

**MINUTES**

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

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Chairman Dick Knox, on February 14, 1997, at  
3:08 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:** Rep. Swanson, Rep. Stovall

**Members Absent:** none

**Staff Present:** Kathleen Williams, Legislative Services  
Stephanie Braun, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 507 (2/10), HB 506 (2/10),  
HB 486 (2/10)  
Executive Action: HB 293 DO PASS AS AMENDED (12-  
6), HB 486 (18-0), HB 506 DO  
PASS AS AMENDED (18-0), HB 507  
DO PASS AS AMENDED (18-0), HB  
408 DO PASS AS AMENDED (18-0),  
HB 427 Tabled (18-0), HB 452  
Tabled (15-3), HB 475 Tabled  
(11-7)

HEARING ON HB 507

Opening Statement by Sponsor: Rep. Robert Story, HD #24 opened submitted Exhibit #1

{Tape: 1; Side: a; Approx. Time Count: 1.4; Comments: Exhibit #1.}

Proponents' Testimony:

Rep. Curtiss asked to be listed as a Proponent

{Tape: 1; Side: a; Approx. Time Count: 4.8; Comments: none.}

Mike Valisky, Conservation Districts

{Tape: 1; Side: a; Approx. Time Count: 5.0; Comments: none.}

Jill Scheel, Yellowstone Basin Water Resource Council & MHCD

{Tape: 1; Side: a; Approx. Time Count: 5.5; Comments: none.}

Bud Clinch, Executive Director of Department of Natural Resources

{Tape: 1; Side: a; Approx. Time Count: 6.4; Comments: none.}

Mike Murphy, MWRA

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

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 7.6; Comments: none.}

Closing by Sponsor: Rep. Story closed

{Tape: 1; Side: a; Approx. Time Count: 11.7; Comments: none.}

HEARING ON HB 506

Opening Statement by Sponsor: Rep. Robert Story, HD #24 opened

{Tape: 1; Side: a; Approx. Time Count: 13.0; Comments: none.}

Proponents' Testimony:

John Shontz, task force to study the Water Rights Process

submitted Exhibit #2, #3 & #4

{Tape: 1; Side: a; Approx. Time Count: 14.9; Comments: Exhibit #2, #3 & #4.}

Mike Murphy, MWRA

{Tape: 1; Side: a; Approx. Time Count: 22.0; Comments: none.}

Bud Clinch, Dir. Department of Natural Resource and Conservation submitted Exhibit #5

{Tape: 1; Side: a; Approx. Time Count: 22.4; Comments: Exhibit #5.}

Bruce Loble, Chief Water Judge for District Water Court  
{Tape: 1; Side: a; Approx. Time Count: 23.2; Comments: none.}

Bill Gowen, MT Land Title Association  
{Tape: 1; Side: a; Approx. Time Count: 25.0; Comments: none.}

Rita Gowen, Helena Abstract & Title Company  
{Tape: 1; Side: a; Approx. Time Count: 26.0; Comments: none.}

Eugene Madley, member of the task force  
{Tape: 1; Side: a; Approx. Time Count: 26.6; Comments: none.}

Opponents' Testimony: none

Informational Testimony:

Candace Torgerson  
{Tape: 1; Side: a; Approx. Time Count: 27.5; Comments: none.}

Don MacIntyre, Dir. of State Bar Association  
{Tape: 1; Side: a; Approx. Time Count: 29.0; Comments: none.}

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 29.9; Comments: none.}

Closing by Sponsor: Rep. Story, closed

HEARING ON HB 486

Opening Statement by Sponsor: Rep. Carley Tuss, HD #46  
{Tape: 1; Side: a; Approx. Time Count: 33.4; Comments: none.}

Proponents' Testimony:

Dexter Busby, MT Refining  
{Tape: 1; Side: a; Approx. Time Count: 38.3; Comments: none.}

Gail Abercrombie, Executive Director of MT Petroleum Association  
{Tape: 1; Side: a; Approx. Time Count: 40.0; Comments: none.}

Jerry Driscoll, Conoco Corporation  
{Tape: 1; Side: a; Approx. Time Count: 41.3; Comments: none.}

Rex Manual, Cennex Petroleum  
{Tape: 1; Side: a; Approx. Time Count: 42.0; Comments: none.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 42.0; Comments: none.}

Closing by Sponsor: Rep. Tuss closes  
{Tape: 1; Side: a; Approx. Time Count: 44.9; Comments: none.}

EXECUTIVE ACTION ON HB 486

Motion: Rep. Tuss, moves DO PASS  
{Tape: 1; Side: b; Approx. Time Count: 0.1; Comments: none.}

Amendments: none

Discussion: none

Vote: 18-0, HB 486 passes

EXECUTIVE ACTION ON HB 507

Motion: Rep. Harper moves DO PASS

Amendments: hb050701.akw

Motion/Vote: amendment was moved, DO PASS (18-0)

Discussion: none

Motion/Vote: HB 507 passes as amended (18-0)

EXECUTIVE ACTION ON HB 506

Motion: Rep. Trexler moves DO PASS  
{Tape: 1; Side: b; Approx. Time Count: 4.0; Comments: none.}

Amendments: hb050601.akw

Discussion: Rep. Trexler  
{Tape: 1; Side: b; Approx. Time Count: 4.4; Comments: none.}

Motion/Vote: Rep. Beaudry moves the amendment; amendment is adopted (18-0)

Discussion: Rep. Story then Rep. Tash  
{Tape: 1; Side: b; Approx. Time Count: 6.0; Comments: none.}

Rep. Beaudry  
{Tape: 1; Side: b; Approx. Time Count: 7.2; Comments: none.}

Rep. Trexler  
{Tape: 1; Side: b; Approx. Time Count: 8.0; Comments: none.}

Vote: a Question was called, DO PASS AS AMENDED (18-0)

EXECUTIVE ACTION ON HB 293

Motion: Rep. Orr, moved DO PASS

*{Tape: 1; Side: b; Approx. Time Count: 9.6; Comments: none.}*

Amendments: hb029302.alm, Rep. Orr moved the amendment

Discussion: Rep. Raney

*{Tape: 1; Side: b; Approx. Time Count: 12.0; Comments: none.}*

Motion/Vote: amendment passes (12-6) (Reps. Ellingson, Tuss, Schmidt, Raney, Harper & Swanson voted against the amendment)

Discussion: Rep. Raney, Rep. Ellingson, there is a difficulty in proving knowing and purposeful

*{Tape: 1; Side: b; Approx. Time Count: 14.8; Comments: none.}*

Rep. Orr this is a concern. In the last session I introduced this Bill with "immunity" and "privilege". In this Bill gave up privilege the form is public. That's why we need to keep the "immunity" from civil and criminal penalties. People are afraid to call state Government to get help. Net result hoping to achieve is to get the problem out in the open so it can get cleaned up.

*{Tape: 1; Side: b; Approx. Time Count: 18.6; Comments: none.}*

Rep. Ellingson is uncomfortable with a few points in Rep. Orr's Bill and offers and moves his own set of amendments. He would like to have "criminal" stricken from the Bill. Is very uncomfortable with giving "criminal immunity". Criminals should not be in the Bill, but does agree there should be incentives in the Bill.

*{Tape: 1; Side: b; Approx. Time Count: 21.8; Comments: none.}*

Rep. Ellingson felt that the time limit of letting the Dept. know 30 days was too lenient, should let Dept. know sooner or perhaps insert "within" 30 days versus letting them know for 30 days and then disclosing; he is concerned that there may be something that needs immediate attention.

*{Tape: 1; Side: b; Approx. Time Count: 25.1; Comments: none.}*

Rep. Ellingson is concerned about the "civil" administrative penalties; he feels that a company may have an economic gain or advantage over a competitor who is complying. Feels all information from the "environmental audit" should be made public with the exception of information deemed "proprietary". Also feels there needs to be a sunset clause to revisit the bill and see how its working or not working and what could be done to make it better.

*{Tape: 1; Side: b; Approx. Time Count: 26.0; Comments: none.}*

Rep. Orr addresses Rep. Ellingson's comments.

*{Tape: 1; Side: b; Approx. Time Count: 28.2; Comments: none.}*

Larry Mitchell discusses the proposed Ellingson amendments.  
{Tape: 1; Side: b; Approx. Time Count: 30.0; Comments: none.}

Rep. Curtiss commented then Rep. Tash. Rep. Tash moves to Table the amendments. Rep. Harper feels its not "proper" to Table amendments.

{Tape: 1; Side: b; Approx. Time Count: 31.3; Comments: none.}

Rep. Tash moves a "DO NOT PASS" amendments.

{Tape: 1; Side: b; Approx. Time Count: 34.7; Comments: none.}

Discussion: Rep. Orr addresses Rep. Ellingson's amendments.  
{Tape: 1; Side: b; Approx. Time Count: 35.0; Comments: none.}

Vote on Ellingson amendments: Question was called for, amendment fails (12-6) (Reps. Ellingson, Harper, Raney, Schmidt, Tuss, Swanson)

Discussion: Rep. Beaudry  
{Tape: 1; Side: b; Approx. Time Count: 43.3; Comments: none.}

Rep. Harper  
{Tape: 1; Side: b; Approx. Time Count: 44.0; Comments: none.}

Rep. Curtiss feels that we are assuming people are guilty.  
{Tape: 2; Side: a; Approx. Time Count: 0.1; Comments: none.}

Rep. Mood thinks the Bill contains safeguards.  
{Tape: 2; Side: a; Approx. Time Count: 1.4; Comments: none.}

Vote: Question called for, motion HB 293 with amendment hb029302.alm DO PASS carried (12-6) (Reps. Ellingson, Raney, Harper, Schmidt, Tuss, Swanson voted no)

#### EXECUTIVE ACTION ON HB 427

Motion/Vote: Rep Raney moved to Table; 18-0 HB 427 Tabled

#### EXECUTIVE ACTION ON HB 452

Motion: Rep. Tuss; DO PASS

Discussion: Rep. Story feels each sign would have to be made specifically  
{Tape: 2; Side: a; Approx. Time Count: 7.5; Comments: none.}

Rep. Beaudry feels this is something he doesn't want to do.  
{Tape: 2; Side: a; Approx. Time Count: 8.0; Comments: none.}

Rep. Raney, Rep. Orr, Rep. Raney, Rep. Wagner, Rep. Curtiss  
{Tape: 2; Side: a; Approx. Time Count: 9.8; Comments: none.}

Rep. Curtiss moves DO NOT PASS substitute motion of Table  
{Tape: 2; Side: a; Approx. Time Count: 15.3; Comments: none.}

**Motion/Vote:** Question was called for, HB 452 was Tabled (15-3)  
(Reps. Ellingson, Raney & Tuss voted against Tabling the Bill)

**EXECUTIVE ACTION ON HB 475**

**Motion:** Rep. Beaudry; DO PASS  
{Tape: 2; Side: a; Approx. Time Count: 16.9; Comments: none.}

**Amendment:** Beaudry handout the amendment hb047501.akw

**Discussion:** none

**Motion/Vote:** amendment accepted (18-0)

**Discussion:** Rep. Harper  
{Tape: 2; Side: a; Approx. Time Count: 17.0; Comments: none.}

**Motion/Vote:** Rep. Beaudry motions to Table the Bill, 11-7 motion carries  
{Tape: 2; Side: a; Approx. Time Count: 21.1; Comments: none.}

**EXECUTIVE ACTION ON HB 408**

**Motion:** Rep. Trexler moves DO PASS  
{Tape: 2; Side: a; Approx. Time Count: 21.7; Comments: none.}

**Amendments:** hb040801.akw, Rep. Trexler moved the amendment DO PASS

**Discussion:** Rep. Trexler reads his amendments and gives Kathleen Williams the authority to verify that the language is appropriate.  
{Tape: 2; Side: a; Approx. Time Count: 25.7; Comments: none.}

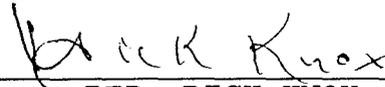
Rep. Swanson asked Rep. Trexler to clarify a few points for her.  
{Tape: 2; Side: a; Approx. Time Count: 28.4; Comments: none.}

Rep. Raney  
{Tape: 2; Side: a; Approx. Time Count: 31.2; Comments: none.}

**Motion/Vote:** Question was called for, voice vote (18-0) HB 408 passes out of Committee unanimously  
{Tape: 2; Side: a; Approx. Time Count: 32.1; Comments: none.}

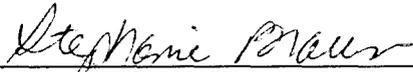
ADJOURNMENT

Adjournment: 5:12 p.m.



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REP. DICK KNOX, Chairman



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STEPHANIE BRAUN, Secretary

DK/SB