

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 19, 1987

The meeting of the Senate Natural Resources Committee was called to order by Chairman Thomas Keating on February 19, 1987, at 12:00 noon, Room 405, of the State Capitol.

ROLL CALL: All members were present with the exception of Sen. Severson who was excused.

EXECUTIVE SESSION:

DISPOSITION OF SENATE BILL 233: SB 233 was an act to revise the Major Facility Siting Act by redefining utility and thereby clarifying that a nonutility would not be required to demonstrate need for a proposed facility. Sen. Keating announced that Montana needed SB 233 to be passed!

Sen. Gage moved that SB 233 DO PASS, and remembered that MPC had proposed amendments to SB 233 at a previous meeting.

Sen. Lynch moved the amendments, and motion CARRIED unanimously.

Sen. Gage then made a substitute motion that SB 233 AS AMENDED DO PASS. A Roll Call Vote was taken with six members voting "yes" and six members voting "no." NOTE: Sen. Severson submitted his written vote. Therefore, SB 233 was held in committee with a TIE VOTE.

For the record, Sen. Keating asked that the motion be reversed to AS AMENDED DO NOT PASS.

DISPOSITION OF SENATE BILL 286: SB 286 would revise the Stream Access Law to remove provisions declared unconstitutional. Sen. Keating called the committee's attention to a letter written by James W. Flynn, dated February 19, 1987 (Exhibit 1); and Sen. Keating also noted the letter from Bob Gilbert, Montana Wool Growers, with statistics attached. (Exhibit 2)

Sen. Lynch moved that SB 286 DO NOT PASS.

Sen. Keating mentioned that the opponents had said that the title of SB 286 was too short in comparison to the body of the bill; therefore, the title did not reflect full intent of the body of the bill.

Senate Natural Resources
February 19, 1987
Page 2

Sen. Halligan presented amendments to SB 286 (Exhibit 3), and he moved No. 1 Amendment. Motion CARRIED unanimously. Sen. Halligan said that the amendment proposal to the body of the bill was an attempt to put in clear language what was found to be constitutional in the "Galt Decision" by the Supreme Court.

The committee read and studied the bill and the amendments, and they discussed SB 286 with the assistance of Mr. Strobe. Committee members interpreted the bill and the amendments in contradictory ways. The words, "minimal impact" presented a concern. Mr. Strobe pointed out that when the court enunciated the concept of minimal impact and said that we hold that minimal impact is the proper test, the only way to implement that is to say in law from now on, "When beds and banks are used by recreationists using water, they must do so in deference to underlying land."

Sen. Halligan maintained that SB 286 would be in serious trouble on the floor without his amendments and he moved that Amendments 2-24 BE ADOPTED. A Roll Call Vote was taken and resulted in a TIE VOTE.

Sen. Lynch made a substitute motion that SB 286 AS AMENDED DO NOT PASS. A Roll Call Vote was taken, and motion FAILED.

There being no more business before the committee, Sen. Keating adjourned the meeting at 12:27 p.m.


THOMAS F. KEATING, Chairman

nm

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2-19-87

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Keating, Chairman	✓		
Sen. Cecil Weeding, Vice Chairman	✓		
Sen. John Anderson	✓		
Sen. Mike Halligan	✓		
Sen. Delwyn Gage	✓		
Sen. Larence Stimatz	✓		
Sen. Larry Tveit	✓		
Sen. J.D. Lynch	✓		
Sen. Sam Hofman	✓		
Sen. William Yellowtail	✓		
Sen. Elmer Severson			✓
Sen. Mike Walker	✓		

Each day attach to minutes.

Montana Department of Fish, Wildlife & Parks



Helena, MT 59620
February 19, 1987

Senator Thomas F. Keating
Montana State Senate
State Capitol Building
Helena, MT 59620

SENATE NATURAL RESOURCES
EXHIBIT NO. 1 (with attach.)
DATE 2-19-87
BILL NO. SB 286

Dear Senator Keating:

I am enclosing two documents for your review. The multi-page document is a briefing document I requested from my staff regarding stream access last October in anticipation of the subject coming before the Legislature.

I call your attention to the last page which was the result of a telephone survey by our Helena Enforcement staff of our Regional Enforcement Field Offices.

The single page document is the result of a written survey of all field wardens regarding stream access activity. This document was compiled and printed in January of this year. This document was only brought to my attention this afternoon when my staff responded to an inquiry from a member of the public.

On two occasions in appearing before your committee I have used the figures from the briefing paper. Those figures are not accurate and I apologize to you and your committee that they weren't.

I am concerned that the impression might occur that the Department attempted to mislead the committee with our testimony. I assure you that is not the case. I have participated in the legislative process for a number of years and have never purposefully mislead any individual legislator or committee. It is the Department's responsibility to provide the best information available and at our disposal to legislators for their decision making process. We did not do this in this instance.

This is a major error in Department performance for which I take full responsibility and would offer to reappear before your committee to correct the record if need be.

Should you wish anything further, please let me know.

Sincerely,


James W. Flynn
Director

121/34
JWF/dl

SENATE NATURAL RESOURCES

EXHIBIT NO. 1 (p.2)

DATE 2-19-87

BILL NO. SB286

DRAFT
For Director

REVIEW OF ACTIVITIES
RELATED TO STREAM ACCESS

SENATE NATURAL RESOURCES
EXHIBIT NO. 1 (Attachment)
DATE 2-19-87
BILL NO. SB 286

Prepared by
Montana Department of Fish, Wildlife and Parks

James W. Flynn, Director

On May 15, 1984 the Montana Supreme Court on a case involving the Dearborn River held that under the public trust doctrine and the Montana Constitution, any surface waters capable of use for recreational purposes are available for such purposes by the public, irrespective of streambed ownership. Further they held that the public's right to use the state-owned waters is restricted to the area between the ordinary high water marks and may only cross private property in order to portage around barriers in the water; the right to portage must be accomplished in the least intrusive manner possible. This decision was reaffirmed on June 21, 1984 on a second case on the Beaverhead River.

The 1985 legislature subsequently and after considerable debate passed H.B. 265 known as the stream access bill. That bill among other things defined barrier, the ordinary high water mark, and recreational use and created two classes of stream. The bill restricted certain recreational uses on the two classes of streams and directed the Montana Fish and Game Commission to adopt rules governing recreational use including establishing procedures for any person to request an order from the commission to limit, restrict or prohibit recreational use or alter any such restrictions.

This report reviews implementation of the Department of Fish, Wildlife and Park's management responsibilities and commission actions under the new stream access law. The DFWP prepared two brochures addressing the rights of landowners and of sportsmen under the stream access and trespassing laws. Over 250,000 copies were distributed to landowners and sportsmen across the state.

River recreation use in Montana was and continues to be popular. Over half of the fishing use in the state occurs on streams. Over two thirds of the use is by residents. In 1982 more people floated streams in Montana than visited our ten state parks.

The quality of the recreational experience Montana offers is also widely recognized. In recent years, Montana has consistently ranked in the top three states nationally in the sale of nonresident fishing licenses.

Despite this large and growing use on streams in the state, we have experienced few problems. From July 1, 1985 to June 30, 1986 ten citations were issued across the state related to stream access and all were a result of trespassing on private property. Two other complaints were investigated but no citations were issued. From July 1 to November 24, 1986 seven complaints were investigated but none resulted in citations.

SENATE NATURAL RESOURCES
EXHIBIT NO. 1 (attached)
DATE 2-19-87
BILL NO. SB 286

SENATE NATURAL RESOURCES

EXHIBIT NO. 2 (attached)

DATE 2-14-87

BILL NO. SB 236

Stream Access Petitions

The Fish and Game Commission adopted rules to regulate recreational use on streams. A process was established by which persons may petition the Fish and Game Commission to restrict public recreational use of certain waters (1) to protect against impacts of recreational use under rule IV and (2) to limit recreational use of streams to their actual capacity under rule VI. This process became effective July 12, 1985.

