

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** Chair Gerald (Jerry) Bennett, on January 18, 2013 at 3:00 PM, in Room 172 Capitol

#### ROLL CALL

**Members Present:**

Rep. Gerald (Jerry) Bennett, Chair (R)  
Rep. Pat Connell, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Alan Doane (R)  
Rep. Jennifer Eck (D)  
Rep. Steve Fitzpatrick (R)  
Rep. Wylie Galt (R)  
Rep. Brian Hoven (R)  
Rep. Ed Lieser (D)  
Rep. Ryan Lynch (D)  
Rep. Mike Miller (R)  
Rep. JP Pomnichowski (D)  
Rep. Ray L. Shaw (R)  
Rep. Wendy Warburton (R)  
Rep. Kerry White (R)  
Rep. Kathleen Williams (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Colleen Dever, Committee Secretary  
Joe Kolman, 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 on HB 106  
Executive Action on HB 59 and HB 146

00:12:27 Chair J. Bennett  
00:12:42 Secretary Colleen Dever  
00:13:20 Chair J. Bennett

### **HEARING ON HB 106**

#### **Opening Statement by Sponsor:**

00:14:06 Rep. Pat Connell (R), HD 87, opened the hearing on HB 106, Generally revise water use laws.  
00:15:06 Chair J. Bennett

#### **Proponents' Testimony:**

00:15:12 Tim Davis, Administrator, Water Resource Division, Department of Natural Resources and Conservation (DNRC)  
00:23:31 Chair J. Bennett  
00:23:42 Mike Murphy, Montana Water Resources Association (MWRA)  
00:25:16 Chair J. Bennett  
00:25:22 John Youngberg, Montana Farm Bureau (MFB)  
00:27:07 Chair J. Bennett  
00:27:14 Krista Lee Evans, Senior Water Rights Coalition (SrWRC); Association of Gallatin Agricultural Irrigators (AGAI)  
00:28:41 Chair J. Bennett  
00:28:44 Mark Aagenes, Montana Trout Unlimited (MTU)  
00:28:49 Chair J. Bennett  
00:28:56 Mr. Aagenes, MTU  
00:29:29 Chair J. Bennett  
00:29:32 Clayton Elliott, Northern Plains Resource Council (NPRC)  
00:29:48 Chair J. Bennett  
00:29:53 Jay Bodner, Montana Stock Grower's Association (MSGA)  
00:30:41 Chair J. Bennett

#### **Opponents' Testimony:**

00:30:59 Jean Riley (Self)  
00:34:14 Chair J. Bennett  
00:34:20 Abigail St. Lawrence, Montana Association of Realtors (MAR)  
00:37:56 Chair J. Bennett  
00:38:07 Ron Devlin, Water Well Drillers  
00:40:20 Chair J. Bennett

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:40:39 Rep. Doane  
00:41:17 Mr. Davis, DNRC  
00:41:32 Chair J. Bennett  
00:41:35 Rep. Fitzpatrick  
00:41:56 Mr. Davis, DNRC  
00:42:43 Chair J. Bennett

00:42:50 Rep. Pomnichowski  
00:43:32 Mr. Davis, DNRC  
00:44:02 Rep. Pomnichowski  
00:44:30 Mr. Davis, DNRC  
00:45:08 Rep. Pomnichowski  
00:45:23 Mr. Davis, DNRC  
00:45:34 Rep. Pomnichowski  
00:45:56 Mr. Davis, DNRC  
00:47:24 Rep. Pomnichowski  
00:47:28 Mr. Davis, DNRC  
00:48:32 Chair J. Bennett  
00:48:40 Rep. White  
00:50:12 Mr. Davis, DNRC  
00:51:28 Rep. White  
00:51:46 Mr. Davis, DNRC  
00:51:52 Rep. White  
00:52:38 Mr. Davis, DNRC  
00:54:11 Chair J. Bennett  
00:54:15 Rep. Hoven  
00:54:36 Mr. Davis, DNRC  
00:54:56 Rep. Hoven  
00:55:05 Mr. Davis, DNRC  
00:55:06 Chair J. Bennett  
00:55:09 Rep. Williams  
00:56:47 Ms. St. Lawrence, MAR  
00:57:22 Rep. Williams  
00:57:43 Ms. St. Lawrence, MAR  
00:57:56 Rep. Williams  
00:58:07 Ms. St. Lawrence, MAR  
00:58:43 Rep. Williams  
00:58:57 Ms. St. Lawrence, MAR  
00:59:08 Chair J. Bennett  
00:59:10 Rep. Miller  
00:59:38 Ms. St. Lawrence, MAR  
00:59:46 Rep. Miller  
00:59:51 Ms. St. Lawrence, MAR  
01:01:27 Rep. Miller  
01:01:34 Ms. St. Lawrence, MAR  
01:01:53 Rep. Miller  
01:01:55 Mr. Davis, DNRC  
01:02:46 Chair J. Bennett  
01:02:59 Rep. Shaw  
01:03:05 Chair J. Bennett  
01:03:10 Rep. Shaw  
01:04:06 Ms. Riley, Self  
01:05:23 Rep. Shaw  
01:05:29 Ms. Riley, Self  
01:05:57 Chair J. Bennett

**Closing by Sponsor:**

01:06:02 Rep. Connell  
01:08:12 Chair J. Bennett

**EXECUTIVE ACTION ON HB 59**

01:13:05 Chair J. Bennett  
01:13:19 **Motion:** Rep. Lynch moved that **HB 59 DO PASS.**

**Discussion:**

01:13:26 Chair J. Bennett  
01:13:37 Rep. Pomnichowski  
01:13:46 Chair J. Bennett  
01:13:55 Mr. Kolman, Legislative Services Division (LSD)  
01:14:19 Chair J. Bennett  
01:14:31 Rep. Connell  
01:14:42 Chair J. Bennett  
01:14:47 Rep. Connell  
01:15:03 Chair J. Bennett

01:15:11 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 146**

01:15:26 Chair J. Bennett  
01:15:28 **Motion:** Rep. Connell moved that **HB 146 DO PASS.**

**Discussion:**

01:15:37 Chair J. Bennett  
01:15:45 Mr. Kolman, LSD  
01:17:24 Chair S. Bennett  
01:17:27 Rep. Connell  
01:18:00 Chair J. Bennett  
01:18:06 Rep. Pomnichowski  
01:20:20 Chair J. Bennett  
01:20:24 Rep. Warburton  
01:21:26 Chair J. Bennett  
01:21:29 Rep. Miller  
01:21:46 Chair J. Bennett  
01:21:48 Rep. Doane  
01:22:02 Chair J. Bennett  
01:22:05 Rep. White  
01:22:42 Chair J. Bennett  
01:22:45 Rep. Williams  
01:24:00 Chair J. Bennett  
01:24:03 Rep. Court  
01:25:01 Chair J. Bennett  
01:25:03 Rep. Hoven  
01:25:35 Chair J. Bennett

01:25:45 Mr. Kolman, LSD

01:29:00 **Vote:** Motion carried 9-7 by roll call vote with Rep. Court, Rep. Eck, Rep. Hoven, Rep. Lieser, Rep. Lynch, Rep. Pomnichowski and Rep. Williams voting no.

01:29:11 Chair J. Bennett

01:29:13 **Motion:** Rep. Doane moved that HB 59 be placed on the Consent Calendar.

01:29:22 Chair J. Bennett

01:29:32 **Vote:** Motion failed by voice vote, as several people voted no. According to House Rules H40-110(b), a unanimous vote on such a motion is required.

01:29:42 Chair J. Bennett

01:30:11 Rep. Hoven

01:30:22 Chair J. Bennett

01:30:53 Rep. Hoven

01:31:21 Chair J. Bennett

01:31:34 Rep. Pomnichowski

01:31:37 Chair J. Bennett

01:31:45 Rep. Miller

01:31:54 Mr. Kolman, LSD

01:32:12 Rep. Miller

01:32:15 Mr. Kolman, LSD

**ADJOURNMENT**

Adjournment: 01:32:45

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Colleen Dever, Secretary

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Additional Documents:

**EXHIBIT([nah10aad.pdf](#))**