

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on February 18, 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. 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)
Rep. Rick Maedje (R)
Rep. Veronica Small-Eastman (D)
Rep. David E. Wanzenried (D)

Members Excused: None.

Members Absent: Rep. Norma Bixby (D)
Rep. Dee L. Brown (R)

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: HB 609, 2/11/2005; HB 622,
2/11/2005; HB 666, 2/11/2005; HB
675, 2/14/2005; HB 698, 2/14/2005;
HB 700, 2/14/2005; HB 714,
2/15/2005
Executive Action: HB 714; HB 700; HB 609; HB 622;
HB 666; HB 675; HB 698; HB 591
HB 69; HB 353; HB 470; HB 582
HB 581; HB 453

HEARING ON HB 698

Opening Statement by Sponsor:

00:04:05 REP. MICHAEL LANGE (R), HD 55, opened the hearing
on HB 698, Warm water fishery enhancement program.

Proponents' Testimony:

00:06:51 Bob Gilbert, Executive Director, Walleyes
Unlimited of Montana

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:07:31 REP. FUREY
00:08:21 REP. ROSS
00:08:57 CHAIRMAN PETERSON

Closing by Sponsor:

00:09:16 REP. MICHAEL LANGE (R), HD 55 closed the hearing
on HB 698.

HEARING ON HB 622

Opening Statement by Sponsor:

00:11:28 REP. EDWARD BUTCHER (R), HD 29, opened the hearing
on HB 622, Revise requirements for private water
distribution system.

Proponents' Testimony:

00:16:52 Paul Tesarek, Coffee Creek, runs small water
system
00:19:26 Charles Hartmann, Coffee Creek resident
00:20:07 Rod Bolling, Denton, Coffee Creek resident
00:20:48 Richard Cupps, Coffee Creek resident
00:21:08 Henry Nimik, Coffee Creek resident
00:22:09 Richard Wilson, Coffee Creek resident

Opponents' Testimony:

00:22:44 Jack Fallon, Flathead County Water District
00:24:03 Linda Stoll, Montana Local Health Officers Group
00:25:17 Tammy McGill, President, Montana Association of
Planners
00:26:10 Frank Crowley, Helena attorney, representing
Mountain Water Company, Missoula

EXHIBIT (nah40a01)

00:29:18 Steve Wade, Mountain Rural Water

Informational Testimony:

00:29:50 John Dilliard, Montana Department of Environmental
Quality

EXHIBIT (nah40a02)

Questions from Committee Members and Responses:

00:31:00 REP. HARRIS
00:36:18 REP. FUREY
00:37:21 REP. EVERETT

Closing by Sponsor:

00:39:12 REP. EDWARD BUTCHER (R), HD 29 closed the hearing
on HB 622.

HEARING ON HB 609

Opening Statement by Sponsor:

00:44:28 REP. JANNA TAYLOR (R), HD 11, opened the hearing
on HB 609, Loser pays in water rights litigation.

EXHIBIT (nah40a03)

Proponents' Testimony:

00:47:21 Jack Stults, Department of Natural Resources and
Conservation
00:49:42 Tim Hall, Attorney, Department of Natural
Resources and Conservation
00:51:26 Holly Franz, representing Upper Clark Fork Basin
Steering Committee
00:52:14 Mick Seeburg, Founding Director, Association of
Gallatin Irrigators (AGAI)
00:53:03 Sarah Carlson, Montana Association of Conservation
Districts

Opponents' Testimony:

00:53:30 John Bloomquist, Helena attorney representing
Montana Stockgrowers Association
00:55:19 John Youngberg, Montana Farm Bureau Federation
00:55:51 Mike Murphy, Montana Water Resources Association

Informational Testimony:

00:56:26 Brenda Hall, Tongue River Water Users Association

Questions from Committee Members and Responses:

00:57:15 REP. DICKENSON
00:58:47 REP. JOPEK

Closing by Sponsor:

00:59:51 REP. JANNA TAYLOR (R), HD 11 closed the hearing on
HB 609.

