

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on March 6, 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. Jim Keane (D)
Sen. Donald J. Steinbeisser (R)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Aubyn Curtiss (R)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)
Sen. Mitch Tropila (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: HB 39, 3/24/2009; HB 40, 3/24/2009;
HB 41, 3/24/2009

Executive Action:

HEARING ON HB 39**Opening Statement by Sponsor:**

00:00:59 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 39, Revise water right enforcement laws.

00:02:07 Sen. Kaufmann and Sen. Perry came to the committee.

00:04:04 Sen. Peterson came to the committee.

00:07:42 Sen. Tropila came to the committee.

Proponents' Testimony:

00:09:32 Candace West, Chief Legal Council, Department of Natural Resources and Conservation (DNRC)

00:18:44 Sarah Bond, Montana Attorneys' Office

00:20:43 Mike Murphy, Montana Water Resource Association (MWRA)

00:21:12 Myra Shults, Montana Association of Counties (MACo)

00:21:34 Krista Lee Evens, Association of Gallatin Agricultural Irrigators (AGAI); Senior Water Rights Coalition (SrWRC); speaking on behalf of John Youngberg, Montana Farm Bureau Federation (MFBF)

00:21:56 Mark Aagenes, Montana Trout Unlimited

00:22:18 Tim Schaff, Self

00:26:52 Hannelore Sharbono, Self

00:36:26 Bob Lane, Chief Legal Council, Fish, Wildlife and Parks, (FWP)

EXHIBIT (nas50a01)

00:37:43 Holly Franz, PPL Montana

00:38:01 Colleen Coyle, Senior Water Master, Montana Water Court

EXHIBIT (nas50a02)**Opponents' Testimony:**

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:39:44 Sen. Hansen

00:40:10 Rep. Cohenour

00:40:38 Ms. Coyle, Montanan Water Court

00:41:53 Sen. Hansen

00:42:08 Ms. Coyle, Montanan Water Court

00:42:37 Sen. Tropila
00:42:55 Mr. Schaff, Self

Closing by Sponsor:

00:43:17 Rep. Cohenour
00:44:07 Chairman Gebhardt

HEARING ON HB 40

Opening Statement by Sponsor:

00:44:26 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB
40, Revise water right permit process.

EXHIBIT (nas50a03)

Proponents' Testimony:

00:52:38 Mary Sexton, Director, DNRC

EXHIBIT (nas50a04)

00:53:08 Sen. Steinbeisser left the committee.

00:57:21 John Tubbs, DNRC

EXHIBIT (nas50a05)

00:57:41 Abigail St. Lawrence, Montana Association of Relators
(MAR)

EXHIBIT (nas50a06)

00:59:55 Ms. Franz, PPL Montana

01:00:18 Mr. Murphy, MWRA

01:00:41 Tim Davis, Montana Smart Growth Coalition (MSGC)

01:01:00 Ronda Wiggers, Montana Water Drillers Association

01:01:16 Dustin Stewart, Montana Building Industry Association
(MBIA)

EXHIBIT (nas50a07)

01:01:24 Mr. Aagenes, MTU

01:01:40 Bob Lane, FWP

EXHIBIT (nas50a08)

01:02:15 Don MacIntyre, Utility Solutions

01:02:37 Ms. Evans, AGAI, SrWC

01:03:07 Ms. Shults, MACo

01:03:37 Mr. Schaff, Self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:04:42 Sen. Perry
01:04:55 Mr. MacIntyre,
01:05:05 Chairman Gebhardt
01:05:39 Mr. Tubbs DNRC
01:06:24 Chairman Gebhardt
01:06:41 Mr. Tubbs, DNRC

Closing by Sponsor:

01:07:29 Rep. Cohenour
01:08:38 Chairman Gebhardt
01:09:18 Recess

HEARING ON HB 41

Opening Statement by Sponsor:

01:17:54 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 41, Revise water quality laws for aquifer recharge or mitigation.

EXHIBIT (nas50a09)

01:19:10 Sen. Curtiss came to the committee. Sen. Barrett, Sen. Peterson and Sen. Keane did not return to the committee.

Proponents' Testimony:

01:22:42 Ms. Shults, MACo
01:23:00 Mr. Lane, FWP

EXHIBIT (nas50a10)

01:23:43 Ms. St. Lawrence, MAR
01:24:48 Mr. Aagenes MTU
01:25:14 Sen. Steinbeisser came to the committee.

Opponents' Testimony:

None

Informational Testimony:

01:25:17 Jenny Chambers, Department of Environmental Quality
(DEQ)

01:25:40 Ms. West, DNRC

Questions from Committee Members and Responses:

01:26:01 Sen. Kaufmann

01:26:24 Rep. Cohenour

01:27:09 Sen. Kaufmann

01:27:27 Rep. Cohenour

01:28:05 Sen. Perry

01:28:26 Ms. St. Lawrence, MAR

Closing by Sponsor:

01:29:15 Rep. Cohenour

Additional Exhibits:

[EXHIBIT \(nas50a11\)](#)

[EXHIBIT \(nas50a12\)](#) HB 139 Heard 03/04/09

Committee Business:

01:30:34 Chairman Gebhardt

01:32:50 Sen. Wanzenried

01:32:57 Chairman Gebhardt

01:33:54 Sen. Wanzenried

01:34:11 Chairman Gebhardt

01:34:59 Sen. Wanzenried

01:35:01 Chairman Gebhardt

01:35:16 Sen. Perry

01:36:25 Sen. Steinbeisser

ADJOURNMENT

Adjournment: 4:45 P.M.

Lindsey Hern, Secretary

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Additional Documents:

EXHIBIT ([nas50aad.pdf](#))