

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on February 4, 2005 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Jim Peterson, Chairman (R)
Rep. Christopher Harris, Vice Chairman (D)
Rep. John (Jack) W. Ross, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Dee L. Brown (R)
Rep. Paul Clark (D)
Rep. Sue Dickenson (D)
Rep. George Everett (R)
Rep. Kevin T. Furey (D)
Rep. Gail Gutsche (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Mike Jopek (D)
Rep. Carol Lambert (R)

Members Excused: None.

Members Absent: Rep. Norma Bixby (D)
Rep. Rick Maedje (R)
Rep. Veronica Small-Eastman (D)
Rep. David E. Wanzenried (D)

Staff Present: Joe Kolman, Legislative Branch
Debra Polhemus, 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: HJ 10, 1/28/2005; HB 455,
1/28/2005; HB 470, 1/28/2005; HB
473, 1/28/2005 (HB 470 postponed)
Executive Action: HB 22

EXECUTIVE ACTION ON HB 22

00:01:07 **Motion:** REP. HARRIS moved that HB 22 DO PASS.

00:05:32 REP. WANZENRIED arrived at hearing

00:05:40 **Motion:** REP. BARRETT moved that HB 22 BE AMENDED.

Discussion:

00:06:05 Krista Lee Evans, Legislative Services Division

00:07:14 **Vote:** Motion carried unanimously by voice vote.

00:07:38 **Motion:** REP. HARRIS moved that HB 22 BE AMENDED.
[EXHIBIT](#)(nah28a01)

Discussion:

00:08:09 Krista Lee Evans, Legislative Services Division

00:09:24 REP. BROWN

00:10:36 CHAIRMAN PETERSON

00:13:18 REP. HARRIS

00:13:57 Upon the request of CHAIRMAN PETERSON and without
objection from the Committee, Amendment
HB002202.akl was withdrawn from consideration.

00:14:22 **Motion/Vote:** REP. BARRETT moved that HB 22 BE
AMENDED. Motion carried unanimously by voice vote.
[EXHIBIT](#)(nah28a02)

00:15:36 **Motion:** REP. DICKENSON moved that HB 22 BE
AMENDED.

[EXHIBIT](#)(nah28a03)

Discussion:

00:16:20 REP. DICKENSON

00:17:35 **Motion:** REP. JOPEK moved to segregate #4 from the
Amendment and DO PASS this portion of the
Amendment.

Discussion:

00:18:45 REP. BARRETT
00:21:46 REP. EVERETT
00:22:33 REP. DICKENSON
00:23:32 REP. BARRETT
00:24:21 REP. JOPEK

00:24:37 **Vote:** Motion to amend with #4 carried unanimously
by voice vote.

Discussion:

00:25:13 Krista Lee Evans, Legislative Services Division
00:26:49 REP. BARRETT
00:27:28 REP. CLARK
00:27:49 REP. JOPEK
00:31:34 REP. JONES

00:32:26 **Vote:** Motion to amend carried unanimously by
voice vote.

00:32:53 **Motion:** REP. HARRIS moved that HB 22 DO PASS AS
AMENDED.

Discussion:

00:33:04 REP. CLARK
00:35:17 REP. LAMBERT
00:36:15 REP. BARRETT
00:36:57 REP. BROWN
00:37:56 REP. ROSS
00:39:00 CHAIRMAN PETERSON

00:39:28 **Vote:** Motion carried unanimously by roll call
vote with REPS. MAEDJE, SMALL-EASTMAN and BIXBY
voting by proxy.

HEARING ON HB 455

Opening Statement by Sponsor:

00:42:07 REP. PAUL CLARK (D), HD 13, opened the hearing on
HB 455, Mercury emission standards for power
plants.

[EXHIBIT](#) (nah28a04)

[EXHIBIT](#) (nah28a05)

[EXHIBIT](#) (nah28a06)

Proponents' Testimony:

00:51:27 Marlene Plouzek, Thompson Falls

[EXHIBIT \(nah28a07\)](#)

00:52:36 Clayton H. McCracken, MD (Retired), MPH

[EXHIBIT \(nah28a08\)](#)

00:57:43 Anne Hedges, Montana Environmental Information
Center

[EXHIBIT \(nah28a09\)](#)

[EXHIBIT \(nah28a10\)](#)

01:03:01 Matt Leow, Executive Director, Montana Public
Interest Research Group (MontPIRG)

[EXHIBIT \(nah28a11\)](#)

01:05:43 Alexandra Gorman, Director of Science and
Research, Women's Voices for the Earth

[EXHIBIT \(nah28a12\)](#)

01:07:29 Mark Aagenes, Montana Trout Unlimited

[EXHIBIT \(nah28a13\)](#)

01:09:22 Gene Fenderson, Montana District Council of Labor

01:09:40 Jennifer Swearingen, Bozeman

[EXHIBIT \(nah28a14\)](#)

01:12:24 Tony Tweesdale, Montana CHEER

[EXHIBIT \(nah28a15\)](#)

01:14:18 Jan Hoem, Emergency Room Technician, Missoula

01:16:17 Christine Phillips, Montana Chapter of Sierra Club

[EXHIBIT \(nah28a16\)](#)

01:17:34 Nathan Birkeland, Montana Wildlife Federation

01:18:01 Charles Lange, Bozeman

Opponents' Testimony:

01:19:16 John Ailke, Montana-Dakota Utilities Company

[EXHIBIT \(nah28a17\)](#)

01:24:12 David Hoffman, PPL Montana

[EXHIBIT \(nah28a18\)](#)

01:28:58 Tom Ebzery, Attorney, Billings, Puget Sound
Energy, Avista Corporation, Portland General
Electric and PacifiCorp

[EXHIBIT \(nah28a19\)](#)

01:30:13 Tim Gregori, General Manager, Southern Montana
Electric Generation & Transmission Cooperative,
Inc.

[EXHIBIT \(nah28a20\)](#)

[EXHIBIT \(nah28a21\)](#)

[EXHIBIT \(nah28a22\)](#)

01:35:13 Jim Mockler, Executive Director, Montana Coal
Council

[EXHIBIT \(nah28a23\)](#)

[EXHIBIT \(nah28a24\)](#)

01:37:54 Dave Kelsey, Yellowstone Valley Electric

Opponents' Testimony (con't):

01:40:08 John Fitzpatrick, NorthWestern Energy
 01:42:27 Richard Southwick, Great Northern Power
 Development
 01:48:52 Don Allen, Western Environmental Trade Association
 01:49:16 Barbara Ranf, Montana Chamber of Commerce
 01:49:45 Robert P. Walker, General Manager, Beartooth
 Electric Cooperative, Red Lodge
 01:50:38 Brandon J. Wittman, Assistant General Manager,
 Yellowstone Valley Electric

Informational Testimony:

01:51:30 Marjean Heisler Magraw, Department of Public
 Health and Human Services

[EXHIBIT \(nah28a25\)](#)

[EXHIBIT \(nah28a26\)](#)

[EXHIBIT \(nah28a27\)](#)

[EXHIBIT \(nah28a28\)](#)

01:52:52 Don Vidrine, Bureau Chief, Air and Waste
 Management Bureau, Department of Environmental
 Quality

Questions from Committee Members and Responses:

01:53:42 **REP. JOPEK**
 02:01:00 David Klemp, Department of Environmental Quality
 02:02:31 **REP. FUREY**
 02:03:49 **REP. HARRIS**
 02:12:02 **REP. GUTSCHE**
 02:13:05 David Klemp, Department of Environmental Quality

 02:13:33 **REP. BIXBY** arrived at hearing

 02:16:02 **REP. GUTSCHE**
 02:16:24 Anne Hedges, Montana Environmental Information
 Center

[EXHIBIT \(nah28a29\)](#)

[EXHIBIT \(nah28a30\)](#)

[EXHIBIT \(nah28a31\)](#)

[EXHIBIT \(nah28a32\)](#)

02:17:19 **REP. DICKENSON**
 02:20:56 **REP. HEINERT**
 02:26:15 **REP. BARRETT**
 02:32:58 **REP. JONES**
 02:35:03 **REP. EVERETT**
 02:36:30 **REP. GUTSCHE**

Closing by Sponsor:

02:42:48 **REP. PAUL CLARK (D), HD 13**, closed the hearing on
HB 455.

02:46:09 break

02:56:03 resume

HEARING ON HB 473

Opening Statement by Sponsor:

02:56:38 **REP. JOHN PARKER (D), HD 23**, opened the hearing on
HB 473, Extend fire season restrictions.

Proponents' Testimony:

02:57:39 Leonard Lundby, Fire Chief, Vaughn Fire Department

03:00:07 Butch Weider, Assistant Chief, Gore Hill Fire
Department

03:01:37 Paul Brady, Fire Chief, Dearborn Fire Department

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

03:03:31 **REP. BROWN**

03:05:30 **REP. HARRIS**

03:07:09 **REP. DICKENSON**

Closing by Sponsor:

03:08:43 **REP. JOHN PARKER (D), HD 23**, closed the hearing on
HB 473.

HEARING ON HJ 10

Opening Statement by Sponsor:

03:09:20 **REP. HAL JACOBSON (D), HD 82**, opened the hearing
on HJ 10, Study fire-related statutes for
suppression and mitigation.

EXHIBIT (nah28a33)

Proponents' Testimony:

03:15:16 **REP. BROWN**

03:16:12 Mary Sexton, Director, Department of Natural
Resources and Conservation

03:17:43 John Semple, Montana Fire Alliance

03:18:09 Leonard Lundby, Fire Chief, Vaughn Fire Department

03:18:27 Ross Fitzgerald, Power Volunteer Fire Department

Opponents' Testimony: None.

Informational Testimony:

03:19:05 Butch Weider, Gore Hill Fire Department

Questions from Committee Members and Responses:

03:20:26 REP. ROSS

03:23:19 REP. HARRIS

03:25:13 REP. FUREY

03:25:56 REP. HEINERT

Closing by Sponsor:

03:27:21 REP. HAL JACOBSON (D), HD 82 closed the hearing on
HJ 10.

03:31:02

ADJOURNMENT

Adjournment: 6:45 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah28aad0.PDF](#))