

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Kerry White, on March 27, 2015 at 3:00 PM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Kerry White, Chair (R)
Rep. Steve Fitzpatrick, Vice Chair (R)
Rep. Ed Lieser, Vice Chair (D)
Rep. Gerald (Jerry) Bennett (R)
Rep. Bob Brown (R)
Rep. Zach Brown (D)
Rep. Mary Ann Dunwell (D)
Rep. Kelly Flynn (R)
Rep. Theresa Manzella (R)
Rep. Dale Mortensen (R)
Rep. Mark Noland (R)
Rep. Andrea Olsen (D)
Rep. Keith Regier (R)
Rep. Ray L. Shaw (R)
Rep. Scott Staffanson (R)
Rep. Kathleen Williams (D)

Members Excused: Rep. Virginia Court (D)
Rep. Nate McConnell (D)

Members Absent: None

Staff Present: Joe Kolman, Legislative Branch
Sherri Row, Committee Secretary

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 361, 3/10/2015; SB 389, 3/10/2015; SB 118, 3/10/2015

Executive Action: SB 37; SB 136; SB 330

00:00:01 Chairman White

HEARING ON SB 361

Opening Statement by Sponsor:

00:03:26 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 361, Clarify standing provisions in Water Court proceedings.

00:04:14 Rep. McConnell arrived

00:05:39 Rep. Court arrived

Proponents' Testimony:

00:05:52 Krista Lee Evans, Senior Water Rights Coalition (SWRC), Association of Gallatin Agricultural Irrigators (AGIA), Montana Stock Growers Association (MSGA)

00:07:05 Mark Aagenes, Montana Trout Unlimited

00:07:51 Mike Murphy, Montana Water Resources Association (MWRA)

00:08:17 Holly Franz, PPL Montana

00:08:49 Jacob Cowgill, Montana Farmers Union (MFU)

00:09:07 Nicole Rolf, Montana Farm Bureau Federation (MFBF)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:54 Rep. Flynn

00:10:39 Sen. Hamlett

00:11:24 Rep. Staffanson

00:11:52 Sen. Hamlett

00:12:10 Rep. Staffanson

00:12:32 Sen. Hamlett

00:12:44 Rep. Williams

00:13:20 Holly Franz, PPL Montana

00:13:57 Rep. Williams

00:14:00 Holly Franz, PPL Montana

00:14:17 Rep. Williams

00:15:19 Mike Murphy, MWRA

00:15:48 Rep. Williams

00:15:53 Mike Murphy, MWRA

00:16:01 Rep. Flynn

00:16:50 Sen. Hamlett

00:17:30 Chairman White

00:18:45 Sen. Hamlett

00:20:47 Chairman White

00:21:30 Sen. Hamlett

00:21:58 Rep. Williams

Closing by Sponsor:

00:22:14 Sen. Hamlett

HEARING ON SB 389**Opening Statement by Sponsor:**

00:23:11 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 389, Provide definitions for intermittent, ephemeral streams.

[EXHIBIT\(nah64a01\)](#)**Proponents' Testimony:**

00:25:11 Krista Lee Evans, Senior Water Rights Coalition (SWRC), Association of Gallatin Agricultural Irrigators (AGAI), Montana Stock Growers Association (MSGA)

00:26:59 Mike Murphy, Montana Water Resources Association (MWRA)

00:28:11 Nicole Rolf, Montana Farm Bureau Federation (MFBF)

00:29:05 Jacob Cowgill, Montana Farmers Union (MFU)

Opponents' Testimony: None**Informational Testimony:**

00:29:40 Tim Davis, Department of Natural Resources and Conservation (DNRC)

[EXHIBIT\(nah64a02\)](#)**Questions from Committee Members and Responses:**

00:30:15 Rep. Flynn

00:30:58 Tim Davis, DNRC

00:31:09 Rep. Flynn

00:31:35 Tim Davis, DNRC

00:32:22 Rep. Flynn

00:32:38 Tim Davis, DNRC

00:32:55 Rep. Flynn

00:33:01 Rep. Williams

00:33:44 Tim Davis, DNRC

00:34:37 Rep. Williams

00:35:02 Tim Davis, DNRC

00:35:11 Rep. Williams

00:36:00 Tim Davis, DNRC

00:36:35 Rep. Lieser

00:36:53 Tim Davis, DNRC

00:37:27 Rep. Lieser

00:37:36 Tim Davis, DNRC

00:37:49 Rep. Lieser

00:37:56 Tim Davis, DNRC

00:38:45 Rep. Flynn

00:39:28 Tim Davis, DNRC

00:40:19 Rep. Flynn

00:40:52 Tim Davis, DNRC

00:41:17 Rep. Flynn

00:42:17 Tim Davis, DNRC

00:43:07 Rep. Williams
 00:43:47 Tim Davis, DNRC
 00:44:07 Rep. Williams
 00:44:18 Tim Davis, DNRC
 00:44:32 Rep. Bob Brown
 00:46:48 Tim Davis, DNRC
 00:47:45 Rep. Bob Brown
 00:48:02 Tim Davis, DNRC
 00:48:08 Rep. Shaw
 00:49:33 Tim Davis, DNRC
 00:50:15 Rep. Shaw
 00:50:29 Chairman White
 00:52:26 Holly Franz, PPL Montana
 00:53:33 Chairman White
 00:53:44 Krista Lee Evans, SWRC, AGAI, MSGA
 00:54:30 Chairman White
 00:54:44 Rep. Flynn
 00:55:44 Krista Lee Evans, SWRC, AGAI, MSGA
 00:56:58 Rep. Jerry Bennett
 00:57:35 Krista Lee Evans, SWRC, AGAI, MSGA
 00:57:55 Rep. Staffanson
 00:58:30 Tim Davis, DNRC
 00:58:46 Rep. Staffanson
 00:58:54 Tim Davis, DNRC

