

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Subcommittee Chairman Bill Tash, on March 12, 1997, at 7:00 a.m., in Room 420

ROLL CALL

Members Present:

Rep. Bill Tash, Subcommittee Chairman (R)
Rep. Hal Harper (D)
Rep. Karl Ohs (R)
Rep. Trudi Schmidt (D)
Rep. Robert R. Story, Jr. (R)

Members Excused: none

Members Absent: none

Staff Present: Kathleen Williams, Legislative Services
Stephanie Braun, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: Amendments for SB 97
Executive Action: none

HEARING ON AMENDMENTS FOR SB 97

Rep. Tash called the meeting to order and asked **Don MacIntyre** to handout his amendments and please explain/describe the amendments to the Subcommittee.

{Tape: 1; Side: a; Approx. Time Count:0.1 .}

Don MacIntyre handed out amendments marked as **Exhibit #1** and explained them to the Committee.

{Tape: 1; Side: a; Approx. Time Count: 0.5; Comments: Exhibit #1.}

Rep. Tash thanked **Don MacIntyre** for his efforts in collaborating the interested parties amendments into amendment form.

{Tape: 1; Side: a; Approx. Time Count: 9.6; Comments: none.}

QUESTIONS FROM THE COMMITTEE:

Rep. Story to **Don MacIntyre**

{Tape: 1; Side: a; Approx. Time Count: 10.6; Comments: none.}

Rep. Harper

{Tape: 1; Side: a; Approx. Time Count: 12.0; Comments: none.}

Rep. Harper states that the word "reasonably" still bothers him. Asks Mr. MacIntyre to address his concerns.

{Tape: 1; Side: a; Approx. Time Count: 13.4; Comments: none.}

Sen. Grosfield asks if he could address Rep. Harper and his concerns and his thoughts on why the language of "reasonably" is appropriate.

{Tape: 1; Side: a; Approx. Time Count: 16.4; Comments: none.}

Rep. Harper states that he has just heard two different interpretations of the word "reasonable". He feels for this reason that the term should be defined that way there could be no misinterpretation.

{Tape: 1; Side: a; Approx. Time Count: 18.2; Comments: none.}

Sen. Grosfield readdresses the issue.

{Tape: 1; Side: a; Approx. Time Count: 19.8; Comments: none.}

Rep. Ohs says that "reasonably, legally available" is defined on page 13.

{Tape: 1; Side: a; Approx. Time Count: 22.2; Comments: none.}

Don MacIntyre addresses how the Department would place parameters on determining if water is available.

{Tape: 1; Side: a; Approx. Time Count: 26.2; Comments: none.}

Rep. Tash feels the wording would make it more "statutorily defensible".

{Tape: 1; Side: a; Approx. Time Count: 28.1; Comments: none.}

Rep. Story states that he is concerned about the Department getting involved in water rights.

{Tape: 1; Side: a; Approx. Time Count: 29.0; Comments: none.}

Don MacIntyre says water rights is a separate issue. They are concerned with the permit aspect.

{Tape: 1; Side: a; Approx. Time Count: 29.6; Comments: none.}

John Bloomquist says that he had concern with "reasonable" in the hearing, but with the additional amendments placed forth by Mr. MacIntyre he doesn't.

{Tape: 1; Side: a; Approx. Time Count: 30.1; Comments: none.}

{Tape: 1; Side: a; Approx. Time Count: end; Comments: flipped tape at the very end.}

Rep. Harper is concerned that everyone whose been using water hasn't been doing so efficiently.

{Tape: 1; Side: b; Approx. Time Count: 0.1; Comments: none.}

Rep. Story if the term "reasonable" isn't there then we go back to the problem of why this bill is here-- permit must go through adjudication court first before a permit is issued. This way a

person can have a permit while going through the adjudication process.

{Tape: 1; Side: b; Approx. Time Count: 1.1; Comments: none.}

Don MacIntyre told the committee that the permit is provisional/temporary until the process is complete.

{Tape: 1; Side: b; Approx. Time Count: 3.4; Comments: none.}

Susan Cottingham, RWRCC, doesn't have any concern over the Legislative language dealing with Tribal issues since its understood that for Tribal disputes it is superseded by Federal. She feels its a good statement of intent.

{Tape: 1; Side: b; Approx. Time Count: 5.3; Comments: none.}

Rep. Harper notices that this is a sensitivity issue and wonders if the Tribes have seen the amendments and have had comments.

{Tape: 1; Side: b; Approx. Time Count: 7.3; Comments: none.}

Don MacIntyre states no they have not seen the amendments. He mentioned that they did invite the Tribes and the Federal Government to participate in the drafting of the Bill.

{Tape: 1; Side: b; Approx. Time Count: 7.7; Comments: none.}

Kathleen Williams, Staffer, asked for clarification regarding subsection a and removing the whole phrase rather than just the word "prior".

{Tape: 1; Side: b; Approx. Time Count: 9.7; Comments: none.}

MOTION:

Rep. Story moves to recommend the amendments to the Committee.

{Tape: 1; Side: b; Approx. Time Count: 10.3; Comments: none.}

VOTE: 5-0 the amendment was unanimously adopted

Holly Franz submitted another amendment. Don MacIntyre has seen the amendment and has no objection to it; marked as **Exhibit #2**

{Tape: 1; Side: b; Approx. Time Count: 11.7; Comments: Exhibit #2.}

MOTION:

Rep. Harper moved the amendment.

{Tape: 1; Side: b; Approx. Time Count: 17.5; Comments: none.}

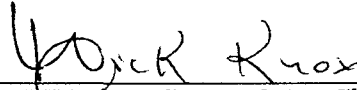
VOTE: 5-0, amendment passes unanimously, amend adopted

ADJOURNMENT

Adjournment: 7:56 a.m.



REP. BILL TASH, Subcommittee Chairman



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB