

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) NATURAL RESOURCES

Call to Order: Chair Rep. Steve Gunderson-R, on February 22, 2023 at 2:41 PM, in 172

ROLL CALL

Members Present: Rep. Steve Gunderson, Chair (R)
Rep. Steve Gist, Vice Chair (R)
Rep. Jill Cohenour (D)
Rep. Ross Fitzgerald (R)
Rep. Tom France (D)
Rep. Jonathan Karlen (D)
Rep. Rhonda Knudsen (R)
Rep. Marty Malone (R)
Rep. Russel Miner (R)
Rep. Gary Parry (R)
Rep. Sue Vinton (R)
Rep. Marvin Weatherwax (D)

Members Excused: Rep. Jedediah Hinkle (R)
Rep. Marilyn Marler (D)
Rep. Kenneth Walsh (R)

Staff Present: LJ Jennings, Secretary
Joe Kolman, Research Analyst
John Olson, Remote Meeting Coordinator

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 576 02/16/2023
HB 586 02/16/2023
HB 642 02/17/2023
HB 656 02/20/2023
HB 662 02/20/2023
HB 671 02/21/2023
HB 672 02/21/2023

Executive Action:

HJ 4 TO TABLE
HB 561 DO PASS AS AMENDED
HB 576 DO PASS
HB 364 DO PASS AS AMENDED
HB 662 DO PASS

HEARING ON HB 576 - Revise laws related to water and coal mining

Opening Statement:

14:44:05 Rep. Rhonda Knudsen (R), HD 34, opened the hearing on HB 576, Revise laws related to water and coal mining.

[EXHIBIT\(230222NAHa1\)](#)

[EXHIBIT\(230222NAHa2\)](#)

Proponent Testimony:

14:51:03 Darryl James, Rosebud Mine Colstrip

[EXHIBIT\(230222NAHa3\)](#)

14:53:52 Peggy Trenk, Treasure State Resources Association, (TSRA)

14:54:23 George Harris, Montana Coal Council, (MCC)

14:56:43 Bob Gilbert, Colstrip-Glendive

Opponent Testimony:

14:55:27 Vice Chair Gist assumed position of the Chair.

14:57:20 Steve Charter, Self

15:00:47 Derf Johnson, Montana Environmental Information Center, (MEIC)

15:02:51 Rachel Prevost, Montana Farmers Union, (MFU)

15:04:07 William Milton, Self

15:05:09 Art Hayes, Tongue River Water Users Association, (TRWUA)

15:08:42 Ellen Pfister, Northern Plains Resource Council

Informational Witness Testimony:

15:10:09 Robert Smith, Department of Environmental Quality, (DEQ)

Questions from Committee:

15:10:52 Rep. Jill Cohenour
15:11:12 Robert Smith, DEQ
15:13:01 Rep. Rhonda Knudsen-R
15:14:21 Rep. Tom France
15:15:28 Chair Gunderson assumed position of the Chair.
15:18:05 Rep. Jedediah Hinkle
15:18:13 Chris Puyer, Northwestern Energy (NWE)
15:19:13 Rep. Gary Parry
15:20:28 Dr. Emily Laudman, Dept Environmental Quality (DEQ)

Closing Statement:

15:21:49 Rep. Rhonda Knudsen (R), HD 34, closed the hearing on HB 576.

HEARING ON HB 586 - Allow fossils found on state lands to be housed in local museums

Opening Statement:

15:24:35 Rep. Greg Oblander (R), HD 40, opened the hearing on HB 586, Allow fossils found on state lands to be housed in local museums.

Proponent Testimony:

None

Opponent Testimony:

15:27:15 Shawn Thomas, Department of Natural Resources and Conservation (DNRC)

Informational Witness Testimony:

None

Questions from Committee:

15:29:11 Rep. Jill Cohenour

15:29:36 Rep. Greg Oblander-R
15:30:14 Rep. Ross Fitzgerald
15:31:24 Patrick Rennie, Dept. of Natural Resources and Conservation (DNRC)
15:34:33 Rep. Rhonda Knudsen
15:34:53 Patrick Rennie, DNRC
15:37:36 Rep. Gary Parry

Closing Statement:

15:40:10 Rep. Greg Oblander (R), HD 40, closed the hearing on HB 586.

