

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 12, 1979

The twenty-fourth meeting of the Natural Resources Committee was called to order by Senator George F. Roskie, Chairman, at 12:00 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 Lockrem, Manley, and Thiessen.

Mr. Jim Lear, Staff Attorney from the Legislative Council, was also present.

DISPOSITION OF HB 785: Chairman Roskie called the Committee's attention to their copy of the proposed amendments for HB 785. Senator Dover moved that the proposed amendments be adopted. The motion carried unanimously with those present.

Senator Story proposed some further amendments to HB 785 which he felt were necessary to make it clear that the bill does not restrict a landowner's use of his own land. He said he also felt that section 16 was unnecessary.

Senator Manley arrived at this time.

There was some discussion on Senator Story's proposed amendments and whether or not they were necessary. Senator Story then moved the adoption of his proposed amendments and Senator Dover seconded the motion. Senator Jergeson asked for a division on the motion to exclude the deletion of section 16 from the motion. Chairman Roskie called for the vote on the first amendments proposed. The motion carried unanimously. Senator Story then moved that section 16 be deleted. Chairman Roskie called for the vote. All those present voted in favor of the motion with the exception of Senator Jergeson.

Senator Jergeson then moved that HB 785 BE CONCURRED IN As Amended. There was further discussion on HB 785 and concern was expressed about whether or not the landowner was adequately protected.

Senator Etchart moved that HB 785 be amended by inserting "with consent of the owner" on page 4, line 15. There was further discussion and the Committee agreed that would be the wrong location for such an amendment. Senator Etchart made a substitute motion that HB 785 be amended on Page 6, line 16 by striking "notification" following "written" and inserting "approval" and by striking "to" following "by" and inserting "by". Chairman Roskie then called for the vote on Senator Etchart's motion and all those present voted in favor of the motion with the exception of Senators Brown and Jergeson.

Chairman Roskie then called for the vote on Senator Jergeson's motion that HB 785 BE CONCURRED IN as Amended. All those present voted in favor of the motion with the exception of Senator Manley.

DISPOSITION OF HB 816: Senator Story moved that HB 816 BE NOT CONCURRED IN and Senator Dover seconded the motion. There was some discussion about whether or not HB 816 was similar to SB 105. Chairman Roskie then called for the vote and all those present voted in favor of the motion with the exception of Senators Brown and Jergeson.

DISPOSITION OF HB 684: Senator Manley moved that HB 684 BE CONCURRED IN.

Senator Jergeson pointed out the deletion made on page 4, line 18 and reminded the Committee that Senator Manley had worked to have the 36,500 tons put into the law. There was some discussion about the effect of having that line removed. Representative Hand arrived and he explained the purpose in having "who does not remove from the earth during any calendar year material in excess of 36,500 tons in the aggregate" removed. Chairman Roskie then called on Jim Lear to give his opinion of the effect of the bill. Senator Dover asked Representative Hand if he felt putting those lines back in the bill would hurt his bill. Representative Hand said he felt it would. Jim Mockler, Montana Coal Council, also addressed the concerns expressed by the Committee.

Chairman Roskie then called for the vote on Senator Manley's motion. All those present voted in favor of the motion with the exception of Senators Jergeson and Brown.

Chairman Roskie concluded the executive session and recessed briefly before beginning the hearings.

ROLL CALL: Upon roll call all members were present with the exception of Senators Lockrem and Thiessen. Senator Thiessen arrived shortly after the meeting began.

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

CONSIDERATION OF HB 555: "An act to prohibit the Department of Natural Resources and Conservation from constructing, operating, and maintaining water projects for the development of power; amending section 85-1-102, MCA."

Chairman Roskie called on Representative Bill Hand, District 82, to present HB 555 to the Committee. Representative Hand said that HB 555 was intended to prohibit the State of Montana from

entering the power generation business. He then submitted some amendments to HB 555 making direct reference to the Toston Dam.

Chairman Roskie called for any other proponents. Mr. Wilbur Anderson, General Manager of Vigilante Electric Cooperative, spoke in favor of HB 555 and submitted his comments in written form (see attachment).

Mr. Bill Birberet, Director of the Vigilante Electric Cooperative, also spoke in favor of HB 555.

He said these projects were built on their own merits and there should be some return to the water users.

Mr. Bill Asher, Agricultural Preservation Association, also spoke in favor of HB 555.

Mr. George H. Briggs, also spoke in favor of HB 555 and submitted his comments in written form (see attachment).

