

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on March 23, 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: HB 767, 3/16/2005; HB 782,
3/16/2005; HB 793, 3/18/2005; HJ
34, 3/16/2005; HJ 36, 3/19/2005

Executive Action: HB 782; HB 790; HB 767

HEARING ON HJ 34

Opening Statement by Sponsor:

00:02:46 REP. JILL COHENOUR (D), HD 78, opened the hearing
on HJ 34, Interim study on impacts of super fund
sites on surrounding communities.

Proponents' Testimony:

00:04:48 Linda Stoll, representing Montana Association of
Planners and Montana Local Health Officers Group
00:05:38 Jeff Barber, Montana Environmental Information
Center

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:06:16 REP. BROWN
00:07:10 REP. BARRETT
00:09:16 REP. GUTSCHE

Closing by Sponsor:

00:09:41 REP. JILL COHENOUR (D), HD 7 closed the hearing on
HJ 34.

HEARING ON HB 793

Opening Statement by Sponsor:

00:10:19 REP. DAVE MCALPIN (D), HD 94, opened the hearing
on HB 793, Increase solid waste disposal fee to
fund recycling program.

Proponents' Testimony:

00:11:56 Will Selser, former Manager, Lewis & Clark County
Waste Management (Retired)

[EXHIBIT \(nah64a01\)](#)

00:15:12 Leslie McClain, Montana Environmental Information
Center

[EXHIBIT \(nah64a02\)](#)

00:18:01 Col. Joseph A. Goldes, US Army (Retired), Montana
resident

00:20:28 Shalon Hastings, Taco del Sol, Helena

00:21:16 Matthew Elsaesser, SAVE Foundation

[EXHIBIT \(nah64a03\)](#)

[EXHIBIT \(nah64a04\)](#)

[EXHIBIT \(nah64a05\)](#)

Opponents' Testimony:

00:24:31 Haley Beaudry, representing Montana Solid Waste
Contractors

00:29:08 Jani McCall, representing City of Billings

00:30:52 Gordon Morris, Director, Montana Association of
Counties

00:31:48 Alec Hansen, Montana League of Cities and Towns

00:33:49 Michael Harris, Legislative Liaison, Gallatin
County

00:35:05 Doug Sparrow, Private Hauler, Helena

Informational Testimony:

00:36:12 Art Compton, Montana Department of Environmental
Quality

[EXHIBIT \(nah64a06\)](#)

Questions from Committee Members and Responses:

00:36:53 REP. JOPEK

00:38:18 REP. DICKENSON

00:41:37 REP. HEINERT

00:43:27 REP. BROWN

00:44:24 CHAIRMAN PETERSON

00:45:21 REP. BARRETT

00:47:02 REP. CLARK

Closing by Sponsor:

00:47:49 REP. DAVE MCALPIN (D), HD 94 closed the hearing on
HB 793.

00:49:10 Break

00:52:05 Resume

HEARING ON HJ 36

Opening Statement by Sponsor:

00:52:20 **REP. RICK RIPLEY (R)**, HD 17, opened the hearing on HJ 36, Study resource indemnity trust funding and allocation.

[EXHIBIT \(nah64a07\)](#) brochure

Proponents' Testimony:

00:56:00 Gail Abercrombie, Executive Director, Montana Petroleum Association

Opponents' Testimony: None.

Informational Testimony:

00:57:51 Richard Oper, Director, Montana Department of Environmental Quality

00:59:36 John Tubbs, Montana Department of Natural Resources

Questions from Committee Members and Responses:

00:59:59 **REP. JOPEK**

01:01:48 **REP. LAMBERT**

01:02:38 **REP. CLARK**

Closing by Sponsor:

01:06:09 **REP. RICK RIPLEY (R)** closed the hearing on HJ 36.

01:07:36 Break

01:11:23 Resume

HEARING ON HB 782

Opening Statement by Sponsor:

01:11:34 **REP. WALTER MCNUTT (R)**, HD 37, opened the hearing on HB 782, Require issue remarks to be resolved before issuing final decree.

[EXHIBIT \(nah64a08\)](#)

[EXHIBIT \(nah64a09\)](#)

[EXHIBIT \(nah64a10\)](#)

[EXHIBIT \(nah64a11\)](#)

[EXHIBIT \(nah64a12\)](#)

[EXHIBIT \(nah64a13\)](#)

Proponents' Testimony:

01:16:05 Tim Hall, Chief Legal Counsel, Montana Department
of Natural Resources and Conservation
01:21:16 Candace West, Assistant Attorney General speaking
for Attorney General Mike McGrath

EXHIBIT (nah64a14)

01:26:11 John Youngberg, Montana Farm Bureau Federation
01:26:29 Mike Murphy, Montana Water Resources Association
01:26:58 John Bloomquist, Montana Stock Growers Association
01:27:19 John Shontz, Montana Association of Realtors
01:28:18 Bob Lane, Chief Legal Counsel, Department of Fish,
Wildlife & Parks

EXHIBIT (nah64a15)

01:29:42 Don MacIntyre, former Counsel for Department of
Natural Resources and Conservation
01:30:14 Stan Bradshaw, Trout Unlimited
01:30:24 Faye Bergan, Chief Legal Counsel, Montana Reserved
Water Right Compact Commission

EXHIBIT (nah64a16)

Opponents' Testimony: None.

Informational Testimony:

01:31:30 Judge C. Bruce Loble, Montana Water Court

Questions from Committee Members and Responses:

01:31:47 **REP. JOPEK**
01:34:36 **REP. CLARK**
01:36:51 **CHAIRMAN PETERSON**

Closing by Sponsor:

01:37:16 **REP. WALTER MCNUTT (R), HD 37** closed the hearing
on **HB 782**.

EXECUTIVE ACTION ON HB 782

01:38:43 **Motion:** **REP. CLARK** moved that **HB 782 DO PASS**.

Discussion:

01:38:52 **REP. JOPEK**

01:39:27 **Vote:** Motion carried unanimously by voice vote
with **REPS. WANZENRIED** and **MAEDJE** voting by proxy.

EXECUTIVE ACTION ON HB 790

01:41:06 Motion: REP. HARRIS moved that HB 790 DO PASS.

01:41:44 Break

01:46:27 Resume

01:47:36 Motion: REP. PETERSON moved that HB 790 BE
AMENDED with Section #1 and #9 only of Amendment
#01.

EXHIBIT (nah64a17)

Discussion:

01:49:10 REP. HARRIS

01:49:25 CHAIRMAN PETERSON

01:49:43 REP. CLARK

01:50:41 Vote: Motion carried unanimously by voice vote
with REPS. MAEDJE and WANZENRIED voting by proxy.

01:50:59 Motion: REP. HARRIS moved that HB 790 DO PASS AS
AMENDED.

01:52:10 Motion: REP. GUTSCHE moved that HB 790 BE
AMENDED.

EXHIBIT (nah64a18)

Discussion:

01:52:39 REP. GUTSCHE

01:54:07 REP. BROWN

01:54:26 REP. BARRETT

01:55:34 REP. BROWN

01:55:41 REP. HARRIS

01:56:02 Vote: Motion carried unanimously by voice vote
with REP. MAEDJE and WANZENRIED voting by proxy.

01:56:27 Motion: REP. JOPEK moved that HB 790 DO PASS AS
AMENDED.

01:56:41 Motion: REP. JOPEK moved that HB 790 BE AMENDED.

EXHIBIT (nah64a19)

Discussion:

01:56:55 REP. HARRIS

01:57:30 REP. JOPEK

01:57:43 CHAIRMAN PETERSON

01:57:59 **Vote:** Motion carried 17-1 by voice vote with REP. EVERETT voting no and REPS. MAEDJE and WANZENRIED voting by proxy.

01:58:32 **Motion:** REP. HARRIS moved that HB 790 DO PASS AS AMENDED.

01:58:45 **Motion:** REP. HARRIS moved that HB 790 BE AMENDED with a conceptual amendment.

Discussion:

01:59:17 Joe Kolman, Legislative Services Division

01:59:41 REP. HARRIS

02:00:46 REP. BROWN

02:01:01 REP. HARRIS

02:01:10 REP. HEINERT

02:01:26 REP. DICKENSON

02:02:17 REP. JOPEK

02:03:25 REP HARRIS withdrew the motion TO AMEND HB 790 without objection.

Dicussion:

02:03:43 REP. CLARK

02:04:24 **Motion/Vote:** REP. CLARK moved that HB 790 BE AMENDED with a conceptual amendment. Motion carried 17-1 by voice vote with REP. BROWN voting no and REPS. MAEDJE and WANZENRIED voting by proxy.

02:05:09 **Motion:** REP. JOPEK moved that HB 790 DO PASS AS AMENDED.

Discussion:

02:05:19 REP. ROSS

02:06:10 REP. BARRETT

02:06:26 REP. DICKENSON

02:07:45 REP. HARRIS

02:08:24 *REP. MAEDJE arrived at Committee Meeting.*

02:09:44 **Vote:** Motion carried unanimously by voice vote with REP. WANZENRIED voting by proxy.

HEARING ON HB 767

Opening Statement by Sponsor:

02:11:19 **REP. RICK MAEDJE (R), HD 2**, opened the hearing on **HB 767**, Licensing for encumbrance brokers handling conservation easements.

Proponents' Testimony: None.

Opponents' Testimony:

02:12:40 Gene Allison, Lead Attorney, Board of Realty Regulators
02:14:35 Wendy Ninteman, Executive Director, Five Valleys Land Trust, Missoula
02:17:13 Andy Bauer, Executive Director, Prickly Pear Land Trust, Helena

EXHIBIT (nah64a20)

02:19:34 Dusty Curry, Rancher, West of Choteau
02:20:53 Rock Ringling, Montana Land Reliance
02:23:48 Janet Ellis, Montana Audubon

EXHIBIT (nah64a21) Montana Association of Realtors via letter

Informational Testimony:

02:24:25 Mark Cadwallader, Legal Counsel, Montana Department of Labor & Industry

Questions from Committee Members and Responses:

02:24:36 **REP. HARRIS**
02:25:47 **REP. BARRETT**
02:27:11 **REP. JOPEK**
02:27:40 **REP. DICKENSON**
02:27:58 **REP. FUREY**
02:28:13 **REP. CLARK**

Closing by Sponsor:

02:30:01 **REP. RICK MAEDJE (R), HD 2** closed the hearing on **HB 767**.

EXECUTIVE ACTION ON HB 767

02:31:35 **Motion/Vote:** **REP. JOPEK** moved that **HB 767** **BE TABLED**. Motion carried unanimously by voice vote with **REPS. BROWN** and **WANZENRIED** voting by proxy.

02:33:00

ADJOURNMENT

Adjournment: 6:00 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah64aad0.PDF](#))