HEARING ON HB 656 - Revise changes to coal mining operations

Opening Statement:

15:41:57 Rep. Gary Parry (R), HD 39, opened the hearing on HB 656, Revise changes to coal mining operations.

[EXHIBIT\(230222NAHa4\)](#)

Proponent Testimony:

15:50:17 Darryl James, Westmoreland Mine
15:52:59 George Harris, Montana Coal Council (MCC)
15:54:37 Bob Gilbert, Colstrip-Glendive
15:55:13 Peggy Trenk, Treasure State Resources Association (TSRA)
15:55:50 Chris Puyer, Northwestern Energy Company (NWE)

Opponent Testimony:

15:56:48 Steve Charter, Self
15:59:27 Derf Johnson, Montana Environmental Information Center (MEIC)

Informational Witness Testimony:

16:01:32 Robert Smith, Department of Natural Resources and Conservation (DNRC)

Questions from Committee:

16:01:59 Rep. Sue Vinton
16:02:25 Robert Smith, DNRC
16:02:47 Rep. Jill Cohenour
16:03:44 Rep. Marty Malone
16:04:21 Rep. Gary Parry-R
16:08:22 Rep. Steve Gunderson
16:09:08 Chris Puyer, NWE
16:09:32 Darryl James, Westmoreland Mine
16:11:28 Rep. Jedediah Hinkle
16:12:46 Rep. Tom France
16:17:31 Rep. Jonathan Karlen

Closing Statement:

16:19:19 Rep. Gary Parry (R), HD 39, closed the hearing on HB 656.

HEARING ON HB 662 - Prohibit grazing on public land without permission

Opening Statement:

16:22:03 Rep. Fred Anderson (R), HD 20, opened the hearing on HB 662, Prohibit grazing on public land without permission.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

16:24:35 Shawn Thomas, Department of Natural Resources and Conservation (DNRC)

16:25:09 Dave Bodner, Department of Livestock (DPL)

Questions from Committee:

16:25:31 Rep. Gary Parry
16:26:02 Dave Bodner, DPL
16:26:54 Rep. Jill Cohenour
16:31:51 Rep. Steve Gunderson

Closing Statement:

16:32:06 Rep. Fred Anderson (R), HD 20, closed the hearing on HB 662.
16:34:01 **Recessed**
16:46:07 **Reconvened**

HEARING ON HB 672 - Generally revise environmental protection laws

Opening Statement:

16:46:36 Rep. John Fitzpatrick (R), HD 77, opened the hearing on HB 672,
Generally revise environmental protection laws.

[EXHIBIT\(230222NAHa5\)](#)

[EXHIBIT\(230222NAHa6\)](#)

[EXHIBIT\(230222NAHa7\)](#)

Proponent Testimony:

None

Opponent Testimony:

16:54:55 Lindsey Krywaruchka, Department of Environmental Quality (DEQ)
16:59:37 Steve Wade, Montana Rural Water Systems

Informational Witness Testimony:

17:01:11 Rachel Clark, Department of Environmental Quality (DEQ)

- 17:01:36 Sienna Paquin, Environmental Protection Agency (EPA)
- 17:01:59 Elizabeth Hendrickson, Department of Environmental Quality (DEQ)
- 17:02:52 Greg Olson, Department of Environmental Quality (DEQ)

Questions from Committee:

- 17:03:45 Rep. Jill Cohenour
- 17:03:46 Elizabeth Hendrickson, DEQ
- 17:09:38 Rachel Clark, DEQ
- 17:11:15 Rep. John Fitzpatrick-R

Closing Statement:

- 17:11:32 Rep. John Fitzpatrick (R), HD 77, closed the hearing on HB 672.

HEARING ON HB 671 - Generally revise environmental protection laws

Opening Statement:

- 17:16:14 Rep. John Fitzpatrick (R), HD 77, opened the hearing on HB 671, Generally revise environmental protection laws.

Proponent Testimony:

None

Opponent Testimony:

- 17:17:37 Lindsey Krywaruchka, Department of Environmental Quality (DEQ)
- [EXHIBIT\(230222NAHa8\)](#)
- 17:21:23 Steve Wade, Montana Rural Water Systems

Informational Witness Testimony:

- 17:22:47 Rachel Clark, Department of Environmental Quality (DEQ)
- 17:23:16 Elizabeth Hendrickson, Department of Environmental Quality (DEQ)
- 17:23:43 Sienna Paquin, Environmental Protection Agency (EPA)

Questions from Committee:

17:24:23 Rep. Jill Cohenour
17:25:35 Sienna Paquin, EPA
17:27:24 Rachel Clark, DEQ
17:28:05 Elizabeth Hendrickson, DEQ
17:30:00 Lindsey Krywaruchka, DEQ
17:30:20 Rep. Marty Malone
17:31:00 Rep. John Fitzpatrick-R
17:31:11 Rep. Steve Gunderson

Closing Statement:

17:33:10 Rep. John Fitzpatrick (R), HD 77, closed the hearing on HB 671.

HEARING ON HB 642 - Revise exempt wells laws

Opening Statement:

17:39:52 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB 642, Revise exempt wells laws.

Proponent Testimony:

17:43:31 John Tietz, Montana Association of Realtors (MAR)
17:54:11 Jocelyn Galt Cahill, Self
17:54:59 Brandon Brodhl, Flathead County Commissioner
17:55:35 Cory Shaw, Montana Building Industry Association (MBIA)

[EXHIBIT\(230222NAHa9\)](#)

18:00:19 Chad Danielson, Board of Water Well Contractors
18:00:59 Kurt Westra, Van Dyken Drilling
18:01:54 Sam Sill, Montana Association of Realtors (MAR)

18:03:53 Mark Baker, 71 Ranch
18:06:16 Rhonda Wiggers, Montana Water Well Drillers Association
18:07:34 Mark Taylor, Self
18:10:38 Eugene Graf, Self

Opponent Testimony:

18:13:43 Bob Gilbert, Colstrip-Glendive
18:14:26 Amanda Kaster, Department of Natural Resources and Conservation (DNRC)
18:15:20 Hertha Lund, Self
[EXHIBIT\(230222NAHa10\)](#)
18:19:54 Travis Stuber, Self
18:20:55 Kelly Lynch, Montana League of Cities and Towns
18:22:51 Aimee Hawkaluk, City of Helena
18:24:22 Jason Burkenpas, Self
18:25:07 Tim Venhuizen, Self
18:27:20 Gene Curry, Self
18:31:59 Jonathan Schotter, Self
18:32:20 Carl Christians, Self
18:33:41 Dusty Hahn, Self
18:34:44 Bil Lee, Self
18:35:25 Martin Kimm, Self
18:36:41 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI)
[EXHIBIT\(230222NAHa11\)](#)
[EXHIBIT\(230222NAHa12\)](#)
18:38:48 Raylee Honeycutt, Montana Stock Growers Association (MSGA)

[EXHIBIT\(230222NAHa13\)](#)

18:41:09 Rachel Prevost, Montana Farmers Union

18:42:28 Andrew Gorder, Clark Fork Coalition (CFC)

[EXHIBIT\(230222NAHa14\)](#)

18:45:28 Mike Murphy, Montana Water Resources Association

18:46:32 Rebecca Boslough-King, Montana Association of Conservation Districts

18:47:10 Clayton Elliott, Montana Trout Unlimited

18:48:36 Rachel Cone, Montana Farm Bureau Federation (MFBF)

18:49:40 Ryan McLane, Northwestern Energy (NWE)

18:50:57 Holly Franz, Senior Water Rights Coalition (SWRC)

18:51:53 Ann Schwend, Montana Environmental Information Center (MEIC)

18:53:07 Logan McInnis, Water Works, City of Missoula

18:54:42 JM Peck, Self

18:56:37 Gary Heibertshausen, Self

18:57:29 Bonita Cremer, Self

Informational Witness Testimony:

18:58:57 Anna Pakenham-Stevenson, Department of Natural Resources and Conservation, (DNRC)

18:59:43 Rachel Clark, Department of Environmental Quality (DEQ)

Questions from Committee:

19:00:20 Rep. Marty Malone

19:00:44 Mark Taylor

19:01:17 Hertha Lund

19:02:02 Rep. Jill Cohenour

19:02:37 Rachel Lynch

19:04:55 Amanda Kaster, DNRC
19:05:22 Rep. Jill Cohenour
19:05:25 Anna Pakenham-Stevenson, DNRC
19:07:31 Rep. Ross Fitzgerald
19:10:29 Rep. Jedediah Hinkle
19:11:56 Rhonda Wiggers, MWWDA
19:14:54 Kurt Westra
19:17:00 Rep. Jedediah Hinkle
19:18:21 Krista Lee Evans, AGAI
19:20:07 Rep. Gary Parry
19:23:23 Rep. Sue Vinton
19:23:43 Raylee Honeycutt, MSGA
19:24:02 Rep. Tom France
19:24:48 Clayton Elliott, MTU
19:25:19 Rep. Ross Fitzgerald
19:26:03 Raylee Honeycutt, MSGA
19:26:17 Rep. Ross Fitzgerald
19:26:41 Rep. Kenneth Walsh
19:30:34 Rep. Jill Cohenour

Closing Statement:

19:33:56 Rep. Casey Knudsen (R), HD 33, closed the hearing on HB 642.
19:38:19 **Recessed**
20:08:57 **Reconvened**

Committee Discussion:

20:22:01 **Recessed**
20:39:45 **Reconvened**

EXECUTIVE ACTION ON HJ 4 - Joint resolution in support of the Montana Trail 406 network

20:39:57 **Motion:** Rep. Steve Gist moved that **HJ 4 DO PASS.**
20:40:05 **Motion:** Rep. Jill Cohenour moved that **HJ 4 BE TABLED.**
Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 561 - Revise water discharge permitting

20:41:03 **Motion:** Rep. Steve Gist moved that **HB 561 DO PASS.**
20:41:08 **Motion:** Rep. Marty Malone moved that **HB 561 BE AMENDED.**
Vote: Motion carried unanimously by voice vote.
20:41:42 **Motion:** Rep. Steve Gist moved that **HB 561 DO PASS AS AMENDED.**
Vote: Motion carried 12 - 3 by roll call vote with Rep. Cohenour, Rep. Marler, Rep. Weatherwax, voting no.

EXECUTIVE ACTION ON HB 576 - Revise laws related to water and coal mining

20:43:18 **Motion:** Rep. Steve Gist moved that **HB 576 DO PASS.**
Vote: Motion carried 10 - 5 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting no.

EXECUTIVE ACTION ON HB 364 - Allow for independent subdivision reviews for past due applications

20:44:57 **Motion:** Rep. Steve Gist moved that **HB 364 BE TAKEN FROM THE TABLE.**

Vote: Motion carried 9 - 5 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting no.

20:46:32 **Motion:** Rep. Steve Gist moved that **HB 364 DO PASS.**

20:46:38 **Motion:** Rep. Steve Gist moved that **HB 364 BE AMENDED.**

Discussion:

20:47:05 Rep. Tom France

20:47:44 Rep. Jonathan Karlen

20:48:12 Rep. Jill Cohenour

20:48:53 Rep. Steve Gunderson

Vote: Motion carried 10 - 5 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting no.

20:50:50 **Motion:** Rep. Steve Gist moved that **HB 364 DO PASS AS AMENDED.**

Vote: Motion carried 10 - 5 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting no.

EXECUTIVE ACTION ON HB 662 - Prohibit grazing on public land without permission

20:52:12 **Motion:** Rep. Steve Gist moved that **HB 662 DO PASS.**

Vote: Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 20:53:31

LJ Jennings, Secretary

Additional Documents: [EXHIBIT\(230222NAHaad\)](#)