

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) NATURAL RESOURCES

Call to Order: Chair Steve Gunderson-R, on March 29, 2023 at 3:33 PM, in 172

ROLL CALL

Members Present: Rep. Steve Gunderson, Chair (R)
Rep. Steve Gist, Vice Chair (R)
Rep. Marilyn Marler, Vice Chair (D)
Rep. Ross Fitzgerald (R)
Rep. Tom France (D)
Rep. Jonathan Karlen (D)
Rep. Marty Malone (R)
Rep. Russel Miner (R)
Rep. Gary Parry (R)
Rep. Kenneth Walsh (R)
Rep. Marvin Weatherwax (D)

Members Excused: Rep. Jill Cohenour (D)
Rep. Jedediah Hinkle (R)
Rep. Rhonda Knudsen (R)
Rep. Sue Vinton (R)

Staff Present: LJ Jennings, Secretary
Joe Kolman, Research Analyst
John Olson, Remote Meeting Coordinator

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 859 03/22/2023
HB 885 03/24/2023
HB 924 03/27/2023
HB 928 03/27/2023
HB 942 03/27/2023

Executive Action:

HB 642 TO TABLE
SB 285

HB 924 DO PASS
HB 942 DO PASS
HB 928 DO PASS
HB 885 TO TABLE
HB 859 TO TABLE

HEARING ON HB 942 - Revise water commissioner laws

Opening Statement:

15:35:24 Rep. Marty Malone (R), HD 59, opened the hearing on HB 942, Revise water commissioner laws.

Proponent Testimony:

15:36:54 Krista Lee Evans, Senior Water Rights Coalition, (SWRC), Association of Gallatin Agricultural Irrigators, (AGAI)

15:39:03 Allan Redfield, Self

15:40:56 Christy Clark, Self

15:42:59 James Melin, Self

Opponent Testimony:

15:45:49 Lezlie Kinne, Self

15:49:54 Mark Larson, Self

Informational Witness Testimony:

None

Questions from Committee:

15:53:00 Vice Chair Steve Gist

15:53:31 Krista Lee Evans, SWRC, AGAI

15:54:09 Vice Chair Steve Gist

15:54:15 Krista Lee Evans, SWRC, AGAI

15:54:35 Chair Steve Gunderson

15:56:07 Krista Lee Evans, SWRC, AGAI

15:56:12 Chair Steve Gunderson

15:56:31 Krista Lee Evans, SWRC, AGAI

15:56:39 Chair Steve Gunderson

15:56:53 Krista Lee Evans, SWRC, AGAI

Closing Statement:

15:57:33 Rep. Marty Malone (R), HD 59, closed the hearing on HB 942.

HEARING ON HB 924 - Prohibit lease or transfer of water right out of state until 2048

Opening Statement:

15:59:49 Rep. Matt Regier (R), HD 4, opened the hearing on HB 924, Prohibit lease or transfer of water right out of state until 2048.

Proponent Testimony:

16:03:18 John Metropoulos, Self

Opponent Testimony:

16:07:51 Krista Lee Evans, Senior Water Rights Coalition, (SWRC) , Association of Gallatin Agricultural Irrigators, (AGAI)

16:11:37 Rachel Cone, Montana Farm Bureau Federation, (MFBF)

Informational Witness Testimony:

None

Questions from Committee:

16:12:39 Vice Chair Steve Gist

16:13:13 John Metropoulos

16:14:30 Vice Chair Marilyn Marler

16:15:19 Rep. Matt Regier-R

16:16:00 Vice Chair Marilyn Marler

16:16:28 Rep. Matt Regier-R

16:16:46 John Metropoulos

16:17:00 Vice Chair Marilyn Marler
16:17:21 John Metropoulos
16:17:49 Chair Steve Gunderson
16:18:12 John Metropoulos
16:19:17 Rep. Tom France
16:19:52 Krista Lee Evans, SWRC, AGAI
16:20:28 Rep. Tom France
16:20:51 Krista Lee Evans, SWRC, AGAI

Closing Statement:

16:21:26 Rep. Matt Regier (R), HD 4, closed the hearing on HB 924.

HEARING ON HB 928 - Clarify BOGC authority over produced waters

Opening Statement:

16:22:52 Rep. John Fitzpatrick (R), HD 77, opened the hearing on HB 928, Clarify BOGC authority over produced waters.

Proponent Testimony:

16:26:23 Alan Olson, Montana Petroleum Association, (MPA)

[EXHIBIT\(230329NAHa1\)](#)

[EXHIBIT\(230329NAHa2\)](#)

16:28:33 Rep. Jill Cohenour joined the meeting.

