

**MINUTES**

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

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Chairman Dick Knox, on February 3, 1997, at  
3:00 p.m., in Room 437

**ROLL CALL**

**Members Present:**

Rep. Dick Knox, Chairman (R)  
Rep. Bill Tash, Vice Chairman (Majority) (R)  
Rep. Hal Harper, Vice Chairman (Minority) (D)  
Rep. Haley Beaudry (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Jon Ellingson (D)  
Rep. Doug Mood (R)  
Rep. Karl Ohs (R)  
Rep. Scott J. Orr (R)  
Rep. Bob Raney  
Rep. Trudi Schmidt (D)  
Rep. Robert R. Story, Jr. (R)  
Rep. Jay Stovall (R)  
Rep. Emily Swanson (D)  
Rep. Lila V. Taylor (R)  
Rep. Cliff Trexler (R)  
Rep. Carley Tuss (D)  
Rep. Douglas T. Wagner (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: HB 383, SB 1, SB 72, SB 131  
Executive Action: HB 225 DO PASS as Amended (18-0), HB 31 DO PASS as Amended (15-3), HB 283 DO PASS (16-2), HB 285 DO PASS as Amended (15-3), HB 219 Tabled (18-0)

HEARING ON HB 383

Opening Statement by Sponsor: Rep. Dick Knox, HD #93 opened  
{Tape: 1; Side: a; Approx. Time Count: 2.4; Comments: none.}

Proponents' Testimony:

John Arrigo, Administrator of Enforcement, Department of  
Environmental Quality  
{Tape: 1; Side: a; Approx. Time Count: 4.7; Comments: none.}

Angela Janacaro, MT Mining Association  
{Tape: 1; Side: a; Approx. Time Count: 7.6; Comments: none.}

Opponents' Testimony:

Jim Jensen, Executive Director of Montana Environmental  
Information Center  
{Tape: 1; Side: a; Approx. Time Count: 8.7; Comments: none.}

Exhibit # 5 submitted by Debbie Smith of the MT Chapter of the  
Sierra Club (written testimony only)

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 13.7; Comments: none.}

{Tape: 1; Side: a; Approx. Time Count: 43.9; Comments: flipped  
tape.}

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

Closing by Sponsor: Rep. Knox, closed

{Tape: 1; Side: b; Approx. Time Count: 1.5; Comments: none.}

HEARING ON SB 1

Opening Statement by Sponsor:

Sen. Lorents Grosfield, SD #13 opened  
{Tape: 1; Side: b; Approx. Time Count: 4.4; Comments: revise so  
that Bill states nitrates as nitrogen.}

Proponents' Testimony:

John North, attorney, Department of Environmental Quality  
submitted Exhibit #1  
{Tape: 1; Side: b; Approx. Time Count: 7.8; Comments: Exhibit  
#1.}

Larry Brown, MT Dairy Association, NMOGA, Agricultural  
Preservation Association  
{Tape: 1; Side: b; Approx. Time Count: 13.3; Comments: none.}

Margaret Morgan, MT Association of Realtors

{Tape: 1; Side: b; Approx. Time Count: 13.7; Comments: none.}

Mike Murphy, Montana Water Resource Association (MWRA)

{Tape: 1; Side: b; Approx. Time Count: 14.3; Comments: none.}

Steve Pilcher, Western Environmental Trade Association

{Tape: 1; Side: b; Approx. Time Count: 14.7; Comments: none.}

Opponents' Testimony:

Ted Lange, Northern Plains Resource Council

{Tape: 1; Side: b; Approx. Time Count: 16.2; Comments: none.}

Exhibit #2 from Missoula Health Department

Patrick Judge, Montana Environmental Information Center

{Tape: 1; Side: b; Approx. Time Count: 22.3; Comments: none.}

Brett Brownscombe, Montana Wildlife Federation

{Tape: 1; Side: b; Approx. Time Count: 27.6; Comments: none.}

Exhibit #4, submitted by Debbie Smith, MT Chapter of the Sierra Club (written testimony only)

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 30.2; Comments: none.}

{Tape: 2; Side: a; Approx. Time Count: 0.1; Comments: none.}

Closing by Sponsor: Sen. Grosfield, SD #13 closed

{Tape: 2; Side: a; Approx. Time Count: 12.5; Comments: none.}

HEARING ON SB 72

Opening Statement by Sponsor: Sen. Ken Mesaros, SD #25

{Tape: 2; Side: a; Approx. Time Count: 19.0; Comments: none.}

Proponents' Testimony:

Allan Cox, Director of Resource Information Center-State Library

{Tape: 2; Side: a; Approx. Time Count: 21.2; Comments: none.}

Opponents' Testimony: none

Questions From Committee Members and Responses: none

{Tape: 2; Side: a; Approx. Time Count: 22.8; Comments: none.}

Closing by Sponsor: Sen. Mesaros, SD #25 closes

{Tape: 2; Side: a; Approx. Time Count: 22.9; Comments: none.}

HEARING ON SB 131

Opening Statement by Sponsor: Sen. Ken Mesaros, SD #25 opened  
{Tape: 2; Side: a; Approx. Time Count: 23.7; Comments: none.}

Proponents' Testimony:

Bob Anderson, MT School Board Association

{Tape: 2; Side: a; Approx. Time Count: 26.2; Comments: none.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 2; Side: a; Approx. Time Count: 27.3; Comments: none.}

Closing by Sponsor: Sen. Mesaros, SD #25 closed

{Tape: 2; Side: a; Approx. Time Count: 28.1; Comments: Rep. Cobb would carry the Bill if it goes to the House floor.}

EXECUTIVE ACTION ON HB 225

Motion: by Rep. Tash; DO PASS

{Tape: 2; Side: a; Approx. Time Count: 31.0; Comments: none.}

Amendments: amendments submitted as **Exhibit #2**, hb022501.akw

Discussion: Rep Story is in favor of the amendment, Question was called for

Motion/Vote: voice vote, motion carries (18-0), Question on the body of the Bill as amended

Vote: DO PASS as Amended, (18-0)

EXECUTIVE ACTION ON HB 31

Motion: By Rep. Knox; DO PASS

Amendments: Rep. Knox introduced amendment hb003101.akw marked as **Exhibit #3**

Discussion: Rep. Knox clarifies the amendment which clarifies a jurisdictional issue, Rep. Heavy Runner supported the amendment

{Tape: 2; Side: a; Approx. Time Count: 37.3; Comments: none.}

Motion/Vote: A Question on the amendment was called for by Rep. Wagner; amendment passes (15-3)

**Discussion:** Reluctantly opposes the Bill, Rep Story feels that with the Amendment the Bill is better  
{Tape: 2; Side: a; Approx. Time Count: 41.5; Comments: none.}

Rep. Taylor feels that if we're ever going to resolve the conflict that this is a step in a positive direction  
{Tape: 2; Side: a; Approx. Time Count: 44.7; Comments: none.}

Rep. Orr, commends Rep. Knox for fixing the jurisdictional issue, but he is still opposed to the Bill, the tribes pay very little into the RIGWA tax and they don't pay a royalty tax which is very large  
{Tape: 2; Side: b; Approx. Time Count: 0.1; Comments: none.}

Rep. Knox says there is no guarantee that the tribe will get the money at least with this bill there is competition for the grant money  
{Tape: 2; Side: b; Approx. Time Count: 1.8; Comments: none.}

Rep. Harper, not only does the tribe benefit, but downstream users also benefit  
{Tape: 2; Side: b; Approx. Time Count: 2.9; Comments: none.}

Rep. Raney, this bill only addresses agreement with tribes  
{Tape: 2; Side: b; Approx. Time Count: 3.9; Comments: none.}

Rep. Story, refers to grants as well as loans; Rep. Story proposes an amendment adding the word grant in front of the word loan so it reads "grant & loan" (hb03102.akw); Question on the amendment, motion carries (18-0)  
{Tape: 2; Side: b; Approx. Time Count: 4.4; Comments: none.}

**Vote:** Question on body of the HB 31 as amended; HB 31 DO PASS as Amended (15-3)

#### EXECUTIVE ACTION ON HB 283

**Motion:** by Rep. Swanson; DO PASS  
{Tape: 2; Side: b; Approx. Time Count: 9.1; Comments: none.}

**Motion/Vote:** Question was called by Rep. Harper; voice vote, HB 283 passes with a vote of (16-2); Rep. Orr and Rep. Wagner voted against HB 283

#### EXECUTIVE ACTION ON HB 285

**Motion:** by Rep. Ohs; DO PASS  
{Tape: 2; Side: b; Approx. Time Count: 12.4; Comments: none.}

**Amendments:** hb028501.akw, marked as Exhibit #4

**Discussion:** none

**Motion/Vote:** Question by Rep. Story; voice vote; amendment passes (18-0)

**Discussion:** Rep. Wagner is against the Bill; Rep. Story says he'll pass the Bill as it is.

*{Tape: 2; Side: b; Approx. Time Count: 15.4; Comments: none.}*

**Motion/Vote:** A Question was called for; voice vote; Motion carries, HB 285 passes as amended (15-3) (Rep. Mood, Rep. Orr and Rep. Wagner voted against the Bill)

**EXECUTIVE ACTION ON HB 219**

**Motion:** Do PASS

*{Tape: 2; Side: b; Approx. Time Count: 17.4; Comments: none.}*

**Amendments:** hb021901.akw, amend moved (amendment provided by the Sponsor Rep. Prouse at the original hearing, no copy of the amendment for this set of minutes)

**Discussion:** Rep. Story feels that the amendment tries to make this Bill better and more palatable, but it still does nothing for what the law already states.

*{Tape: 2; Side: b; Approx. Time Count: 17.8; Comments: none.}*

**Motion/Vote:** Rep. Story calls for a Question, vote was taken, amendment dies (9-9)

**Discussion:** Rep. Story opposes Hb 219 as it stands.

*{Tape: 2; Side: b; Approx. Time Count: 22.2; Comments: none.}*

Rep. Tash and Rep. Swanson also oppose the Bill.

*{Tape: 2; Side: b; Approx. Time Count: 22.4; Comments: none.}*

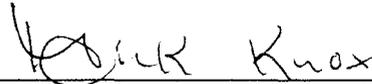
Rep. Knox said that he had a meeting with Rep. Prouse and the realtors are now having a subcommittee studying the particulars and are reviewing the development of rules & exceptions.

*{Tape: 2; Side: b; Approx. Time Count: 26.4; Comments: none.}*

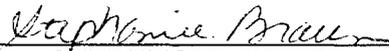
**Vote:** Rep. Beaudry moves to Table HB 219; voice vote; motion passes (18-0); HB 219 is Tabled

ADJOURNMENT

Adjournment: 5:46 p.m.



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REP. DICK KNOX, Chairman



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STEPHANIE BRAUN, Secretary

DK/SB