

## MINUTES

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

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chairman Mike Milburn, on February 9, 2009 at 3:00 P.M., in Room 152 Capitol.

#### ROLL CALL

**Members Present:**

Rep. Mike Milburn, Chairman (R)  
Rep. Gordon R. Hendrick, Vice Chairman (R)  
Rep. JP Pomnichowski, 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. Tom McGillvray (R)  
Rep. Mike Menahan (D)  
Rep. Scott Mendenhall (R)  
Rep. Mike Miller (R)  
Rep. Michele Reinhart (D)  
Rep. Kendall Van Dyk (D)  
Rep. Chas Vincent (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None

**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:**

Hearing & Date Posted: HB 359, 2/5/2009; HB 77, 2/5/2009;  
HB 313, 2/5/2009

Executive Action: None

00:00:00 Chairman Milburn

**HEARING ON HB 359**

**Opening Statement by Sponsor:**

00:00:58 Rep. JP Pomnichowski (D), HD 63, opened the hearing on  
HB 359, Public notice and hearing for open-cut  
applications.

**EXHIBIT (nah30a01)**

**Proponents' Testimony:**

00:19:28 James Wilber, Resident, East Helena

00:22:06 Carol Lee-Roark, Gallatin Gateway, Montana

**EXHIBIT (nah30a02)**

00:26:47 Sen. Cliff Larson, SD 50

00:27:12 Jennifer Nye, Resident, East Helena

00:28:13 Jeannie Riley, Resident, East Helena

00:28:49 Ryan Williams, Representative, Casa Grande Subdivision,  
East Helena

00:30:08 Jerry Ewing, North Valley, Helena

00:32:16 Mike Sedlock, Resident, East Helena

00:36:47 Harold Hoem, Resident, Missoula and Georgetown Lake

00:39:57 Rep. Cohenour, Resident, East Helena

00:41:38 Rich Morse, Resident, Gallatin Gateway

00:44:41 Ann Hedges, Montana Environment Center

00:47:02 Myra Shults, Attorney, Consultant Land Use, Montana  
Association of Counties

00:47:28 Shane Skinner, Resident, Bozeman

**Opponents' Testimony:**

00:48:54 Mike Newton, Fisher Sand and Gravel

**EXHIBIT (nah30a03)**

00:55:10 Cary Hegreberg, Director, Montana Contractors'  
Association

01:00:53 John Alke, Attorney, Knife River

01:06:28 Jerry Bowser, Environment Advisor, Old Castle Materials  
Company

**Informational Testimony:**

01:09:49 Judy Hanson, Administrator, Permitting and  
Compliance Division, Department of Environment Quality  
(DEQ)

**EXHIBIT (nah30a04)**

01:12:24 Scott Olsen, Manager, Helena Sand and Gravel

01:13:26 Kent Rice, Legislative Audit Division  
**EXHIBIT (nah30a05)**

**Questions from Committee Members and Responses:**

01:14:06 Rep. Belcourt  
01:14:51 Mr. Newton  
01:16:40 Rep. Dickenson  
01:17:34 Ms. Hanson  
01:17:47 Christopher Cronin, Project Manager, Application  
Services Division, DEQ  
01:19:02 Rep. Dickenson  
01:19:22 Rep. Cohenour  
01:20:30 Rep. Vincent  
01:20:58 Mr. Hegreberg  
01:21:29 Rep. Vincent  
01:21:39 Mr. Hegreberg  
01:21:48 Rep. Vincent  
01:21:54 Mr. Hegreberg  
01:22:14 Chairman Milburn  
01:22:38 Mr. Hegreberg  
01:24:05 Rep. McGillvray  
01:24:54 Mr. Rice  
01:25:33 Rep. McGillvray  
01:25:40 Mr. Rice  
01:26:02 Rep. Hoven  
01:26:43 Mr. Newton  
01:28:03 Rep. Hoven  
01:28:12 Mr. Newton  
01:28:32 Rep. Hoven  
01:28:44 Mr. Newton  
01:29:45 Rep. Hands  
01:30:59 Mr. Hegreberg  
01:32:34 Rep. Hands  
01:33:03 Mr. Newton

**Closing by Sponsor:**

01:33:31 Rep. Pomnichowski

**HEARING ON HB 77**

**Opening Statement by Sponsor:**

01:40:09 Rep. Bill Nooney (R), HD 100, opened the hearing on HB  
77, Notification requirement for proposed gravel pit  
operations.

**Proponents' Testimony:**

01:41:38 Myra Shults  
01:42:03 Mr. Williams  
01:42:59 Rep. Cohenour  
01:43:54 Ms. Lee-Roark  
01:44:42 Ms. Riley

**Opponents' Testimony:**

01:45:27 Mr. Hegreberg  
[EXHIBIT \(nah30a06\)](#)  
01:46:24 Mr. Newton

**Informational Testimony:**

01:46:54 Ms. Hanson  
01:47:02 Mr. Rice

**Questions from Committee Members and Responses:**

01:47:20 Rep. Hendrick  
01:47:37 Rep. Nooney  
01:47:54 Rep. Hendrick  
01:47:59 Rep. Nooney

**Closing by Sponsor:**

01:48:34 Rep. Nooney

**HEARING ON HB 313**

**Opening Statement by Sponsor:**

01:48:53 Rep. JP Pomnichowski (D), HD 63, opened the hearing on HB 313, Revise opencut mining laws.

**Proponents' Testimony:**

01:56:08 Ms. Lee-Roark  
[EXHIBIT \(nah30a07\)](#)  
01:58:37 Jan Hoem, Resident, Missoula  
02:02:29 Mr. Williams  
02:03:39 Mr. Skinner  
02:05:33 Ms. Shults  
02:06:17 Mr. Hoem  
02:07:58 Ms. Riley  
02:08:36 Pete Stein, Resident, Gallatin Gateway  
[EXHIBIT \(nah30a08\)](#)

02:11:08 Susan Rabatin, Resident, Gallatin Gateway  
02:13:03 Mr. Morse  
02:18:13 Casey Perkins, Montana Audubon  
02:18:53 Cathy Brekke, Gallatin Gateway  
02:21:19 Rep. Cohenour

**Opponents' Testimony:**

02:22:22 Mr. Alke  
02:27:31 Mr. Hegreberg  
02:31:09 Mr. Bowser  
02:34:14 Don Allen, Western Environment Trade Association  
02:35:39 Mr. Newton

**Informational Testimony:**

02:38:23 Ms. Hanson  
02:38:35 Greg Sullivan, Planning Director, Gallatin County  
02:39:28 Don Seifert, Gallatin County Planning Board

**Questions from Committee Members and Responses:**

02:40:18 Rep. Vincent  
02:40:57 Mr. Hegreberg  
02:42:38 Rep. Vincent  
02:42:46 Ms. Hanson  
02:43:37 Rep. Reinhart  
02:43:59 Ms. Hanson  
02:44:21 Rep. Reinhart  
02:44:38 Mr. Alke  
02:46:41 Rep. Reinhart  
02:46:58 Mr. Sullivan  
02:48:26 Rep. Reinhart  
02:48:32 Mr. Sullivan  
02:51:06 Rep. Reinhart  
02:51:39 Mr. Hegreberg  
02:53:25 Rep. Dickenson  
02:54:05 Rep. Pomnichowski  
02:55:27 Rep. Hendrick  
02:56:12 Ms. Hanson  
02:57:17 Rep. Hendrick  
02:58:02 Mr. Hegreberg  
02:59:38 Rep. Mendenhall  
03:00:11 Rep. Pomnichowski  
03:01:20 Rep. Mendenhall  
03:01:53 Rep. Pomnichowski  
03:02:02 Rep. Mendenhall  
03:02:39 Rep. Pomnichowski  
03:02:49 Rep. Mendenhall  
03:04:06 Mr. Alke

**Closing by Sponsor:**

03:06:56 Rep. Pomnichowski

**ADJOURNMENT**

03:13:56 Adjournment

---

Shirley Chovanak, Secretary

sc

Additional Documents:

**EXHIBIT ([nah30aad.pdf](#))**