

**MINUTES**

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

**SUBCOMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Subcommittee Chair Scott Orr, on February 13, 1997, at 3:00 p.m., in Room 10

**ROLL CALL**

**Members Present:**

Rep. Scott Orr (R) Chair  
Rep. Jon Ellingson (D)  
Rep. Doug Mood (R)  
Rep. Robert R. Story, Jr. (R)  
Rep. Emily Swanson, (D)

**Members Excused:** Rep. Story

**Members Absent:** none

**Staff Present:** Larry Mitchell, Legislative Services  
Stephanie Braun, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 293 Subcommittee regarding  
proposed amendments  
Executive Action: none

**HEARING ON HB 293 proposed amendments**

**Rep. Orr** called the Subcommittee for HB 293 to order. Rep. Orr had Larry Mitchell hand out a copies of amendments to be adopted or rejected by the subcommittee. **Exhibit #1 & #2**  
{Tape: 1; Side: a; Approx. Time Count: 0.1; Comments: Exhibit #1 & #2.}

**Rep. Swanson** had a question regarding amendment #4 of the "grey" bill. She asked if all information was public. **Larry Mitchell** of Legislative Services clarified to her that the information contained on the form was public, but the particulars and everything not on the "public form" is private unless disclosed via judiciary means.  
{Tape: 1; Side: a; Approx. Time Count: 4.9; Comments: none.}

**Rep. Swanson** questioned amendment #5 and its definition. She inquired as to the definition of "relevant underlying data". Mr. Mitchell clarified that to be actual scientific data, field notes, statements between persons involved.

*{Tape: 1; Side: a; Approx. Time Count: 7.5; Comments: none.}*

Mr. Mitchell hands out the other amendments marked as Exhibit #3, #4, & #5

Rep. Ellingson moves his amendments hb293.05. He would like to see "criminal" eliminated. He gives a scenario for why he's uncomfortable with giving criminal immunity and with having 30 days to disclose.

*{Tape: 1; Side: a; Approx. Time Count: 20.0; Comments: none.}*

Rep. Ellingson's third concern was that they possibly limit immunity from civil and administrative penalties. He feels that the Dept. should be able to address penalties whereby an economic gain occurred.

*{Tape: 1; Side: a; Approx. Time Count: 26.5; Comments: none.}*

Rep. Ellingson addresses amendment #10 where he tried to deal with the issue of privilege with respect to information. Felt that all information should be public with exception of "proprietary information" that would be determined possibly by judicial review.

*{Tape: 1; Side: a; Approx. Time Count: 32.6; Comments: none.}*

Mr. Mitchell informed the Committee that Rep. Ellingson's amendment #10 is in direct conflict with Rep. Orr's amendment #9.

*{Tape: 1; Side: a; Approx. Time Count: 34.0; Comments: none.}*

Rep. Swanson feels that there is a catch 22 built into this bill; the proof of "knowingly", feels that is difficult and may not be able to determine that if there isn't enough information supplied and if there is no way to ascertain that information.

*{Tape: 1; Side: a; Approx. Time Count: 39.9; Comments: none.}*

Rep. Mood feels that in the real world if you blatantly know then its going to be obvious to the Dept. that the problem has existed.

*{Tape: 1; Side: a; Approx. Time Count: 45.4; Comments: none.}*

Rep. Orr commented on Rep. Ellingson's feeling of "economic benefit" issue; he feels that "economic benefits" is difficult to determine.

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

Rep. Orr wants the audit so that things can get cleaned up.

*{Tape: 1; Side: b; Approx. Time Count: 1.2; Comments: none.}*

Rep. Swanson discusses her issues contained in her amendments (Exhibit #3, hb029304.alm).

*{Tape: 1; Side: b; Approx. Time Count: 7.0; Comments: none.}*

Rep. Swanson had the same issues that Rep. Ellingson did with HB 293. In addition she would like to see a "sunset clause" of 4 years to see and report what has or has not been accomplished. *{Tape: 1; Side: b; Approx. Time Count: 21.8; Comments: none.}*

EXECUTIVE ACTION ON HB 293

Amendments: hb0293.alm

Motion: motion passed, (3-2) with Rep. Ellingson & Rep. Swanson voting no

EXECUTIVE ACTION ON HB 293

Amendments: hb0293.grey

Motion: DO PASS; amendment adopted (3-2) Rep. Ellingson & Rep. Swanson voted no

EXECUTIVE ACTION ON HB 293

Amendments: hb293.05 (Rep. Ellingson's amendment)

Motion: amendment DOES NOT PASS, (2-3) Rep. Ellingson, Rep. Swanson voted in favor of adopting hb0293.05 amend

EXECUTIVE ACTION ON HB 293

Amendments: hb029304.alm #1 & #11

Motion: DO PASS, motion failed (2-3) Rep. Ellingson & Rep. Swanson voted in favor of the amendment

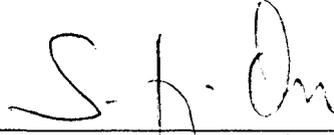
EXECUTIVE ACTION ON HB 293

Amendments: hb029304.alm #9 & #10

Motion: DO PASS, motion failed (2-3) Rep. Ellingson & Rep. Swanson voted in favor of the amendment

ADJOURNMENT

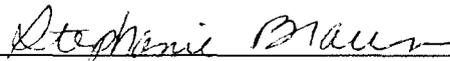
Adjournment: 4:48 p.m.



REP. SCOTT ORR, Chair Subcommittee



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB