

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on March 21, 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. Norma Bixby (D)
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)
Rep. Rick Maedje (R)
Rep. Veronica Small-Eastman (D)

Members Excused: None.

Members Absent: 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: SB 269, 3/9/2005; SB 377, 3/9/2005;
SJ 9, 3/15/2005; HB 790, 3/16/2005

Executive Action: HJ 33; SB 449;

EXECUTIVE ACTION ON HJ 33

00:04:07 **Motion:** REP. BROWN moved that HJ 33 DO PASS.

Discussion:

00:04:34 REP. MAEDJE

00:05:32 **Vote:** Motion carried unanimously by voice vote with REPS. JONES, LAMBERT, DICKENSON, HARRIS and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON SB 449

00:07:05 **Motion:** REP. ROSS moved that SB 449 BE CONCURRED IN.

Discussion:

00:07:25 REP. ROSS

00:07:55 REP. BROWN

00:09:41 REP. FUREY

00:10:22 REP. JOPEK

00:10:50 REP. HEINERT

00:11:05 **Vote:** Motion failed 9-9 by roll call vote with REPS. BARRETT, BROWN, EVERETT, HEINERT, JONES, LAMBERT, MAEDJE, PETERSON, and ROSS voting aye and REPS. HARRIS, DICKENSON, WANZENRIED, LAMBERT and JONES voting by proxy.

00:13:24 Break

00:17:45 Resume

HEARING ON SB 377

Opening Statement by Sponsor:

00:17:58 SEN. MIKE WHEAT (D), SD 32, opened the hearing on SB 377, Define municipal use for water use act.

Proponents' Testimony: None.

Opponents' Testimony:

00:20:41 Debra Wahlberg, Four Corners area near Bozeman

00:23:40 Eloise Kendy, Hydrogeologist, US Geological Survey

00:28:33 Mick Seeburg, Director, Association of Gallatin Irrigators

00:29:38 Tony Kolnik, also speaking for Teri Kolnik

Informational Testimony:

00:36:24 Jack Stults, Division Administrator, Montana
Department of Natural Resources and Conservation

Questions from Committee Members and Responses:

00:39:40 REP. JOPEK

00:40:10 REP. LAMBERT returned to Committee Meeting.

00:42:16 REP. BARRETT

Closing by Sponsor:

00:44:22 SEN. MIKE WHEAT (D), SD 32 closed the hearing on
SB 377.

HEARING ON SB 269

Opening Statement by Sponsor:

00:46:25 SEN. MIKE WHEAT (D), SD 32, opened the hearing on
SB 269, Clarify definition of ground water.

Proponents' Testimony:

00:52:46 Jack Stults, Division Administrator, Montana
Department of Natural Resources and Conservation

01:01:17 Mick Seeburg, Director, Association of Gallatin
Irrigators

01:05:37 Robert T. Goffena, Chair, Dead Man's Water River
Basin, Musselshaw also speaking for Wayne
Brillhard

01:07:56 John McGuire, White Sulphur Springs

01:09:02 Mike Murphy, Executive Director, Montana Water
Resources Association

EXHIBIT (nah62a01)

01:11:47 Kathleen Williams, League of Women Voters of
Montana

EXHIBIT (nah62a02)

01:13:39 Tamara Fetty, Montana Dairy Association

01:14:12 Juanita Polston, Olm resident

01:16:10 Sarah Carlson, Montana Association of Conservation
Districts

01:17:34 John Anderson, Rancher, Chairman, Ruby River Water
Users Association

01:18:10 Robin Cunningham, Fishing Outfitters Association
of Montana

01:18:38 John Wilson, Conservation Director, Trout
Unlimited

EXHIBIT (nah62a03)

EXHIBIT (nah62a04)

01:28:37 Holly Franz, Attorney, representing PPL Montana

Proponents' Testimony (con't):

01:29:45 Walt Sales, Rancher, Gallatin Valley
 01:30:42 Bob Lane, Chief Legal Counsel, Montana Fish,
 Wildlife & Parks Department
 01:31:29 Tony Kolnik, also speaking for Tery Kolnik

Opponents' Testimony:

01:32:42 John Youngberg, Montana Farm Bureau Federation
 01:37:41 John Bloomquist, Attorney, representing Montana
 Stock Growers Association
 01:47:44 Mike Kaczmarek, consulting hydrologist, Morrison
 Maierle, Inc. Engineering Firm
 01:53:28 **SEN. BILL TASH, SD 36**
 01:58:33 Robert Hanson, White Sulphur Springs, Vice
 President, Montana Farm Bureau
 02:00:13 Bill Galt, Rancher, White Sulphur Springs
 02:01:00 Dr. David Schuett, Dillon, Farmer and Rancher

EXHIBIT (nah62a05)

02:06:47 Terry Lindsay, Montana Water Well Drillers
 Association

EXHIBIT (nah62a06)

