

**ASSOCIATION OF GALLATIN AGRICULTURAL IRRIGATORS  
2009 WEEKLY LEGISLATIVE HIGHLIGHTS  
April 20, 2009**

The last week of session has arrived. A majority of the bills AGAI is tracking are through the process. There is a rumor that they will finish up early – this will depend on the number of conference committees necessary to bring agreement on amendments. Please do not hesitate to let either Krista or Walt know about issues of concern, comments, and thoughts.

**Reports on Hearings Held April 13-April 17**

**SB 303 – (Wanzenried, D, Missoula)** –This piece of legislation requires DNRC to adopt elements of the state water plan. It breaks the study into the Clark Fork, the Missouri, and the Yellowstone. As drafted the bill gave priority to in-stream flow rights since they were specifically mentioned. The sponsor willingly amended the bill to remove all references to any specific type of beneficial use and to remove the reference to determining the impacts to water availability as the result of climate change. *Passed out of House Appropriations 17-3/ House 2<sup>nd</sup> Reading 55-44/House 3<sup>rd</sup> Reading 56-44*

**SB 343 – (Jackson, R, Kalispell)** -- Created the Montana Aquatic Invasive Species Act. As the bill was initially drafted it was not limited to aquatics. AGAI worked with other interested parties to amend the bill to limit it to aquatic species. It provides for public education, joint management and identification of management areas by FWP and Dept. of Agriculture. Hearing was held in front of House Appropriations. *Passed out of Appropriations 20-0. House 2<sup>nd</sup> Reading – 84-12.*

**HB 52 – (McNutt, R, Sidney)** -- Fund Hydrogeologic Study was Senate Finance and Claims on April 15. All those who testified were proponents. AGAI supported the legislation stating it is critical to provide sound, unbiased science so that informed decisions may be made with regard to water allocation in Montana. Estimated cost per basin for the ground water study is \$600,000. MT Bureau of Mines and Geology has determined that approximately 7 basins could be studied per biennium. Rep. McNutt requested that the legislation be passed out and any amendments be done in a free conference committee because of transmittal deadlines. The bill initially requested \$4.2 million per biennium. *Appropriation was cut to \$900,000.*

**Reports on Bills Heard but still in Committee – April 13-April 17**

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**Reports on Conference Committees/Free Conference Committee Hearings Held April 13-April 20**

**SB 507 – (Story, R, Park City) – Use of River Beds.** Bill provides framework for the delineation of which riverbeds the state owns and the process that must be followed if users of the riverbed are required to pay for that use. Users would include owners of structures below the low water mark. The bill was amended in committee to make it clear that the state must determine title through a court of competent jurisdiction and once title is determined, the state must survey the riverbeds that they have determined they own so that titles can be cleaned up and corrected. *Conference Committee amended the bill to remove the survey requirement, to limit the state's ability to require liability insurance from lessees, and to make it clear that the recreation exemption from liability applies to riverbed leases and uses. Bill passed out of Conference Committee: House 4-0/Senate 3-0.*

**Reports on Governor's Amendments**

**SB 396 – (Story, R, Park City) –** This bill provided an exemption from the change process for irrigation diversion structures that were being combined or moved a short distance. AGAI has been very adamant this session regarding no new exemptions to the permitting process. The bill was amended in the Senate and additional amendments were offered in the house. *Passed the Legislature as a replacement point of diversion bill – an entity would not be required to go through the 85-2-402 change process if they were replacing a point of diversion. Governor's amendments require prior approval by the department – essentially negating the purpose of the bill.*

**Reports on Floor Action Held April 13 – April 17**

**SB 465 – Clarify ownership of streambeds regarding property taxation** – House 2<sup>nd</sup> Reading – 96-2/3<sup>rd</sup> Reading – 97-3//Senate 2<sup>nd</sup> reading concur in amendments 50-0/3<sup>rd</sup> Reading concur in amendments 50-0. Returned from enrolling – will go to Governor.

**Hearings for the week of April 20 – April 24**

**(Note: A hearing only requires a two day notice so this list may change)**

**Monday 4/20/09:**

**Tuesday 4/21/09:**

**Wednesday 4/22/09:**

**Thursday 4/23/09:**

**Friday 4/24/09:**



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