livers  
00:25:30 Chairman Hollenbaugh  
00:25:47 **Vote:** Motion carried 5-2 by roll call vote, with Sen.  
Tropila and Sen. Brenden voting no.

00:26:27 Ms. Smith  
00:26:41 **Motion/Vote:** Rep. Jones moved that **DP 3002 DO NOT  
PASS.** Motion carried 5-2 by voice vote, with Chairman  
Hollenbaugh and Sen. Tropila voting no.

00:28:01 Ms. Smith  
00:28:11 **Motion:** Sen. Ripley moved that **DP 4002 BE ADOPTED.**

**Discussion:**

00:28:23 Sen. Tropila

00:29:11 Mr. Opper

00:30:05 **Vote:** Motion carried unanimously by voice vote.

00:30:13 Ms. Smith

00:30:38 Sen. Ripley

00:30:52 Sandi Olson, Administrator, Remediation Division, DEQ

00:32:10 Ms. Smith

00:32:20 Ms. Olson

00:32:49 Sen. Ripley

00:32:59 Ms. Olson

00:33:36 Sen. Ripley

00:33:49 Ms. Olson

00:34:35 Sen. Ripley

00:34:53 **Motion/Vote:** Sen. Brenden moved **TO DEFER DP 4005.**  
Motion carried unanimously.

00:35:13 Ms. Smith

00:35:41 **Motion/Vote:** Rep. Jones moved **TO DEFER DP 4006.**  
Motion carried unanimously.

00:35:51 Ms. Smith

00:36:09 **Motion/Vote:** Rep. Jones moved **TO ADOPT DP 4009.**  
Motion carried 5-2 by voice vote with Sen. Brenden and  
Sen. Ripley opposed.

00:36:39 Ms. Smith

00:36:55 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT DP 4011.**  
Motion carried unanimously by voice vote.

00:37:14 Ms. Smith

00:37:44 **Motion:** Sen. Tropila moved that **DP 4012 BE ADOPTED.**

**Discussion:**

00:37:53 Rep. Jones

00:38:11 Ms. Smith

00:38:22 Sen. Tropila

00:38:36 Ms. Smith

00:38:48 Mr. Opper

00:39:21 Sen. Tropila

00:39:49 Rep. Jones

00:40:08 Ms. Smith

00:40:33 Rep. Jones

00:40:49 **Vote:** Motion carried 6-1 by roll call vote with Sen. Brenden voting no.

00:41:45 Ms. Smith

00:42:21 **Motion:** Rep. Mehlhoff moved that **DP 4015 BE ADOPTED.**

00:42:30 Chairman Hollenbaugh

00:42:33 Ms. Smith

00:42:52 **Substitute Motion:** Rep. Mehlhoff moved **TO AMEND DP 4015 TO BE CONTINGENT ON PASSAGE OF SB 71.**

00:43:03 Sen. Ripley

00:43:20 **Vote:** Substitute motion carried 5-2 by roll call vote, with Sen. Tropila and Sen. Brenden voting no.

00:44:08 Ms. Smith

00:44:16 **Motion/Vote:** Sen. Brenden moved **TO DEFER DP 4016.** Motion carried without objection.

00:44:33 Ms. Smith

00:45:03 **Motion/Vote:** Sen. Tropila moved that **DP 5002 BE ADOPTED.** Motion carried unanimously by voice vote.

00:45:23 Ms. Smith

00:45:51 **Motion:** Rep. Jones moved that **DP 5003 DO NOT PASS.**

**Discussion:**

00:46:09 Sen. Tropila

00:46:26 Mr. Opper

00:46:32 Chairman Hollenbaugh

00:46:47 Rep. Jones

00:47:01 Judy Hanson, Administrator, Permitting and Compliance Division, DEQ

00:47:28 David Klemp, Bureau Chief, Air Resources Management Bureau, DEQ

00:48:55 Sen. Ripley

00:49:21 Sen. Brenden

00:49:45 **Vote:** Motion carried 4-3 by roll call vote, with Sen. Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh opposed.

00:50:49 Ms. Smith

00:51:09 **Motion:** Sen. Ripley moved that **DP 5004 DO NOT PASS.**

**Discussion:**

00:51:59 Rep. Mehlhoff

00:52:23 Mr. Klemp  
00:53:15 Chairman Hollenbaugh  
00:53:39 Mr. Opper  
00:54:15 Sen. Ripley  
00:54:59 Sen. Brenden  
00:55:16 Chairman Hollenbaugh  
00:55:45 **Substitute Motion/Vote:** Sen. Ripley withdrew previous motion and moved **TO DEFER DP 5004**. Motion carried without objection.

00:55:57 Ms. Smith  
00:56:07 **Motion:** Rep. Jones moved that **DP 5006 BE ADOPTED**.  
00:56:22 Rep. Mehlhoff  
00:56:24 Sen. Brenden  
00:56:38 **Vote:** Motion carried 6-1 by voice vote with Sen. Brenden opposed.

00:56:53 Ms. Smith  
00:57:19 Rep. Jones  
00:57:33 Ms. Smith  
00:57:54 Rep. Mehlhoff  
00:58:28 Ms. Smith  
00:58:42 **Motion/Vote:** Rep. Jones moved that **DP 5018 BE ADOPTED**. Motion passed 5-2 by voice vote with Sen. Brenden and Rep. Ankney opposed.

00:59:13 Ms. Smith  
00:59:38 **Motion/Vote:** Rep. Mehlhoff moved that **DP 5019 BE ADOPTED**. Motion carried unanimously by voice vote.

00:59:51 Ms. Smith  
01:00:21 **Motion:** Rep. Jones moved that **DP 5021 BE ADOPTED**.

**Discussion:**

01:00:41 Sen. Ripley  
01:01:22 Ms. Smith  
01:01:51 Chairman Hollenbaugh  
01:02:04 Rep. Jones  
01:02:27 Chairman Hollenbaugh  
01:02:32 Rep. Jones  
01:02:44 Chairman Hollenbaugh  
01:02:47 Rep. Mehlhoff  
01:03:03 Sen. Brenden  
01:03:39 Chairman Hollenbaugh

01:03:44 **Vote:** Motion carried 6-1 by roll call vote, Sen. Brenden voting no.

01:04:17 Ms. Smith  
01:04:38 **Motion:** Sen. Ripley moved **DP 5010 BE ADOPTED WITH  
FUNDING LOWERED TO \$40,000 ANNUALLY.**  
01:05:05 Mr. Oppen  
01:05:07 Sen. Ripley

**Discussion:**

01:05:27 Rep. Ankney  
01:05:45 Mr. Oppen  
01:06:59 Sen. Ripley  
01:07:24 Mr. Oppen  
01:07:28 Ms. Hanson  
01:08:32 Sen. Ripley  
01:08:49 Ms. Hanson  
01:09:14 Rep. Jones

01:09:31 **Vote:** Motion carried unanimously by voice vote.  
01:10:05 Ms. Smith  
01:10:20 **Motion:** Rep. Jones moved that **DP 5011 DO NOT PASS.**

**Discussion:**

01:10:42 Sen. Ripley  
01:11:00 **Vote:** Motion carried 6-1 by roll call vote, with  
Chairman Hollenbaugh opposed.  
01:11:30 Ms. Smith  
01:12:05 **Motion/Vote:** Sen. Brenden moved that **DP 9001 BE  
ADOPTED.** Motion carried unanimously by voice vote.  
01:12:35 Ms. Smith  
01:12:37 Rep. Jones  
01:12:59 Chairman Hollenbaugh  
01:13:03 Terry Wadsworth, Executive Director, Petroleum Tank  
Release Compensation Board  
01:13:18 Rep. Jones  
01:13:31 **Motion:** Rep. Jones moved that **LANGUAGE AND STATUTORY  
AUTHORITY on page C-122 of LEGISLATIVE BUDGET  
ANALYSIS BE ADOPTED.**

**Discussion:**

01:14:13 Sen. Ripley  
01:14:25 Sen. Brenden  
01:14:43 Chairman Hollenbaugh

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01:14:46 Rep. Mehlhoff  
01:14:59 Ms. Smith  
01:15:10 Rep. Mehlhoff  
01:15:30 Ms. Smith  
01:15:49 Chairman Hollenbaugh  
01:15:57 Rep. Jones

01:16:08 **Vote:** Motion carried 5-2 by roll call vote, with Sen.  
Brenden and Sen. Ripley voting no.

01:16:38 Ms. Smith  
01:17:50 Chairman Hollenbaugh  
01:17:55 Rep. Mehlhoff  
01:18:24 Chairman Hollenbaugh  
01:18:40 Ms. Smith  
01:18:50 Chairman Hollenbaugh  
01:18:54 Mr. Livers  
01:19:48 Chairman Hollenbaugh

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**ADJOURNMENT**

01:20:28 Adjournment: 9:55 A.M.

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TYRRELL HIBBARD, Secretary

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Additional Documents:

**EXHIBIT ([jnh19aad.pdf](#))**