HEARING ON HB 666

Opening Statement by Sponsor:

01:02:44 REP. BOB BERGREN (D), HD 33, opened the hearing on
HB 666, Revise laws related to county water and
sewer districts.

Proponents' Testimony:

01:03:53 Steve Wade, Montana Rural Water Systems

EXHIBIT (nah40a04)

01:05:06 Dan Semmens, Bond Attorney, Dorsey & Whitney Law Firm, Missoula

01:09:10 Gary Forrester, resident of Lockwood, Montana Contractors Association

01:09:40 Rick Russell, Manager, Lockwood Water and Sewer District

EXHIBIT (nah40a05)

01:12:42 Carl Peters, Chairman, Lockwood Water and Sewer District

01:14:07 Charles Brooks, Billings, speaking for Board of County Commissioners

01:14:35 Jack Fallon, Flathead County Water District

01:16:18 Anna Miller, Department of Natural Resources and Water Conservation

01:17:19 Nancy Belk, Lockwood resident and business owner

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:18:08 REP. HARRIS

01:23:25 REP. ROSS

Closing by Sponsor:

01:29:50 REP. BOB BERGREN (D), HD 33, closed the hearing on HB 666.

HEARING ON HB 700

Opening Statement by Sponsor:

01:31:13 REP. SCOTT MENDENHALL (R), HD 77, opened the hearing on HB 700, Revise allocation and use of metal mines license tax.

EXHIBIT (nah40a06)

EXHIBIT (nah40a07)

Proponents' Testimony:

01:43:30 L. Harold Blattie, Montana Association of Counties

EXHIBIT (nah40a08)

01:45:43 Dave Coleman, Butte-Silver Bow County Commissioner

01:46:03 Maureen Davey, Stillwater County Commissioner

EXHIBIT (nah40a09)

01:46:53 Elaine Allestad, Sweet Grass County Commissioner

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:47:57 **REP. JOPEK**
01:48:41 **REP. GUTSCHE**
01:49:21 **REP. LAMBERT**

Closing by Sponsor:

01:50:50 **REP. SCOTT MENDENHALL (R), HD 77**, closed the hearing on **HB 700**.

HEARING ON HB 714

Opening Statement by Sponsor:

01:52:04 **REP. SCOTT MENDENHALL (R), HD 77**, opened the hearing on **HB 714**, Allow subdivider to donate land to homeowner association.

Proponents' Testimony: None.

Opponents' Testimony:

01:56:32 Tammy McGill, President, Montana Association of Planners

Informational Testimony: None.

Questions from Committee Members and Responses:

02:01:30 **REP. BROWN**
02:02:52 **REP. ROSS**
02:04:46 **REP. GUTSCHE**
02:06:54 **CHAIRMAN PETERSON**

Closing by Sponsor:

02:07:34 **REP. SCOTT MENDENHALL (R), HD 77** closed the hearing on **HB 714**.

HEARING ON HB 675

Opening Statement by Sponsor:

02:08:11 **REP. RICK MAEDJE (R), HD 2**, opened the hearing on **HB 675**, Clarify conservation easement laws.

Proponents' Testimony: None.

Opponents' Testimony:

02:13:30 Mona Jamison, Montana Land Reliance
EXHIBIT (nah40a10)
02:18:29 Rock Ringling, Montana Land Alliance
EXHIBIT (nah40a11)
02:21:54 Gary Forrester, Plum Creek Timber
02:22:34 Mike Bay, Wolf Creek Rancher
02:23:45 Jerry Scheid, Ranch, Centennial Valley
02:27:07 Don Hargrove, Land Trust Board, Consensus Council
02:28:00 Jerry Wells, Rocky Mountain Elk Foundation
EXHIBIT (nah40a12)
EXHIBIT (nah40a13) Fact Sheet submitted by Dan McLean, Helena
 attorney

Informational Testimony: None.

Questions from Committee Members and Responses:

02:28:56 REP. BARRETT
02:30:22 REP. HARRIS
02:39:51 REP. JONES
02:41:03 REP. JOPEK

Closing by Sponsor:

02:42:40 REP. RICK MAEDJE (R), HD 2, closed the hearing on
 HB 675.

02:45:23 Break
03:08:40 Resume

EXECUTIVE ACTION ON HB 714

03:09:58 **Motion/Vote:** REP. BROWN moved that HB 714 BE
 TABLED. Motion carried 17-1 by voice vote with
 REP. BARRETT voting no and REPS. CLARK, BIXBY and
 WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 700

03:11:43 **Motion:** REP. BROWN moved that HB 700 DO PASS.

03:12:47 **Motion:** REP. BARRETT moved that HB 700 BE
 AMENDED.

Discussion:

03:13:38 REP. BARRETT

03:13:58 **Vote:** Motion carried by voice vote.

03:14:25 Motion/Vote: REP. BARRETT moved that HB 700 DO PASS AS AMENDED. Motion carried unanimously by voice vote with REPS. BIXBY, CLARK and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 609

03:15:14 Motion: REP. BROWN moved that HB 609 DO PASS.

03:15:21 Motion: REP. HARRIS moved that HB 609 BE AMENDED.

Discussion:

03:17:09 REP. FUREY

03:18:09 REP. ROSS

03:19:43 REP. DICKENSON

03:22:32 REP. BARRETT

03:22:48 REP. FUREY

03:23:00 Substitute Motion: REP. FUREY made a substitute motion that #3 and #6 be segregated from the vote on the Amendment to HB 609. The vote on the Amendment to HB 609 will be on Sections 1, 2, 4, 5, 7 & 8. The motion passed by voice vote.

03:26:00 Motion: REP. GUTSCHE moved that HB 609 DO PASS AS AMENDED.

03:26:17 Motion: REP. PETERSON moved that HB 609 BE AMENDED and that section #3 and #6 be included.

Discussion:

03:27:11 Tim Hall, Attorney for Department of Natural Resources and Conservation

03:28:49 Vote: Motion carried by voice vote with REP. FUREY voting no.

03:29:05 Motion/Vote: REP. JOPEK moved that HB 609 DO PASS AS AMENDED. Motion carried unanimously by voice vote with REPS. BIXBY, CLARK and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 622

03:29:56 Motion: REP. BROWN moved that HB 622 DO PASS.

Discussion:

03:30:00 REP. HARRIS

03:30:49 Substitute Motion: REP. BROWN made a substitute motion that HB 622 BE TABLED.

Discussion:

03:31:03 REP. EVERETT

03:31:54 Vote: Motion carried 11-7 by voice vote with REPS. BARRETT, EVERETT, HEINERT, JONES, LAMBERT, MAEDJE, and PETERSON voting no and REPS. BIXBY, CLARK and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 666

03:33:13 Motion: REP. LAMBERT moved that HB 666 DO PASS.

Discussion:

03:33:36 REP. HARRIS

03:35:00 REP. DICKENSON

03:35:31 Vote: Motion carried 17-1 by voice vote with REP. BROWN voting no and REPS. BIXBY, CLARK and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 675

03:36:28 Motion: REP. MAEDJE moved that HB 675 DO PASS.

03:38:16 Motion: REP. MAEDJE moved that HB 675 BE AMENDED.
[EXHIBIT](#)(nah40a14)

Discussion:

03:39:05 REP. GUTSCHE

03:39:20 REP. ROSS

03:39:34 Substitute Motion/Vote: REP. MAEDJE made a substitute motion that HB 675 BE TABLED.
Substitute motion carried 12-6 by voice vote with REPS. BARRETT, BROWN, EVERETT, HEINERT, JONES and MAEDJE voting no and REPS. CLARK, BIXBY and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 698

03:40:56 Motion: REP. BROWN moved that HB 698 DO PASS.

03:41:03 Motion: REP. LAMBERT moved that HB 698 BE
 AMENDED.

03:41:37 REP. LAMBERT withdrew the motion to amend without
 objection.

