

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Kerry White, on March 13, 2019 at 3:00 PM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Kerry White, Chair (R)
Rep. Willis Curdy, Vice Chair (D)
Rep. Bob Brown (R)
Rep. Robert Farris-Olsen (D)
Rep. Emma Kerr-Carpenter (D)
Rep. Casey Knudsen (R)
Rep. Rhonda Knudsen (R)
Rep. Marilyn Marler (D)

Members Excused: Rep. Theresa Manzella, Vice Chair (R)
Rep. Zach Brown (D)
Rep. Ross H. Fitzgerald (R)
Rep. Steve Gunderson (R)
Rep. Dale Mortensen (R)
Rep. Mark Noland (R)
Rep. Marvin Weatherwax (D)

Members Absent: None

Staff Present: Joe Kolman, Legislative Branch
Jacie Vonada, 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: HB 402, 2/13/2019; SB 45, 2/28/2019; SB 47, 2/28/2019; SB 81, 2/28/2019

Executive Action: HB 341, HB 342, HB 608, HB 627, HJ 14

14:08:30 Chair White
14:10:00 Recessed
14:15:01 Rep. Gunderson arrived to the meeting.
14:20:42 Rep. Weatherwax arrived to the meeting.
14:34:05 Vice Chair Manzella arrived to the meeting.
14:36:00 Reconvened
14:36:05 Chair White

EXECUTIVE ACTION ON HB 341

14:36:29 **Motion:** Rep. B. Brown moved that **HB 341 DO PASS.**

Discussion:

14:36:41 Joe Kolman, Legislative Services Division (LSD)
14:36:59 Chair White
14:37:09 Joe Kolman, LSD

EXHIBIT(nah51a01)

14:37:39 **Motion:** Rep. Manzella moved that **HB 341 BE AMENDED.**

Discussion:

14:37:51 Joe Kolman, LSD
14:38:11 Chair White
14:38:22 Joe Kolman, LSD
14:38:42 Chair White

14:39:12 **Vote:** Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Fitzgerald, Rep. Mortensen and Rep. Noland voted by proxy.

14:40:27 **Motion:** Rep. B. Brown moved that **HB 341 DO PASS AS AMENDED.**

Discussion:

14:40:42 Rep. Bob Brown
14:41:25 Rep. Kerr-Carpenter

14:41:50 **Vote:** Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Fitzgerald, Rep. Mortensen and Rep. Noland voted by proxy.

EXECUTIVE ACTION ON HB 342

14:42:35 **Motion:** Rep. B. Brown moved that **HB 342 DO PASS.**

Discussion:

14:42:49 Joe Kolman, Legislative Services Division (LSD)

EXHIBIT(nah51a02)

14:43:56 **Motion:** Rep. Manzella moved that **HB 342 BE AMENDED.**

Discussion:

14:44:14 Rep. Kerr-Carpenter

14:44:36 Chair White

14:45:34 **Vote:** Motion carried unanimously by voice vote. Rep. Fitzgerald, Rep. Mortensen, Rep. Noland and Rep. Z. Brown voted by proxy.

14:46:06 **Motion:** Rep. B. Brown moved that **HB 342 DO PASS AS AMENDED.**

Discussion:

14:46:18 Rep. Kerr-Carpenter

14:46:35 Chair White

14:46:59 **Vote:** Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Fitzgerald, Rep. Mortensen and Rep. Noland voted by proxy.

EXECUTIVE ACTION ON HB 608

14:47:32 **Motion:** Rep. Manzella moved that **HB 608 DO PASS.**

Discussion:

14:47:44 Joe Kolman, Legislative Services Division (LSD)

EXHIBIT(nah51a03)

14:47:57 Rep. Fitzgerald arrived to the meeting.

14:48:38 Joe Kolman, LSD

14:49:05 **Motion:** Rep. Manzella moved that **HB 608 BE AMENDED.**

14:49:20 **Vote:** Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Mortensen and Rep. Noland voted by proxy.

14:50:03 Joe Kolman, LSD

EXHIBIT(nah51a04)

14:50:24 **Motion:** Rep. Curdy moved that **HB 608 BE AMENDED**.

Discussion:

14:50:43 Vice Chair Curdy

14:51:17 Rep. Bob Brown

14:52:31 Vice Chair Curdy

14:53:01 Joe Kolman, LSD

14:53:09 Without objection, Rep. Curdy withdrew the BE AMENDED motion.

14:53:30 **Motion:** Rep. Curdy moved that **HB 608 BE AMENDED WITH HB60802.AHS, INCLUDING THE CONCEPTUAL CHANGE TO RETAIN THE WORD "PRIVATE" FROM THE STRIKE LINE IN ITEM 1.**

14:53:31 **Vote:** Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Mortensen and Rep. Noland voted by proxy.

14:54:14 **Motion:** Rep. Manzella moved that **HB 608 DO PASS AS AMENDED**.

Discussion:

14:54:28 Joe Kolman, LSD

[EXHIBIT\(nah51a05\)](#)

14:54:40 **Motion:** Rep. Curdy moved that **HB 608 BE AMENDED**.

Discussion:

14:54:57 Vice Chair Curdy

14:55:25 Chair White

14:55:47 **Vote:** Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Mortensen and Rep. Noland voted by proxy.

14:56:03 **Motion:** Rep. Manzella moved that **HB 608 DO PASS AS AMENDED**.

Discussion:

14:56:30 Rep. Bob Brown

14:56:55 **Vote:** Motion carried 8-7 by roll call vote with Rep. Gunderson, Rep. C. Knudsen, Rep. R. Knudsen, Rep. Manzella, Rep. Mortensen, Rep. Noland and Rep. White voting no. Rep. Z. Brown, Rep. Mortensen and Rep. Noland voted by proxy.

EXECUTIVE ACTION ON HB 627

14:58:29 **Motion:** Rep. Manzella moved that **HB 627 DO PASS**.

14:58:47 **Substitute Motion/Vote:** Rep. Gunderson made a substitute motion that **HB 627 BE TABLED**. Substitute Motion carried unanimously by roll call vote. Rep. Z. Brown, Rep. Mortensen and Rep. Noland voted by proxy.

EXECUTIVE ACTION ON HJ 14

15:00:15 **Motion:** Rep. Manzella moved that **HJ 14 DO PASS.**

Discussion:

15:00:31 Joe Kolman, Legislative Services Division (LSD)

15:01:21 Rep. Bob Brown

15:02:09 Rep. Zach Brown arrived to the meeting.

15:02:20 Chair White

15:03:52 **Vote:** Motion carried unanimously by voice vote. Rep. Mortensen and Rep. Noland voted by proxy.

15:04:20 Chair White

HEARING ON HB 402**Opening Statement by Sponsor:**

15:05:36 Rep. Greg Hertz (R), HD 12, opened the hearing on HB 402, Revising local government laws related to invasive species.

Proponents' Testimony:

15:06:59 William Barron, Montana Association of Counties (MACo)

15:12:53 Mike Bias, Fishing Outfitters Association of Montana (FOAM)

15:14:27 Eileen Ryce, Fish, Wildlife and Parks (FWP)

EXHIBIT(nah51a06)

15:16:37 Andrew Gorder, Clark Fork Coalition

15:17:15 Rep. Noland arrived to the meeting.

15:17:28 Caryn Miske, Lake County

15:20:06 Gale Decker, Commissioner, Lake County

15:21:23 Amy Seaman, Montana Audubon

15:23:11 Eric Bryson, Montana Association of Counties (MACo)

Opponents' Testimony:

15:24:50 Bob Story, Montana Taxpayers Association (Montax)

15:28:45 Tom Ebzery, Avista Corporation

15:30:43 Liv Stavick, Montana Farm Bureau Federation (MFBF)

15:32:04 Brian Ohs, Montana Stockgrowers Association (MSGA)

15:32:51 Mike Murphy, Montana Water Resources Association (MWRA)

15:34:06 Sam Sill, Montana Association of Realtors

Informational Testimony: None

Questions from Committee Members and Responses:

15:35:11 Chair White
 15:35:48 Commissioner Decker, Lake County
 15:36:21 Chair White
 15:36:49 Commissioner Decker, Lake County
 15:37:19 Chair White
 15:38:22 Ms. Ryce, FWP
 15:39:35 Vice Chair Curdy
 15:40:37 Mr. Bryson, MACo
 15:41:46 Vice Chair Curdy
 15:41:53 Mr. Bryson, MACo
 15:42:20 Vice Chair Curdy
 15:42:27 Rep. Kerr-Carpenter
 15:42:58 Ms. Ryce, FWP
 15:43:29 Rep. Kerr-Carpenter
 15:43:54 Ms. Ryce, FWP
 15:44:10 Vice Chair Manzella
 15:44:30 Ms. Ryce, FWP
 15:44:49 Ms. Miske, Lake County
 15:45:59 Vice Chair Manzella
 15:46:08 Ms. Miske, Lake County
 15:46:39 Chair White
 15:47:50 Rep. Hertz
 15:48:10 Chair White

Closing by Sponsor:

15:48:23 Rep. Hertz

 15:49:25 Chair White

 15:49:33 Recessed
 16:01:33 Reconvened

HEARING ON SB 45**Opening Statement by Sponsor:**

16:01:47 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 45, Revise certain water right adjudication processes.

