

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

00:00:00

Call to Order: By **CHAIRMAN GLENN ROUSH**, on February 14, 2005 at 3:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Sen. Glenn Roush, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Kelly Gebhardt (R)
Sen. Dan Harrington (D)
Sen. Greg Lind (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Ken Toole (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Peg Holwick, Committee Secretary
Krista Lee Evans, Legislative Branch

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 376, 2/9/2005; SB 377, 2/9/2005
Executive Action: SB 125, SB 353

00:01:18

HEARING ON SB 376

Opening Statement by Sponsor:

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

Proponents' Testimony:

00:03:25 **Amy Stix, American Wildlands**

EXHIBIT (nas36a01)

00:05:23 **Robin Cunningham, Fishing Outfitters of Montana**
00:06:10 **John Wilson, Trout Unlimited**
00:08:16 **Brian Gallik, Attorney on behalf of Simkins LLC**
00:09:40 **Derek Goldman, Montana Audubon and Montana Chapter
of Fisheries Society**
00:10:19 **Steve Brown, Attorney on behalf of Yellowstone
Mountain Club**
00:11:09 **Don Judge, Montana Chapter Sierra Club**

Opponents' Testimony:

00:12:06 **Michael Kakuk, Attorney on behalf Montana
Association of Realtors**
00:13:27 **Tony Kolmik, Gallatin County Water Commissioner**

EXHIBIT (nas36a02)

Informational Testimony:

00:20:05 **Richard Opper, Montana Director of Environmental
Quality (MDEQ)**
00:20:25 **Harmon Rainey, Environmental Consultant**

Questions from Committee Members and Responses:

00:20:57 **SEN. TASH for Richard Opper in regards to TMDL
assessments; deferred to Tony Kolmik**
00:26:23 **SEN. LIND for Tony Kolmik**
00:28:19 **SEN. TOOLE for Krista Lee Evans, in regards to who
pays for measuring devices**
00:29:44 **CHAIRMAN ROUSH for Tony Kolmik**
00:32:24 **CHAIRMAN ROUSH in regards to funding for bill**
00:34:38 **SEN. TASH to Krista Lee re EIS cost**

00:35:19 **SEN. PERRY** for **Harmon Rainey** regarding costs and
 reasonableness of EIS completion

00:38:08 **SEN. PERRY** for **SEN. WHEAT** regarding discrepancy
 between fiscal note and bill

00:40:50 **SEN. CURTISS** for **Richard Opper** regarding sub basin
 planning process; deferred to **Bonnie Lovelace,**
Chief of Water Protection Department, DEQ

00:43:40 **SEN. TOOLE** for **Richard Opper** re cost of EIS

00:46:39 **SEN. LIND** for **Richard Opper** and **Mr. Rainey**
 regarding RFP

00:47:48 **SEN. TASH** for **Michael Kakuk**

00:50:31 **SEN. CURTISS** for **Tom Lipers, DEQ**

00:51:12 **SEN. PERRY** for **SEN. WHEAT** and **Richard Opper**

00:55:08

Closing by Sponsor:

00:58:43 Break
 01:06:08 Resume

01:06:08

HEARING ON SB 377

Opening Statement by Sponsor:

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

Proponents' Testimony:

01:08:28 **Michael Kakuk, Association of Realtors**

Opponents' Testimony:

01:08:53 **Mick Seeburg, Association of Agricultural**
Irrigators

01:11:08 **Tony Kolmik, Gallatin County Water Commissioner**

Informational Testimony:

01:15:15 **Terry Mclaughlin, Water Rights Bureau Chief, DEQ**

Questions from Committee Members and Responses:

01:16:40 **SEN. LIND** for **Krista Lee** regarding definition of
 "municipal"

01:17:28 **SEN. TASH** for **Krista Lee** regarding whether
"municipal" includes waste water

01:18:46 **SEN. TASH** for **SEN. WHEAT**

01:20:42 **SEN. LIND** for **SEN. WHEAT**

01:22:35 **SEN. CURTISS** for **SEN. WHEAT**

01:24:27 **SEN. TASH** for **SEN. WHEAT** regarding concerns of
natural treatment and storage of water

01:26:50 **SEN. LIND** for **SEN. WHEAT** regarding possible other
definitions of "municipal"

01:29:15 **SEN. ROUSH** for **Terry McLaughlin**

01:30:33

Closing by Sponsor:

01:32:36

EXECUTIVE ACTION ON SB 125

01:32:36

Motion/Vote: **SEN. TOOLE** moved that SB 125 BE TABLED. Motion
carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 353

01:35:11

Motion: **SEN. TASH** moved that SB 253 DO PASS.

01:35:19

Discussion:

01:46:43

Motion/Vote: **SEN. TASH** moved that SB 353 DO PASS. Motion carried
5-4 with **SEN. HARRINGTON**, **SEN. LIND**, **SEN. TOOLE**, and **SEN. WHEAT**
voting no. **SEN. WHEAT** and **SEN. LIND** voted by Proxy.

ADJOURNMENT

Adjournment: 5:08 P.M.

SEN. GLENN ROUSH, Chairman

PEG HOLWICK, Secretary

GR/ph

Additional Exhibits:

EXHIBIT ([nas36aad0.PDF](#))