03:42:05 Motion/Vote: REP. HARRIS moved that HB 698 BE
 AMENDED. Motion carried by voice vote.

03:42:36 Motion/Vote: REP. BARRETT moved that HB 698 DO
 PASS AS AMENDED. Motion carried by voice vote with
 REPS. BIXBY and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 591

03:44:18 Motion: REP. JOPEK moved that HB 591 DO PASS.

03:44:27 Motion: REP. JOPEK moved that HB 591 BE AMENDED.
EXHIBIT (nah40a15)

Discussion:

03:44:58 Joe Kolman, Legislative Services Division

03:46:42 Vote: Motion carried by voice vote.

03:46:59 Motion: REP. JOPEK moved that HB 591 DO PASS AS
 AMENDED.

Discussion:

03:47:07 REP. DICKENSON

03:47:47 REP. BROWN

03:48:52 REP. MAEDJE

03:49:26 REP. LAMBERT

03:50:30 Carey Hegreberg, Montana Contractors Association

03:52:04 REP. JOPEK

03:52:41 REP. MAEDJE

03:54:07 REP. LAMBERT

03:54:56 Neil Harrington, Department of Environmental
 Quality

03:56:33 REP. JOPEK

03:56:55 REP. MAEDJE

03:58:19 REP. BROWN

03:58:59 REP. JOPEK

03:59:29 REP. BROWN

03:59:51 REP. JOPEK

04:00:10 **Vote:** Motion carried 15-3 by voice vote with REPS. BARRETT, EVERETT, and MAEDJE voting no and REPS. BIXBY and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 69

04:01:15 **Motion:** REP. BARRETT moved that HB 69 DO PASS.

04:01:36 **Motion:** REP. BARRETT moved that HB 69 BE AMENDED.
EXHIBIT (nah40a16)

Discussion:

04:02:10 REP. BARRETT

04:02:26 Joe Kolman, Legislative Services Division

04:03:11 REP. BARRETT

04:04:46 REP. CLARK

04:05:35 REP. HEINERT

04:05:59 REP. DICKENSON

04:07:21 REP. HARRIS

04:07:58 REP. JOPEK

04:08:19 REP. BARRETT

04:09:15 **Vote:** Motion carried by voice vote.

04:10:04 **Motion:** REP. BARRETT moved that HB 69 DO PASS AS AMENDED.

Discussion:

04:10:49 REP. JOPEK

04:11:11 **Motion/Vote:** REP. HARRIS moved that HB 69 BE AMENDED. Motion carried by voice vote.

EXHIBIT (nah40a17)

04:11:59 **Motion:** REP. BARRETT moved that HB 69 DO PASS AS AMENDED.

Discussion:

04:12:08 REP. SMALL EASTMAN

04:12:53 CHAIRMAN PETERSON

04:13:21 REP. BROWN

04:13:39 REP. JOPEK

04:13:54 **Vote:** Motion carried unanimously by voice vote with REPS. BIXBY and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 353

04:14:50 Motion: REP. JOPEK moved that HB 353 DO PASS.

04:15:15 Motion/Vote: REP. BROWN moved that HB 353 BE
AMENDED. Motion carried unanimously by voice vote.

04:16:00 Break

04:24:02 Resume

04:24:49 Substitute Motion/Vote: REP. LAMBERT made a
substitute motion that HB 353 BE TABLED. Motion
carried 12-4 by voice vote with REPS. CLARK,
HARRIS, DICKENSON, and FUREY voting no.

EXECUTIVE ACTION ON HB 470

04:27:20 Motion: REP. CLARK moved that HB 470 DO PASS.

04:28:09 Motion: REP. CLARK moved that HB 470 BE AMENDED.
[EXHIBIT](#) (nah40a18)

Discussion:

04:29:29 REP. BROWN

04:30:41 REP. MAEDJE

04:32:13 Vote: Motion carried 15-1 by voice vote with REP.
BARRETT voting no.

04:32:42 Motion: REP. CLARK moved that HB 470 DO PASS AS
AMENDED.