Upon receipt of a petition the Department of Fish, Wildlife and Parks issues a public notice in four major Montana daily papers and also in the local daily paper in the area involved in the petition to solicit public comment over at least a 30 day period. The notice is also mailed directly to those who have expressed interest in the process, and a news release is issued.

The Department of Fish, Wildlife and Parks has 45 days to investigate the petition and report findings and recommendations to the commission, unless an extension is requested by the department and granted by the commission. The commission then has 30 days to issue a decision granting, denying or granting with modifications the petitioned relief.

Since July 12, 1985 12 petitions were filed and two of those were later withdrawn. A review of the other 10 petitions and commission action follows:

- (1) Nelson Spring Creek, near Livingston
Filed by William Dana on July 22, 1985

- Mr. Dana alleged that unlimited access would deteriorate the quality of fishing and harm the Yellowstone cutthroat trout which spawn in the spring creek.

- On September 28, 1985 following preliminary investigation by DFWP the Fish and Game Commission directed DFWP to quantify the amount of recreational use, to determine effects of wading on trout spawning beds and incubation, to evaluate sensitivity of the stream to damage and determine acceptable use levels over the next 14 months.

- On December 12, 1986 the commission adopted the department's recommendation to prohibit wading in two sections of the creek during the cutthroat spawning and incubation period (June 15 through September 15) and directed DFWP to evaluate extending restrictive regulations further downstream on the Yellowstone River to protect

could not act on Mr. Dana's request to limit use based on social carrying capacity without more explicit legislative direction.

SENATE NATURAL RESOURCES

- (2) Ten-Mile Creek, near Helena
Filed by F. M. Gannon, July 24, 1985

EXHIBIT NO. 1 (attached)

DATE 2-17-87

SB 286

- Mr. Gannon requested closure of the stream through his property to all recreational use.

- The department found no damage or reason to believe damage would occur. The department did recommend to the commission that the stream could not support swimming, nor could it reasonably support hunting because of safety reasons, nor could it support floating by large craft, although it could support floating by small craft and fishing.

- The commission adopted the department's recommendations to close the stream to swimming and to restrict hunting to by permission of the landowner. The stream was not closed to floating by larger craft because it was believed the physical features of the stream would already be self-limiting. The Gannon's asked for a rehearing on the last point to restrict floating by larger craft and the commission granted the rehearing.

- (3) Clark Fork River, near Missoula
Filed by Thomas Greil, August 9, 1985

- The Greil's wanted to close this section of the Clark Fork River to swimming because of property damage and disturbances. Nearly all the problems identified in the petition occurred in the 1970s prior to passage of the Stream Access law. One incident of 11 swimmers on the beach until 3:30 a.m. occurred in July, 1985. This was reported to the sheriff.

- The commission directed the department to maintain communication with the sheriff's office on disorderly conduct problems and assist in enforcing trespass. The commission supported parking restrictions along the adjacent road and directed the department to patrol the area periodically to clean up litter. The petitioner's request for a closure was then denied.

- The department is also working with Montana Power Company to develop an access site to the Clark Fork River one-quarter mile upstream.

- (4) Middle Creek, near Bozeman
Filed by William Keightley, August 14, 1985

- The petitioner's requested to limit use to those with permission only because of alleged adverse effects to

wildlife species in the riparian corridor.

- The department determined there was no increased use since passage of H.B. 265 and that the problems described by landowners were away from the stream and clearly constituted trespass. The largest damage to wildlife habitat in the area was the increase in subdivisions.

- The commission denied the request but directed the department to make no trespassing signs available to the landowners.

(5) Boulder River, near Big Timber
Filed by Allen, Morse and Long, September 4, 1985

- The petitioner's requested prohibiting camping, floating, boating, and hunting along a 5.7 mile stretch of river. They also requested to limit fishing to fly fishing only between July 15 and the following spring runoff period.

- The department found no evidence of damage to the stream, determined it was capable of supporting boat use, and found that the large majority (95 percent) of use on the stream were from the guest ranch. These guests released their fish at the request of the landowners, thus there would be little or no adverse affect to the fishery. There were a few problems with trespass.

- The commission on October 20, 1985 denied the petitioner's request, directed the department to make no trespassing signs available and further directed the department to evaluate the need or desirability of special regulations on all or part of the Boulder River as part of a fisheries management plan for the river.

(6 & 7) Mill Creek, near Kalispell
Filed by Robert Gatiss and Donald Siblingrud, September 25, 1985

- The petitioner's requested that all recreational uses of the creek be prohibited because of possible detrimental impacts to the stream and damage to private property. The petitioners also alleged that boat use was impossible due to numerous artificial barriers.

- The department found that no increased use has occurred since passage of H.B. 265 and there was no actual damage on the Gatiss property although a fence was cut on the downstream end of the Siblingrud property. The department recommended that this section of stream is incapable of supporting swimming, fishing and boating and that such uses be prohibited.

- The commission denied the request because summer water temperatures may rise sufficiently to allow swimming, there are enough game fish to allow fishing and the stream has sufficient depth to support floating.

- (8) Beaverhead River, near Dillon
Filed by nine petitioners, March 12 - April 11, 1986

- The petitioner's requested to have a 12-mile stretch of the river closed to floaters because they believed excessive fishing pressure by floaters was damaging the trophy trout fishery.

- The department, citing over 10 years of biological sampling, determined that this section of the Beaverhead River supported the greater number of large-size trout (5 pounds and larger) per mile of any stream in the state.

- The commission denied the request.

- (9) North Fork of the Musselshell River, near White Sulphur Springs. Filed by Bruce Cady, March 4, 1986

- Mr. Cady requested that a half-mile section of the river flowing through his land be closed to recreational use in the interest of public safety because of the presence of penned buffalo.

- The department found a pen enclosing about 100 acres containing 20 bison ranging in age from yearlings to 16 years of age. The pen had existed for 10 years and was already signed by Mr. Cady warning the public of the presence of dangerous, wild animals. The department supported the petitioners request.

- The commission on May 16, 1986, voted to accept the department's recommendation noting it was a condition that existed prior to passage of H.B. 265 and that the bison posed a safety hazard.

- (10) Ten Mile Creek, near Helena
Filed by Norman Rogers, April 22, 1986

- Mr. Rogers wanted approximately 1,700 feet of stream closed to all recreational use because of destruction of personal property, vandalism and theft.

- The department found that some of the vandalism to Mr. Roger's property occurred by persons gaining access other than from the stream; vandalism by persons gaining access from the stream at night by cutting through a fence occurred before the stream access law became effective. These

illegal acts were not in any way related to recreational use of the stream.

- The commission denied the petition.

Portages

The Stream Access Law set up a process for establishing portage routes around or over man-made barriers through the board of supervisors of a soil conservation district or board of county commissioners.

There were far fewer portage requests than anticipated. To date there have been only 12 requests for establishing portages. Seven were initiated in 1985 and 5 in 1986. Ten of the requests have been or are being handled directly between the department and landowner. The department has provided signs, assisted in rearranging fences, provided float gates, etc.

Two of the requests were handled through the local conservation districts. A bridge over the Beaverhead River was raised to permit boat passage and reduce associated dangers due in large part to the efforts of the Beaverhead Conservation District. The other portage request is being negotiated between a landowner and ditch company on the Big Horn River near Hardin. This process is being handled by the Big Horn Conservation District which continues to work toward resolving the problem.

STREAM ACCESS EXPENDITURES

Project 9871

FY 86
Budget
\$65,000

The following items were funded from the \$65,000 allocated to the department to address issues related to implementation of HB 265, the stream access law:

Stream access rules development and implementation; costs incurred included publishing rules in daily newspapers, printing and postage costs \$ 2,000

Stream access petitions and review entailed the Nelson spring creek study of effects on fish eggs of fishermen wading in spawning areas 17,000

Trespass brochures - trespass brochures were developed to provide public information on law changes including stream access legislation 5,000

Stream access litigation - DFWP represented the state on litigation related to appeals on court rulings on stream access. Attorney Urban Roth was hired to present DFWP's position 30,000±*

*Estimated total cost, FY 86-87

Flood gate brochure - signs brochure to show how to set up float gates-miscellaneous signs 1,500

Smith River brochure and signing - Provides information to reduce landowner-floater conflicts on Smith River 5,200

Hildreth Bridge - funding was provided to Mr. Hildreth on Beaverhead River to assist in raising a bridge which was a hazard to floaters 15,000

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS
ENF. IMPLEMENTATION OF HB 265 - STREAM ACCESS

Region 1 1985 (July 1, 1985 - June 30, 1986)
A number of contacts were made explaining new law. There were minimal problems with the new laws.

1986 (July 1, 1986 - November 24, 1986)
Explanation of law made in a number of instances. No citations issued this period.

Region 2
Repeated complaints of swimmers on Blackfoot River. No citations issued. One complaint of three fishermen trespassing was investigated with no tickets issued. Two tickets were issued in another instance for fishermen trespassing on private property and two gopher shooters were cited on the same ranch.

No citations issued.

Region 3
One ticket issued (crossing private property).

Mostly question - two complaints were investigated and no citations issued.

Region 4
Four tickets issued on Dearborn River (camping and trespassing on private property).

One complaint in White Sulfur area. One on Dearborn neither resulted in citations being issued as of this date.

Region 5
Three tickets issued for crossing private property along Yellowstone River.

Stillwater River - two incidents reported. Investigations did not warrant citations

Region 6
No complaints.
No citations.

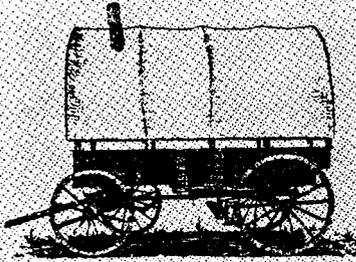
No complaints.
No citations.

Region 7
One complaint Fallon Co. (Beaver Dam) No citation issued.

No complaints involving fishermen. No citations. One incident of boating big game hunters trespassing, being investigated.

A total of 10 citations were from July 1, 1985 - June 30, 1986.

No citations were issued from July 1, 1986 through November 24, 1986.



MONTANA WOOL GROWERS ASSOCIATION

Livestock Building • 7 Edwards St.
P.O. Box 1693
Helena, Montana 59624
Phone: (406) 442-1330

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 2-19-87

BILL NO. S.B. 286

Senator Tom Keating
Chairman, Natural Resources
State Senate
Helena, Montana 59620

February 19, 1987

Dear Senator Keating,

During the hearing on SB 286 and SB 159 there has been comment made by the opposition that there has not been many complaints about trespass violations caused in the minds of landowners by the 1985 stream access law. A rancher gave me the enclosed report that seems to show that indeed there were more complaints logged with fish, wildlife and parks. It is the results of a warden survey on the subject of stream access complaints and it shows that since July 1, 1985 through November 1986 95 complaints were reported to wardens by fisherman and 150 complaints to wardens by hunters, trappers and hikers.

The point is, is that in a number of areas of Montana landowners feel their private property rights have been abridged by sportsmen who are not asking for permission and mistakenly feel they have a right of access because of HB 265. We, all the supporters of SB 286 by Jack Galt, want the committee to know there's more than just a handful of complaints. It should also be noted that the enclosed list is only those complaints handled by Fish, Wildlife and Parks---would not include those reported to Sheriffs offices or those which the landowner handled himself.

