

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on February 18, 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. Ken (Kim) Hansen (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)

Members Excused:

Sen. Aubyn Curtiss (R)
Sen. Christine Kaufmann (D)
Sen. Jim Keane (D)
Sen. David E. Wanzenried (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: SB 420, 2/12/2009; SB 421,
2/12/2009; SB 422, 2/12/2009; SB
461, 2/12/2009

Executive Action: SB 94; SB 396; SB 417

EXECUTIVE ACTION ON SB 94

00:01:07 Chairman Gebhardt

00:01:26 **Motion:** Sen. Perry moved that **SB 94 DO PASS.**

00:01:34 **Motion:** Sen. Gebhardt moved that **SB 94 BE AMENDED.**
EXHIBIT (nas38a01)

Discussion:

00:02:41 Sen. Peterson

00:03:34 Sen. Perry

00:03:55 Chairman Gebhardt

00:04:20 **Vote:** Motion that **SB 94 BE AMENDED** failed 5-6 by roll call vote with Sen. Barrett, Sen. Curtiss, Sen. Gebhardt, Sen. Peterson, and Sen. Steinbeisser voting aye. Sen. Keane, Sen. Curtiss, Sen. Kaufmann and Sen. Wanzonried voted by proxy.

00:05:55 Sen. Perry

00:06:22 Sen. Barrett

00:06:53 Sen. Perry

00:07:01 Sen. Barrett

00:07:31 Sen. Tropila

00:08:01 Sen. Peterson

00:09:05 Sen. Perry

00:10:27 Sen. Barrett

00:10:53 **Vote:** Motion that **SB 94 DO PASS** carried 6-5 by roll call vote with Sen. Barrett, Sen. Curtiss, Sen. Gebhardt, Sen. Peterson, and Sen. Steinbeisser voting no. Sen. Keane, Sen. Curtiss, Sen. Kaufmann and Sen. Wanzonried voted by proxy.

EXECUTIVE ACTION ON SB 396

00:12:26 **Motion:** Sen. Perry moved that **SB 396 DO PASS.**

00:12:41 **Motion:** Sen. Perry moved that **SB 396 BE AMENDED.**
EXHIBIT (nas38a02)

Discussion:

00:12:51 Chairman Gebhardt

00:12:58 Sen. Perry

00:13:00 Sonja Nowakowski, Legislative Service Division (LSD)

00:15:50 Sen. Tropila

00:16:08 Mrs. Nowakowski, LSD

00:16:27 Sen. Barrett
00:16:47 Mrs. Nowakowski, LSD
00:16:58 Sen. Barrett
00:17:33 Mrs. Nowakowski, LSD
00:18:48 Sen. Curtiss and Sen. Keane came to the committee.
00:19:00 Chairman Gebhardt

00:19:25 **Vote:** Motion that **SB 396 BE AMENDED** carried unanimously by voice vote. Sen. Kauffman and Sen. Wanzenried voted by proxy.

00:19:52 **Motion:** Sen. Gebhardt moved that **SB 396 DO PASS AS AMENDED.**

00:20:00 **Vote:** Motion that **SB 396 DO PASS AS AMENDED** carried unanimously by voice vote. Sen. Kaufmann and Sen. Wanzenried voted by proxy.

EXECUTIVE ACTION ON SB 417

00:21:02 **Motion:** Sen. Keane moved that **SB 417 DO PASS.**

00:21:10 **Motion:** Sen. Keane moved that **SB 417 BE AMENDED.**
EXHIBIT (nas38a03)

Discussion:

00:21:23 Sen. Keane
00:21:42 Sen. Peterson
00:22:09 Sen. Perry
00:22:12 Sen. Peterson
00:22:42 Sen. Keane
00:22:48 Sen. Peterson
00:22:57 Sen. Keane

00:23:20 **Vote:** Motion that **SB 417 BE AMENDED** carried 8-3 by voice vote with Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Kaufmann and Sen. Wanzenried voted by proxy.

00:23:42 **Motion:** Sen. Keane moved that **SB 417 DO PASS AS AMENDED.**

Discussion:

00:23:49 Sen. Keane
00:24:37 Sen. Peterson
00:25:27 Sen. Keane
00:25:53 Vice Chair Barrett assumed the chair at this point.

Sen. Kaufmann came to the committee before the vote on SB 417 Do Pass As Amended.

00:25:50 **Vote:** Motion that **SB 417 DO PASS AS AMENDED** carried 7-4 by roll call vote with Sen. Hansen, Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Wanzenried voted by proxy.

00:25:53 Chairman Gebhardt left the committee. Vice Chair Barrett assumed the chair.

SB 421

Discussion:

00:27:16 Sen. Jackson declared his intention to withdraw SB 421. [EXHIBIT \(nas38a04\)](#)

00:28:20 Chairwoman Barrett

00:28:29 Mrs. Nowakowski, LSD, explained the procedure and left the decision with the committee to withdraw the hearing or to table the bill in executive action.

00:29:33 Vice Chairwoman Barrett said it could be handled during executive action.

00:29:56 Sen. Jackson requested that the committee Table SB 421. Subsequent to this discussion, the committee chose to accept the withdrawal notice (Exhibit 4).

HEARING ON SB 420

Opening Statement by Sponsor:

00:30:11 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 420, Challenge of certain water rights during adjudication.

