

MINUTES OF THE MEETING  
NATURAL RESOURCES  
STATE SENATE

February 14, 1979

The eleventh meeting of the Natural Resources Committee was called to order by Senator George F. Roskie, Chairman, at 12:45 P.M., on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present with the exception of Senators Dover, Brown, Lockrem, Lowe, and Thiessen. Senator Stan Stevens, Senate Majority Leader, sat in temporarily in order to establish a quorum. Senators Dover and Brown arrived during the meeting and Senator Stevens left when a quorum had been established.

Mr. Jim Lear, Staff Attorney from the Legislative Council, was also present. See attached visitors' register for the names of visitors present.

CONSIDERATION OF SB 423: "An act to amend section 1, Chapter 299, laws of 1973, to release liens held by the Department of Social and Rehabilitation Services."

Chairman Roskie called on Senator Fred VanValkenburg, District 50, to explain the change proposed in SB 423. Senator VanValkenburg stated that this is a bill requested by the Code Commissioner, and that Diana Dowling was present from the Legislative Council to answer any questions the Committee might have.

Chairman Roskie then called for any other proponents to SB 423 and, hearing none, called for any opponents to SB 423. Hearing none, Chairman Roskie opened the hearing to questions from the Committee, and there were none.

DISPOSITION OF SB 423: Senator Story moved that SB 423 receive a DO PASS recommendation. Senator Etchart seconded the motion. The motion passed unanimously with those present.

CONSIDERATION OF SJR 18: "A joint resolution of the Senate and the House of Representatives of the State of Montana requesting the Congress of the United States to act immediately to resolve the uncertainties surrounding land proposed as wilderness, discourage delay, and to require an in-depth analysis before any decision is finalized."

Chairman Roskie called on Representative Kanduch, District 89, to present SJR 18 to the Committee. Representative Kanduch summarized the reasons he felt SJR 18 was necessary and then called on Mr. Robert Helding to further elaborate on the necessity for SJR 18. Mr. Helding presented a map to the Committee

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showing the national forest system in Montana and pointing out how much area in Montana was now presently being considered for wilderness. He also presented a chart showing the acreage of present wilderness areas in Montana as well as those proposed under several different programs (see attachment). He also presented a news release from the Forest Service explaining the payments to states of revenues earned by the 15 National Forests within the Northern Region (see attachment). Mr. Helding said he was not against wilderness areas, but asked that reason be used in designating wilderness areas.

Mr. Gerald Neils, representing the independent logging contractors also spoke in favor of SJR 18.

Mr. Peter Jackson, Western Environmental Trade Association, also spoke in favor of SJR 18 and stated that there should be an expeditious handling of this problem.

There being no other proponents to SJR 18, Chairman Roskie called for any opponents. Mr. Bill Cunningham, Montana Wilderness Association, spoke in opposition to SJR 18, and pointed out that RARE II was originally generated because of uncertainty on both sides and is an attempt to come up with some type of consensus on what should be wilderness and what should not be. He said there are some lands that are still controversial, and he is a little fearful of a blanket policy. Mr. Cunningham feels it is necessary to get down to a case by case basis. Mr. Cunningham then asked the Committee to defer action on SJR 18 until he has an opportunity to meet with the Task Force.

There being no other opponents, Senator Kanduch closed by saying that he felt SJR 18 was a way to bring everything to a head. But he said that whatever steps were taken, they should be firm steps without a lot of litigation.

Chairman Roskie opened the hearing to questions from the Committee. Senator Jergeson asked Senator Kanduch if he would be willing to look at some amendments proposed by Mr. Cunningham, and he said he would.

Chairman Roskie closed the hearing on SJR 18.

CONSIDERATION OF HB 253: "An act to require the Board of Natural Resources and Conservation to issue as part of a certificate a time limit during which a facility must be constructed; amending section 75-20-303, MCA; and providing an effective date."

Chairman Roskie called on Representative Bob Thoft, District 92, to explain HB 253 to the Committee. Representative Thoft

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told the Committee that this bill will put a reasonable time limit on facilities for construction and completion and gives the landowner some type of protection in compensation for a clouded title because of a facility being proposed on their property. Representative Thoft then called on Virginia Brown from Stevensville to speak in favor of HB 253 and to explain to the Committee the problems they have encountered with regard to facilities proposed on their land. Ms. Brown submitted her comments in written form (see attachment).