04:33:00 Motion: REP. CLARK moved that HB 470 BE AMENDED.
[EXHIBIT](#) (nah40a19)

Discussion:

04:35:10 REP. HEINERT

04:36:15 Vote: Motion carried 11-5 by voice vote with REP.
DICKENSON, REP. GUTSCHE, REP. HARRIS, REP. JOPEK,
and REP. SMALL-EASTMAN voting no.

04:36:54 Motion: REP. CLARK moved that HB 470 DO PASS AS
AMENDED.

04:37:02 Vote: Motion carried 15-3 by voice vote with
REPS. LAMBERT, MAEDJE and BARRETT voting no and
REPS. BIXBY and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON HB 545

04:38:40 Motion: REP. MAEDJE moved that HB 545 DO PASS.

04:38:52 REP. MAEDJE withdrew his motion without objection.

EXECUTIVE ACTION ON HB 744

04:40:51 Motion/Vote: REP. MAEDJE moved that HB 744 BE
TABLED and NOT HEARD in Committee. Motion carried
unanimously by voice vote.

EXHIBIT(nah40a20)

EXECUTIVE ACTION ON HB 582

04:42:10 Motion: REP. GUTSCHE moved that HB 582 DO PASS.

Discussion:

04:43:36 REP. BARRETT

04:43:58 REP. GUTSCHE

04:44:30 REP. MAEDJE

04:45:43 REP. EVERETT

04:46:05 Substitute Motion/Vote: REP. EVERETT made a
substitute motion that HB 582 BE TABLED.
Substitute motion failed 9-9 by roll call vote
with REPS. BARRETT, BROWN, EVERETT, HEINERT,
JONES, LAMBERT, MAEDJE, PETERSON, and ROSS voting
aye and REPS. BROWN and WANZENRIED voting by
proxy.

Discussion:

04:47:15 REP. DICKENSON

04:48:54 REP. HEINERT

04:51:49 Vote: Motion failed 9-9 by roll call vote with
REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE,
HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED
voting aye and REPS. BROWN and WANZENRIED voting
by proxy.

EXECUTIVE ACTION ON HB 581

04:53:25 Motion: REP. GUTSCHE moved that HB 581 DO PASS.

Discussion:

04:53:28 REP. GUTSCHE
04:54:42 REP. HARRIS
04:55:38 REP. GUTSCHE
04:55:57 REP. MAEDJE
04:56:04 REP. BARRETT
04:56:33 REP. HARRIS
04:57:44 REP. JONES

04:58:03 Vote: Motion carried 13-5 by roll call vote with
 REPS. BARRETT, BROWN, EVERETT, PETERSON, and ROSS
 voting no and REPS. BROWN, CLARK and WANZENRIED
 voting by proxy.

EXECUTIVE ACTION ON HB 453

05:00:32 Motion: REP. FUREY moved that HB 453 DO PASS.

05:00:45 Motion: REP. FUREY moved that HB 453 BE AMENDED.

Discussion:

05:01:09 REP. HEINERT
05:01:35 REP. FUREY
05:02:11 REP. HARRIS
05:03:03 John Arrigo, Department of Environmental Quality
05:04:27 REP. LAMBERT
05:05:27 REP. HARRIS

05:06:09 Vote: Motion carried by voice vote.

05:06:24 Motion: REP. FUREY moved that HB 453 DO PASS AS
 AMENDED.

Discussion:

05:07:06 REP. HARRIS
05:08:09 REP. DICKENSON
05:09:41 REP. MAEDJE
05:10:14 REP. FUREY
05:10:36 John Arrigo, Department of Environmental Quality
05:11:37 REP. HARRIS

05:13:01 **Vote: Motion carried 10-8 by roll call vote with
REPS. BARRETT, BROWN, EVERETT, JONES, LAMBERT,
MAEDJE, PETERSON, and ROSS voting no and REPS.
BROWN and WANZENRIED voting by proxy.**

05:15:13

ADJOURNMENT

Adjournment: 9:05 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah40aad0.PDF](#))