

## MINUTES

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

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chairman Mike Milburn, on February 13, 2009 at 3:00 P.M., in Room 472 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. 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:** Rep. Anders Blewett (D)  
Rep. Jill Cohenour (D)

**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 379, 1/27/2009; HB 411,  
1/31/2009

Executive Action: HB 77; HB 313; HB 319; HB 359;  
HB 429; HB 446; HB 447

00:00:00 Chairman Milburn

**HEARING ON HB 379**

**Opening Statement by Sponsor:**

00:01:24 Rep. Gordon Hendrick (R), HD 14, opened the hearing on  
HB 379, Revise water law for changes.

**EXHIBIT (nah34a01)**

**Proponents' Testimony:**

00:06:51 Don MacIntyre, Mountain Water Company (MWC)  
00:18:44 Ross Miller, Attorney, Clark Fork Coalition  
00:27:15 Tim Davis, Montana Smart Growth Coalition  
00:27:50 John Kappes, Assistant General Manager/Vice President,  
MWC

**EXHIBIT (nah34a02)**

00:33:58 Jay Skoog, American Council of Engineering Companies of  
Montana  
00:34:46 Steve Wade, Montana Rural Water Systems

**Opponents' Testimony:**

00:35:31 Mike Murphy, Montana Water Resources Association  
00:38:43 Holly Franz, PPL Montana  
00:47:20 Walt Sales, Association of Gallatin Agriculture  
Irrigators  
00:49:09 Laurie Haverty-Ramus

**Informational Testimony:**

00:50:46 Candace West, Chief Counsel, Department of Natural  
Resources and Conservation (DNRC)

**Questions from Committee Members and Responses:**

00:51:41 Rep. Cohenour  
00:52:01 Ms. Franz  
00:53:02 Rep. Cohenour  
00:53:05 Ms. Franz  
00:53:20 Rep. Dickenson  
00:53:55 Ms. Franz  
00:55:35 Rep. Dickenson  
00:56:00 Mr. Miller  
00:57:24 Rep. Vincent  
00:57:58 Ms. West

00:58:30 Rep. Vincent  
00:58:42 Ms. West  
00:58:48 Rep. Vincent  
00:58:58 Mr. Miller  
01:00:15 Mr. Vincent  
01:00:22 Mr. Miller  
01:00:26 Rep. Vincent  
01:00:45 Mr. Miller  
01:01:20 Rep. Vincent  
01:01:26 Mr. Miller  
01:01:34 Rep. Vincent  
01:02:07 Rep. Reinhart  
01:02:38 Ms. Franz  
01:03:30 Rep. Reinhart  
01:03:47 Ms. Franz  
01:04:28 Ms. Reinhart  
01:04:59 Ms. West  
01:07:18 Rep. Reinhart  
01:07:28 Ms. West  
01:07:58 Mr. Miller  
01:09:01 Rep. Pomnichowski  
01:09:27 Ms. Franz  
01:09:54 Rep. Pomnichowski  
01:10:27 Ms. Franz  
01:11:06 Rep. Pomnichowski  
01:11:20 Ms. Franz  
01:11:44 Rep. Pomnichowski  
01:12:40 Ms. Franz  
01:13:39 Rep. Pomnichowski  
01:14:32 Ms. Franz  
01:15:20 Chairman Milburn  
01:16:32 Ms. Franz  
01:16:52 Chairman Milburn  
01:17:00 Ms. Franz  
01:17:08 Rep. Hands  
01:20:46 Chairman Milburn  
01:20:56 Mr. Miller  
01:23:29 Chairman Milburn  
01:23:45 Rep. Mendenhall  
01:24:14 Rep. Hendrick  
01:25:00 Rep. Miller  
01:25:23 Rep. Hendrick  
01:25:49 Mr. MacIntyre  
01:26:27 Rep. Vincent  
01:27:32 Ms. Franz

**Closing by Sponsor:**

01:29:22 Rep. Hendrick

**HEARING ON HB 411**

**Opening Statement by Sponsor:**

01:32:37 Rep. Bill McChesney (D), HD 40, opened the hearing on HB 411, Flood damage mitigation assistance program.

**Proponents' Testimony:**

01:36:38 Jason Rittal, Executive Director, Eastern Plains Economic Development Corporation

**EXHIBIT (nah34a03)**

01:40:15 Bob Gilbert, City of Glendive and Dawson County

**EXHIBIT (nah34a04)**

01:42:22 Joe Whalen, Mayor, Miles City

01:52:51 Jay Skoog

**Opponents' Testimony:** None

**Informational Testimony:**

01:56:33 Laurence Siroky, Water Operations, Department of Natural Resources (DNRC)