Mr. Sam Wolfe from Missoula also spoke in support of HB 253 and said that when the Department of Natural Resources gives a permit for the construction of a facility on private land, they have, in effect, given something that does not belong to them. Mr. Wolfe does not feel the landowner should be forced to live under a cloud once a certificate is issued.

Mr. Don McIntyre, Department of Natural Resources, also spoke in support of HB 253 and said the Department of Natural Resources has taken a position that time limits could be put into the certificates but they would prefer that the time limits were spelled out. He said he felt the time limits would provide a protection for the landowner.

Mr. Steve Dougherty, Northern Plains Resource Council, also spoke in favor of HB 253, and said that once a certificate is issued it does present a cloud on the title to a landowner's land and devalues the property as well.

Chairman Roskie then called for any opponents to HB 253. Mr. John Ross, attorney for Montana Power Company, gave what he felt was some history to what instigated this bill. He then explained why the Montana Power Company was opposed to a time limit and pointed out some of the circumstances that can delay the construction of a project. He also pointed out that a revoked certificate would require the power company to go back and start all over again. Mr. Ross said he felt the Siting Act as it now exists provides adequate control to accommodate the concerns of the landowners.

Mr. Jim Mockler, Montana Coal Council, spoke in opposition to HB 253 in its present form and offered some amendments to the Committee for their consideration. Mr. Mockler proposed that HB 253 be amended by striking all of line 17 on page 2 and "75-20-104 (7) and" on line 18, page 2. Mr. Mockler felt it was inappropriate to have it included in the bill.

There being no other opponents to HB 253, Representative Thoft closed by saying he did not share the concerns expressed by Mr. Ross from the Montana Power Company that this bill would

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create a burden on the facilities. Representative Thoft requested Chairman Roskie to recognize another proponent to HB 253 that had arrived late. Chairman Roskie said that he would and Representative Thoft introduced Mr. Mons Teigen, Montana Stockgrowers and Woolgrowers Association, who also spoke in favor of HB 253.

Representative Thoft concluded by saying that HB 253 gives the landowner something to look forward to down the road. He pointed out it is not designed against Colstrip 3 and 4 as they are already under construction and would be deleted from this bill.

Chairman Roskie opened the hearing to questions from the Committee. There were several questions directed to Mr. McIntyre from the Department of Natural Resources concerning the statements made that once a certificate is issued, this will cloud the title to the landowner's property.

Senator Dover arrived at this time. Chairman Roskie closed the hearing on HB 253 and Senator Stevens left at this time.

CONSIDERATION OF HB 202: "An act requiring the consideration of using public lands for the location of facilities whenever economically practicable and compatible to environmental factors; amending sections 75-20-301 and 75-20-503, MCA."

Chairman Roskie called on Representative Gene Ernst, District 47, to present HB 202 to the Committee. Representative Ernst stated this bill would amend the Major Facility Siting Act but will not affect the major lines. Representative Ernst called on Mr. John Lubinus from Lewistown who submitted his comments in written form (see attachment).

Mr. Mons Teigen, Montana Stockgrowers and Woolgrowers Association, also spoke in favor of HB 253.

Mr. Don McIntyre, Department of Natural Resources, said he supported HB 202 but had a proposed amendment for the Committee to consider. Mr. McIntyre suggested HB 202 be amended by striking the remainder of line 10 on page 3 after whenever and "AS THE USE OF PRIVATE LANDS and" on line 11, and then add "and this chapter." at the end of line 12, page 3. He also suggested that page 6, line 8 be amended by striking everything after "facilities" and lines 9 and 10 in their entirety.

Representative Ernst said he had no objection to the amendments if the intent was the same, and that is to use public lands whenever possible.

There being no opponents to HB 202, Chairman Roskie closed the hearing on HB 202.

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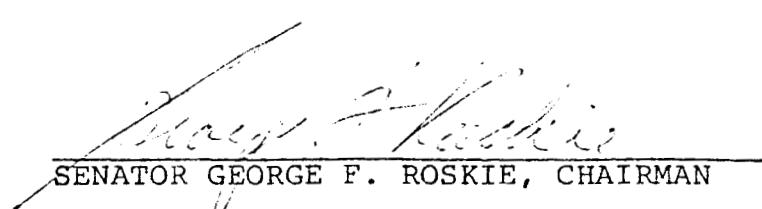
Chairman Roskie then informed the Committee they would now go into executive session to take action on some pending bills.

