



WATER POLICY INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

Jill Cohenour
Shane Morigeau
Walt Sales
Jeffrey Welborn

HOUSE MEMBERS

Willis Curdy
Robert Farris-Olsen
Tom France
Rhonda Knudsen
Marty Malone
Bob Phalen

COMMITTEE STAFF

Joe Carroll - Attorney
Jason Mohr - Research Analyst
Nadine Spencer - Secretary

MINUTES LOG

April 05, 2022
Zoom
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Sen. Jeffrey Welborn, Presiding Officer (R)
Rep. Willis Curdy, Vice Presiding Officer (D)
Sen. Jill Cohenour (D)
Rep. Robert Farris-Olsen (D)
Rep. Rhonda Knudsen (R)
Rep. Marty Malone (R)
Sen. Shane Morigeau (D)
Rep. Bob Phalen (R)
Sen. Walt Sales (R)

MEMBERS EXCUSED:

Rep. Tom France (D)

STAFF PRESENT:

Joe Carroll, Attorney
Jason Mohr, Research Analyst
Nadine Spencer, Secretary

AGENDA [\(Attachment 1\)](#)

VISITORS' LIST [\(Attachment 2\)](#)

COMMITTEE ACTION

The Water Policy Interim Committee (WPIC):

- Voted 8-2 to not support the placement of the proposed text of initiative I-191 on the ballot.

CALL TO ORDER/ROLL CALL

09:05:19 Sen. Jeffrey Welborn called the meeting to order at 9:05 AM. The committee secretary took roll. [\(Attachment 3\)](#)

09:06:29 Sen. Welborn discussed the meeting and said HB651 (2021) allows the legislature to take public comment and weigh-in on the ballot initiative process.

MEETING OVERVIEW

09:09:17 Jason Mohr, research analyst, Legislative Services Division (LSD), presented background information on the ballot initiative process and the expectation for the committee to hold a public hearing and vote on whether to support placing the proposed initiative text on the ballot.

09:10:09 Mr. Mohr provided information on I-191. [\(Exhibit 1\)](#)

09:13:25 Mr. Mohr discussed the Attorney General's legal sufficiency review. [\(Exhibit 2\)](#)

09:15:05 Mr. Mohr said after today's meeting and committee vote, the Secretary of State sends a petition form to the petitioners that includes a statement that the interim committee reviewed the contents of the initiative and either did or did not support placement of the proposed text of the initiative on the ballot.

HEARING ON PROPOSED BALLOT INITIATIVE 191 (13-27-202(5)(c), MCA)

Proponents Testimony

09:18:51 John Meyer, executive director, Cottonwood Environmental Law Center
[\(Exhibit 3\)](#)

09:21:18 Clinton Nagel, president, Gallatin Wildlife Association

09:25:25 Bill Bartlett

09:27:32 Nancy Ostlie, Great Old Broads for Wilderness and Gallatin Wildlife Association
[\(Exhibit 4\)](#)

Additional comments received online [\(Exhibit 5\)](#)

Opponents Testimony

09:30:03 Clayton Elliott, Montana Trout Unlimited

09:31:29 Alan Olson

09:35:11 Rep. Llew Jones, HD 18

09:40:07 Sen. Pat Flowers, SD 32

09:41:51 Kerry White, Bozeman, former member of the Gallatin County planning board and former state legislator

09:46:39 Krista Lee Evans, Association of Gallatin Agricultural Irrigators and Senior Water Rights Coalition. [\(Exhibit 6\)](#) Also speaking on behalf of John Youngberg, Montana Farm Bureau Federation

09:50:00 Rep. Ken Walsh, HD 71 [\(Exhibit 7\)](#)

09:51:43 Rep. Jane Gillette, HD 64

09:54:03 Laura Seyfang, executive director, Big Sky Community Housing Trust

09:56:18 Rich Chandler, Lone Mountain Land Company, Big Sky [\(Exhibit 8\)](#)

09:58:30 Scott Vollmer, fishing outfitter, Bozeman, and director at large for the Montana Outfitters and Guides Association [\(Exhibit 9\)](#)

10:00:58 Julia Altemus, Montana Wood Products Association

10:02:50 Katie Grice, Big Sky Resort

10:05:37 Mike Murphy, Montana Water Resources Association [\(Exhibit 10\)](#)

10:07:13 Abigail St. Lawrence, Montana Building Industry Association [\(Exhibit 11\)](#). Also speaking on behalf of the Fishing Outfitters Association of Montana

10:09:45 Peggy Trenk, Treasure State Resources Association

10:11:29 Tamara Johnson, executive director, Montana Mining Association

10:12:10 Sen. Welborn left the meeting and Sen. Cohenour took over the duties as presiding officer.

10:15:19 Jay Bodner, Montana Stockgrowers Association

10:16:02 Sen. Welborn returned to the meeting and resumed the duties as presiding officer.

10:16:54 Mike Hope, president, Hospitality and Development Association of Montana and owner Rocking R Bar, Bozeman [\(Exhibit 12\)](#)

10:19:09 Amy Steinmetz, Water Quality Division administrator, Department of Environmental Quality

10:22:05 Sen. Welborn said Sam Sill, Montana Association of Realtors is unable to participate in the meeting.

10:22:36 David Smith, executive director, Montana Contractors Association

10:24:32 Daryl Schliem, Bozeman Area Chamber of Commerce [\(Exhibit 13\)](#)

Additional comments received online [\(Exhibit 14\)](#)

Committee questions and discussion

10:25:57 Sen. Cohenour asked Ms. Steinmetz about narrative nutrient standards.

10:29:35 Sen. Cohenour said she is concerned about the effect on housing and asked Ms. Steinmetz about the collaborative effort by local communities.

10:31:18 Rep. Malone asked Mr. Smith about the impact on local governments and bridge replacements.

10:32:25 Sen. Sales asked Ms. Steinmetz if tributaries of the main stem of the Madison and Gallatin rivers will be affected by the designation.

10:34:14 Sen. Sales asked Mr. Meyer why he believes this is the last opportunity to protect the stretches of the rivers.

10:35:35 Rep. Phalen asked Mr. Meyer about the location of Cottonwood Environmental Law Center.

10:38:24 Sen. Welborn asked Sen. Flowers about the unintended consequences of the initiative and how it could further degrade the water.

10:41:03 Sen. Welborn asked Ms. Steinmetz if she had any additional information.

10:42:36 Sen. Cohenour asked Ms. Evans about the effect on agriculture if the tributaries coming into the two stretches of the river are included in the designation.

10:46:06 Rep. Phalen asked Ms. Ostlie about her statement that fish are changing sex and if she is a biologist and has studied the issue.

10:49:25 Sen. Sales asked Ms. Evans about her involvement with the Department of Natural Resources and Conservation's comprehensive review to analyze the water rights process and if the initiative will limit the ability for the state to put the water to use in the future.

10:53:55 Sen. Welborn asked Mr. Elliott about the impact the initiative would have on restoration work.

10:56:56 Rep. Phalen read a statement from Rep. Knudsen disclosing that she is related to the Montana Attorney General and that her participation and deliberation in the meeting today is not a conflict of interest.

10:58:03 Sen. Welborn thanked the public for providing comments and participating in the initiative process.

10:58:53 Sen. Welborn asked Rep. Jones about the effect of the initiative and the impact that a 50% reduction in revenue could have on county and local governments.

11:07:56 Sen. Morigeau commented on the reasons why he does not support the initiative.

11:10:04 Sen. Cohenour discussed her concerns about the initiative and said she will be voting no.

11:14:34 Sen. Sales commented on the initiative and said he is proud of what the agricultural community does in respect to the environment.

11:15:49 Sen. Sales asked Joe Carroll, staff attorney, LSD, about the fiscal note.

11:17:13 Rep. Malone said he agrees with Sen. Sales comments about the agriculture industry. He said he does not support the initiative.

11:18:02 Sen. Welborn said he agreed with the concerns discussed by committee members and provided his comments.

COMMITTEE ACTION TO SUPPORT OR NOT SUPPORT PLACEMENT OF INITIATIVE ON BALLOT

Motion/Vote

11:22:54 Sen. Cohenour moved that the WPIC not support the placement of the proposed text of initiative I-191 on the ballot. The motion carried 8-2 by roll call vote with Rep. Farris-Olsen and Rep. France voting no. ([Attachment 4](#)) Rep. France and Rep. Knudsen voted by proxy. ([Attachment 5](#))

11:25:17 Sen. Welborn said it was determined by the Legislative Services Division, Legal Services Office that Rep. Knudsen does not have a conflict of interest and can participate in the meeting and vote.

11:26:00 Sen. Welborn thanked the committee and staff

ADJOURNMENT

11:26:30 Sen. Welborn adjourned the meeting at 11:26 a.m.