02:09:06 Steve Snezek, Montana Grain Growers Association
 02:09:30 Tom Vick, former Senator, rancher from Deer Lodge
 Valley
 02:13:03 Bo Bradley, Twin Bridges Rancher

Informational Testimony:

02:14:22 Dr. Eloise Kendy, Hydrogeologist
 02:14:36 *REP. HARRIS arrived at Committee Hearing.*

Questions from Committee Members and Responses:

02:15:06 **REP. EVERETT**
 02:21:14 **REP. BARRETT**
 02:26:09 **REP. GUTSCHE**
 02:34:01 **REP. CLARK**
 02:38:36 **REP. HARRIS**
 02:41:02 **REP. HEINERT**
 02:45:12 **REP. MAEDJE**
 02:47:52 **REP. JOPEK**
 02:48:35 **REP. LAMBERT**
 02:50:41 **REP. BARRETT**

Closing by Sponsor:

02:53:16 **SEN. MIKE WHEAT (D), SD 32** closed the hearing on
 SB 269.

HEARING ON SJ 9

Opening Statement by Sponsor:

02:57:02 **SEN. JON TESTER (D), SD 15**, opened the hearing on **SJ 9**, Requesting federal funds for St. Mary's project.

Proponents' Testimony:

02:58:41 Hal Harper, Chief Policy Advisor, Governor Brian Schweitzer

02:59:15 **SEN. GLENN ROUSH, SD 8**

03:00:04 John Bloomquist, representing Montana Stock Growers Association

03:00:32 Mike Murphy, Montana Water Resources Association

03:00:55 Sarah Carlson, Montana Association of Conservation Districts

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

03:01:36 **REP. MAEDJE**

03:02:53 **REP. BARRETT**

Closing by Sponsor:

03:03:16 **SEN. JON TESTER (D), SD 15** closed the hearing on **SJ 9**.

03:03:41 *VICE CHAIR ROSS assumes duties of Chairman.*

HEARING ON HB 790

Opening Statement by Sponsor:

03:03:53 **REP. JIM PETERSON (R), HD 30**, opened the hearing on **HB 790**, Interim study on split estates and coal bed methane reclamation and bonding.

Proponents' Testimony:

03:08:01 Hal Harper, Chief Policy Advisor, Governor Brian Schweitzer

03:08:52 **SEN. GLEN ROUSH, SD 8**

03:21:08 Roger Muggli, Tongue River Irrigation District, Miles City

EXHIBIT (nah62a07)

EXHIBIT (nah62a08)

EXHIBIT (nah62a09)

03:25:42 Jerome Anderson, Attorney, representing Encore Acquisition Company

03:28:04 Dixie Stark, Powder River County ranch owner

03:31:17 Ralph Montgomery, Director, Montana Land & Mineral Owner Association, Havre

EXHIBIT (nah62a10)

03:33:00 Tom Abzery, Attorney, representing Marathon Oil

03:34:23 Kathleen Williams, representing League of Women Voters of Montana

EXHIBIT (nah62a11)

03:36:43 Herbert Vasseur, President, Montana Land and Mineral Owners Association

EXHIBIT (nah62a12)

03:38:37 John Metropoulos, Attorney, representing Fidelity Oil and Natural Gas Company

03:40:01 Derek Goldman, Montana Audubon

03:40:41 Jeanne-Marie Souvigny, Montana Conservation Voters

EXHIBIT (nah62a13)

03:42:58 Sarah Carlson, Montana Association of Conservation Districts

03:43:50 Jennifer Read, resident Bozeman Pass in Gallatin County

03:46:27 Clint McCrea, Rosebud Creek resident, Rosebud County

03:50:07 Julia Page, small business owner, Gardiner

EXHIBIT (nah62a14)

EXHIBIT (nah62a15)

03:53:05 Leslie McClain, Montana Environmental Information Center

03:53:28 **SEN. KEITH BALES, SD 20**

03:57:30 Gail Abercrombie, Executive Director, Montana Petroleum Association

04:00:45 William Duffield, Executive Director, Montana Association of Oil and Gas Counties

04:01:14 Ed Bartlett, Attorney, representing Northern Alliance of Oil and Gas Producers

04:01:28 Michele Reinhart, Northern Plains Resource Council

04:02:06 Don Judge, representing Montana Chapter, Sierra Club

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

04:02:29	REP. JOPEK
04:05:27	REP. DICKENSON
04:07:35	REP. LAMBERT
04:10:15	REP. SMALL-EASTMAN
04:15:58	REP. HARRIS
04:17:16	REP. CLARK

Closing by Sponsor:

04:18:23	REP. JIM PETERSON (R), HD 30 closed the hearing on HB 790.
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ADJOURNMENT

Adjournment: 7:30 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah62aad0.PDF](#))