

HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE - Senate Bill No. 76  
April 2, 1979

The meeting was called to order by Chairman John Scully at 9:45 a.m. in room 436 of the Capitol Building. Other members present were Representatives Ramirez and Kemmis. Also present were the Director of the Department of Natural Resources, Ted Doney, other members of his staff, and various other observers.

The purpose of the meeting today was to go over the proposed substitute bill that the staff attorney had revised to the committees suggestions. Also, the Department of Natural Resources presented some amendments to the substitute bill, which will be considered.

Representative Kemmis questioned the water divisions having jurisdiction. He felt that this was a technical problem but should state that the district court has jurisdiction. Also he questioned the language on page 12, lines 15 through 18, if this language is really necessary. Rick Gordon, DNRC, replied that this is the same language that appears in the notice. Representative Ramirez stated that this language was material to the Indian claims and careful consideration should be taken before removal.

Representative Ramirez felt the word, "appoint", on page 1, should be changed to, "designate." There was no objection to this change. He stated that we may need to specify exclusive jurisdiction from judicial jurisdiction.

The Department of Natural Resources distributed a map of the judicial districts and the water districts.

Representative Scully suggested striking lines 22 through 24, on page 1. He did not feel that language should be within the bill. There was no objections.

Representative Ramirez suggested using the word, "venue" instead of, "jurisdiction."

Representative Scully questioned the appointment of the water master. He did not feel his appointment needed the concurrence of the district senior judges. He would be working with the water judge and the judge should have his preference. There was no objection so the material was stricken on page 3, lines 6, 7, 14 and 15.

Representative Scully suggested that we plug in the procedure rules for condemnation. A declaration that the water judge is one of the district

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judges. He questioned what would happen to the rest of the judge's caseload. After discussion it was decided that this would have to be addressed after we found out what was going to happen in the districts. Another question was raised concerning what would happen if the district judge's appointment was ended. Would he still be the water judge?

Representative Scully suggested making the effective date upon signing so that things could get started. Mr. Doney stated that their proposed amendments changed the date of declaration from July 1, 1979 to October 1, 1979. There was a question on the date of the water masters appointment. It is set at being after July 1, 1982, and must be appointed on or before July 1, 1983. These dates were changed to July 1, 1980 and July 1, 1982. The committee did not feel the date of appointment was soon enough for the work load the water master would have.

Representative Kemmis questioned page 4, "disqualification." He did not feel the water master should be included in the disqualification because he is not a district judge. Representative Scully said that we could put in our opinions but they would do what they wanted anyway. Water master was stricken from the disqualification section with no objections.

Representative Kemmis questioned the exclusive jurisdiction of the water division. Representative Scully said these would be the states recommendations unless special order by the Supreme Court. This language could be added for specification.

Representative Kemmis stated that we should clarify that a water judge is also a district judge and if he is not reelected as a district judge then a vacancy occurs. There was no objections.

Representative Scully questioned the forfeiture clause. He felt the words, "rebuttable presumption," which was in the original bill, would be better than, "conclusive presumption." After discussion it was decided to address this to the full committee for a decision.

Representative Scully questioned page 15, line 13, the language, "direction of the water judge." He felt that there should be an order by the court. After discussion the language was left the same.

Representative Scully addressed the recommendation on the Indian's reservation. After discussion it was decided that they would leave that section out of the proposed bill for the full committee to decide


upon.

At this time Rick Gordon, DNRC, began to explain their proposed amendments. Amendments numbers 1, 2, and 5 were accepted and amendment number 6 was okayed if written as a new section.

Representative Scully suggested waiting to decide on the amendments until Representative Ramirez returned.

Representative Scully announced a meeting for tomorrow, April 3, 1979, at 9:00 a.m. At this meeting the subcommittee will finalize the bill to send to the full committee on Wednesday for their consideration.

The meeting was ajourned at 10:30 a.m.



John B. Scully, Chairman

Judy J. Mook, Secretary