01:58:25 John Tubbs, DNRC

**Questions from Committee Members and Responses:**

01:59:31 Rep. McGillvray

01:59:49 Rep. McChesney

02:01:41 Rep. McGillvray

02:01:50 Rep. McChesney

02:01:57 Rep. McGillvray

02:02:47 Mr. Whalen

02:04:58 Rep. McGillvray

02:05:26 Mr. Whalen

02:05:37 Chairman Milburn

02:05:46 Rep. Miller

02:06:10 Mr. Whalen

02:06:20 Rep. Miller

02:06:37 Mr. Whalen

02:07:07 Rep. Hoven

02:07:52 Mr. Whalen

02:08:01 Rep. Hoven

02:08:11 Mr. Whalen

02:09:15 Rep. Hoven

02:09:27 Mr. Whalen

02:10:11 Rep. Reinhart

02:10:42 Mr. Siroky

02:11:03 Rep. Reinhart

02:11:10 Mr. Siroky  
02:11:17 Rep. Reinhart  
02:11:20 Mr. Siroky  
02:11:56 Rep. Reinhart  
02:12:02 Rep. Vincent  
02:12:28 Mr. Siroky  
02:13:04 Rep. Reinhart  
02:13:18 Mr. Siroky  
02:15:03 Rep. Reinhart  
02:15:11 Mr. Siroky  
02:15:56 Rep. Hendrick  
02:16:38 Mr. Whalen  
02:18:23 Rep. Pomnichowski  
02:18:50 Mr. Whalen  
02:23:07 Rep. Pomnichowski  
02:27:30 Mr. Whalen  
02:23:42 Rep. Pomnichowski  
02:24:18 Mr. Siroky  
02:27:05 Rep. Pomnichowski  
02:27:22 Mr. Siroky  
02:27:50 Rep. Pomnichowski  
02:28:14 Mr. Siroky

**Closing by Sponsor:**

02:28:55 Rep. McChesney  
**EXHIBIT (nah34a05)**  
02:33:23 Break  
02:51:34 Resume

**EXECUTIVE ACTION**

02:51:55 Chairman Milburn  
02:53:40 **Motion/Vote:** Rep. Pomnichowski moved that **HB 359 and HB 429 BE COMBINED** to create a committee bill. Motion carried unanimously by voice vote. Reps. Cohenour, Van Dyk, and Blewett voted by proxy.

**EXECUTIVE ACTION ON HB 77**

02:55:42 **Motion/Vote:** Rep. McGillvray moved that **HB 77 BE TABLED**. Motion carried unanimously by voice vote with Reps. Cohenour, Van Dyk, and Blewett voting by proxy.

**EXECUTIVE ACTION ON HB 313**

02:56:40 **Motion:** Rep. Pomnichowski moved that **HB 313 DO PASS.**

**Discussion:**

02:58:02 Chairman Milburn  
02:58:43 Rep. Dickenson  
02:58:45 Rep. Van Dyk returned.  
03:00:00 Rep. Reinhart  
03:01:30 Rep. Mendenhall  
03:03:14 Rep. Bennett  
03:03:53 Rep. Hands  
03:04:52 Rep. Miller  
03:05:22 Rep. Hoven

03:06:53 **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Dickenson, Belcourt, and Menahan voting aye. Reps. Blewett and Cohenour voted by proxy.

03:07:58 **Motion/Vote:** Rep. Pomnichowski moved that **HB 313 BE TABLED.** Motion carried 17-1 by voice vote with Rep. Van Dyk voting no. Reps. Blewett and Cohenour voted by proxy.

**EXECUTIVE ACTION ON HB 446**

03:08:34 **Motion:** Rep. Pomnichowski moved that **HB 446 DO PASS.**

03:09:58 Chairman Milburn

03:10:55 **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Dickenson, Belcourt, and Menahan voting aye. Reps. Blewett and Cohenour voted by proxy.

03:11:50 **Motion/Vote:** Rep. Pomnichowski moved that **HB 446 BE TABLED.** Motion carried 15-3 by voice vote with Reps. Van Dyk, Reinhart, and Dickenson voting no. Reps. Blewett and Cohenour voted by proxy.

**EXECUTIVE ACTION ON HB 319**

03:11:55 **Motion:** Rep. McGillvray moved that **HB 319 DO PASS.**

03:12:44 **Substitute Motion/Vote:** Rep. Hendrick moved that **HB 319 BE TABLED**. Motion carried 10-8 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Cohenour, Dickenson, Belcourt, and Menahan voting no. Reps. Blewett and Cohenour voted by proxy.

**EXECUTIVE ACTION ON HB 447**

03:14:56 **Motion:** Rep. Pomnichowski moved that **HB 447 DO PASS**.

**Discussion:**

03:15:55 Rep. Miller

03:16:12 **Motion/Vote:** Rep. Pomnichowski moved that **HB 447 BE AMENDED**. Motion carried unanimously by voice vote. Reps. Cohenour and Blewett voted by proxy.

**EXHIBIT** (nah34a06)

03:17:50 **Substitute Motion:** Rep. Pomnichowski moved that **HB 447 DO PASS AS AMENDED**.

**Discussion:**

03:17:59 Rep. Mendenhall

03:18:20 **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Hands, Reinhart, Dickenson, Belcourt, and Menahan voting aye. Reps. Blewett and Cohenour voted by proxy.

03:19:32 **Motion/Vote:** Rep. Pomnichowski moved that **HB 447 BE TABLED**. Motion carried 16-2 by voice vote with Reps. Dickenson and Van Dyk voting no. Reps. Cohenour and Blewett voted by proxy.

03:19:32 Chairman Milburn

03:19:48 Mr. Kolman

03:22:01 Rep. Pomnichowski

03:22:02 Rep. Dickenson

03:22:40 Rep. Menahan

**ADJOURNMENT**

03:24:06 Adjournment: 6:30 P.M.

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Shirley Chovanak, Secretary

SC  
Additional Exhibits  
**[EXHIBIT \(nah34a07\)](#)**  
**[EXHIBIT \(nah34a08\)](#)**  
**[EXHIBIT \(nah34a09\)](#)**

Additional Documents:

**[EXHIBIT \(nah34aad.pdf\)](#)**