

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 29, 1977

The thirty-third meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 9:30 a. 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 577: An Act to amend the Montana Strip and Underground Mine Reclamation Act by providing for a reclamation and revegetation plan which permits placing the reclaimed land into irrigated pasture.

Representative Thomas Conroy, Chief Sponsor of HB 577 and representing District 58, explained the bill and stated that it was taken from the Federal language.

Mr. Jim Mockler, Executive Director of the Montana Coal Council, stated that they are in support of the bill with an amendment. The amendment is on page 2, line 22, to strike the words "IRRIGATED PASTURE".

Mr. Gene Phillips, representing Pacific Power and Light and Decker Coal Company, stated that they concur with Mr. Mockler in amending the bill to strike the words "IRRIGATED PASTURE".

Mr. Peter Jackson, representing Western Environmental Trade Association, stated that these areas once they have been refilled are a brand new area and because of that we have to have as many tools to work with as possible. We really support this bill.

Mr. Tom Winsor, of the Montana Chamber of Commerce, stated that they were in support of this bill.

Mr. Leo Berry, representing the State Lands Department, said we think this bill is in an administratively workable form. We have reached 43% in introduced species.

Representative Conroy in closing, also read to the Committee two other proposed amendments. (See Attachment #1.) He stated that he would oppose any attempt to put any amendments on this bill other than the ones proposed today.

There were no opponents to the bill.

Senator Dover stated, I wonder what this bill really does. You know you are a farmer. We have farmers all the time that go and plow up native land. We are trying to put back native grasses and now we are saying this is the best thing for this.

Representative Conroy said, this isn't native grasses.

Senator Roskie said, I am surprised that the agricultural community is not here speaking to the bill. Maybe the step at a time approach is the way to go. How about something that brings the landowner or the land user into consideration rather than leaving it entirely to the judgment of the department.

Representative Conroy replies, it does that.

Mr. Mockler added, if you agree to sell back that property then he has to pay ordinary income instead of capital gains. It is a complex problem.

Representative Conroy said, this bill is only going to affect a few people. I think the coal companies have done an excellent job. I think we have a long way to come yet. I am convinced in my own mind that crop production will work.

Senator Galt asked, if you use introduced species is it just in the contents of irrigated pasture.

Representative Conroy said, a lot of irrigated pastures are drier than they are wet.

Mr. Berry said, I interpret it as allowed introduced species regardless if you have water or not.

Senator Roskie stated, my question is, I wonder how long we have to wait for the evidence that is so overwhelming throughout the nation on the ability to reclaim land. I think we have left the irrigated pasture concept in two or three places that we are going to have to be careful to look at it for interpretation. I feel very strongly we have to get this bill amended in the right way.

Representative Conroy said, I think Line 24 and 25 on Page 4 takes care of the job. We went through a lot of work and I think the bill is fine.

Mr. Mockler added, I would hate to see you put something in the bill that's going to penalize that future landowner. I don't know why everyone is so afraid that the operator is going to come in and take over.

Senator Jergeson wondered, how is the operation done - do you make a gentlemen's agreement.

Mr. Mockler replied, usually on a lease back basis and a lot of it is on a gentlemen's agreement.

Mr. Phillips said, what we have done in Decker Coal Company and Pacific Power and Gas is buy a ranch when we go into an area. We buy it and lease it back to the landowner.

Senator Manley stated, Representative Conroy feels the bill is doing at this time what he wants it to do and I agree with him.

DISPOSITION OF HB 577: Motion was made by Senator Manley and seconded by Senator Roskie that HB 577 BE AMENDED. (See Attachment #1.) Motion carried unanimously.


Motion was then made by Senator Jergeson that HB 577 BE FURTHER AMENDED on Page 2, Line 22, section 1, following line 21, after striking the words "IRRIGATED PASTURE" by inserting the word "land".

Motion was made by Senator Roskie that HB 577 BE FURTHER AMENDED in the Title, Line 8, following the word "PERMITS" by inserting the words "THE USE OF INTRODUCED SPECIES AND". Motion was seconded by Senator Galt and motion carried unanimously.

Motion was then made by Senator Dover that HB 577 AS AMENDED BE CONCURRED IN. Motion was seconded by Senator Manley and motion carried unanimously.

Senator Roskie will carry HB 577.

ADJOURNMENT: There being no further business the meeting was adjourned at 10:30 a, n,


SENATOR ELMER FLYNN, CHAIRMAN

ROLL CALL

NATURAL RESOURCES COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3/29/77

[illegible]

SENATE

Natural Resources

COMMITTEE

BILL HB 577

VISITORS' REGISTER

DATE 3/29/77

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOSE

C. C. Wile Hall

State Lands

HB 577

Dennis Hemmer

State Lands

HB 577

Wile Hall

League of Women Voters

HB 577

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

3/29/77

2301 Colonial Dr

442-6223

Mont. Coal Council

HB 577

OPPOSE?

COMMENTS:

NAME: Gene Phillips DATE: 3/29/77

ADDRESS: Box 759 Kalispell, Mont.

PHONE: 755-6644

REPRESENTING WHOM? Pacific Power & light
Decker Coal Co.

APPEARING ON WHICH PROPOSAL: HB 577

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

3-29-77

Helena

443 - 5541

Weta

APPEARING ON WHICH PROPOSAL:

OPPOSE?

COMMENTS :

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For a full list of authors, please refer to the full manuscript.

DOI: 10.1002/for

COMMENTS: _____

NAME: Phil STROPE DATE: 5-29-77

ADDRESS: Box 874, HELENA

PHONE: 442-6570

REPRESENTING WHOM? MARK NANOFE, BICNEY, Mont

APPEARING ON WHICH PROPOSAL: HB 577

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: _____

Support with amendment
Hered 5-29-77 which will
allow introduced species

NAME: John Wilson DATE: 3/29/77

ADDRESS: 110 N. Hill Ave

PHONE: 142-2405

REPRESENTING WHOM? Montana C of C

APPEARING ON WHICH PROPOSAL: KB 577

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS:

STANDING COMMITTEE REPORT

March 29

77

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE

Bill No. 577

Respectfully report as follows: That HOUSE

Bill No. 577,

third reading bill, be amended as follows:

1. Amend title, line 8.

Following: "PERMITS"

Insert: "THE USE OF INTRODUCED SPECIES AND"

2. Amend page 2, section 1, line 22.

Following: line 21

Strike: "IRRIGATED PASTURE"

Insert: "land"

3. Amend page 5, section 1, lines 8 through 11.

Following: line 7

Strike: line 8 through line 11 in their entirety.

DO-PASS

March 29, 1977

4. Amend page 6, section 2, line 24.

Following: "SATISFACTORILY."

Insert: "If the department determines that the reclamation plan for irrigated pasture has not succeeded, the applicant shall be required to reclaim and revegetate under the provisions of [subsection (1) (a) of section 1]."

AND AS SO AMENDED, BE CONCURRED IN

SENATOR ELMER FLYNN, CHAIRMAN

(Attachment #1.)

HB 577

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(Attachment #1.)

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