

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on February 15, 2013 at 3:00 PM, in Room 422
Capitol

ROLL CALL

Members Present:

Sen. Chas Vincent, Chair (R)
Sen. John Brenden, Vice Chair (R)
Sen. Debby Barrett (R)
Sen. Jennifer Fielder (R)
Sen. Bradley Hamlett (D)
Sen. Verdell Jackson (R)
Sen. Jim Keane (D)
Sen. Cliff Larsen (D)
Sen. Mike Phillips (D)
Sen. Rick Ripley (R)
Sen. Matthew M. Rosendale Sr (R)

Members Excused:

Sen. Christine Kaufmann (D)
Sen. Mitch Tropila (D)
Sen. Edward Walker (R)

Members Absent: None

Staff Present: Mary Kulawik, 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 263, 2/8/2013; SB 265, 2/8/2013

Executive Action: SB 217 DPAA; SB 233 DPAA; SB 278 DPAA; SB 19 DP
SB 38 - Tabled; SB 214 - Tabled
SB 237 - Partial Action

00:24:00 Sen. Kaufmann entered the hearing.

HEARING ON SB 263

Opening Statement by Sponsor:

00:24:19 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 263, Revise exempt water well law.

00:25:54 Sen. Tropila entered the hearing.

Proponents' Testimony:

00:26:38 Dustin Stewart, Executive Director, Montana Building Industry Association (MBIA)

Opponents' Testimony:

00:29:40 Krista Lee Evans, Senior Water Rights Coalition (SWRC), Association of Gallatin Agricultural Irrigators (AGAI), Montana Stockgrowers Association (MSGA), and Montana Farm Bureau Federation (MFBF)

00:31:09 Abigail St. Lawrence, Montana Association of Realtors (MAR)

00:33:59 Mike Murphy, Montana Water Resources Association (MWRA)

00:34:57 Bill Schenk, Montana Department of Fish, Wildlife and Parks (FWP)

EXHIBIT(nas34a01)

00:36:51 Barbara Hall, Legal Director, Clark Fork Coalition (CFC)

00:37:48 Mark Aagenes, Montana Trout Unlimited (MTU)

00:38:58 Andy Skinner, self

00:40:31 Richard Parks, Northern Plains Resource Council (NPRC)

Informational Testimony:

00:41:15 Tim Davis, Administrator, Montana Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:41:36 Sen. Ripley

00:43:07 Sen. Hamlett

00:43:36 Sen. Rosendale

00:45:22 Sen. Hamlett

00:45:50 Chairman Vincent

00:46:12 Sen. Brenden

00:46:57 Sen. Hamlett

Closing by Sponsor:

00:47:50 Sen. Hamlett

HEARING ON SB 265**Opening Statement by Sponsor:**

00:52:36 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 265, Extend the reserved water rights compact commission.

Proponents' Testimony:

01:01:56 William G. Myers, Jr., Bayside Park and Marine Center (BPMC)
01:07:22 Brian Shuck, Attorney, Western Montana Water Users Association (WMWUA)
01:12:37 Derek Skees, self
01:14:02 Steve Tobol, Chairman, Western Montana Water Users Association (WMWUA)
01:14:45 Gene Erb, self
01:15:30 Katy French, self
01:16:29 Steve Killorn, Western Montana Water Users Association (WMWUA)
01:17:16 Terry Backs, self
01:19:19 Sen. Verdell Jackson (R), SD 5, Kalispell

Opponents' Testimony:

01:19:45 Bill Schultz, Montana Reserved Water Rights Compact Commission (RWRCC)
01:22:23 John Tubbs, Director, Montana Department of Natural Resources and Conservation (DNRC)
01:24:12 Joe Durglo, Chairman, Confederated Salish and Kootenai Tribal Council (CSKTC)

EXHIBIT(nas34a02)

01:27:34 Ric Smith, self
01:30:05 Steve Lozar, Tribal Council Member, Confederated Salish and Kootenai Tribal Council (CSKTC)

EXHIBIT(nas34a03)

01:33:43 Mike Murphy, Montana Water Resources Association (MWRA)
01:35:00 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI)
01:36:22 Ron Trahan, Tribal Council Representative-St. Ignatius District, Confederated Salish and Kootenai Tribal Council (CSKTC)
01:37:29 Dustin Monroe, Executive Director, Western Native Voice (WNV)

Informational Testimony: None

Questions from Committee Members and Responses:

01:39:29 Sen. Fielder
01:42:08 Bill Schultz, RWRCC
01:42:53 Sen. Ripley
01:44:32 Bill Schultz
01:44:53 Sen. Brenden
01:48:02 Brian Shuck, WMWUA
01:48:40 Sen. Brenden

01:49:02 John Tubbs, DNRC
 01:49:15 Sen. Larsen
 01:49:58 Bill Schultz
 01:50:40 Sen. Larsen
 01:54:09 Brian Shuck
 01:55:52 Sen. Hamlett
 01:56:54 John Tubbs
 01:57:23 Sen. Kaufmann
 01:57:54 John Tubbs
 01:59:18 Bill Schultz
 02:00:15 Sen. Kaufmann
 02:00:33 Bill Schultz
 02:00:50 Sen. Keane
 02:03:06 John Tubbs
 02:04:01 Sen. Ripley
 02:07:12 Bill Schultz
 02:07:24 Sen. Hamlett
 02:07:41 Joe Durglo, CSKTC
 02:08:03 John Carter, Attorney, Confederated Salish and Kootenai Tribes (CSKT)
 02:08:41 Sen. Ripley
 02:13:34 John Carter, CSKT
 02:14:11 Sen. Fielder
 02:14:54 Brian Shuck
 02:16:54 Chairman Vincent
 02:17:17 Sen. Fielder
 02:17:47 Brian Shuck
 02:19:02 Sen. Barrett
 02:20:48 Bill Schultz
 02:20:55 Sen Barrett
 02:21:12 John Tubbs
 02:21:15 Chairman Vincent
 02:21:56 John Tubbs
 02:22:08 Chairman Vincent
 02:23:32 Bill Schultz
 02:23:38 Chairman Vincent
 02:25:10 John Tubbs
 02:25:38 Chairman Vincent

Closing by Sponsor:

02:25:51 Sen. Jackson
[EXHIBIT\(nas34a04\)](#)
[EXHIBIT\(nas34a05\)](#)

EXECUTIVE ACTION ON SB 38

02:40:42 Chairman Vincent
 02:41:10 **Motion/Vote:** Sen. Brenden moved that **SB 38 BE TABLED**. Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 217

02:41:52 **Motion:** Sen. Jackson moved that **SB 217 DO PASS.**

Discussion:

02:42:06 Chairman Vincent
 02:42:23 Sen. Tropila
 02:42:32 Sonja Nowakowski, Legislative Services Division (LSD)
 02:42:36 Chairman Vincent
 02:42:48 Sonja Nowakowski, LSD

02:43:15 **Motion:** Sen. Hamlett moved that **SB 217 BE AMENDED.**
[EXHIBIT\(nas34a06\)](#)

Discussion:

02:43:26 Sen. Hamlett
 02:43:48 Sen. Fielder
 02:43:57 Chairman Vincent

02:44:05 **Vote:** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

02:44:25 **Motion:** Sen. Kaufmann moved that **SB 217 BE AMENDED.**
[EXHIBIT\(nas34a07\)](#)

Discussion:

02:44:35 Sen. Kaufmann
 02:45:14 Sen. Barrett
 02:45:28 Sen. Kaufmann
 02:45:58 Sen. Hamlett

02:46:26 Without objection, Sen. Kaufmann **WITHDREW THE MOTION TO AMEND SB 217.**

02:46:40 **Motion/Vote:** Sen. Jackson moved that **SB 217 DO PASS AS AMENDED.**
 Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 233

02:47:49 **Motion:** Sen. Keane moved that **SB 233 DO PASS.**

02:47:58 **Motion:** Sen. Keane moved that **SB 233 BE AMENDED.**
[EXHIBIT\(nas34a08\)](#)

Discussion:

02:48:02 Chairman Vincent
 02:48:10 Sonja Nowakowski, Legislative Services Division (LSD)

02:48:29 Chairman Vincent
02:48:50 Sen. Fielder

02:49:05 **Vote:** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

02:49:16 **Motion/Vote:** Sen. Keane moved that **SB 233 DO PASS AS AMENDED.**
Motion carried 12-2 by voice vote with Sen. Kaufmann and Sen. Phillips voting no. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 278

02:49:56 **Motion:** Sen. Keane moved that **SB 278 DO PASS.**

02:50:28 **Motion:** Sen. Ripley moved that **SB 278 BE AMENDED.**
[EXHIBIT\(nas34a09\)](#)

Discussion:

02:50:38 Sonja Nowakowski, LSD

02:51:09 **Vote:** Motion carried unanimously by voice vote. Sen. Walker voted by proxy.

02:51:19 **Motion/Vote:** Sen. Keane moved that **SB 278 DO PASS AS AMENDED.**
Motion carried 12-2 by voice vote with Sen. Fielder and Sen. Jackson voting no. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 19

02:51:57 **Motion:** Sen. Hamlett moved that **SB 19 DO PASS.**

Discussion:

02:52:00 Chairman Vincent
02:53:00 Sen. Hamlett

02:54:16 **Motion:** Sen. Kaufmann moved that **SB 19 BE AMENDED.**
[EXHIBIT\(nas34a10\)](#)
[EXHIBIT\(nas34a11\)](#)
[EXHIBIT\(nas34a12\)](#)

Discussion:

02:54:31 Sen. Kaufmann
02:56:34 Sonja Nowakowski
02:57:05 Sen. Kaufmann
02:57:40 Sen. Ripley
02:57:45 Sen. Hamlett
02:58:05 Sen. Kaufmann
02:58:20 Chairman Vincent

02:58:30 **Vote:** Motion failed 3-11 by roll call vote with Sen. Kaufmann, Sen. Phillips and Sen. Ripley voting aye. Sen. Walker voted by proxy.

Discussion:

02:59:28 Chairman Vincent
 02:59:35 Sen. Barrett
 02:59:57 Sen. Ripley
 03:00:29 Sen. Kaufmann
 03:00:41 Sen. Hamlett
 03:01:47 Sen. Brenden
 03:02:32 Chairman Vincent
 03:03:16 Sen. Keane
 03:03:46 Sen. Rosendale
 03:04:09 Sen. Larsen
 03:04:45 Sen. Kaufmann
 03:06:12 Sen. Hamlett

03:06:55 **Vote:** Motion carried 9-5 by roll call vote with Sen. Brenden, Sen. Kaufmann, Sen. Phillips, Sen. Tropila and Sen. Walker voting no. Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 237

03:07:52 **Motion:** Sen. Brenden moved that **SB 237 DO PASS.**

03:08:44 **Motion:** Sen. Brenden moved that **SB 237 BE AMENDED.**
[EXHIBIT\(nas34a13\)](#)

Discussion:

03:08:52 Sen. Brenden

03:09:15 **Vote:** Motion carried 12-2 by voice vote with Sen. Jackson and Sen. Kaufmann voting no. Sen. Walker voted by proxy.

03:09:40 **Motion:** Sen. Brenden moved that **SB 237 BE AMENDED.**
[EXHIBIT\(nas34a14\)](#)

Discussion:

03:09:49 Sen. Brenden
 03:10:24 Tim Davis, Water Resources Division Administrator, Montana Department of Natural Resources and Conservation (DNRC)

3:10:50 **Vote:** Motion carried 13-1 by voice vote with Sen. Kaufmann voting no. Sen. Walker voted by proxy.

03:11:12 **Motion:** Sen. Brenden moved that **SB 237 DO PASS AS AMENDED.**

Discussion:

03:11:24 Sen. Kaufmann
 03:11:51 Sen. Brenden
 03:12:44 Sen. Kaufmann
 03:13:48 Sen. Larsen
 03:14:28 Sen. Ripley
 03:15:36 Sen. Barrett
 03:17:19 Sen. Rosendale
 03:18:22 Sen. Fielder
 03:19:35 Sen. Brenden
 03:20:02 Sen. Hamlett
 03:21:04 Sen. Phillips
 03:21:30 Sen. Brenden
 03:23:30 Sen. Phillips
 03:24:48 Chairman Vincent

03:24:51 Without objection, Sen. Brenden withdrew the **DO PASS AS AMENDED** motion.

EXECUTIVE ACTION ON SB 214

03:25:19 **Motion:** Sen. Phillips moved that **SB 214 DO PASS.**

Discussion:

03:25:27 Sen. Phillips

03:26:42 **Substitute Motion/Vote:** Sen. Phillips made a substitute motion that **SB 214 BE TABLED.** Substitute motion carried 13-1 by voice vote with Sen. Kaufmann voting no. Sen. Walker voted by proxy.

Committee Business:

03:27:14 Chairman Vincent
 03:27:34 Sen. Keane
 03:27:46 Chairman Vincent

ADJOURNMENT

Adjournment: 6:10 P.M.

Mary Kulawik, Secretary

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Additional Documents:

EXHIBIT([nas34aad.pdf](#))