Opponent Testimony:

16:30:25 Terry Punt, Northern Plains Resource Council

Informational Witness Testimony:

16:34:11 Benjamin Jones, Montana Board of Oil and Gas Conservation, (BOGC)

Questions from Committee:

16:34:55 Vice Chair Steve Gist
16:35:35 Benjamin Jones, BOGC
16:36:37 Rep. Russel Miner
16:36:56 Alan Olson, MPA
16:37:40 Rep. Kenneth Walsh
16:38:09 Alan Olson, MPA
16:38:28 Chair Steve Gunderson
16:38:56 Alan Olson, MPA

Closing Statement:

16:40:29 Rep. John Fitzpatrick (R), HD 77, closed the hearing on HB 928.

HEARING ON HB 859 - Revise requirements for community or public water systems

Opening Statement:

16:41:20 Rep. John Fitzpatrick (R), HD 77, opened the hearing on HB 859, Revise requirements for community or public water systems.

Discussion:

[EXHIBIT\(230329NAHa3\)](#)

[EXHIBIT\(230329NAHa4\)](#)

[EXHIBIT\(230329NAHa5\)](#)

Proponent Testimony:

None

Opponent Testimony:

16:52:17 Lyndsey Krywaruchka, Department of Environmental Quality, (DEQ)

[EXHIBIT\(230329NAHa6\)](#)

16:57:00 Mark Bostrom, Department of Natural Resources and Conservation, (DNRC)

[EXHIBIT\(230329NAHa7\)](#)

[EXHIBIT\(230329NAHa8\)](#)

17:00:43 Dave Galt, Montana Rural Water Systems, (MRWS)

Informational Witness Testimony:

17:02:12 Rachel Clark, Department of Environmental Quality, (DEQ)

Questions from Committee:

17:02:51 Rep. Jill Cohenour

17:03:06 Mark Bostrom, DNRC

17:03:16 Rep. Jill Cohenour

17:04:35 Lindsey Krywaruchka, DEQ

17:05:38 Rep. Jill Cohenour

17:05:48 Anna Miller, Department of Natural Resources and Conservation, (DNRC)

17:06:54 Rep. Jill Cohenour

17:07:21 Anna Miller, DNRC

17:08:09 Rep. Jonathan Karlen

17:08:52 Rep. John Fitzpatrick-R

17:10:28 Rep. Tom France

17:11:04 Lindsey Krywaruchka, DEQ

17:11:19 Rep. Tom France

17:12:09 Lindsey Krywaruchka, DEQ

17:12:14 Rep. Tom France

17:12:42 Lindsey Krywaruchka, DEQ

17:12:52 Rep. Marty Malone

Closing Statement:

17:13:35 Rep. John Fitzpatrick (R), HD 77, closed the hearing on HB 859.

17:31:45 Rep. Vinton has arrived

HEARING ON HB 885 - Revise public land access agreement laws

Opening Statement:

17:15:58 Rep. Katie Sullivan (D), HD 89, opened the hearing on HB 885, Revise public land access agreement laws.

Discussion:

[EXHIBIT\(230329NAHa9\)](#)

[EXHIBIT\(230329NAHa10\)](#)

[EXHIBIT\(230329NAHa11\)](#)

Proponent Testimony:

17:23:44 Matt Leow, Montana Chapter of Backcountry Hunters and Anglers

17:25:30 Rep. Rhonda Knudsen joined the meeting.

17:25:59 Nick Gevock, Montana Sportsmen Alliance, (MSA)

17:27:03 Martin Petritz, Butte Skyline Sportsmen Association, (BSSA)

Opponent Testimony:

17:29:15 Nicole Rolf, Montana Farm Bureau Federation, (MFBF)

[EXHIBIT\(230329NAHa12\)](#)

17:31:45 Rep. Sue Vinton joined the meeting.

17:34:58 Rich Franko, Self

Informational Witness Testimony:

17:35:38 Quentin Kujala, Fish, Wildlife and Parks, FWP

Questions from Committee:

17:36:08 Vice Chair Steve Gist

17:37:12 Rep. Katie Sullivan-D

17:37:39	Vice Chair Steve Gist
17:37:53	Rep. Katie Sullivan-D
17:38:51	Vice Chair Steve Gist
17:39:14	Rep. Katie Sullivan-D
17:40:11	Vice Chair Steve Gist
17:40:26	Rep. Katie Sullivan-D
17:41:12	Rep. Marty Malone
17:41:38	Rep. Katie Sullivan-D
17:42:25	Rep. Marty Malone
17:42:41	Rep. Katie Sullivan-D
17:42:48	Vice Chair Marilyn Marler
17:43:55	Nicole Rolf, MFBF
17:44:29	Vice Chair Marilyn Marler
17:44:57	Nicole Rolf, MFBF
17:48:03	Vice Chair Marilyn Marler
17:48:09	Quentin Kujala, FWP
17:48:56	Vice Chair Marilyn Marler
17:48:57	Quentin Kujala, FWP
17:49:17	Chair Steve Gunderson
17:49:45	Quentin Kujala, FWP
17:50:10	Chair Steve Gunderson
17:50:18	Quentin Kujala, FWP
17:50:38	Chair Steve Gunderson
17:50:42	Quentin Kujala, FWP