Proponents' Testimony:

16:07:54 Russ McElyea, Judge, Water Court
 16:19:35 Cindy Palmer, Montana Farmers Union (MFU)
 16:20:04 Colin Cooney, Montana Trout Unlimited
 16:20:28 John Peterson, Department of Natural Resources and Conservation (DNRC)

Opponents' Testimony:

16:20:58 Krista Lee Evans, Senior Water Rights Coalition (SrWRC), Association of Gallatin Agricultural Irrigators (AGAI)
 16:24:28 Bonita Cremer, self
 16:26:29 Hertha Lund, self

Informational Testimony: None

Questions from Committee Members and Responses:

16:30:30 Rep. Zach Brown
16:30:51 Sen. Cohenour
16:31:51 Rep. Zach Brown
16:32:22 Ms. Evans, SrWRC, AGAI
16:32:40 Vice Chair Manzella
16:33:51 Judge McElyea, Water Court
16:38:01 Vice Chair Manzella
16:38:28 Judge McElyea, Water Court
16:39:00 Vice Chair Manzella
16:39:43 Ms. Evans, SrWRC, AGAI
16:41:07 Vice Chair Manzella
16:41:20 Ms. Lund, self
16:42:28 Rep. Gunderson
16:43:19 Mr. Peterson, DNRC
16:43:28 Chair White
16:43:52 Rep. Gunderson
16:44:03 Mr. Peterson, DNRC
16:46:11 Rep. Gunderson
16:46:24 Mr. Peterson, DNRC
16:46:32 Rep. Bob Brown
16:48:02 Sen. Cohenour
16:49:52 Rep. Rhonda Knudsen
16:50:30 Sen. Cohenour
16:52:01 Rep. Bob Brown
16:52:29 Judge McElyea, Water Court
16:53:38 Vice Chair Curdy
16:54:27 Judge McElyea, Water Court
16:55:18 Chair White
16:56:45 Judge McElyea, Water Court
16:58:58 Chair White
16:59:26 Rep. Zach Brown
17:00:51 Judge McElyea, Water Court
17:03:15 Chair White
17:04:06 Mr. Peterson, DNRC
17:04:22 Chair White
17:04:43 Mr. Peterson, DNRC
17:06:05 Chair White

Closing by Sponsor:

17:06:34 Sen. Cohenour

HEARING ON SB 47

Opening Statement by Sponsor:

17:07:24 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 47, Revise laws related to river basin councils.

Proponents' Testimony:

17:11:06 David Shively, Clark Fork and Kootenai River Basins Council (CFKRBC)
[EXHIBIT\(nah51a07\)](#)

17:17:10 Erin Farris-Olsen, Montana Watershed Coordination Council (MWCC)

17:23:49 Colin Cooney, Montana Trout Unlimited

17:24:09 Krista Lee Evans, Senior Water Rights Coalition (SrWRC)

Opponents' Testimony: None

Informational Testimony:

17:24:47 Paul Azevedo, Department of Natural Resources and Conservation (DNRC)
[EXHIBIT\(nah51a08\)](#)

Questions from Committee Members and Responses:

17:25:35 Rep. Gunderson
17:26:18 Ms. Farris-Olsen, MWCC
17:26:46 Vice Chair Curdy
17:27:55 Mr. Shively, CFKRBC
17:28:43 Vice Chair Curdy
17:28:51 Mr. Shively, CFKRBC
17:28:56 Vice Chair Curdy
17:29:02 Mr. Shively, CFKRBC
17:29:46 Chair White
17:31:52 Sen. Cohenour
17:34:35 Chair White
17:35:21 Sen. Cohenour
17:37:55 Chair White
17:38:58 Sen. Cohenour
17:39:51 Chair White
17:40:06 Rep. Rhonda Knudsen
17:40:50 Sen. Cohenour

Closing by Sponsor:

17:41:49 Sen. Cohenour

HEARING ON SB 81

Opening Statement by Sponsor:

17:43:09 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 81, Extend deadline to correct an application for water right permit or change.

Proponents' Testimony:

17:45:03 Abigail St. Lawrence, Montana Building Industry Association (MBIA)
17:45:26 Krista Lee Evans, Senior Water Rights Coalition (SrWRC), Association of
Gallatin Agricultural Irrigators (AGAI)
17:46:13 Liv Stavick, Montana Farm Bureau (MFB)

Opponents' Testimony: None

Informational Testimony:

17:46:42 Millie Heffner, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses: None

Closing by Sponsor:

17:47:16 Sen. Cohenour
17:47:28 Chair White

ADJOURNMENT

Adjournment: 17:49:32

Jacie Vonada, Secretary

jv

Additional Documents:

EXHIBIT([nah51aad.pdf](#))