

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on March 30, 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 143, 3/23/2005; SB 376,
3/23/2005
Executive Action: HB 793; SB 44; HJ 36; SB 145
SB 138; SB 142; SB 214; SB 233

EXECUTIVE ACTION ON HB 793

00:03:48 **Motion:** REP. BROWN moved that HB 793 DO PASS.

00:04:42 **Motion:** REP. JOPEK moved that HB 793 BE AMENDED
with Sections #2 and #3 of the Amendment.

[EXHIBIT](#) (nah67a01)

[EXHIBIT](#) (nah67a02)

00:06:00 REP. BROWN
00:07:45 REP. JOPEK
00:08:26 REP. MAEDJE
00:09:11 REP. JOPEK
00:09:38 REP. BROWN

00:09:58 **Vote:** Motion carried by voice vote with REP.
EVERETT voting no.

00:10:23 **Motion:** REP. JOPEK moved that HB 793 DO PASS AS
AMENDED.

Discussion:

00:11:26 REP. ROSS
00:12:45 CHAIRMAN PETERSON
00:13:22 REP. DICKENSON
00:15:21 REP. BROWN
00:16:08 REP. HEINERT
00:17:51 REP. LAMBERT
00:18:20 REP. GUTSCHE

00:20:09 **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 REP. WANZENRIED voting by proxy.

HEARING ON SB 143

Opening Statement by Sponsor:

00:22:10 **SEN. RICK LAIBLE (R), SD 44**, opened the hearing on **SB 143**, Authorize contingent transfer and appropriation from orphan share account.
EXHIBIT (nah67a03)

Proponents' Testimony:

00:25:20 Sandi Olson, Department of Environmental Quality
EXHIBIT (nah67a04)

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:31:02 **REP. EVERETT**
00:33:04 **REP. LAMBERT**
00:35:49 **REP. BROWN**
00:38:38 **REP. HEINERT**
00:41:08 **REP. BARRETT**
00:46:33 **REP. HEINERT**
00:49:30 **REP. LAMBERT**
00:50:49 **REP. BROWN**

Closing by Sponsor:

00:52:27 **SEN. RICK LAIBLE (R)**, closed the hearing on **SB 143**.

HEARING ON SB 376

Opening Statement by Sponsor:

00:54:32 **SEN. MIKE WHEAT (D), SD 32**, opened the hearing on **SB 376**, Require environmental impact statement on certain reach of Gallatin River.

Proponents' Testimony:

00:59:50 Amy Stix, American Wildlands, Bozeman
EXHIBIT (nah67a05) **Jon Holtzman via letter**
01:03:10 John Wilson, Trout Unlimited
EXHIBIT (nah67a06)
01:11:17 Harry Murphy, Bozeman resident
01:13:17 Derek Goldman, Montana Audubon and the Montana Chapter of the American Fisheries Society
01:15:35 Joe Gutkoski, President, Montana River Action
01:18:54 Don Judge, representing Montana Chapter of the Sierra Club

Opponents' Testimony:

01:20:09 Michael S. Kakuk, Attorney, representing Montana
Association of Realtors
01:24:22 Ellen Hegstedt, representing Montana Wood Products
Association
01:25:39 Jason Todhunter, Montana Logging Association

Informational Testimony:

01:26:25 Richard Oppen, Director, Montana Department of
Environmental Quality

Questions from Committee Members and Responses:

01:29:09 REP. BROWN
01:33:33 REP. HEINERT
01:39:09 REP. GUTSCHE
01:42:23 REP. BARRETT
01:46:57 REP. MAEDJE
01:53:46 CHAIRMAN PETERSON
01:59:05 REP. CLARK
02:07:29 REP. HARRIS
02:08:41 REP. MAEDJE

Closing by Sponsor:

02:10:18 SEN. MIKE WHEAT (D), SD 32 closed the hearing on
SB 376.

02:13:57 Break
02:23:50 Resume

EXECUTIVE ACTION ON SB 44

02:25:22 **Motion:** REP. LAMBERT moved that SB 44 BE
CONCURRED IN.

Discussion:

02:26:22 REP. BROWN
02:27:16 REP. FUREY
02:28:15 REP. GUTSCHE
02:29:52 REP. LAMBERT
02:30:23 REP. CLARK
02:31:49 REP. HARRIS
02:32:25 REP. BARRETT

02:32:59 Substitute Motion/Vote: REP. BROWN made a substitute motion that SB 44 BE TABLED. Substitute motion carried 13-5 by voice vote with REPS. BARRETT, BROWN, EVERETT, MAEDJE, and ROSS voting no and REPS. WANZENRIED and DICKENSON voting by proxy.

EXECUTIVE ACTION ON HJ 36

02:34:20 Motion: REP. ROSS moved that HJ 36 DO PASS.

02:35:28 Motion/Vote: REP. HEINERT moved that HJ 36 BE AMENDED. Motion carried unanimously by voice vote with REPS. WANZENRIED and DICKENSON voting by proxy.

[EXHIBIT](#) (nah67a07)

02:36:05 Motion: REP. ROSS moved that HJ 36 DO PASS AS AMENDED.

Discussion:

02:36:12 REP. BROWN

02:37:03 Motion: REP. GUTSCHE moved that HJ 36 BE AMENDED.
[EXHIBIT](#) (nah67a08)

02:39:03 *REP. DICKENSON returned to Committee Hearing.*

Discussion:

02:39:22 REP. BARRETT

02:39:36 REP. CLARK

02:40:25 Vote: Motion carried 17-1 by voice vote with REP. HEINERT voting no and REP. WANZENRIED voting by proxy.

02:40:57 Motion/Vote: REP. FUREY moved that HJ 36 DO PASS AS AMENDED. Motion carried unanimously by voice vote with REP. WANZENRIED voting by proxy.

EXECUTIVE ACTION ON SB 145

02:42:35 Motion: REP. HARRIS moved that SB 145 BE CONCURRED IN.

02:43:30 **Motion:** REP. HARRIS moved that SB 145 BE AMENDED.
EXHIBIT (nah67a09)

02:43:54 **Discussion:**
REP. HARRIS

02:44:47 *REP. BIXBY left the Committee Hearing.*

02:45:07 **Vote:** Motion carried unanimously by voice vote
with REPS. WANZENRIED and BIXBY voting by proxy.

02:45:41 **Motion/Vote:** REP. HARRIS moved that SB 145 BE
CONCURRED IN AS AMENDED. Motion carried
unanimously by voice vote with REP. WANZENRIED and
BIXBY voting by proxy. REP. HARRIS will carry SB
145.

EXECUTIVE ACTION ON SB 138

02:47:40 **Motion:** REP. JOPEK moved that SB 138 BE CONCURRED
IN.

02:48:52 **Discussion:**
REP. BROWN
02:49:42 REP. ROSS
02:49:59 REP. MAEDJE

02:51:19 **Motion:** REP. MAEDJE moved that SB 138 BE AMENDED
with a conceptual amendment.

Discussion:
02:51:46 REP. BROWN

02:52:17 REP. MAEDJE withdrew the Motion TO AMEND SB 138.

02:52:28 **Motion:** REP. BROWN moved that SB 138 BE AMENDED
with a conceptual amendment.

Discussion:
02:52:43 REP. HEINERT
02:53:11 REP. SMALL-EASTMAN
02:53:24 REP. BROWN
02:53:48 REP. SMALL-EASTMAN
02:54:20 REP. BROWN
02:54:44 REP. JOPEK

02:55:05 **Vote:** Motion carried unanimously by voice vote
with REPS. WANZENRIED and BIXBY voting by proxy.

02:55:40 Motion/Vote: REP. JOPEK moved that SB 138 BE
CONCURRED IN AS AMENDED. Motion carried
unanimously by voice vote with REPS. WANZENRIED
and BIXBY voting by proxy. REP. HEINERT will carry
SB 138.

EXECUTIVE ACTION ON SB 142

02:57:32 Motion: REP. MAEDJE moved that SB 142 BE
CONCURRED IN.

Discussion:
02:57:51 REP. MAEDJE
02:59:51 REP. EVERETT

03:00:35 Motion: REP. BROWN moved that SB 142 BE AMENDED.
EXHIBIT (nah67a10)

Discussion:
03:01:39 Joe Kolman, Legislative Services Division
03:03:13 CHAIRMAN PETERSON

03:04:00 Motion: REP. FUREY moved that SB 142 BE AMENDED
and that Sections 1, 2 and 4 BE SEGREGATED.

Discussion:
03:04:51 REP. GUTSCHE
03:05:26 REP. HEINERT
03:06:05 REP. ROSS

03:06:33 *REP. JOPEK left the Committee Hearing.*

03:06:51 REP. MAEDJE
03:07:39 REP. FUREY
03:08:09 REP. SMALL-EASTMAN
03:08:35 REP. BROWN
03:09:19 REP. BARRETT
03:10:10 REP. MAEDJE

03:11:47 Vote: Motion carried 10-8 by roll call vote with
REPS. BIXBY, CLARK, FUREY, GUTSCHE, HARRIS, JOPEK,
PETERSON, and SMALL-EASTMAN voting no and REPS.
JOPEK, BIXBY and WANZENRIED voting by proxy.

03:12:36 Motion: REP. FUREY moved that SB 142 BE AMENDED
to include Sections 3 & 5-12.

Discussion:

03:13:42 REP. SMALL-EASTMAN
 03:15:25 REP. ROSS
 03:15:45 REP. FUREY
 03:16:46 REP. BROWN
 03:17:22 REP. FUREY
 03:17:47 REP. BARRETT
 03:18:15 REP. GUTSCHE
 03:18:54 Joe Kolman, Legislative Services Division

03:19:41 **Vote:** Motion carried 10-8 by roll call vote with REPS. BIXBY, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting no and REPS. JOPEK, BIXBY and WANZENRIED voting by proxy.

03:21:24 **Motion:** REP. BROWN moved that SB 142 BE CONCURRED IN AS AMENDED.

Discussion:

03:21:20 REP. GUTSCHE
 03:21:56 REP. BARRETT
 03:22:34 REP. MAEDJE
 03:23:24 Joe Kolman, Legislative Services Division
 03:23:43 REP. FUREY

03:24:21 **Vote:** Motion failed 4-14 by roll call vote with REPS. CLARK, HEINERT, MAEDJE, and ROSS voting aye and REPS. JOPEK, BIXBY and WANZENRIED voting by proxy.

03:25:36 **Motion/Vote:** REP. LAMBERT moved that SB 142 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. JOPEK, BIXBY and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON SB 214

03:26:11 **Motion:** REP. LAMBERT moved that SB 214 BE CONCURRED IN.

Discussion:

03:26:54 REP. MAEDJE
 03:28:27 REP. CLARK
 03:28:36 REP. EVERETT left Committee Hearing.

03:31:04 Vote: Motion carried 17-1 by voice vote with REP. BROWN voting no with REPS. EVERETT, BIXBY, JOPEK, and WANZENRIED voting by proxy. REP. NOENNIG will carry SB 214.

EXECUTIVE ACTION ON SB 233

03:32:17 Motion: REP. MAEDJE moved that SB 233 BE CONCURRED IN.

03:33:16 Motion: REP. HARRIS moved that SB 233 BE AMENDED. [EXHIBIT](#) (nah67a11)

Discussion:

03:33:39 Joe Kolman, Legislative Services Division

03:35:19 REP. HARRIS

03:36:43 Vote: Motion carried unanimously by voice vote with REPS. JOPEK, WANZENRIED, BIXBY, EVERETT and BROWN voting by proxy.

03:37:31 Motion: REP. GUTSCHE moved that SB 233 BE CONCURRED IN AS AMENDED.

Discussion:

03:38:19 REP. BARRETT

03:39:13 REP. DICKENSON

03:40:06 REP. GUTSCHE

03:41:00 Vote: Motion failed 9-9 by roll call vote with REPS. CLARK, DICKENSON, FUREY, BIXBY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. JOPEK, EVERETT, BIXBY, WANZENRIED and BROWN voting by proxy.

ADJOURNMENT

Adjournment: 7:00 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah67aad0.PDF](#))