17:50:53 Chair Steve Gunderson
17:51:13 Quentin Kujala, FWP
17:51:22 Chair Steve Gunderson
17:51:28 Quentin Kujala, FWP
17:51:47 Vice Chair Steve Gist
17:52:02 Rich Franko
17:53:02 Rep. Tom France
17:53:55 Rep. Katie Sullivan-D
17:55:11 Rep. Marty Malone
17:55:28 Rep. Katie Sullivan-D

Closing Statement:

17:55:45 Rep. Katie Sullivan (D), HD 89, closed the hearing on HB 885.

18:00:57 **Recessed**

18:26:29 Rep. Hinkle has arrived

18:28:01 **Reconvened**

EXECUTIVE ACTION ON HB 642 - Revise exempt wells laws

18:34:49 **Motion:** Vice Chair Steve Gist moved that **HB 642 DO PASS.**

18:34:55 **Motion:** Vice Chair Steve Gist moved that **HB 642 BE AMENDED.**

10:38:37 **Vote:** Motion carried 9 - 6 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Miner, Rep. Weatherwax, voting no.

18:35:01 **Motion:** Vice Chair Steve Gist moved that **HB 642 DO PASS AS AMENDED.**

10:38:37 **Vote:** Motion failed 10 - 5 by roll call vote with Rep. Gist, Rep. Gunderson, Rep. Hinkle, Rep. Knudsen, Rep. Vinton, voting yes.

18:35:06 **Motion:** Vice Chair Steve Gist moved that **HB 642 TO TABLE.**

10:38:37 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 285 - Revise subdivision sanitation laws

- 18:35:40 **Motion:** Vice Chair Steve Gist moved that **SB 285 BE CONCURRED IN.**
- 18:35:51 **Motion:** Vice Chair Steve Gist moved that **SB 285 BE AMENDED.**
- 10:38:37 **Vote:** Motion carried 10 - 5 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting no.
- 18:36:51 **Motion:** Vice Chair Steve Gist moved that **SB 285 BE CONCURRED IN AS AMENDED.**
- 10:38:37 **Vote:** Motion carried 10 - 5 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting no.
- 18:36:51 **Carrier Assigned:** Rep. Steve Gunderson

EXECUTIVE ACTION ON HB 924 - Prohibit lease or transfer of water right out of state until 2048

- 18:38:27 **Motion:** Vice Chair Steve Gist moved that **HB 924 DO PASS.**
- Discussion:**
- 18:39:36 John Olson left the meeting.
- 10:38:37 **Vote:** Motion carried 10 - 5 by roll call vote with Rep. Cohenour, Rep. Fitzgerald, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting no.

EXECUTIVE ACTION ON HB 942 - Revise water commissioner laws

- 18:40:50 **Motion:** Vice Chair Steve Gist moved that **HB 942 DO PASS.**
- 10:38:37 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 928 - Clarify BOGC authority over produced waters

- 18:42:02 **Motion:** Vice Chair Steve Gist moved that **HB 928 DO PASS.**
- 10:38:37 **Vote:** Motion carried 9 - 6 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Knudsen, Rep. Marler, Rep. Weatherwax, voting no.

EXECUTIVE ACTION ON HB 885 - Revise public land access agreement laws

- 18:45:07 **Motion:** Vice Chair Steve Gist moved that **HB 885 DO PASS.**
- 10:38:37 **Vote:** Motion failed 10 - 5 by roll call vote with Rep. Cohenour, Rep. France, Rep. Karlen, Rep. Marler, Rep. Weatherwax, voting yes.
- 18:48:46 **Motion:** Vice Chair Steve Gist moved that **HB 885 TO TABLE.**

10:38:37 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 859 - Revise requirements for community or public water systems

18:45:58 **Motion:** Vice Chair Steve Gist moved that **HB 859 DO PASS.**

18:46:02 **Motion:** Rep. Kenneth Walsh moved that **HB 859 TO TABLE.**

10:38:37 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 18:50:11

LJ Jennings, Secretary

Additional Documents: [EXHIBIT\(230329NAHaad\)](#)