

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on April 4, 1997, at 3:20 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: SB 359 (3/26)
Executive Action: SB 359 TABLED (10-8), SB 315
(18-0) as AMENDED, SJ 13 (12-
6) as AMENDED

HEARING ON SB 359

Opening Statement by Sponsor:

**Sen. Daryl Toews, SD 48 opened and submitted Exhibit #1
{Tape: 1; Side: a; Approx. Time Count: 1.1; Comments: exhibit 1.}**

Proponents' Testimony:

Bob Stephen's, MT Grain Grower's Association, MT Farm Bureau
{Tape: 1; Side: a; Approx. Time Count: 11.4; Comments: none.}

Steve Carney, farmer from Daniel's County. Mr. Carney also read a letter in support from Louise Halvorson a farmer in Daniel's County; Mr. Carney did not give a copy of the letter to the Secretary to be entered as written testimony.

{Tape: 1; Side: a; Approx. Time Count: 12.5; Comments: none.}

Opponents' Testimony:

Jim Richard, MT Wildlife Federation submitted Exhibit #2
{Tape: 1; Side: a; Approx. Time Count: 17.0; Comments: Exhibit 2.}

Jim McDermand, Russell Country Sportsman's Association, submitted Exhibit #3

{Tape: 1; Side: a; Approx. Time Count: 21.6; Comments: Exhibit #3.}

Bill Fairhurst, President of Public Lands Access Association submitted Exhibit #4

{Tape: 1; Side: a; Approx. Time Count: 25.6; Comments: none.}

Bob Bugni, Prickly Pear Sportsman's Association

{Tape: 1; Side: a; Approx. Time Count: 31.0; Comments: none.}

Tony Schoonen, State Land Coalition, Anaconda Sportsman submitted Exhibit #5

{Tape: 1; Side: b; Approx. Time Count: 0.9; Comments: exhibit 5.}

David Ditloff, MT Audubon Association submitted Exhibit #6

{Tape: 1; Side: b; Approx. Time Count: 5.0; Comments: exhibit 6.}

Debbie Smith, MT Chapter of the Sierra Club

{Tape: 1; Side: b; Approx. Time Count: 7.8; Comments: none.}

Brett Brownscombe, MT Wildlife Federation on behalf of Jack Puckett who asked him to read and submitted his testimony; marked exhibit #7.

{Tape: 1; Side: b; Approx. Time Count: 9.7; Comments: none.}

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 11.1; Comments: none.}

{Tape: 1; Side: b; Approx. Time Count: end; Comments: flipped tape at the end.}

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

Closing by Sponsor:

Sen. Toews closed

{Tape: 2; Side: a; Approx. Time Count: 25.1; Comments: none.}

EXECUTIVE ACTION ON SB 315

Motion: Rep. Mood, DO CONCUR

Amendments: sb031502.akw, Rep. Mood moves his amendments
{Tape: 2; Side: a; Approx. Time Count: 28.0; Comments: none.}

Discussion: Rep. Mood discusses the amendments, he believes they will take care of the concerns by the Committee and DEQ.
{Tape: 2; Side: a; Approx. Time Count: 29.4; Comments: none.}

Mr. Dillard feels that these amendments take care of the DEQ's concerns.
{Tape: 2; Side: a; Approx. Time Count: 31.9; Comments: none.}

Motion/Vote: Question is called for on the amendments, (18-0) amendments are adopted

Rep. Mood moves SB 315 as Amended.

Vote: Question is called for, (18-0), Rep. Mood will carry the bill on the floor

EXECUTIVE ACTION ON SB 359

Motion: Rep. Tash, DO CONCUR
{Tape: 2; Side: b; Approx. Time Count: 4.2; Comments: none.}

Discussion: Rep. Tash says that although there are a great deal more opponents he is going to support this Bill.
{Tape: 2; Side: b; Approx. Time Count: 4.6; Comments: none.}

Amendments: Rep. Beaudry moves Amendment, sb035902.akw
{Tape: 2; Side: b; Approx. Time Count: 7.7; Comments: none.}

Discussion: Rep. Story feels that amendment #5 should be segregated. Kathleen Williams interjects that if #5 is segregated so should #1 be they coincide. In addition, Kathleen stated that Greg Petish in Legal Division has concerns about the amendments and this Bill; the Bill could be considered a special act.
{Tape: 2; Side: b; Approx. Time Count: 8.0; Comments: none.}

Rep. Curtiss asks a few Questions of Bud Clinch.
{Tape: 2; Side: b; Approx. Time Count: 11.6; Comments: none.}

Rep. Story feels we need to get back to talking about the amendments. Rep. Story moves amendments #2,3, & 4.
{Tape: 2; Side: b; Approx. Time Count: 15.1; Comments: none.}

Motion/Vote: Question was called for, (18-0) amendments were adopted

Discussion: Rep. Story asks Kathleen about amendment #5. Kathleen informs the Committee that #5 drives #1.

{Tape: 2; Side: b; Approx. Time Count: 17.0; Comments: none.}

Rep. Tash asks Kathleen about her amendment.

{Tape: 2; Side: b; Approx. Time Count: 17.6; Comments: none.}

Mr. Hagler lets the Committee know he has no objection to the amendment.

{Tape: 2; Side: b; Approx. Time Count: 18.4; Comments: none.}

Kathleen restates the perspective of the Council.

{Tape: 2; Side: b; Approx. Time Count: 18.6; Comments: none.}

Rep. Tash would like to change the time from 5 years to 10 years on p. 2.

{Tape: 2; Side: b; Approx. Time Count: 19.5; Comments: none.}

Rep. Harper points out that there will still be a conflict with regards to the fiscal note and the proceeds.

{Tape: 2; Side: b; Approx. Time Count: 20.1; Comments: none.}

Discussion takes place with regards to the money and payments coming in between Kathleen Williams, Rep. Trexler, Rep. Story, Rep. Knox, Rep. Beaudry, Mr. Clinch, Rep. Stovall, Rep. Ellingson, Rep. Taylor, Rep. Swanson.

{Tape: 2; Side: b; Approx. Time Count: 20.6; Comments: none.}

{Tape: 3; Side: a; Approx. Time Count: 0.1; Comments: none.}

Motion/Vote: Question was called for, (14-4) Reps. Harper, Ellingson, Tuss & Trexler vote no

Rep. Swanson makes a motion to add a conceptual amendment for a new subsection 6 in section 2; "Department will make every effort to use funds in trust account to acquire property."

{Tape: 3; Side: a; Approx. Time Count: 7.9; Comments: none.}

Discussion: Discussion about why its so difficult to find/buy land and the process that is in place to meet certain criteria. Reps. Ellingson, Swanson, and Mr. Clinch comment.

{Tape: 3; Side: a; Approx. Time Count: 9.2; Comments: none.}

Rep. Swanson rescinds her amendment. Rep. Harper proposes a new amendment, he moves to make the Bill general and take out Daniel's County".

{Tape: 3; Side: a; Approx. Time Count: 12.8; Comments: none.}

Discussion: Kathleen Williams, Reps. Ellingson, Harper, Trexler, Story comment.

{Tape: 3; Side: a; Approx. Time Count: 13.6; Comments: none.}

Rep. Harper rescinds his amendment. Rep. Story proposes an amendment so that the Bill should read "anything over 11%".

{Tape: 3; Side: a; Approx. Time Count: 16.0; Comments: none.}

Motion/Vote: Question is called for, (17-1) amendment is adopted, Rep. Trexler votes no

Motion/Vote: Rep. Trexler moves to TABLE the bill, (10-8) Reps. Tash, Curtiss, Story, Orr, Taylor, Stovall, Ohs and Knox vote no
{Tape: 3; Side: a; Approx. Time Count: 19.4; Comments: none.}

EXECUTIVE ACTION ON SJ 13

Motion: Rep. Beaudry moves to reconsider SJ 13
{Tape: 3; Side: a; Approx. Time Count: 22.2; Comments: none.}

Discussion: Rep. Beaudry feels that the Federal Government should give credence to the tax base that the mine would have provided.

Rep. Raney says that we don't know if they'd have received the mine it hadn't been through the proper channels yet. We don't know if the company would have even built the mine
{Tape: 3; Side: a; Approx. Time Count: 24.5; Comments: none.}

Rep. Beaudry says that Park County is in favor of the mine and he has a letter that was sent to the US Government from the Park County Commissioners.
{Tape: 3; Side: a; Approx. Time Count: 25.2; Comments: none.}

Rep. Raney feels that they came a day late and a dollar short.
{Tape: 3; Side: a; Approx. Time Count: 25.8; Comments: none.}

Rep. Beaudry says we're all a day late and a dollar short and that money being given to Crown Butte should be given to MT.
{Tape: 3; Side: a; Approx. Time Count: 25.9; Comments: none.}

Rep. Raney states that the 65 million being given to Crown Butte is broken down as such: 35 million is for money that the company invested in the possible project and the other 30 million is for environmental clean-up for damage that the company already did on the land that they were going to mine.
{Tape: 3; Side: a; Approx. Time Count: 27.2; Comments: none.}

Rep. Harper feels on one hand the state sends a message to the Feds to but out then in a few weeks or a month when we have flood damage we'll be holding our hand out and asking for money.
{Tape: 3; Side: a; Approx. Time Count: 28.8; Comments: none.}

Rep. Tash speaks in favor he feels we're sending signals to Congress.
{Tape: 3; Side: a; Approx. Time Count: 29.9; Comments: none.}

Rep. Raney feels that people across America are pleased with this action as well as people in his County (Park County).

{Tape: 3; Side: a; Approx. Time Count: 30.8; Comments: none.}

Rep. Beaudry feels we have a process set up in MT to manage Federal lands, he feels this has been taken away from the Legislature. Just because the President says it is doesn't mean its so.

{Tape: 3; Side: b; Approx. Time Count: 0.5; Comments: none.}

Motion/Vote: (12-6) SJ 13 will be reconsidered, Reps. Harper, Raney, Ellingson, Tuss, Schmidt, & Swanson vote no

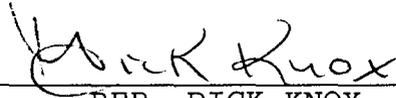
Amendments: Rep. Beaudry moves his amendment, sj001302.akw

Motion/Vote: Question was called for, (12-6) Reps. Harper, Raney, Ellingson, Tuss, Schmidt & Swanson vote no

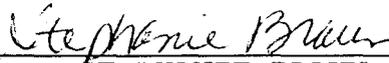
Motion/Vote: Question was called for on SJ 13 as amended, (12-6) Reps. Harper, Raney, Ellingson, Tuss, Schmidt & Swanson vote no

ADJOURNMENT

Adjournment: 6:13 p.m.



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB