

February 24, 1977

The Natural Resources Committee convened on February 24, 1977, in room 437, at 7:45 a.m., with Chairman Shelden presiding and all members present except Representatives Huennekens and Bengtson who were excused. Absent was Representative Hirsch.

Chairman Shelden opened the meeting to an executive session on the following bills: Representatives Bengtson and Huennekens had left their vote for some of the bills with Chairman Shelden and will be so recorded in the minutes.

HOUSE BILL 528

Representative Burnett moved do not pass. Representative Quilici said Representative Vincent planned to get together with Mr. Mizner and take care of Silver Bow County, which would have problems, if this bill were passed because of its joint city-county government--but, since no amendments were offered as yet, he could not support the bill. Representative Harper made a substitute motion of do pass. A roll call vote was taken. The motion failed. Voting yes were Shelden, Harper, Frates, Huennekens, Kessler, Metcalf. Abstaining was Representative Bengtson, and absent was Representative Hirsch. Representative Metcalf moved do not pass and to reverse the votes. This motion then carried and House Bill 528 is recommended Do Not Pass.

HOUSE BILL 543

Jim Richards of the Community Affairs Agency was requested by Chairman Shelden to give a quick overview of this bill. Mr. Richards said it basically does four things: raises the acreage from 20 acres to 40 acres; eliminates the occasional sale and the family conveyance exemptions; ensures prompt review of small subdivision; changes the park requirement to relate to density and provides additional flexibility in the use of money given in lieu of park dedication. He said with the loopholes now in the law only a very small percentage of land divisions is coming under the law. He emphasized that coming under this review process is not going to keep people from selling land only to ensure that the impact on the local community, which will need to provide services to the future lot buyers, will be minimized.

Representative Davis commented that the argument for increased acreage is that it will discourage agricultural land being subdivided and this he doesn't feel is true. He said the people, primarily from out of state, who buy the larger parcels won't hesitate with 40 acres--they will happily set their house in the center and except for the house and immediate yard, the rest will grow into weeds, and, so, even more land will be taken from agricultural production. He also said the farmers in his area, if in a financial bind, like to be able to sell a small amount to a city dweller anxious for country living.

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Representative Harper moved House Bill 543 do pass. A roll call vote was taken and voting "yes" were Representatives Sheldon, Harper, Cooney, Frates, Huennekens, Kessler, Metcalf, Nathe; absent was Representative Hirsch; voting "no" were Representatives Bengtson, Quilici, Burnett, Cox, Curtiss, Davis, Ernst, Hurwitz. So this bill goes out WITHOUT RECOMMENDATION.

HOUSE BILL 550

Jim Richards was requested by Chairman Sheldon to give a brief resume of what this bill was trying to do. He said this would have subdivided land be taxed as such and not as agricultural land. He said under the green belt law, the roll back is paid by the lot buyer and not the subdivider, and he felt the subdivider should be paying the higher price.

Representative Hurwitz said this would be confusing to the assessor.

Representative Kessler moved a "do pass". A roll call vote was taken. Voting "yes" were Representatives Sheldon, Harper, Cooney, Frates, Huennekens, Kessler, Metcalf, Quilici, Cox, Hurwitz; absent was Representative Hirsch. Motion of "DO PASS" carried.

HOUSE BILL 592

Debbie Schmidt, Legislative Council, was asked by Chairman Sheldon to give a rundown on this bill. She said the philosophy behind it is to try to get the Governor to coordinate the review process of impact statements so there isn't so much red tape. The Governor's spokesman, Mr. Lahn, had testified this would take additional staff. Representative Meloy, the sponsor, didn't feel this was true, as he could make use of the expertise in the agencies.

Quilici moved House Bill 592 "do pass". Motion carried with Representatives Burnett, Curtiss, Cox, Davis, Hurwitz voting "no" absent being Representatives Frates, Hirsch and Bengtson. House Bill 592 will receive a committee recommendation of "DO PASS".

HOUSE BILL 662

Representative Nathe moved "do pass". The committee discussed the bill. Representative Nathe said the EQC has been mandated to carry out certain studies but are insufficiently funded and this bill is to take care of that. Representative Harper suggested the adoption of these amendments: On page 4, section 5, line 10--strike "renewable resources appropriation" and insert "appropriation"; on page 4, lines 12 and 13 to strike "renewable resources development account collected under authority of 89-3608" and insert "general fund"; and on page 4, lines 18 and 19 to strike "from the Renewable Resources Development Account" and insert "General fund". He said then amendments which would take the request for funds from the renewable

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resource fund and place it in general funds. Representative Nathe changed his motion to "do pass", as amended. Roll call vote was taken and the motion failed. Favoring the motion was Representatives Sheldon, Harper, Frates, Kessler, Metcalf and Nathe; absent was Hirsch and Bengtson; abstaining was Representative Cooney. Representative Metcalf moved that House Bill 662, as amended, "do not pass", and also moved that the secretary reverse the vote. Motion carried, so House Bill 662 will receive the recommendation of "AS AMENDED DO NOT PASS". Representative Cooney requested that his vote be cast as "no" to this past motion of "do not pass as amended".