Sincerely,

Bob Gilbert
Secretary MWGA

Warden Stream Access Questionnaire
FISHERMEN ON STREAMS

	Complaints		Investigations		NTA's (citations)	
	12 Months	5 Months	12 Months	5 Months	12 Months	5 Months
	07-01-85	11-30-86	07-01-85	11-30-86	07-01-85	11-30-86
R-1	5	14	5	14	0	1
R-2	7	16	5	10	2	2
R-3	12	8	6	7	2	2
R-4	9	10	5	5	1	3
R-5	7	5	6	2	3	1
R-6	1	0	1	0	0	0
R-7	1	0	1	0	0	0
Totals	42	53	29	38	8	9

Warden Stream Access Questionnaire
HUNTERS, BIG GAME, DUCK,
TRAPPERS, HIKERS AND OTHERS ON STREAMS

	Complaints		Investigations		NTA's (citations)	
	12 Months	5 Months	12 Months	5 Months	12 Months	5 Months
	07-01-85	11-30-86	07-01-85	11-30-86	07-01-85	11-30-86
R-1	37	25	28	24	14	9
R-2	11	29	7	25	3	13
R-3	1	5	3	2	0	3
R-4	1	7	1	7	0	2
R-5	9	10	4	5	2	6
R-6	5	8	4	7	2	2
R-7	1	1	1	0	0	0
Totals	65	85	48	70	21	35

SENATE NATURAL RESOURCES
EXHIBIT NO. 2 (attach)
DATE 2-19-87
BILL NO. SP286

Final

Handwritten signature

Amend House Bill 286 Introduced Copy
Feb. 19, 1987

SENATE NATURAL RESOURCE

EXHIBIT NO. 3 (p. 1)

DATE 2-19-87

BILL NO. SB 286

1. Title, line 6.
Strike: "23-3-301,"
Following: "23-2-302"
Strike: ",,"

2. Page 1 line 10 through line 10 of page 4
Strike: section 1 in its entirety

3. Page 4, line 14
Strike: "(4)"
Insert: "(5)"

4. Page 4, line 15.
Strike: "with"
Insert: "without"

5. Page 5.
Following: line 14
Insert: "(d) big game hunting;
(e) the placement or creation of any permanent duck
blind, or boat moorage; or"

6. Page 5.
Following: line 23
Insert: "(3) The right of the public to make recreational use of
class II waters does not include, without permission of the
landowner:
(a) overnight camping;
(b) the placement or creation of any seasonal object;
or"
Renumber: subsequent subsections

7. Page 6, line 1
Strike: "; or"
Insert: "."

8. Page 6, lines 2 and 3.
Strike: subsection (f) in its entirety

9. Page 6, line 23.
Strike: "(5)(a)"
Insert: "(4)(a)"

10. Page 7, line 12.
Strike: "as provided herein"
Insert: "above the ordinary high water mark"

11. Page 7, line 14.
Strike: "property"

SENATE NATURAL RESOURCES

EXHIBIT NO. 31 p. 2

DATE 2-19-87

BILL NO. SB 286

Insert: "land"

12. Page 7, line 17.

Strike: "property"

Insert: "land"

13. Page 7, line 19.

Strike: "a portage"

14. Page 7, line 20.

Strike: "route"

Strike: "be established"

Insert: "go"

15. Page 7, line 24.

Strike: "must"

Insert: "may be established to avoid damage to the landowner's land and violation of his rights, as well as to"

16. Page 8, lines 3 and 4.

Strike: "the department"

Insert: "a member of the recreating public"

17. Page 8, lines 10 and 11.

Strike: "and the compensation to be paid to the landowner"

18. Page 15, lines 15 and 16.

Strike: "compensation to the landowner for"

Insert: "cost of establishing "

19. Page 8.

Following: line 22.

Insert: "The cost of establishing a portage route around artificial barriers not owned by the landowner on whose land the portage route will be placed must be borne by the department."

20. Page 9.

Following: line 18

Insert: "(g) If either the landowner or recreationist disagrees with the route described in subsection (3)(e), he may petition the district court to name a three-member arbitration panel. The panel must consist of an affected landowner, a member of an affected recreational group, and a member selected by the two other members of the arbitration panel. The arbitration panel may accept, reject, or modify the supervisors' finding under subsection (3)(d).

