

The House Natural Resources Committee convened at 1 p.m. on Friday, March 2, 1979, in room 3 of the Capital Annex with Chairman Sheldon presiding and fourteen members present (absent were Reps. Fagg, Iverson, Nathe, Quillici, Scully) for a hearing on the following bills.

SENATE BILL 246 SENATOR TOM HAGER, District No. 30, the chief sponsor said this is a bill to change the name of the Environmental Quality Council to the Legislative Environmental Council and to change the makeup so it is all legislative. He said part of the reason for the name change is so that it will not be confused with a private environmental organization, the Environmental Information Center. He said the purpose was to make the Council more trusted by the legislators. He felt the name change was the most important part.

PAT SMITH, Northern Plains Resource Council, spoke in opposition to the bill. He said they feel the inclusion of the public members should be retained. He said the EQC performs a number of important functions, one being to keep legislators informed. He said another point is that elected legislators are more subject to pressures than individual citizens.

DIANE WILLIAMS, League of Women Voters of Montana, spoke in opposition. A copy of her testimony is exhibit 1 and part of the minutes.

JOAN MILES, Environmental Information Center, said they are not opposed to the name change proposed in SB 246. But, she said, they are opposed to the removal of citizen representation from the council. She said they agree with statements of the other opponents thus far.

WILLIAM M SPILER, representing self, one of the present public members on the council, said he was opposed to the removal of the public members from the EQC. He said in the past the council has been looked at as only being concerned about environmental concerns, but he felt this is changing thanks to the staff under the leadership of Terry Carmody. He felt the overall council was perhaps a little more balanced now and a little more subjective. He said he wasn't speaking to protect his own position as he had plenty to do anyway, but he said he felt the public members have made a contribution and hoped the committee would consider retaining them on the council.

During questions from the committee it was brought out that legislative members outnumber the public members. Rep. Hager mentioned that only in Montana is this type of a council a legislative agency--in others it is an executive agency. Rep. Hager mentioned that for some reason the EQC has been identified with the environmental fringe and this reflects on their ability to get their bills through the legislature. Rep. Bertelsen said Senator Hager was addressing a real issue. He said many legislators have not tried to find out what

the EQC is and he wasn't sure if changing membership will change that.

In closing Senator Hager said the bill does have two parts and he wasn't as concerned about the second part as about the first. He said, though, that the Senate went pretty overwhelmingly for an all legislative council.

HOUSE JOINT RESOLUTION 42 REPRESENTATIVE JAMES AZZARA, the chief sponsor, said this was a request to the committee on priorities to have a study on the Greenbelt Law. He said there is differential taxation of agriculture land to protect owners of prime land from being edged out of business by high taxes. He said this usually happens on urban edges. He said in the face of encroaching urban sprawl, it becomes clear that a great deal of prime land is under threat. He said the rollback tax does not do the job and the objective of this study is to find out what would work.

DENNIS BURR, Department of Revenue, said he could support the study but would rather see the roll back tax repealed as it is not doing what it was intended to do.

DALE COLE, Department of Community Affairs, spoke next in support of the bill. A copy of his testimony is exhibit 2 and part of the minutes. He also handed to the committee members copies of newspaper clippings dealing with the Green Belt tax law and how it was missing its mark (exhibit 3).

DEBBIE SCHMIDT, speaking neither as a proponent or opponent, said she was on the staff of the President's agriculture study in 1975. She said during their study it became clear that differential taxation as it presently is operating is not fulfilling its purposes. She said this is also clear from the present legislature as there are thirteen bills dealing with Green Belt law problems.

REP. SPILKER said she could not agree more with the comments made on the ineffectiveness of our Green Belt law. She said she is involved through realty in some subdivision laws. She said the tax is paid eventually by the property owner. She felt this problem should be addressed in subdivision laws.

REP. CURTISS said charges tacked on are usually borne by the purchaser and often his only concern is if he can make the monthly payment.

REP. KEEDY questioned if the roll back tax was repealed if that would make this resolution null and void.

REP. AZZARA said the question is what do we need--do we need a more stringent roll back tax or to eliminate it. This would bring it under a little more scrutiny. He said the fact there are thirteen bills attempting to address this problem shows something needs to be done.

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HOUSE JOINT RESOLUTION 42 Rep. Huennekens commented that he had been associated with the Green Belt Law from the beginning and he said it was his observation that it was not counter-productive. He said the decision to sell is made on economic factors. Chairman Sheldon said the question before the committee is should we have further study of this problem. He felt this problem will not be solved until we solve two basic problems: land use policy and if you do something to reduce the value of somebody's land how will he be compensated. Rep. Huennekens mentioned that proposed studies that get approval will go on a shopping list and at the end of the session each legislator will rate them according to how he feels they should be prioritized. He said he could see no harm in passing this bill and having it included on that list, so if the majority of legislators feel it should be studied it would be studied during the interim. He then moved the bill do pass. The motion carried unanimously with those present (absent were Reps. Fagg, Iverson, Quillici, Nathe, Scully). House Joint Resolution 42 receives a DO PASS recommendation from the committee.

SENATE BILL 246 Rep. Kessler moved that the bill be not concurred in. Chairman Sheldon reminded the committee that Senator Hager mentioned two points and one was to change the name--any value in that? Rep. Bertelsen said he was concerned about the bill. He felt if the public members are kept so should the name. Rep. Burnett quoted poetry that a rose was a rose whatever it was called. Rep. Johnston mentioned the council should be picked so it has a broad base and he felt then it would be accepted, but he felt eliminating the public members would be a mistake. Rep. Thoft agreed the public members should be kept. Rep. Curtiss made a substitute motion to change the name to Legislative and Citizen Environmental Council and then give the bill a do pass. She said this would amend the title and yet leave citizen members on. Rep. Thoft felt this would confuse the issue. Rep. McBride said her problem with this motion is that it is the word "environment" that causes the red flag to wave. Rep. Keedy agreed with Rep. Burnett's quote and didn't feel changing the name would make that much difference. Rep. Huennekens felt the change suggested by Rep. Curtiss could be changing the sponsor's intent. Rep. Curtiss withdrew her motion. Chairman Sheldon turned the chair over the Vice-Chairman Harper as he wished to make a comment.

REP. ART SHELLEN said he is a member of the EQC as is Rep. Bertelsen. He said the council lost its Director about the time of the last session and it took almost a year to get a new one. He said the council fully realizes there are some problems between it and the legislature and he thinks have come to the conclusion they need to turn the idea of that the council is around, as somehow the council did get the name for being strongly environmental. He said it was created for NEPA--it was to check how the agencies were relating to NEPA and to judge our environmental trends--what is happening in the state. He said this is a difficult assignment. He said the council needs to indicate that we are not only interested in the environment but in the problems from a practical standpoint. He said they looked at various places to start--the coal fields and in the northeast corner of the state may have uncovered just the

tip of an iceberg--degradation to farm lands as a result of the oil industry. He said the farmers' only recourse now is the courts. Other possible areas is the green belt thing which has been discussed today and the problem of used oil and bentonite. He said instruction should be given by the legislature which has been more or less lacking in the past years. He said perhaps the council could take the place of two or three interim committees--they would be already funded. He said part of the council's responsibility is to call the attention of the legislature to environmental problems, degradation to the environment and this should be excellent if done in an objective way. Rep. Sheldon said he was not sure a name change will do much good unless we also do the other things.

REP. BERTELSEN said they felt that part of their assignment was to check to see whether the government departments were trying to abide by the MEPA act. He said they looked into various departments and did uncover some interesting things. Just their looking into this caused some departments to take a second look at the act. He said he felt this act was very worthwhile. He said they didn't go as wide eyed environmentalists but just with the desire to see that the environment is kept at least reasonably fit to live in. He said this is significantly important and will become more important. He felt they should live with the name and live with the job.

Chairman Sheldon resumed the chair. He called for a vote on Rep. Kessler's motion of be not concurred in. The motion passed with Rep. Spilker abstaining and Rep. Curtiss voting no and absent being Reps. Fagg, Iverson, Nathe, Quilici and Scully. SB 246 receives a committee recommendation of BE NOT CONCURRED IN.

Meeting adjourned at 2:30 p.m.

Respectfully submitted,

  
ARTHUR H. SHELDEN, Chairman

Emelia Satre, Secretary