

February 19, 1977

The Natural Resources Committee convened at 7:40 a.m. on Saturday, February 19, 1977, with Chairman Sheldon presiding and all members present in Room 437, for executive session on the following bills:

HOUSE JOINT RESOLUTION 39

Chairman Sheldon said this bill is not needed as House Joint Resolution 75, a committee bill, covers the area. Representative Burnett moved "do not pass" and the motion carried unanimously with those present. (Hurwitz and Nathe absent).

HOUSE BILL 524

Representative Curtiss moved "do not pass". She said the reason for this bill was there seemed to be a problem with the addressing of the Streambed Protection Act in her area, as the Fish and Game seemed to have a conflict of interest. She said they decided to give them a second chance. Motion carried unanimously with those present. (Hurwitz absent).

HOUSE BILL 139

Representative Burnett moved "do not pass". Motion carried with Representative Quilici voting "no" and Representative Hurwitz absent.

HOUSE BILL 609

This is a bill that was considered in the Plant Siting Sub-Committee and Representative Hirsch moved for the sub-committee that it be tabled. The mechanism for handling this was set up in House Bill 661. They felt a task force meeting just once a month couldn't handle this. Motion carried unanimously with Representative Hurwitz absent.

HOUSE BILL 697

This bill was also in the Plant Siting Sub-committee and Representative Hirsch moved for the sub-committee that it "do pass". There was much discussion by the committee on whether the Board of Natural Resources or the Public Service Commission should be the deciding group for the Plant Siting Act. Representative Quilici felt the PSC had five appointed people going five different directions, and had difficulty coming up with any decision--also a lack of expertise, as he said they have only one good utility man. Representative Huennekens said they would only decide and all the staff work would still be done by the DNR, so they should need only a little more clerical help. He felt it better to have the act under a group that served continually than under a board that met only once or so a month and did not have expertise in this matter. Question was called and a roll call vote taken--9 "yes" and 7 "no", so motion carried. Voting "no" were Sheldon, Burnett, Cox, Davis, Ernst, Nathe and Quilici, and absent was Representative Hurwitz.

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HOUSE BILL 698

This bill was also in the Plant Siting Sub-Committee and Representative Hirsch moved for the Sub-Committee that it be tabled. Representative Ernst moved a substitute motion that it "do not pass". Quilici seconded the motion. Representative Huennekens said the reason the Sub-committee moved to table it is that if House Bill 661 should not make it, we could bring it up. A roll call vote was taken on the motion of "do not pass": 8 "no", 7 "yes", motion failed. Voting "no" were: Sheldon, Harper, Bengtson, Cooney, Hirsch, Huennekens, Kessler, Metcalf; Representative Frates abstained and Representative Hurwitz was absent.

A voice vote was taken on the former motion of tabling and motion carried unanimously with those present (absent Hurwitz).

HOUSE BILL 702

This bill was in the Plant Siting Sub-Committee and Representative Hirsch moved for the Sub-Committee that it be tabled. Motion carried unanimously with those present. (Hurwitz absent).

HOUSE BILL 553

This bill was in the Extraction and Conversion Sub-Committee and Representative Kessler moved for the Sub-Committee that the amendments be approved. He went through the amendments which had been passed to the committee members. A copy is EXHIBIT 1 of the minutes. Representative Metcalf said the purpose is to amend the bill to give as an incentive the total severance tax and half the net proceeds tax for only new gas and deep wells. Representative Nathe asked if this would in any way apply to oil. The answer was "no". Motion carried unanimously with those present (absent Quilici and Hurwitz). Representative Kessler moved the bill, as amended, "do pass". Representative Hirsch and Cox both wondered if it wouldn't be as well to leave the gas in the ground until needed, so why the incentive -- increased price itself will be incentive enough. Representative Huennekens felt if the Canadian gas is cut and arctic gas is at least five years away so we could be facing a point when gas will be short in Montana.

Representative Ernst felt it is a token bill to show a change of attitude to the industry. Representative Nathe said he was for the bill, as long as the counties do not have to bear the whole burden. Question was called and a roll call vote was taken. Motion carried with 9 "yes", 5 "no". (Representatives Burnett, Cox, Curtiss, Hirsch, Huennekens). Abstaining was Representative Harper and Davis; Absent was Representative Hurwitz.

HOUSE BILL 687

Representative Harper passed to the committee members proposed amendments to this bill. EXHIBIT 2. He moved the one on the first page. A question was raised if this was permissible under the title--the

consensus was that it was within the concept of the bill. Representative Burnett said in his opinion this should be an industry project and not a state project and said he planned for that reason to vote against the bill. Representative Harper said he felt certain this bill would be brought to the floor and he would like to make clear this was just a study. Voice vote was taken on the first amendment on page 1 and the motion carried unanimously (Quilici and Hurwitz gone). It was discussed whether this should be in the energy office rather than the DNR. An amendment was suggested to put it under the energy policy office that might be established and the title be amended to conform. Representative Harper moved that the rest of the amendments plus these last mentioned be adopted. Motion carried unanimously with those present (Quilici absent). Representative Metcalf moved the bill as amended "do not pass". Representative Harper expressed a fear of this bill--he said it could establish a commission in law, in perpetuity in his opinion, giving them the power of condemnation and granting power to sell bonds, power to do almost everything--power to exempt the employees from the personnel pay classification, the power to build the coal gasification plant, power to build pipelines. Representative Huennekens made a substitute motion that House Bill 687 "do pass", as amended. A roll call vote was taken and voting "Yes" was Representative Cooney, absent was Representative Hurwitz and Quilici. Motion failed. The secretary was instructed to reverse the vote on the motion of "do not pass", as amended.

#### HOUSE BILL 701

This bill was in the Conservation and Public Participation Sub-Committee and its chairperson, Representative Bengtson, went through the Sub-Committee's suggested amendments. (EXHIBIT 3). She moved adoption of the first amendment. There was committee discussion on whether the Title XX funds for weatherization should be allocated to the DNR. Representative Frates felt it better if funds came from the general fund. Debbie Schmidt of the Legislative Council said all interested parties were happy with the amendments. Representative Harper said it was too bad to duplicate efforts. The motion to adopt this first amendment passed unanimously with those present; (Absent being Huennekens and Burnett). Representative Bengtson moved the rest of the amendments on the page and the motion carried unanimously with those present (Quilici absent). Representative Bengtson moved the bill as amended "do pass". Representative Davis said he was opposing the bill because he didn't know where you will find the \$300,000. Representative Bengtson said it was the best bill on weatherization the Sub-committee received. Representative Huennekens said we would have to trust the Appropriation Committee's judgment and let them decide. Motion carried with Representatives Cox, Burnett and Davis voting "no" and absent being Representative Quilici.

#### HOUSE BILL 426

This bill was also in the Conservation and Public Participation Sub-Committee and Representative Davis went through the amendments as they appeared written into the bill--copies of this were before the members and one is EXHIBIT 4 of the minutes. Representative Bengtson moved the amendments be adopted. A roll call vote was taken and motion carried. Voting "no" were Representatives Cooney, Huennekens and Kessler; absent Representative Quilici. Representative Bengtson moved the bill, as amended, "do pass". Motion carried with Representative

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Cox voting "no", Representative Huennekens abstaining and Representative Quilici absent.

