

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 24, 1977

The thirty-first meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 5:00 p. m. on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present. Mr. Larry Weinberg, of the Legislative Council, was also present.

CONSIDERATION OF HB 810: An Act to provide for the selection and acquisition of off-stream storage sites and the construction of reservoirs by conservation districts and to provide for the sale of water from such reservoirs in excess of the needs of prior appropriations according to an ordering of certain beneficial uses.

Senator Flynn stated, that he had a lot of questions about these things. I can't see where the people come into this in any way, shape, or form.

Mr. Peter Jackson, rancher in the Madison Valley, spoke briefly on this bill. He said that 76-109 is where you have to get a referendum in the area before you do any of these things.

Senator Jergeson said, I think if the words "seek and may" are put in it will clear up Senator Flynn's questions.

DISPOSITION OF HB 810: After further discussion, motion was made by Senator Jergeson and seconded by Senator Dover that HB 810 BE AMENDED on page 1, section 1, line 14, following the word "shall" by inserting the words "seek and may". Motion carried unanimously.

Motion was then made by Senator Dover and seconded by Senator Jergeson that HB 810 AS SO AMENDED BE CONCURRED IN. Motion carried unanimously. (See Attached Standing Committee Report.)

CONSIDERATION OF HB 197: An Act extending the time for acting on operating permit applications under the Hard-Rock Mine Reclamation Law.

DISPOSITION OF 197: Motion was made by Senator Dover that HB 197 BE NOT CONCURRED IN.

Motion was then made by Senator Jergeson that HB 197 BE AMENDED. Motion was seconded by Senator Galt. (See Attachment #1.)

Senator Roskie stated, that this amendment doesn't solve the problem I have with the bill. Line 1 through 10 on Page 2 is my problem. I object to the language in Line 1 through 10. We shouldn't be putting that type of statutory language in that bill or any similar bill.

Substitute motion was then made by Senator Roskie that Line 1 through 10 on Page 2 be stricken and that the language on Lines 16 through 23 be reinstated.

Mr. Steve Williams, of the Anaconda Company, asked to make a comment. For new mining operations they would have 365 days and existing mines 120 days and they wouldn't agree to that.

Senator Roskie said, in line with this amendment you have a 180-day period in there.

Mr. Williams said, the amendment they proposed dealt with 120 days.

Senator Jergeson suggested that HB 588, 604, and 197 all be put into a sub-committee.

CONSIDERATION OF HB 588: An act to place the enforcement of the Opencut Mining Act in the Attorney General's Office.

DISPOSITION OF HB 588: Motion was made by Senator Dover that HB 588 BE AMENDED. Motion was seconded by Senator Jergeson. Motion carried. This motion replaced the amendments accepted on March 17, 1977. (See Attachment #2.)

Motion was then made by Senator Dover and seconded by Senator Jergeson that HB 588 BE CONCURRED IN AS AMENDED. Senators Smith and Manley voting no, the motion carried. (See Attached Standing Committee Report.)

Senator Roskie will carry HB 588.

At this time, Senator Flynn appointed a sub-committee consisting of Senators Roskie and Jergeson to study HB 197.

CONSIDERATION OF HB 604: An Act relating to reclamation of mining lands.

DISPOSITION OF HB 604: Motion was made by Senator Roskie and seconded by Senator Dover that HB 604 BE NOT CONCURRED IN. Upon roll call vote, six voting yes, and two voting no, the motion carried. (See attached roll call vote.)

CONSIDERATION OF HB 762: An Act to establish necessary energy supply alert and emergency powers for the Governor.

DISPOSITION OF HB 762: Motion was made by Senator Devine and seconded by Senator Manley that HB 762 BE NOT CONCURRED IN. Senator Jergeson voting no, vote was 7 to 1 and motion carried.

CONSIDERATION OF HB 204: An Act to establish an Office of Energy and Resource Policy within the Governor's office.

DISPOSITION OF HB 204: Motion was made by Senator Jergeson and seconded by Senator Dover that HB 204 BE TABLED. Motion carried unanimously.

ADJOURNEMENT: There being no further business, the meeting was adjourned at 6:40 p. m.


SENATOR ELMER FLYNN, CHAIRMAN

ROLL CALL

NATURAL RESOURCES COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3/24/77

[illegible]

STANDING COMMITTEE REPORT

March 25

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 810

Respectfully report as follows: That HOUSE Bill No. 810,

third reading bill, be amended as follows:

1. Amend page 1, section 1, line 14.

Following: "shall"

Insert: "seek and may"

AND AS SO AMENDED, BE CONCURRED IN

~~DO PASS~~

STANDING COMMITTEE REPORT

March 24 1977

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 586

Respectfully report as follows: That HOUSE Bill No. 586,

third reading bill, be amended as follows:

1. Amend page 7, section 4, line 15 through line 8, page 8.

Following: "(b)"

Strike: line 15 through line 8, page 8 in their entirety.

Insert: "Within 30 days of receipt of a complete application the department shall inspect the site and shall inform the applicant of any deficiencies in the application and, if none are shown, immediately issue a contract. If deficiencies are shown, a contract shall be issued upon the correction of the deficiencies. If the site is not accessible due to adverse weather conditions, the department may extend the time period, by not more than 180 days, to allow inspection of the site and reasonable review. All actions of the department are subject to appeal in accordance with the Montana Administrative Procedure Act."

DO PASS

March 25, 1977

2. Amend page 12, section 5, line 23.

Following: line 22

Strike: "(1)"

3. Amend page 13, section 5, lines 6 through 8.

Following: "general"

Strike: "in the district court of the first judicial district of this state, in and for the county of Lewis and Clark, or"

4. Amend page 13, section 5, lines 10 through 15.

Following: line 9

Strike: line 10 through line 15 in their entirety.

AND AS SO AMENDED, BE CONCURRED IN

SENATOR ELMER FLYNN, CHAIRMAN

STANDING COMMITTEE REPORT

March 25

77

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 604

Respectfully report as follows: That HOUSE Bill No. 604

BE NOT CONCURRED IN

~~DO PASS~~

SENATE COMMITTEE NATURAL RESOURCES

Date 3-24-77 Bill No. 604 Time 6:00

NAME	YES	NO
Flynn, Elmer, Chairman		✓
Roskie, George, Vice-Chairman	✓	
Devine, John	✓	
Dover, Harold	✓	
Galt, Jack	✓	
Jergeson, Greg		✓
Manley, John	✓	
Smith, Ed	✓	

Beverly Braut
Secretary

Elmer Flynn
Chairman

Motion: Motion was made by Senator Roskie and seconded by Senator Dover that HB 604 BE NOT CONCURRED IN. Six voting yes, and two voting no, the motion carried.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 25

17

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE

Bill No. 782

Respectfully report as follows: That HOUSE Bill No. 782

DO NOT CONCUR IN

DO PASS

ATTACHMENT #1.

PROPOSED AMENDMENTS
HB 197

On page 2, line 1, following the word "Within," delete "60" and insert "30" in its place.

On page 2, line 5, following the word "within," delete "120" and insert "60" in its place.

(Attachment #2.)

March 18, 1977

M E M O R A N D U M

To: Members of the Senate Natural Resources Committee

From: Senator Harold Dover

Re: HB 588

Following are suggested amendments to HB 588:

Page 7, lines 15-25, delete.

Page 8, lines 1-8, delete.

Page 7, line 15, insert:

"(b) Within 30 days of receipt of a complete application the department shall inspect the site ~~and determine whether a draft impact statement is required under the Montana Environmental Policy Act. If an impact statement is not required,~~
and ~~the department shall~~ inform the applicant of any deficiencies in the application and, if none are shown, immediately issue a contract. If deficiencies are shown, a contract shall be issued upon the correction of the deficiencies. If the site is not accessible due to adverse weather conditions, the department may extend the time period to allow inspection of the site and reasonable review. ~~If an impact statement is required, the department shall notify the applicant and, within 180 days, approve the contract or show cause for disapproval.~~ All actions of the department are subject to appeal in accordance with the Montana Administrative Procedure Act."

not beyond 180 days

Page 13, line 6, following "general" delete the balance of the line.

Page 13, line 7, delete entire line.

Page 13, line 8, delete words through "or".

Page 13, lines 10-15, delete entire subsection (2).