(h) The determination of the arbitration panel is binding upon the landowner and upon all parties that use the water for which the portage is provided. Costs of the arbitration panel, computed as for jurors' fees under 3-15-201, shall be borne by the contesting party or parties;

all other parties shall bear their own costs."
Renumber: subsequent subsections

21. Page 9, line 19.
Strike: "decision"
Insert: "determination"

22. Page 9, line 20.
Strike: "supervisors"
Insert: "arbitration panel"

23. Page 9. Lines 21 and 22.
Strike: "for" on line 21 through "final" on line 22

24. Page 10.
Following: line 4
Insert: "(4) Nothing contained in this part addresses the issue of natural barriers or portage around said barriers, and nothing contained in this part makes such portage lawful or unlawful."

XT01
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SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (p.3)

DATE 2-19-87

BILL NO. SB286

ROLL CALL VOTE

SENATE COMMITTEE NATURAL RESOURCES

Date 2-19-87 Senate Bill No. 233 Time 12:15

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Sen. Tom Keating, Chairman	X	
Sen. Cecil Weeding, Vice Chairman		X
Sen. John Anderson	X	
Sen. Mike Halligan		X
Sen. Delwyn Gage	X	
Sen. Lawrence Stimatz		X
Sen. Larry Tveit	X	
Sen. "J.D." Lynch		X
Sen. Sam Hofman	X	
Sen. William Yellowtail		X
Sen. Elmer Severson	✓ (see attached)	
Sen. Mike Walker		X

Nadine McCurdy
Secretary

Senator Tom Keating
Chairman

Motion: Do Not Pass As Amended

(see attachment)

Tie Vote

2:00 P.M.
February 19, 1987

TO: Sen. Severson

FROM: Nadine McCurdy, Secretary - Natural Resources

Natural Resources Committee voted on the motion DO NOT PASS AS AMENDED for SB 233 (Facility Siting).

There were 6 no's and 5 yes's.

How do you vote? Yes



(Signature)

ROLL CALL VOTE

SENATE COMMITTEE NATURAL RESOURCES

Date 2-19-87 S.B. # Bill No. 286 Time 12:22

NAME	YES	NO
Sen. Tom Keating, Chairman		✓
Sen. Cecil Weeding, Vice Chairman	✓	
Sen. John Anderson		✓
Sen. Mike Halligan	✓	
Sen. Delwyn Gage		✓
Sen. Lawrence Stimatz	✓	
Sen. Larry Tveit		✓
Sen. "J.D." Lynch	(was out of room)	
Sen. Sam Hofman		✓
Sen. William Yellowtail	✓	
Sen. Elmer Severson	(excused) nm,	
Sen. Mike Walker	✓	

Nadine McCurdy
Secretary

Senator Tom Keating
Chairman

Motion: Motion made to adopt Sen. Halligan's
Amendments - Tie Vote

ROLL CALL VOTE

SENATE COMMITTEE NATURAL RESOURCES

Date Feb. 19, 1987 Senate Bill No. 286 Time 12:25

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Sen. Tom Keating, Chairman		X
Sen. Cecil Weeding, Vice Chairman		X
Sen. John Anderson		X
Sen. Mike Halligan	X	
Sen. Delwyn Gage		X
Sen. Lawrence Stimatz	X	
Sen. Larry Tveit		X
Sen. "J.D." Lynch	X	
Sen. Sam Hofman		X
Sen. William Yellowtail	X	
Sen. Elmer Severson	X (see attached)	
Sen. Mike Walker	X	

Nadine McCurdy
Secretary

Senator Tom Keating
Chairman

Motion: Do Not Pass As Amended.
Motion to bill failed. (See Vote)

3:55 P.M.
February 19

TO: Sen. Severson

FROM: Nadine McCurdy, Secretary - Natural Resources

Natural Resources Committee voted on the motion DO NOT PASS
AS AMENDED on SB 286 - Remove unconstitutional provisions of
Steam Access Law -

There were 5 yes's and 6 no's.

How do you vote?

 N

(Signature)

Please return to me in Room 405A.