Mr. Bob Davis, President of the Broadwater Missouri Water Users spoke in support of HB 555.

There being no other proponents to HB 555, Chairman Roskie called for any opponents to HB 555.

Mr. Ted Doney, Director of the Department of Natural Resources and Conservation, spoke in opposition to HB 555. Mr. Doney said the Department has had the authority to install hydroelectric generation on dams since the 1930's. He said the Department had an analysis done on their projects regarding their potentiality for hydroelectric generation and three were determined feasible. He left a copy of the report with the Committee for their consideration (see attachment). Mr. Doney pointed out that too many of their projects are in serious disrepair and the Department wants to be able to buy or lease the coops to generate revenue. He said the Department needs to have the authority to build these hydroelectric generating plants themselves and this bill deletes that authority.

Ms. Charlotte Easter, Environmental Information Center, spoke in favor of HB 555 and submitted her comments in written form (see attachment).

Ms. Willa Hall, League of Women Voters, spoke in favor of HB 555 and submitted her comments in written form (see attachment).

There being no other opponents to HB 555 Chairman Roskie opened the hearing to questions from the Committee. There were some questions regarding the effect of this bill on irrigation.

Senator Manley moved that HB 555 BE CONCURRED IN. Senator Brown requested that the Committee defer action until the amendments could be considered. Senator Manley withdrew his motion.

CONSIDERATION OF HB 617: "The Montana Scenic Resources Act; establishing a mechanism for the nomination and designation of scenic corridors; establishing criteria for designation; establishing guidelines for activities within designated corridors; authorizing the adoption of rules to implement the Act."

Chairman Roskie called on Representative William Baeth, District 21, to present HB 617 to the Committee. Representative Baeth submitted his comments in written form (see attachment).

Senator Richard Smith, District 8, spoke in favor of HB 617, and submitted a statement of intent (see attachment). Senator Smith said this bill merely allows people on a proposed road to set up a scenic corridor.

Sharlon L. Willows also spoke in favor of HB 617 and submitted her comments in written form (see attachment).

Mr. Vic Benson from the Gallatin Gateway also spoke in favor of HB 617 and submitted his comments in written form (see attachment).

Mr. Steve Perlmutter, Coalition for Canyon Preservation, spoke in support of HB 617. He said he drafted the bill and was present to answer any questions the Committee might have. He said there was nothing in the bill that interferes with the private development on private land. He acknowledged that there had been some concern expressed that the bill was too vague but he said the intent of the bill is to focus on special scenic areas of interest to the traveling public.

Mr. Jim Willows also spoke in support of HB 617 and submitted his comments in written form (see attachment).

Chairman Roskie then called for any opponents to HB 617. Mr. Joe Crosswhite, Operating Engineers Union and President of Western Environmental Trade Association, opposed HB 617. He said the bill originated in Bad Rock Canyon by individuals who do not want the four lane highway going through because the tourists will no longer stop at their establishments.

Mrs. Margaret W. Allen, Livingston, was opposed to HB 617, and said it would jeopardize the livestock industry by restricting land use.

Mr. Spike VanCleave, Sweetgrass Preservation Association, spoke against HB 617 and said it doesn't say how a landowner can prevent a corridor. He said the bill is too vague and misleading.

Mr. Bob Saunders, Meagher County Preservation Association, also spoke against HB 617 and submitted written testimony (see attachment).

Mrs. Virge Holliday also was opposed to HB 617 and submitted her comments in written form (see attachment).

Sharon Peterson, WIFE, NFO, Farm Bureau, Farmers Union, Montana Stockgrowers, State Soil Conservation Districts, State Grazing Districts, was also opposed to HB 617 and said it hurts the people it is supposed to be helping.

Gordon Darlington, Agricultural Preservation Association, was also opposed to HB 617 and said it was too vague.

Teddy Thompson, Big Timber, was opposed to HB 617 and said it would just allow the spending of more tax money.

Charlie Pearson was also opposed to HB 617 and agreed with the previous statements made.

Mrs. Marj Bell was opposed to HB 617 and submitted written testimony (see attachment).

Barbara VanCleave was opposed to HB 617 and said it was an encroachment on property rights.

Mr. Jay Whitney, architect from Helena, was opposed to HB 617 and submitted written testimony (see attachment).

Mr. Bob Holding, Montana Wood Products Association, opposed to HB 617, said it was too vague. He said you have no idea where the corridor will go and it will cause delays on highway construction.

Mr. Peter Jackson, Western Environmental Trade Association, was opposed to HB 617 and said it would create nothing but confusion.

Janelle Fallan, Montana Chamber of Commerce, also spoke in opposition to HB 617.

A representative from the Department of Highways was also present to answer any questions the Committee might have as it would be that department that would be affected by this bill.

There being no other opponents to HB 617, Chairman Roskie opened the hearing to questions from the Committee and there were none.

Mr. Steve Perlmutter closed for Representative Baeth and said that this bill does not do what the opponents were concerned about.

Chairman Roskie closed the hearing on HB 617 and the Committee recessed briefly while those visitors only interested in HB 617 left the Committee Room.

CONSIDERATION OF HB 842: "An act to permit the reallocation and appropriation of water reserved for purposes of maintaining in-stream flow in the Yellowstone River whenever the Board of Natural Resources and Conservation determines that the reservation is not required; amending section 85-2-605, MCA; providing for an effective date."

Chairman Roskie called on Representative William Day, District 54, to present HB 842 to the Committee. Representative Day said HB 842 came out of the Select Water Committee. He said they had amended it there and he felt one of their amendments should be changed by taking out "higher beneficial use" on page 2, line 8. Mr. Doney said HB 842 amends the wrong section of the law and submitted some amendments for the Committee's consideration (see attachment).

Mr. Cecil Weeding, Chairman for the Department of Natural Resources and Conservation, supported HB 842 and submitted a resolution from the Board of Natural Resources and Conservation passed on February 23, 1979 calling for some type of legislation that would do what HB 842 would accomplish (see attachment).

Mr. Al Kersich, Montana Water Development Association, spoke in favor of HB 842 and submitted some amendments for the Committee to consider (see attachment).

Mr. Mons Teigan, Montana Stockgrowers and Montana Woolgrowers, was also in favor of HB 842 and submitted an amendment for the Committee's consideration (see attachment).

Mr. Bob Biggerstaff, Montana Association of Conservation Districts, was also in favor of HB 842 and supported the amendments proposed by the Department of Natural Resources.

Mr. Peter Jackson, Western Environmental Trade Association, also supported HB 842 and said it is a beginning at addressing the problem.

Gordon McGowen, Montana Railroad Association, was also in favor of HB 842 and felt the amendments improved the bill.

Sharon Peterson, WIFE, Farmers Union, NFO, Farm Bureau, was in favor of HB 842 and felt it was necessary.

Mr. Bill Asher, Agricultural Preservation Association, was also in favor of HB 842.

Mr. Gene Spilde, SGPA Park Coalition, also spoke in favor of HB 842.

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Chairman Roskie called for any opponents to HB 842. Mr. Frank Schledorn was opposed to HB 842 and submitted his comments in written form (see attachment).

Chairman Roskie decided to put all the proposed amendments into a subcommittee for their consideration and appointed Senators Manley, Etchart and Story to serve on the subcommittee.

Representative Day closed and requested permission to sit in on the subcommittee meetings. He also informed the Committee that the information requested on HB 733 should be available before the Committee meets on Wednesday, March 14.

CONSIDERATION OF HB 694: "An act delegating authority to the Board of Natural Resources and Conservation to authorize diversions from the Yellowstone River Basin under Article X of the Yellowstone River Compact, section 85-20-101, MCA, on behalf of the State of Montana as a signatory state thereto; and providing an effective date."

Chairman Roskie called on Representative William Day, District 54, to present HB 694 to the Committee.

Representative Day said he felt the Department of Natural Resources has the knowledge to handle the authority this bill would delegate to them.

Chairman Roskie called for any other proponents to HB 694. Mr. Ted Doney, Director for the Department of Natural Resources, said he helped draft this bill and said there should be a mechanism to approve these diversions.

There being no other proponents, Chairman Roskie called for any opponents to HB 694. Mr. Les Loble II, Intake Water Company, said HB 694 was unworkable in its present state and submitted three letters from citizens in Wibaux County that were opposed to HB 694 (see attachments).

Mr. Jim Mockler, Montana Coal Council, was also opposed to HB 694 and said it should stay within the title which would then only leave section 2 and possibly 7 and 8.

Mr. Gene Spilde, Montana Water Development Association, was also opposed to HB 694.

Mr. Peter Jackson, Western Environmental Trade Association, was also opposed to HB 694. He said if the Committee must pass this bill it should be amended back to its original condition, but he would prefer the bill be killed.