Closing by Sponsor:

00:59:17 Sen. Hamlett

01:02:37 Chairman White

HEARING ON SB 118**Opening Statement by Sponsor:**

01:03:39 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 118, Clarify water right not abandoned if conveyance disrupted.

[EXHIBIT\(nah64a03\)](#)**Proponents' Testimony:**

01:06:35 Jean Riley, Eastgate Water and Sewer Association

01:08:55 Ed Grady, Rancher

Opponents' Testimony:

01:11:33 Holly Franz, PPL Montana

01:15:47 Krista Lee Evans, Senior Water Rights Coalition (SWRC), Association of Gallatin Agricultural Irrigators (AGAI), Montana Stock Growers Association (MSGA)

01:17:03 Mike Murphy, Montana Water Resources Association (MWRA)

01:17:39 Nicole Rolf, Montana Farm Bureau Federation (MFBF)

01:18:10 Jacob Cowgill, Montana Farmers Union (MFU)

Informational Testimony:

01:18:37 Tim Davis, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

01:19:01 Rep. Jerry Bennett
01:19:28 Tim Davis, DNRC
01:22:00 Rep. Jerry Bennett
01:22:27 Tim Davis, DNRC
01:22:55 Rep. Flynn
01:23:33 Jean Riley, Eastgate Water and Sewer Association
01:24:45 Rep. Flynn
01:25:20 Tim Davis, DNRC
01:26:08 Rep. Flynn
01:26:31 Tim Davis, DNRC
01:28:11 Chairman White
01:28:56 Tim Davis, DNRC
01:29:07 Chairman White
01:30:04 Tim Davis, DNRC
01:31:12 Chairman White
01:32:31 Tim Davis, DNRC
01:32:43 Chairman White
01:32:54 Tim Davis, DNRC
01:33:10 Rep. Shaw
01:34:12 Tim Davis, DNRC
01:35:49 Rep. Bob Brown
01:36:11 Jean Riley, Eastgate Water and Sewer Association
01:36:22 Rep. Bob Brown
01:36:29 Jean Riley, Eastgate Water and Sewer Association
01:36:50 Rep. Bob Brown
01:36:57 Jean Riley, Eastgate Water and Sewer Association
01:37:28 Rep. Bob Brown
01:38:10 Tim Davis, DNRC
01:39:01 Rep. Williams
01:39:29 Jean Riley, Eastgate Water and Sewer Association

Closing by Sponsor:

01:40:10 Sen. Hamlett

01:47:05 Recess
02:03:17 Reconvened

02:03:18 Rep. Regier left

EXECUTIVE ACTION ON SB 37

02:04:03 **Motion:** Rep. Fitzpatrick moved that **SB 37 BE CONCURRED IN.**

Discussion:

02:04:19 Joe Kolman, Legislative Services Division (LSD)
02:06:23 Chairman White
02:07:02 Joe Kolman, LSD
02:07:44 Rep. Olsen
02:08:17 Rep. Williams
02:08:27 Joe Kolman, LSD
02:08:42 Chairman White
02:08:54 Joe Kolman, LSD
02:09:00 Rep. Jerry Bennett
02:09:26 Rep. Williams

02:09:56 **Vote:** Motion carried unanimously by voice vote. Rep. Court and Rep. Regier voted by proxy. Rep. Manzella will carry the bill.

02:10:36 Chairman White

EXECUTIVE ACTION ON SB 136

02:10:45 **Motion:** Rep. Fitzpatrick moved that **SB 136 BE CONCURRED IN.**

Discussion:

02:11:00 Joe Kolman, LSD
02:11:47 Rep. Dunwell
02:12:09 Joe Kolman, LSD
02:12:30 Rep. Dunwell
02:12:36 Joe Kolman, LSD
02:12:48 Chairman White
02:13:50 Rep. Jerry Bennett
02:15:04 Rep. Williams

02:16:03 **Vote:** Motion carried unanimously by voice vote. Rep. Court and Rep. Regier voted by proxy. Rep. Jerry Bennett will carry the bill.

EXECUTIVE ACTION ON SB 330

02:16:52 **Motion:** Rep. Fitzpatrick moved that **SB 330 BE CONCURRED IN.**

Discussion:

02:17:06 Joe Kolman, LSD

02:18:17 **Vote:** Motion carried 16-2 by voice vote with Rep. Z. Brown and Rep. Olsen voting no. Rep. Court and Rep. Regier voted by proxy. Rep. Fitzpatrick will carry the bill.

ADJOURNMENT

02:20:14 Adjournment

Sherri Row, Secretary

sr

Additional Documents:

EXHIBIT([nah64aad.pdf](#))