HOUSE BILL 740

Representative Hurwitz moved "do not pass". He said the bill has a good intent, but would be difficult to implement. A roll call vote was taken and all voted for the motion except Representative Frates voted "no" and Representatives Bengtson, Hirsch and Huennekens were absent.

HOUSE BILL 754

Debbie Schmidt at the request of the chairman reported that Representative Mike Meloy had consulted with the bankers and other interested people and had worked out most of the problems. She had the suggested amendments, copies of which were passed to the committee members, and a copy of which is Exhibit 1 of the minutes. She said a substantive change is that only 10% of the coal tax trust money will be invested. She went through the rest of the amendments.

Representative Burnett moved the adoption of the amendments as presented. A voice call vote was taken and it was unanimous with those present. Representative Burnett now moved that the bill, as amended, "do pass". Motion carried with Representatives Frates, Nathe, Hurwitz, Curtiss voting "no" and Representatives Bengtson, Hirsch, Huennekens and Quilici absent. Motion carried and House Bill 754 will receive a committee recommendation of AS AMENDED DO PASS.

HOUSE BILL 762

Representative Metcalf, as Representative Kessler (Chairman of this sub-committee) was temporarily absent, said the sub-committee had met and decided to amend parts of a similar bill (785) into this one and to recommend this bill receive a "do pass as amended" from the committee. He went through the sub-committee's amendments, a copy of which is Exhibit 2 of the minutes. Representative Quilici moved the amendments be adopted and the motion carried unanimously with those present--absent being Representatives Huennekens, Burnett and Hirsch. Representative Kessler moved "do pass as amended" and it also carried unanimously, with the same absent as before. House Bill 762 receives a recommendation of "DO PASS AS AMENDED".

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HOUSE BILL 785

Representative Kessler said the sub-committee recommends this bill be tabled as parts of it were amended into House Bill 762. He so moved and the motion carried--voting "no" was Representative Nathe and absent were the same as for the previous bill.

HOUSE BILL 770

Representative Harper passed to the members copies of the suggested amendments--a copy of which is Exhibit 3 of the minutes. He went through the amendments and discussed the bill briefly.

Representative Hurwitz said they had 40% of the voters in his area come in opposition to the designation of an area of critical concern. He said they accused the local government of taking their rights away. The feeling was to designate an area the owner must be compensated.

Representative Harper moved the adoption of the amendments to the bill--those on the exhibit sheet and a committee amendment which would increase the number of people from 25 to 50 or 1% of the qualified electorate, whichever is greater, on page 5, line 25 and on page 7, line 24. Motion carried--voting "no" was Representative Hurwitz; absent was Representative Hirsch. Representative Harper moved the bill as amended do pass. Voting yes were Representatives Shelden, Harper, Cooney, Frates, Huennekens, Kessler, Metcalf; abstaining was Representative Quilici and Bengtson; absent was Representative Hirsch. Vote was 7 yes, 7 no, so the bill receives an "AS AMENDED WITHOUT RECOMMENDATION" recommendation from the committee.

HOUSE BILL 776

It was mentioned that Mrs. Bengtson had raised the question whether this should come from the alternative resources fund rather than the renewable resources fund. Representative Nathe questioned the difference between this and the alternative resource fund that handles grants and loans. Bob Kiesling, upon being requested for information, said the alternative resource fund was set up to dole out money to worthwhile alternative resource projects and not for pursuing federal funds available for projects in this field.

Representative Shelden said this could be seed money to encourage some development in the hopes that private industry would see the possibilities and take over.

Representative Curtiss expressed a concern that this bill would set up a commission with a lot of power. Representative Harper agreed, saying the commission set up by this bill would be similar to the commission in the coal gasification bill--the only difference being

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that bill was sold to us as being a study and this bill was not. He said the mechanism is the same.

Representative Kessler moved House Bill 776 "do pass". A roll call vote was taken and the motion failed. Voting "yes" were Representatives Sheldon, Cooney, Frates, Huennekens, Kessler and absent were Representatives Bengtson and Hirsch. Representative Davis moved the bill "do not pass", and the secretary was instructed to reverse the vote. House Bill 776 receives a committee recommendation of "DO NOT PASS".

Meeting adjourned at 10:00 a.m.

Respectfully submitted,


Arthur H. Sheldon, Chairman

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