HOUSE BILL 259

This bill was also in the Conservation and Public Participation Sub-Committee. Representative Bengtson moved for the Sub-Committee that it "do not pass". She said the feeling was that the funds could have been obtained from other sources. A roll call vote was taken and the motion failed. Voting "no" were: Representatives Harper, Bengtson, Burnett, Cooney, Frates, Huennekens, Kessler, Metcalf; absent were Cox and Quilici. Representative Metcalf moved "do pass". The secretary was instructed to reverse the vote. It was recalled that the sponsor had suggested changing the amount of energy to be derived from the solar unit from 40% to a reasonable amount. Representative Huennekens moved that the bill be reconsidered, and the motion passed unanimously with those present. Representative Bengtson moved the amendment and it passed unanimously. (Quilici absent). Representative Hurwitz moved the bill "do not pass". He said the only reason he did was because there was another way to go--coal money being offered in grant form for institutions and people who want to do this. Representative Frates spoke against the "do not pass" motion saying we should encourage alternative energy. He said the building is in an ideal location and would be a large demonstration project. A roll call vote was taken and there were 8 "yes", 7 "no", 1 - pass and 1 absent. The motion carried and the recommendation is "DO NOT PASS AS AMENDED". Voting "yes" were: Representatives Sheldon, Burnett, Cox, Curtiss, Davis, Ernst, Hurwitz and Nathe; Representative Hirsch abstained and Representative Quilici was absent.

HOUSE BILL 425

This bill has been in the Conservation and Public Participation Sub-Committee and its Chairperson, Representative Bengtson, said everything in this bill is in some other bill, so she said the Sub-Committee's recommendation is "do not pass".

Chairman Sheldon questioned if this would have any affect on the energy policy and Representative Bengtson said "no". The motion carried unanimously with Representative Quilici absent.

HOUSE BILL 430

This bill was also in the Conservation and Public Participation Sub-Committee. Its Chairperson, Representative Bengtson, said they had reworded this bill and was introducing it as a committee bill. She said it fits very well with the Senate bill of Senator Lowe's. Representative Davis said he still had a reservation about whether it would cover farm buildings. Debbie Schmidt said the only buildings covered are public buildings or where the public is free to come and go, and outside of a city or town which has its own code. Representative Bengtson moved "do pass" and the motion carried unanimously. (Representative Quilici gone).

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HOUSE BILL 731

This was also in the Conservation and Public Participation Sub-Committee. Representative Bengtson moved the Sub-Committee's recommendation of "do not pass". She said this was not needed because of federal standards that are coming out.

Representative Huennekens asked if there was a bill to actually include ASHRA 90, and would this bill give the Building Code Council that power. Representative Davis wondered if ASHRA could be put into House Bill 430.

Representative Huennekens requested that House Bill 731 be held while this was checked on.

HOUSE BILL 430  
(Reconsidered)

Representative Burnett moved that House Bill 430 be reconsidered. Motion carried unanimously with Representative Quilici absent. Debbie Schmidt was asked if she would look into this.

HOUSE BILL 733

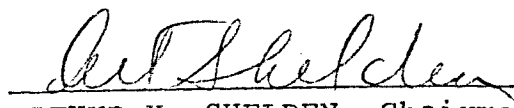
This was also in the Conservation and Public Participation Sub-Committee, and Representative Bengtson moved for the Sub-Committee that it "do not pass". Motion carried with Representative Cooney voting "no", Representative Quilici absent.

HOUSE BILL 692

Representative Huennekens moved that this bill "do pass". It was mentioned that Mr. Allen had asked if there could be a delayed effective date. Another suggested amendment was to include propane gas. Representative Nathe said he could see no point in including propane gas--the cost would discourage its use for advertising or decoration. Representative Davis suggested it could be used in institutions where we are paying for it. Representative Huennekens moved that the amendments be adopted. Motion carried with Representatives Burnett and Nathe voting "No", and Representative Quilici absent. Representative Nathe said there was also a question in his mind about including natural gas as far as the private home owner is concerned--as in the summer time it is a good way to get rid of the bugs. A roll call vote was taken and the motion passed with 8 "Yes", 7 "No". Voting "No" were: Representatives Bengtson, Burnett, Cox, Curtiss, Davis, Hurwitz, Nathe; Abstaining was Representative Harper; and absent was Representative Quilici.

Meeting adjourned at 11:10 a.m.

Respectfully submitted,



Art Sheldon