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Chairman Roskie asked the Committee if they wished to refer HB 694 to a subcommittee or defer action. Senator Manley suggested they defer action and the Committee agreed.

Representative Day closed and addressed the comments made by Mr. Les Loble II and said he would not accept any amendment that would allow Montana's water to be used out of state.

ADJOURNMENT: There being no further business, the meeting adjourned at 3:30 P.M.



SENATOR GEORGE F. ROSKIE, CHAIRMAN

ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
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.			

Each Day Attach to Minutes.

ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
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.	✓		✓

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

March 13, 1972

MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 735

Dussault (Story)

Respectfully report as follows: That House Bill No. 735, third reading bill, be amended as follows:

1. Page 3, line 11.
Following: line 10
Strike: "16"
Insert: "14"

2. Page 3, line 25 and page 4, line 1.
Following: "means" on line 25 of page 3
Strike: "scientifically significant"

3. Page 4, line 2.
Following: "water"
Insert: "which are rare and critical to scientific research"

53-4221

(Continued)

4. Page 6, line 7.

Following: "(b)"

Insert: "enter into cooperative agreements with the federal government, local governments, and other governmental entities or private landowners or the owners of objects to ensure preservation and protection of registered properties; (i)"

5. Page 6, line 9.

Following: "through"

Strike: "16"

Insert: "14"

6. Page 6, line 11.

Following: "submit"

Insert: "to the historic preservation officer for his consideration"

7. Page 6, line 13.

Following: "not"

Strike: "administered, controlled, or"

8. Page 6, line 15.

Following: "written"

Strike: "notification"

Insert: "approval"

Following: "by"

Strike: "TO"

Insert: "by"

9. Page 6, lines 17 through 21.

Following: "register" on line 17

Insert: "."

Strike: remainder of line 17 through line 21

10. Page 6, line 22.

Following: "lands"

Strike: "administered, controlled, or"

11. Page 7, line 9.

Following: "hearing."

Insert: "If a hearing is held, it shall be commenced within 30 days after the final date for submission of written objections."

12. Page 7, line 16.

Following: "lands"

Strike: "administered, controlled, or"

(Continued)

13. Page 9, line 4.
Following: "remains"
Insert: "on lands owned by the state"
14. Page 9, line 7.
Following: "remains"
Insert: "on lands owned by the state"
15. Page 9, line 11.
Following: "remains"
Insert: "on lands owned by the state"
16. Page 9, line 23.
Following: "remains"
Insert: "on lands owned by the state"
17. Page 10, line 16.
Following: "approval"
Insert: "for use of land owned by the state"
18. Page 10, line 23.
Following: "REMAINS"
Insert: "that cannot be properly mitigated provided that this section is limited only to heritage properties and paleontological remains which have been located as a part of the environmental impact statement reviews process as described in [section 10]"
19. Page 11, line 2.
Following: "lands"
Strike: "administered, controlled, or"
20. Page 11, line 6.
Following: "remains"
Insert: "on any lands owned by the state"
21. Page 11, line 11.
Following: line 10
Strike: Section 13 in its entirety
Re-number: subsequent sections
22. Page 12, lines 1, 3, and 7.
Following: "sections"
Strike: "3 through 14"
Insert: "6, 12, and 13"
23. Page 12, lines 9 through 13.
Following: line 8
Strike: Section 16 in its entirety
Re-number: subsequent sections

And, as so amended, BE CONCURRED IN

STANDING COMMITTEE REPORT

March 12 19 79

MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 316

Respectfully report as follows: That House Bill No. 316

DO NOT CONCURRED IN

DO NOT CONCURRED IN

J.A.

STANDING COMMITTEE REPORT

March 12, 19 73

MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 634

Respectfully report as follows: That House Bill No. 634

BE CONCURRED IN

DO PASS: J. H.

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

Please note bill no.

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Mr. Lott's Senate	Co. 2 C	44553		X
Sam Nelson	2nd St. & Oakwood	555	X	
Bill H. Rogers	J. H. N. W.	555	X	
Pat Stewart	Alt. Coal Council			
Lim Willows	Williams' Home Agency Fund	617	X	
Sharon Willows	Hungry Home Adv. Pack Board	617	X	
Samuel Bradley	Student Action Center	617	X	
De Bunn Jr		617	X	
VB Christensen		617	X	
Eric H. Benson				
Tolson, Monette	Environment International			
Eric Thompson	1301 S. ...			
John Thompson	United Methodist Church			
Jim D. ...	The ...	555	X	
Bob Davis	Baker ...	555		
William Anderson	...	555		
Opie Krantler	ETC	555		X
Ernest Shurey	Mont Power	555	X	
May Bell	self	617		X
Jim Mockler	Mont. Coal Council	6941		
Bob Hedding	Mt. Word Products Co.	617		X
Joe Crosswhite	Open Engineers - UETA	617		XX
Margaret W. Allen	Self	617		X
Ernie Holliday	Self	617		XX