[EXHIBIT \(nas38a05\)](#)

[EXHIBIT \(nas38a06\)](#)

[EXHIBIT \(nas38a07\)](#)

Proponents' Testimony:

00:49:20 John Bloomquist, Self

Opponents' Testimony:

00:52:30 Krista Lee Evans, Senior Water Rights Coalition (SrWRC)

00:54:45 Tom Ebzery, Attorney, Avista Corporation

[EXHIBIT \(nas38a08\)](#)

[EXHIBIT \(nas38a09\)](#)

01:00:27 John Youngberg, Montana Water Resources, Montana Farm
Bureau Federation (MFBF)

01:01:04 Holly Franz, PPL Montana

[EXHIBIT \(nas38a10\)](#)

Informational Testimony:

01:04:16 John Tubbs, Department of Natural Resources (DNRC)

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:04:43 Sen. Jackson

01:10:23 Sen. Barrett

01:10:38 Sen. Jackson

01:12:29 Sen. Perry left the committee.

HEARING ON SB 422

Opening Statement by Sponsor:

01:13:30 Sen. Verdell Jackson (R), SD 5, opened the hearing on
SB 422, Generally revise water use act.

01:21:25 Sen. Steinbeisser, Sen Keane and Sen. Kaufmann left the
committee.

Proponents' Testimony:

01:22:16 John Bloomquist, Self

01:27:16 Rhonda Wiggers, Montana Water Well Drillers Association
(MWWDA)

01:29:20 Abigail St. Lawrence, Montana Association of Relators
(MAR)

01:32:01 Mark Paulson, Aquatic Consulting Firm

01:32:28 Sen. Keane and Sen. Kaufmann returned to the committee.

Opponents' Testimony:

01:36:11 Ms. Franz, PPL Montana

01:39:23 Sen. Steinbeisser returned to the committee.

01:44:44 Mr. Tubbs, DNRC

01:49:11 Ms. Evans, Association of Gallatin Agriculture
Irrigation, SrWRC

01:50:24 Mr. Youngberg, MFBF

01:51:21 Mr. Ebzery, Attorney, Avista Corporation

[EXHIBIT \(nas38a11\)](#)

01:52:15 Brenda Lindlief-Hall, Tongue River Water Users
Association.

[EXHIBIT \(nas38a12\)](#)

01:54:20 Brianna Randall, Clark Fork Coalition

01:55:06 Sen. Peterson left the committee.

01:55:53 Bob Lane, Chief Legal Council Fish Wildlife and Parks
(FWP)

[EXHIBIT \(nas38a13\)](#)

[EXHIBIT \(nas38a14\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:57:28 Sen. Hansen
01:57:51 Mr. Bloomquist, Self
01:57:53 Sen. Hansen
01:58:07 Mr. Bloomquist, Self
01:58:53 Sen. Tropila
01:59:22 Sen. Jackson

Closing by Sponsor:

02:04:03 Sen. Jackson

02:07:40 Recess

HEARING ON SB 461

Opening Statement by Sponsor:

02:15:42 Sen. John Brueggeman (R), SD 6, opened the hearing on
SB 461, Change of use for certain water users.

02:16:04 Sen. Wanzenried came to the committee.

Proponents' Testimony:

02:17:59 Steve Wade, North-Central Regional Water Association

[EXHIBIT \(nas38a15\)](#)

02:20:23 Clint Jacobs, Manager, Dry Prairie Regional Water
System

[EXHIBIT \(nas38a16\)](#)

[EXHIBIT \(nas38a17\)](#)

[EXHIBIT \(nas38a18\)](#)

02:28:15 Ms. Randell, Clark Fork Coalition, and Montana Smart
Growth Coalition

02:30:05 Mr. Tubbs, DNRC

02:32:09 Don MacIntyre, Billings Area Chamber of Commerce

[EXHIBIT \(nas38a19\)](#)

[EXHIBIT \(nas38a20\)](#)

Opponents' Testimony:

02:33:27 Ms. Evans, AGAI, SrWC

02:34:08 Sen. Gebhardt returned to committee.

02:35:27 Mr. Murphy, MWRA

02:37:01 Mr. Youngberg, MFBF

Informational Testimony:

None

Questions from Committee Members and Responses:

02:38:05 Sen. Keane

02:38:37 Sen. Brueggeman

02:38:44 Sen. Keane

02:38:47 Sen. Brueggeman

02:38:51 Sen. Keane

02:39:13 Sen. Brueggeman

02:39:29 Sen. Wanzenried

02:39:53 Sen. Brueggeman

02:41:36 Sen. Wanzenried

02:41:54 Sen. Brueggeman

02:42:46 Sen. Wanzenried

02:43:08 Ms. Evans, AGAI, SrWC

02:44:10 Sen. Wanzenried

02:44:22 Ms. Evans, AGAI, SrWC

02:44:41 Sen. Barrett

02:46:01 Mr. Tubbs

Closing by Sponsor:

02:48:41 Sen. Brueggeman

Additional Business:

02:51:04 Chairman Gebhardt resumed the position as chair.

02:52:16 Sen. Wanzenried
02:52:38 Chairman Gebhardt
02:52:49 Sen Wanzenried
02:52:53 Chairman Gebhardt
02:53:51 Sen. Keane
02:54:02 Chairman Gebhardt
02:54:26 Sen. Keane
02:54:37 Sen. Wanzenried
02:54:38 Chairman Gebhardt

Additional Exhibits:

[EXHIBIT \(nas38a21\)](#) On SJ 21 heard 02/16/09

[EXHIBIT \(nas38a22\)](#) Withdrawal of hearing request for SB 112, Sen.
Keane

ADJOURNMENT

Adjournment: 6:13 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas38aad.pdf](#))