



Water Policy Interim Committee

65th Montana Legislature

SENATE MEMBERS

JILL COHENOUR
PAT CONNELL
JON SESSO
JEFFREY WELBORN

HOUSE MEMBERS

BOB BROWN
ZACH BROWN
JOHN FLEMING
CARL GLIMM

COMMITTEE STAFF

JASON MOHR, Lead Staff
HELEN THIGPEN, Staff Attorney
NADINE SPENCER, Secretary

MINUTES LOG

July 31, 2017
Room 152, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. JILL COHENOUR
SEN. PAT CONNELL
SEN. JON SESSO
SEN. JEFFREY WELBORN

REP. BOB BROWN
REP. ZACH BROWN
REP. JOHN FLEMING
REP. CARL GLIMM

STAFF PRESENT

JASON MOHR, Lead Staff
TODD EVERTS, Staff Attorney
LAURA SHERLEY, Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

The Water Policy Interim Committee (WPIC):

- Voted to approve the minutes log from October 2016;
- Voted to accept the Rules, Procedures, and Guidelines as adopted and amended by the WPIC in 2013.

CALL TO ORDER AND ROLL CALL

00:00:02 Sen Sesso called the meeting to order at 10:02 a.m. The secretary called the roll. **(Attachment 3)**

Committee Member Introductions

00:01:15 The present WPIC members introduced themselves.
00:05:27 Sen. Welborn joined the meeting at 10:07 a.m.
00:06:20 Sen. Connell introduced himself and asked if Rep. Walt Sales, HD 69, who is in the committee audience to be welcomed to the committee table as a visiting legislator but not as a committee member.
00:08:27 Sen. Welborn introduced himself.
00:09:35 Sen. Sesso introduced himself, spoke to the legislation and work he wishes to see from the committee, and welcomed Rep. Sales to sit at the committee table.

Public Member Introductions

00:12:45 Gary Gannon, sciGaia
00:13:10 Rep. Sales
00:13:59 Taylor Oldroyd, Montana Association of Realtors
00:14:34 Alana Evans, Montana Association of Conservation Districts
00:14:55 Krista Lee Evans, Senior Water Rights Coalition
00:15:27 Mike McLane, Department of Fish, Wildlife, and Parks (FWP)
00:15:43 Bill Schenk, attorney, FWP
00:16:12 Liv Stavick, Montana Farm Bureau Federation
00:16:25 Brian Ohs, Montana Trout Unlimited
00:16:35 Ronda Wiggers, Montana Water Well Drillers Association
00:16:50 Abigail St. Lawrence, attorney
00:17:03 Ron Alles, city manager, Helena

Approval of Minutes from October, 2016

00:17:35 Sen. Sesso asked the members who sat on the 2015-2016 WPIC to speak to the minutes log from the October 2016 meeting.

Motion/Vote

00:18:00 Rep. Glimm moved to approve the minutes log from the WPIC October 2016 meeting. The motion carried unanimously by voice vote.

STAFF INTRODUCTIONS

00:18:39 The WPIC staff introduced themselves.

00:20:03 Rep. Zach Brown joined the meeting at 10:22 a.m.
00:22:07 Rep. Z. Brown introduced himself.

WPIC OVERVIEW

00:24:12 Jason Mohr, research analyst, Legislative Services Division, reviewed the committee's background, the committee's anticipated work of the 2017-2018 interim, and the committee's meeting agenda for today.

ADOPTION OF RULES

00:29:03 Mr. Mohr reviewed the Rules, Procedures, and Guidelines for Interim Committees booklet that was mailed to the committee members. **(Exhibit 1)**

Committee Questions, Discussion and Action

00:29:59 Sen. Sesso asked for the general rule regarding the majority vote on a committee action.
00:30:47 Sen. Sesso asked the committee to discuss how they will define a majority vote for future meetings.
00:31:01 Committee discussion on proxy votes and majority votes.
00:34:16 Sen. Welborn asked for clarification regarding the committee majority vote needed to pass legislation.
00:35:19 Sen. Sesso recommended that the use of proxies should be alerted to the chair, the proxy holder, and the committee lead staff.

Motion

00:36:26 Sen. Cohenour moved the to accept the Rules, Procedures, and Guidelines.

Public comment

None

Vote

00:37:11 The motion carried unanimously by voice vote.

REVIEW OF 2017 WATER LEGISLATION

00:37:27 Mr. Mohr reviewed the water-related legislation that was introduced in the 2017 legislative session. **(Exhibit 2)**

Committee Questions and Discussion

00:41:20 Sen. Connell commented on HB 433 that was vetoed by the Governor.
00:43:04 Rep. Z. Brown spoke to his sponsored HJ 3 that died in committee.
00:43:43 Sen. Connell spoke to the work of the 2015-2016 WPIC and commented on the 2017 vetoed water legislation bills.

Public Comment

None

DISCUSSION OF INTERIM PRIORITIES

00:45:15 Sen. Sesso briefly introduced and spoke to the draft work plan that was mailed to the members. [\(Exhibit 3\)](#) [\(Exhibit 4\)](#)

Overview of Work Plan

00:45:46 Mr. Mohr introduced the committee to their draft work plan and reviewed the possible studies that the members can choose and vote on.

Committee Questions and Discussion

00:54:35 Sen. Sesso asked what the committee responsibility is regarding program evaluation of the agencies, for which WPIC has oversight.

00:59:25 Sen. Sesso asked for clarification on committee oversight during the 2015-2016 interim.

01:01:31 Rep. Z. Brown commented on the importance of agency reviews, as it frees up staff time to focus on the committee work plan topics.

Public Comment

01:02:54 Abigail St. Lawrence, attorney

01:05:59 Krista Lee Evans, Senior Rights Water Coalition and Association of Gallatin Agricultural Irrigators

01:07:49 Gary Gannon, sciGaia

01:12:11 Taylor Oldroyd, Montana Association of Realtors

01:15:10 Mr. Gannon

Committee Questions and Discussion

01:16:33 Sen. Sesso asked Mr. Mohr how the committee should proceed with the draft work plan.

01:18:55 Sen. Sesso spoke to the committee's statutory duties and asked the members to review the study topics.

01:21:16 Mr. Mohr suggested that the committee member who recommended a study topic speak to the topic.

01:21:48 Sen. Sesso reviewed the list of studies and asked the committee to discuss these.

01:23:07 Rep. Z. Brown suggested that the committee review the list of studies and have the requesting member give a background of the study.

01:23:20 Sen. Sesso asked Sen. Welborn to speak to his recommended study of aquatic invasive species (AIS) issues.

01:24:19 Committee discussion on the AIS issues study topic.

01:31:42 Sen. Sesso asked for the committee members to discuss the CSKT water rights settlement implementation as a study topic.

01:32:29 Committee discussion on the CSKT water rights settlement implementation.

01:34:22 Sen. Sesso spoke to and asked Rep. Glimm to provide background information on the exempt groundwater wells study topic.

01:36:26 Rep. Glimm spoke to the issue of exempt wells and the legislative history of work that has been done on the issues.

01:40:18 Committee discussion on the exempt groundwater wells study topic.

Overview of Administrative Rulemaking

01:49:55 Todd Everts, staff attorney, Legislative Services Division, spoke to the history of administrative rules, the committee members responsibility to the rules, and reviewed the memo that was mailed out to the members. **(Exhibit 5)** He also reviewed the responsibilities of the committee staff attorney.

Committee Questions

01:54:55 Sen. Sesso asked if there are any other interim committees that have authority over water rights in the state.

01:55:22 Rep. Glimm asked if any rules have been made or are anticipated to come forward involving the committee.

01:56:03 Sen. Connell asked if any other interim committee can object to water issues.

01:56:20 Sen. Sesso asked what authority the committee has over agencies that are drafting water right legislation.

01:58:00 Sen. Cohenour asked for clarification of the requirement that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305, MCA.

Work Plan Discussion

02:01:00 Sen. Cohenour spoke to and asked for DNRC representatives to discuss the future federal funding of water-related programs study topic.

02:02:45 Rep. Z. Brown recommended that the study and work done on HJ 3 can be combined with the work of the future federal funding of water-related programs study topic.

02:04:37 Sen. Sesso recommended that the members consider the study topics while on their tour and further discussion will continue on the second day of the meeting.

Field Trip: A Water Tour of the Helena Valley

02:06:17 After lunch, the committee members took a field trip to the Helena Regulating Reservoir, Prickly Pear Fishing Access Site, and City of Helena Wastewater Treatment Plant. They heard from representatives of the U.S. Bureau of Reclamation, city of Helena, Helena Valley Irrigation District, DNRC, DEQ, Lewis and Clark County Water Quality Protection District, FWP, Montana Bureau of Mines and Geology, sciGaia, Montana Watershed Coordinating Council, and the Greater Gallatin Watershed Council. After their tour, they recessed for the day and reconvened August 1, 2017.

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