

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on March 23, 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. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Jim Keane (D)
Sen. Gary L. Perry (R)
Sen. Jim Peterson (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Christine Kaufmann (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 161, 3/16/2009

Executive Action: HB 161; HB 40; HB 375; SB 370; HB 557; HJ 4

00:00:17 Chairman Gebhardt

[EXHIBIT](#) (nas64a01)

HEARING ON HB 161

Opening Statement by Sponsor:

00:01:42 Rep. Shannon Augare (D), HD 16, opened the hearing on
HB 161, Establish the Blackfeet-Montana Water Compact.

Proponents' Testimony:

00:03:18 Sen. Carol Juneau, SD 8, Browning

00:03:59 Chris Tweeten, Reserved Water Rights Compact Commission
(RWRCC)

00:07:15 Roger Running Crane, Blackfeet Tribal Business Council

[EXHIBIT](#) (nas64a02)

00:13:42 Andy Huff, Attorney, Governor's Office

00:14:03 Jay Weiner, Staff Attorney, RWRCC

[EXHIBIT](#) (nas64a03)

00:18:02 Sen. Wanzenried left the committee.

00:24:14 Don Wilson, Blackfeet Tribe

00:25:39 John Bloomquist, Attorney, Pondera County Canal and
Reservoir Company

00:27:41 Sen. Steinbeisser left the committee.

00:28:04 Mike Murphy, Montana Water Resources Association (MWRA)

Opponents' Testimony:

None

Informational Testimony:

00:28:58

Questions from Committee Members and Responses:

00:29:08 Sen. Barrett

00:29:24 Mr. Bloomquist, Pondera County Canal and Reservoir
Company

00:29:46 Chairman Gebhardt

00:29:59 Rep. Augare

00:30:08 Sen. Tropila

00:30:31 Mr. Tweeten, RWRCC

Closing by Sponsor:

00:31:16 Rep. Augare

00:31:47 Chairman Gebhardt

Sen. Keane left before executive action began.

EXECUTIVE ACTION ON HB 161

00:33:20 **Motion/Vote:** Sen. Perry moved that **HB 161 BE CONCURRED IN**. Motion carried unanimously by voice vote. Members present and voting. Sen. Juneau will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 40

00:34:33 Chairman Gebhardt

00:35:46 Chairman Gebhardt stepped down as Chair. Vice Chair Barrett took up the position as Chair.

00:35:49 **Motion:** Sen. Gebhardt moved that **HB 40 BE CONCURRED IN**.

00:35:53 **Motion/Vote:** Sen. Gebhardt moved that **HB 40 BE AMENDED**. Motion carried unanimously by voice vote. Members present and voting.

EXHIBIT(nas64a04)

00:36:26 **Motion:** Sen. Gebhardt moved that **HB 40 BE CONCURRED IN AS AMENDED**.

00:36:38 **Motion:** Sen. Gebhardt moved that **HB 40 BE AMENDED**.

EXHIBIT(nas64a05)

Discussion:

00:37:31 Chairwoman Barrett

00:37:38 Sonja Nowakowski, Legislative Service Division (LSD)

00:37:51 Sen. Tropila

00:38:04 Sen. Keane came to the committee.

00:38:11 Sen. Gebhardt

00:39:19 Sen. Tropila

00:40:01 John Tubbs, Department of Natural Resources and Conservation (DNRC)

00:40:39 Sen. Wanzonried came to the committee.

00:40:58 Sen. Perry

00:41:16 Ms. Nowakowski, LSD

00:42:38 Chairwoman Barrett

00:42:44 Ms. Nowakowski, LSD
 00:43:30 Sen. Steinbeisser came to the committee.
 00:43:33 Sen. Perry
 00:43:47 Mr. Tubbs, DNRC
 00:43:55 Sen. Perry
 00:44:01 Mr. Tubbs, DNRC
 00:44:41 Sen. Perry
 00:44:58 Mr. Tubbs, DNRC
 00:45:40 Sen. Perry
 00:46:09 Mr. Tubbs, DNRC
 00:46:34 Chairwoman Barrett
 00:46:36 Mr. Tubbs, DNRC
 00:46:50 Sen. Wanzenried
 00:47:13 Sen. Gebhardt
 00:47:18 Sen. Wanzenried
 00:47:33 Sen. Gebhardt
 00:48:38 Sen. Wanzenried
 00:48:54 Sen. Gebhardt
 00:49:20 Sen. Perry
 00:49:31 Chairwoman Barrett
 00:49:32 Sen. Perry
 00:49:56 Sen. Gebhardt
 00:50:00 Sen. Perry
 00:50:05 Sen. Gebhardt
 00:50:25 Sen. Perry
 00:50:32 Sen. Gebhardt
 00:50:40 Sen. Perry
 00:50:49 Sen. Gebhardt withdrew the motions **BE CONCURRED AS AMENDED** and **BE AMENDED**.
 00:50:58 Chairwoman Barrett
 00:51:19 Chairman Gebhardt took the position of Chair.

EXECUTIVE ACTION ON HB 375

00:51:53 **Motion:** Sen. Perry moved that **HB 375 BE CONCURRED IN**.

 00:52:01 **Motion/Vote:** Sen. Wanzenried moved that **HB 375 BE CONCEPTUALLY AMENDED**. Page 2, Line 14, strike the word "president". Motion carried unanimously by voice vote. Members present and voting.

 00:53:27 **Motion:** Sen. Wanzenried moved that **HB 375 BE CONCURRED IN AS AMENDED**.

Discussion:

00:53:39 Chairman Gebhardt

00:54:27 **Vote:** Motion that **HB 375 BE CONCURRED IN AS AMENDED** carried 8-3 by voice vote with Sen. Barrett, Sen. Curtiss, and Sen. Peterson voting no. Sen. Kaufmann voted by proxy. Sen. Wanzenried will carry the bill in the Senate.

EXECUTIVE ACTION ON SB 370

00:55:44 **Motion:** Sen. Perry moved that **SB 370 DO PASS AS AMENDED**. SB 370 was amended previously on 02/20/09.

EXHIBIT(nas64a06)

00:58:36 **Motion:** Sen. Perry moved that **SB 370 BE AMENDED**.

EXHIBIT(nas64a07)

Discussion:

00:58:51 Sen. Wanzenried
00:59:07 Chairman Gebhardt
00:59:15 Sen. Wanzenried
00:59:41 Chairman Gebhardt
01:00:23 Sen. Wanzenried
01:00:38 Chairman Gebhardt
01:01:25 Sen. Wanzenried
01:01:37 Chairman Gebhardt
01:02:01 Sen. Tropila
01:02:21 Sen. Perry

01:02:31 **Vote:** Motion that **SB 370 BE AMENDED** carried unanimously by voice vote. Sen. Kaufmann voted by proxy.

01:02:47 **Motion:** Sen. Perry moved that **SB 370 DO PASS AS AMENDED**.

Discussion:

01:03:21 Sen. Perry discussed a conceptual amendment.
01:03:31 Ms. Nowakowski, LSD, recommended that the committee not move a conceptual amendment, but consider a floor amendment to be drafted.
01:04:28 Sen. Perry
01:04:39 Chairman Gebhardt
01:04:42 Ms. Nowakowski

01:04:55 **Vote:** Motion that **SB 370 DO PASS AS AMENDED** carried unanimously by voice vote. Sen. Kaufmann voted by proxy.

01:05:13 Sen. Peterson
01:05:28 Chairman Gebhardt
01:05:36 Sen. Peterson
01:05:42 Ms. Nowakowski
01:05:48 Chairman Gebhardt
01:05:59 Sen. Peterson

EXECUTIVE ACTION ON HB 557

01:06:29 Chairman Gebhardt stated that HB 557 had already been amended on 3/18/09.

01:06:49 **Motion:** Sen. Hansen moved that **HB 557 BE CONCURRED IN AS AMENDED.**

Discussion:

01:07:03 Chairman Gebhardt

01:07:36 **Motion/Vote:** Sen. Hansen moved that **HB 557 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Kaufmann voted by proxy.

EXHIBIT (nas64a08)

01:08:14 **Motion:** Sen. Hansen moved that **HB 557 BE CONCURRED IN AS AMENDED.**

Discussion:

01:08:31 Sen. Peterson
01:08:54 Chairman Gebhardt

01:09:30 **Vote:** Motion that **HB 557 BE CONCURRED IN AS AMENDED** carried 10-1 by voice vote with Sen. Barrett voting no. Sen. Kaufmann voted by proxy. Sen. Windy Boy will carry the bill in the Senate.

EXECUTIVE ACTION ON HJ 4

01:10:13 **Motion:** Sen. Perry moved that **HJ 4 BE CONCURRED IN.**

01:10:58 **Motion:** Sen. Gebhardt moved that **HJ 4 BE AMENDED.**
EXHIBIT (nas64a09)

Discussion:

01:11:02 Ms. Nowakowski, LSD
01:12:06 Sen. Peterson
01:12:17 Ms. Nowakowski, LSD

01:12:51 Sen. Peterson
01:12:58 Ms. Nowakowski, LSD
01:13:03 Sen. Peterson

01:13:17 **Vote:** Motion that **HJ 4 BE AMENDED** carried unanimously by voice vote. Sen. Kaufmann voted by proxy.

01:13:37 **Motion/Vote:** Sen. Perry moved that **HJ 4 BE CONCURRED IN AS AMENDED**. Motion carried 9-2 by voice vote with Sen. Kaufmann and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy. Sen. Curtiss will carry the bill in the Senate.

Committee Business:

01:14:50 Chairman Gebhardt
01:15:38 Sen. Wanzenried
01:15:52 Chairman Gebhardt
01:16:12 Sen. Peterson
01:16:15 Chairman Gebhardt
01:16:38 Sen. Wanzenried
01:16:39 Chairman Gebhardt
01:17:33 Sen. Barrett
01:17:37 Chairman Gebhardt
01:17:45 Sen. Keane
01:18:21 Chairman Gebhardt
01:18:46 Sen. Peterson
01:18:55 Chairman Gebhardt

ADJOURNMENT

Adjournment: 5:00 P.M.

Lindsey Hern, Secretary

lh

Additional Documents:

EXHIBIT ([nas64aad.pdf](#))