

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** CHAIRMAN KELLY GEBHARDT, on January 12, 2009 at 3:00 P.M., in Room 422 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Kelly Gebhardt, Chairman (R)  
Sen. Debby Barrett, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Christine Kaufmann (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Peterson (R)  
Sen. Donald J. Steinbeisser (R)  
Sen. Mitch Tropila (D)  
Sen. David E. Wanzonried (D)

**Members Excused:** Sen. Jim Keane (D)

**Members Absent:** None.

**Staff Present:** Lindsey Hern, Committee Secretary  
Sonja Nowakowski, 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: SB4, 1/1/2009; SB 22, 1/1/2009

Executive Action: SB 5, 1/12/2009; SB 22, 1/12/2009;  
SB 4, 1/12/2009

Senator Jim Keane came in after roll call was taken.

**HEARING ON SB 22**

**Opening Statement by Sponsor:**

00:02:40 **SEN. TERRY MURPHY (R), SD 39**, opened the hearing on **SB 22**, Create Water policy committee.

**EXHIBIT (nas06a01)**

**Proponents' Testimony:**

00:06:18 Krista Lee Evans, Senior Water Rights Coalition

00:07:48 Mark Aagenes, Montana Trout Unlimited (MTU)

00:08:15 Mike Murphy, Montana Water Resources Association (MWRA)

00:09:11 Holly Franz, Clark Fork River Basin Task Force

**EXHIBIT (nas06a02)**

00:10:23 Brenda Lindlief-Hall, Tongue River Water Users

00:11:12 Brianna Randall, Clark Fork Coalition

**Opponents' Testimony:**

None

**Informational Testimony:**

00:12:05 Mary Saxton, Director, Department of Natural Resources and Conservation (DNRC)

**Questions from Committee Members and Responses:**

00:13:36 Sen. Christine Kaufmann

00:13:59 Sen. Murphy

00:14:16 Sen. Kaufmann

00:15:01 Sen. Murphy

00:15:33 Sen. Kaufmann

00:15:54 Sen. Murphy

00:15:58 Sen. Kaufmann

00:16:07 Sen. Murphy

00:16:18 Sen. Jim Peterson

00:16:58 Sen. Gary Perry

00:17:20 Sen. Murphy

00:17:31 Susan Byoth Fox, Executive Director, Legislative Service Division (LSD)

00:18:24 Chairman Kelly Gebhardt

00:18:37 Sen. Murphy

**Closing by Sponsor:**

00:19:00\_\_Sen. Murphy

**HEARING ON SB 4**

**Opening Statement by Sponsor:**

00:20:28 **SEN. DAVID WANZENRIED (D), SD 49**, opened the hearing on  
**SB 4**, Create standing water policy subcommittee of EQC.  
**EXHIBIT (nas06a03)**

**Proponents' Testimony:**

00:27:41 Mr. Aagenes, MTU  
00:28:13 Brenda Lindlief-Hall, Tongue River Water Users

**Opponents' Testimony:**

None

**Informational Testimony:**

00:29:31 Mary Saxton, DNRC

**Questions from Committee Members and Responses:**

00:30:26 Sen. Jim Peters  
00:30:32 Sen. Wanzenried  
00:30:50 Sen. Wanzenried  
00:32:26 Sen. Debby Barrett  
00:32:47 Sen. Wanzenried  
00:33:05 Ms. Byroth Fox, LSD  
00:33:44 Sen. Barrett  
00:33:57 Ms. Fox, LSD  
00:34:21 Sen. Barrett  
00:34:31 Ms. Fox, LSD  
00:35:09 Sen. Ken Hansen  
00:35:55 Sen. Wanzenried  
00:36:45 Sen. Hansen  
00:36:56 Ms. Fox, LSD  
00:37:48 Sen. Gary Perry  
00:38:15 Ms. Fox, LSD  
00:38:36 Sen. Garry Perry  
00:38:42 Ms. Fox, LSD  
00:39:14 Sen. Perry  
00:39:34 Sen. Wanzenried

**EXHIBIT (nas06a04)**

00:40:18 Sen. Perry  
00:40:41 Ms. Fox, LSD

**EXHIBIT (nas06a05)**

00:42:02 Sen. Barrett  
00:42:39 Ms. Saxton, DNRC  
00:43:43 Chairman Gebhardt  
00:43:47 Sen. Wanzenried  
00:43:52 Chairman Gebhardt  
00:44:08 Sen. Wanzenried  
00:44:34 Sen. Aubyn Curtiss  
00:44:56 Sen. Wanzenried  
00:45:19 Chairman Gebhardt  
00:45:34 Sen. Wanzenried

**Closing by Sponsor:**

00:46:15 Sen. Wanzenried

**EXECUTIVE ACTION ON SB 5**

**Additional Exhibits for SB 5**

[EXHIBIT \(nas06a06\)](#)

[EXHIBIT \(nas06a07\)](#)

00:51:14 **Motion:** SEN. WANZENRIED moved that **SB 5 DO PASS.**

**Discussion:**

00:51:26 Sen. Barrett  
00:52:12 Sen. David Wanzenried  
00:53:00 Sen. Barrett  
00:53:25 Mrs. Nowakowski, LSD  
00:54:06 Sen. Wanzenried  
00:54:59 Chairman Gebhardt

00:56:25 **Motion/Vote:** SEN. BARRETT moved that SB 5 **BE AMENDED (Exhibit 7)**. The motion carried unanimously by voice vote.

00:56:36 **Motion:** Sen. Wanzenried moved SB 5 **DO PASS AS AMENDED**

**Discussion:**

00:57:51 Sen. Peterson  
00:58:00 Chairman Gebhardt  
00:58:36 Sen. Peterson  
00:58:47 Sen. Barrett

00:59:30 **Vote:** Motion that **SB 5 DO PASS AS AMENDED** carried unanimously by voice vote.

00:59:39 Chairman Gebhardt  
00:59:57 Sen. Perry  
01:00:08 Chairman Gebhardt

**EXECUTIVE ACTION ON SB 22**

01:00:15 **Motion:** SEN. PERRY moved **DO PASS SB 22.**

**Discussion:**

01:00:54 Chairman Gebhardt

01:00:51 **Motion:** SEN. PERRY moved that **SB 22 BE AMENDED (Exhibit 1).**

**Discussion:**

01:01:02 Chairman Gebhardt

01:01:32 Sen. Perry

01:04:14 Sen. Steinbeisser

01:04:54 Sen. Peterson

01:05:29 Sen. Wanzenried

01:08:19 Sen. Kaufmann

01:09:02 Sen. Gebhardt

01:09:22 Sen. Kaufmann

01:11:07 Sen. Perry

01:13:33 Chairman Gebhardt

01:15:08 Sen. Barrett

01:17:45 Sen. Curtiss

01:19:21 Sen. Wanzenried

01:21:02 Sen. Mitch Tropila

01:21:51 Sen. Perry

01:23:01 Sen. Ken Hansen

01:23:28 Sen. Kaufmann

01:23:49 Mrs. Nowakowski, LSD

01:24:55 **Vote:** Motion that **SB 22 BE AMENDED** carried 9-2 by voice vote with SEN. KAUFMANN and SEN. WANZENRIED voting no.

01:25:38 **Motion/Vote:** SEN. Perry moved that **SB 22 DO PASS AS AMENDED.** Motion carried 6-5 by roll call vote with SEN. HANSEN, SEN. KAUFMANN, SEN. KEANE, SEN. TROPILA, and SEN. WANZENRIED voting no.

01:28:53 Sen. Gebhardt

**EXECUTIVE ACTION ON SB 4**

01:29:17 **Motion:** SEN. KAUFMANN moved that **SB 4 DO PASS.**

01:29:36 **Motion:** SEN. KAUFMANN moved that **SB 4 BE AMENDED.** (Exhibit 3)

**Discussion:**

01:29:54 Sen. Wanzenried

01:30:22 Sen. Peterson

01:30:32 Sen. Wanzenried

01:31:13 **Vote:** Motion that **SB 4 BE AMENDED** carried unanimously by voice vote.

01:31:23 **Motion:** Sen. Kaufmann moved **SB 4 DO PASS AS AMENDED**

**Discussion:**

01:31:29 Mrs. Nowakowski, LSD

01:31:47 **Motion:** SEN. PERRY moved to segregate the issues presented by the term limit issue on this bill and the subcommittee issue so they can be voted on separately

**Discussion:**

01:32:29 Sen. Barrett

01:32:49 Without objection Sen. Perry withdrew his motion to segregate.

01:33:07 Sen. Tropila

01:33:41 Sen. Peterson

01:34:13 Chairman Gebhardt

01:34:58 Sen. Barrett

01:35:18 Chairman Gebhardt

01:36:05 Sen. Barrett

01:36:40 Chairman Gebhardt

01:37:14 Sen. Perry

01:37:39 Sen. Peterson

01:38:31 Mrs. Nowakowski, LSD

01:39:54 Sen. Peterson

01:40:22 Mrs. Nowakowski, LSD

01:40:53 Sen. Wanzenried

01:42:21 Sen. Gebhardt

01:42:59 Sen. Perry

01:43:05 Chairman Gebhardt

01:43:38 Mrs. Nowakowski, LSD

01:43:56 Joe Colman, LSD

01:44:19 Sen. Barrett

01:44:34 Mr. Colman, LSD

01:45:58 Sen. Wanzenried

01:47:10 Without objection Sen. Kaufmann withdrew the motion, Do Pass as Amended on SB 4.

01:48:18 Chairman Gebhardt

01:50:22 Sen. Peterson

01:51:31 Chairman Gebhardt

01:51:51 Sen. Wanzenried

01:52:35 Sen. Perry  
01:54:52 Sen. Barrett  
01:55:35 Sen. Wanzenried  
01:56:45 Chairman Gebhardt

01:58:17 **Motion/Vote:** SEN. KAUFMANN made a motion to **Reconsider action on SB 22**. Motion failed 5-6 by roll call vote with SEN. HANSEN, SEN. KAUFMANN, SEN. KEANE, SEN. TROPILA, and SEN. WANZENRIED voting aye.

02:00:22 **Motion:** SEN. KAUFMANN moved that **SB 4 DO PASS**.

**Discussion:**

02:00:51 Chairman Gebhardt

02:00:04 **Substitute Motion/Vote:** SEN. KAUFMANN made a substitute motion that **SB 4 DO PASS AS AMENDED**. Substitute motion failed 5-6 by roll call vote with SEN. HANSEN, SEN. KAUFMANN, SEN. KEANE, SEN. TROPILA, and SEN. WANZENRIED voting aye.

02:01:58 **Motion:** SEN. PERRY moved that **SB 4 BE TABLED**.

02:02:08 Chairman Gebhardt, without objection, reversed the vote and tabled the bill.

**ADJOURNMENT**

Adjournment: 5:04 P.M.

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LINDSEY HERN, Secretary

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Additional Documents:

**EXHIBIT ([nas06aad.pdf](#))**