DISPOSITION OF SB 368: Senator Dover moved that SB 368 receive a DO PASS recommendation. Senator Story proposed a substitute motion that SB 368 receive a DO NOT PASS recommendation and was seconded by Senator Manley. There was some discussion on SB 368 and then Chairman Roskie called for a roll call vote on Senator Story's motion. The motion carried (see attachment).

Chairman Roskie then summarized the bills still in Committee that needed to be heard and the Committee agreed to hear all unscheduled bills on Friday, February 16, and continue after adjournment if necessary.

Chairman Roskie then told the Committee he had a one-stop permit bill that he wanted to handle by introducing a Senate Resolution which would request that this question and its related problems be put into a subcommittee and assigned to the Environmental Quality Council.

ADJOURNMENT: There being no further business the meeting adjourned at 2:25 P.M.

  
SENATOR GEORGE F. ROSKIE, CHAIRMAN

## ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

# STANDING COMMITTEE REPORT

February 14..... 19 79.....

MR. President.....

We, your committee on..... Natural Resources.....

having had under consideration .....Senate..... Bill No. 423.....

Respectfully report as follows: That.....Senate..... Bill No. 423.....

DO PASS

(A.A.)

STATE PUB. CO.  
Helena, Mont.

George F. Roskie

Chairman.

# STANDING COMMITTEE REPORT

February 14 1979

MR. President

We, your committee on Natural Resources

having had under consideration Senate Bill No. 368

Respectfully report as follows: That Senate Bill No. 368

*DO NOT PASS*  
DO NOT PASS

SENATE COMMITTEE NATURAL RESOURCESDate February 14 Senate Bill No. 368 Time           

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman	✓	
BROWN, Steve		✓
ETCHART, Mark	✓	
JERGESON, Greg		✓
LOCKREM, Lloyd C., Jr.		
LOWE, William R.		
MANLEY, John E.	✓	
STORY, Pete	✓	
THIESSEN, Cornie R.		

SHARON NASONSecretaryGEORGE F. ROSKIEChairman

Motion: By Senator Story that Senate Bill 368 receive a DO NOT  
PASS recommendation

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

HB 202  
FYB 253  
SIB 423

SENATE *Internal Revenue* COMMITTEE

BILL 51R18

## VISITORS' REGISTER

DATE 2/14

Please note bill no.

NAME: Bill Cunningham DATE: 2/14/79

ADDRESS: Box 1184

PHONE: 443-6305 MARINA 252

REPRESENTING WHOM? THE WILDERNESS SOC.

APPEARING ON WHICH PROPOSAL: SJR. 18

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bob Belding DATE: 2-14-79

ADDRESS: Colombia Inn

PHONE: 443-2185

REPRESENTING WHOM? Light, Green Peninsular Assn.

APPEARING ON WHICH PROPOSAL: 582 18

COMMENTS: \_\_\_\_\_

NAME: Stu Bernick DATE: 2/24/77

ADDRESS: Box 5027

PHONE: 443-3760

REPRESENTING WHOM? Research Associates

APPEARING ON WHICH PROPOSAL: HB-202, 1C-253, 2TB-18

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

NAME: Caron Phillips DATE: 2/14/38

DATE: 2/14/39

ADDRESS: Kelso, N.C.

PHONE: 755-6644

REPRESENTING WHOM? Pacific Power & Light

APPEARING ON WHICH PROPOSAL: HB 253

DO YOU: SUPPORT? AMEND? OPPOSE? 

COMMENTS: \_\_\_\_\_

NAME: (S-2,10) Phillip DATE: 2/14/78

ADDRESS: Kalisa 11, 116

PHONE: 755-6644

REPRESENTING WHOM? Pacific Power & Light

APPEARING ON WHICH PROPOSAL: 48-202

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Don MacIntyre DATE: 7/14/79

ADDRESS: Holmes

PHONE: 449-3712

REPRESENTING WHOM? DNRC

APPEARING ON WHICH PROPOSAL: 46 202, 253

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Sam Wolfe DATE: Feb 14 79

DATE: Feb 14 79

2320 McDonald Ave

ADDRESS: Missoula

PHONE: 542 2330

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 253

DO YOU: SUPPORT?  AMEND?  OPPOSE?

**COMMENTS:** \_\_\_\_\_

NAME: Virginia Brown DATE: 2-14-79

ADDRESS: Rt. 1-Box 217 A- Shrewsbury 59870

PHONE: 777-3023

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 253

DO YOU: SUPPORT?  AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

NAME: C. I. Neils DATE: 2/14

DATE: 2/14

ADDRESS: 8 Howe

PHONE: 944-7923

REPRESENTING WHOM? West Logging Assoc.

APPEARING ON WHICH PROPOSAL: 5-1m2 15

DO YOU: SUPPORT?  AMEND?  OPPOSE?

**COMMENTS:** *Indicate any comments, observations, or recommendations regarding the above information.*

NAME: John Ross DATE: 2/14  
ADDRESS: 40 East Broadway  
PHONE: 723-5421  
REPRESENTING WHOM? Montana Power  
APPEARING ON WHICH PROPOSAL: HB 253  
DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓  
COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Mockler DATE: 5/14

DATE: 5/14

ADDRESS: 2301 Colonial Dr

PHONE: 442-6223

REPRESENTING WHOM? Meet. Coal Council

APPEARING ON WHICH PROPOSAL: *HB 253*

DO YOU: SUPPORT? \_\_\_\_\_ AMEND?  OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

NAME: John E. Lubitus DATE: 14 Feb 79

ADDRESS: RR#1 Lewistown, Montana 59457

PHONE: 406-538-8641

REPRESENTING WHOM? Myself and group of landowners near Lewistown

APPEARING ON WHICH PROPOSAL: HB 202

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Steve Doherty DATE: 2/17/74

ADDRESS: 3585 3rd Street

PHONE: 4431830

REPRESENTING WHOM? Northern Plains Resource Council

APPEARING ON WHICH PROPOSAL: H B 253

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mons Tigris DATE: 21/4/29

ADDRESS: Helene

PHONE: 4442-3420

REPRESENTING WHOM? West Stockgrowers & Woolgrowers Assn.

APPEARING ON WHICH PROPOSAL: HB 253 & HB 202

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

# NEWS from the Forest Service

U.S. Department of Agriculture • Forest Service • Northern Region • Federal Building • Missoula, Montana 59807 • (406) 329-122778 FOR IMMEDIATE RELEASE R1:1462

Forest Service, Northern Region

J.F.R.C.

**Payments To States 15.4 Million**

178

For Fiscal Year 1978; Down 17 Percent

MISSOULA, MT--Forty-four counties in Montana, north Idaho and western Sept.

Dakota will share in payments totaling \$15,477,320.01, which is 25 percent of the fiscal year 1978 revenue earned by the 15 National Forests within the Northern Region.

These payments represent a 17 percent decrease from fiscal year 1977 payments (\$3,205,202.84). Checks were distributed to the States on December 20.

Forest Service revenue is from timber sales, grazing fees, land use fees, recreation charges, utility fees, mineral revenues, and admission and user fees. The base on which shares were figured also includes credits made to timber purchases for building roads and funds used by the Forest Service to improve timber sale areas. The addition base was established by the National Forest Management Act of 1976.

On May 16, the Forest Service provided the States with estimates of their share of F.Y. 1978 receipts from National Forests and counties with estimates of their share of calendar year 1978 receipts from the National Grasslands for use in financial planning. The National Grassland payments, based on revenues collected during calendar year 1978, will be made on or about March 1, 1979.

Receipts from the Northern Region's 15 National Forests for F.Y. 1978 provide  
the following allocations:

<u>STATE</u>	<u>NUMBER OF COUNTIES</u>	<u>TOTAL AMOUNT</u>
Montana	34	\$8,258,492.22
Idaho	9	7,213,309.47
South Dakota	1	5,518.32

(MORE)

Applicants for all U.S. Department of Agriculture programs will be given equal consideration without regard to race, color, sex, creed, or national origin.



Counties share in the receipts of the Individual National Forests in accordance with the acreage of National Forest within the county.

County receipts were derived from the following National Forests of the Region.

Beaverhead	\$ 174,690.85	Kootenai	\$ 3,350,495.53
Bitterroot	322,674.98	Lewis and Clark	114,317.08
Clearwater	1,621,727.52	Lolo	1,296,654.03
Custer	88,980.79	Nezperce	819,987.21
Deerlodge	423,988.06	Coeur d'Alene	2,015,952.75
Flathead	1,842,390.48	Kaniksu	1,936,237.45
Galatin	143,570.03	St. Joe	1,285,016.16
Helena	40,636.77		

The following are counties' share of the Northern Region's receipts:

SOUTH DAKOTA

Hardin	\$ 5,518.32
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IDAHO

Benewah	\$ 61,435.18	Kootenai	\$ 681,348.13
Bonner	727,796.10	Latah	167,008.63
Boundary	682,233.61	Lewis	9.61
Clearwater	799,470.38	Shoshone	2,315,233.05
Idaho	1,758,774.58		

MONTANA

Beaverhead	\$ 113,088.73	Lincoln	\$ 3,208,086.24
Broadwater	7,438.92	Madison	80,427.89
Carbon	24,611.28	Meagher	26,570.93
Carter	6,709.43	Mineral	401,148.42
Cascade	11,041.53	Missoula	442,182.81
Chouteau	1,991.95	Park	66,020.65
Deer Lodge	34,842.28	Pondera	6,642.35
Fergus	5,774.47	Powder River	25,541.47
Flathead	1,451,906.42	Powell	324,049.08
Galatin	50,105.63	Ravalli	229,598.95
Glacier	1,576.17	Rosebud	7,191.77
Golden Valley	1,472.77	Sanders	918,309.69
Granite	292,072.14	Silver Bow	57,782.07
Jefferson	132,351.03	Stillwater	13,983.23
Judith Basin	18,240.87	Sweet Grass	23,016.59
Lake	126,979.30	Teton	14,654.44
Lewis and Clark	123,064.39	Wheatland	4,118.33

Montana Wilderness Acreage USFS

Absaroka Beartooth	904,500
Anaconda-Pintlar	157,874
Bob Marshall	1,009,356
Cabinet Mountains	94,272
Gates of the Mountains	28,562
Great Bear	285,711
Mission Mountains	73,877
Scapegoat	239,296
Selway Bitterroot	251,930
Welcome Creek	28,440

Total	3,073,818
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National Parks

Glacier	1,013,318
Yellowstone	151,068
<b>TOTAL</b>	<b>1,164,386</b>

U.S. Fish & Wildlife Wilderness Acreage

Red Rocks	32,350
U. L. Bend	20,890
Medicine Lake	11,800
Total	65,040

Legislated Wilderness Study Areas

West Pioneers	151,000
Taylor-Hilgard	289,000
Bluejoint	61,000
Sapphire	94,000
Ten Lakes	34,000
Middle Fork Judith	81,000
Big Snowies	91,000
Hyalite	151,000
Elkhorn	77,000

Total	1,029,000
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Bureau of Land Management Primitive Areas

Centennial Mountains	27,000
Humbug Spires	7,021
Beartrap Canyon	4,479
Total	38,500

U.S. Forest Service Primitive Area

Spanish Peaks Wilderness proposal	63,300
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U.S. Forest Service RARE II Proposal

Wilderness	603,381
*Further Planning	179,428
Total	782,809

\*Does not include congressionally designated Wilderness study areas

Mr. Schlesinger, which is of the 1st May 1933, is as follows, for the information of the  
Senate Select Committee. The original document is subject to the right of redaction, and may be  
obtained in the course of the investigation, if the right is exercised.

This striking and critical judgment was made. In October of 1917, the Board of General Securities granted a certificate authorizing the New York Power Corporation to build and operate the power line through the Hudson River and the Bronx River to New York City, and put this article, with no time limit - in other words, forever - into the very hands of the people. It is my understanding that when the Board turns over the ultimate control of the corporation, the corporation inclined to give them something else, or, that there is a large

After the Board refused to meet with us in October, an attempt to get their attention in April of 1977, the following statement was read from the floor of the House of Commons by Mr. John G. Diefenbaker, the then Minister of National Health and Welfare. The statement read:

1. **100 mg/500 ml**, dilute 1:250000 dilution, 1ml in 50ml. 1000ml of 1:250000 dilution.
2. **100 mg/500 ml**, dilute 1:250000, 1ml in 50ml. 1000ml of 1:250000 dilution. 1000ml of 1:250000 dilution, 1000ml of 1:250000 dilution, 1000ml of 1:250000 dilution.
3. **100 mg/500 ml**, dilute 1:250000, 1ml in 50ml. 1000ml of 1:250000 dilution.
4. **100 mg/500 ml**, dilute 1:250000, 1ml in 50ml. 1000ml of 1:250000 dilution.

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