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

COMMITTEE

VISITORS' REGISTER

DATE _____

(check one)

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

HOUSE BILL NO. 785

INTRODUCED BY DUSSAULT, FASSBENDER, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATED TO ANTIQUITIES; CREATING A PRESERVATION REVIEW BOARD AND AN HISTORIC PRESERVATION OFFICE; PRESCRIBING THE DUTIES OF THE OFFICE AND ITS PRINCIPAL OFFICER; PROVIDING FOR PERMITS; PROVIDING FOR PENALTIES; AND REPEALING SECTIONS 22-3-401 THROUGH 22-3-413, MCA."

WHEREAS, Article IX, section 4, of the Montana constitution requires that the legislature provide for the identification, acquisition, restoration, enhancement, preservation, and administration of historic, archeologic, scientific, and cultural areas, sites, records, and objects and for their use and enjoyment by the people; and

WHEREAS, rapid social and economic development of contemporary society threatens to destroy the remaining vestiges of Montana's rich heritage; and

WHEREAS, it is in the interest of all Montanans that state government provide leadership in historic preservation for the general education, inspiration, pleasure, and enrichment of the people.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Preservation review board. (1) There is a
2 preservation review board within the Montana Historical
3 Society consisting of nine members.

4 (2) Members shall be appointed by the governor in the
5 following manner:

6 (a) five professional persons recognized in the fields
7 of archeology, history, architecture, or architectural
8 history; however, no more than two members may be appointed
9 from any one of these fields;

10 (b) a professional paleontologist;

11 (c) the state liaison officer for the federal land and
12 water conservation fund;

13 (d) two members of the public who have actively
14 demonstrated an interest in historic preservation matters.

15 (3) Each member shall serve a 4-year term. A member
16 may be reappointed.

17 Section 2. Transition period -- appointment of
18 preservation review board members. (1) For the purpose of
19 providing staggered terms, the initial terms of preservation
20 review board members shall be as follows:

21 (a) two members appointed for a 1-year term;

22 (b) two members appointed for 2-year terms;

23 (c) two members appointed for 3-year terms; and

24 (d) three members appointed for 4-year terms.

25 (2) Thereafter, all members of the council shall be

1 appointed for 4-year terms.

2 Section 3. Salary and expenses of board members.
3 Unless he is a full-time salaried officer or employee of
4 this state or of a political subdivision, each member is
5 entitled to be paid \$25 a day for each day in which he is
6 actually and necessarily engaged in board duties and to
7 reimbursement for travel expenses as provided for in
8 2-18-501 through 2-18-503, incurred in the performance of
9 board duties.

10 Section 4. Definitions. As used in [sections 1 through
11 16], unless the context clearly indicates otherwise, the
12 following definitions apply:

13 (1) "Antiquities permit" means the permit granted for
14 exploration or field investigations of heritage properties
15 or paleontological remains provided for in [section 8].

16 (2) "Heritage property" means any district, site,
17 building, structure, or object located upon or beneath the
18 earth or under water that is significant in American
19 history, architecture, archeology, or culture.

20 (3) "Historic preservation office" means the office
21 within the Montana historical society provided for in
22 [section 6].

23 (4) "Historic preservation officer" means the officer
24 provided for in [section 6].

25 (5) "Paleontological remains" means scientifically

1 significant fossilized plants and animals of a geological
2 nature found upon or beneath the earth or under water WHICH
3 ARE RARE AND CRITICAL TO SCIENTIFIC RESEARCH.

4 (6) "Preservation review board" means the board
5 provided for in [section 1].

6 (7) "Register" means the National Register of Historic
7 Places, the official list of the nation's heritage
8 properties worthy of preservation because of national,
9 state, or local significance.

10 (8) "Registered property" means any heritage property
11 listed in the register.

12 (9) "State agency" means any executive agency of the
13 state of Montana.

14 Section 5. Preservation review board -- duties. The
15 preservation review board shall:

16 (1) recommend nominations to the register;

17 (2) approve or disapprove all nominations to the
18 register;

19 (3) approve or disapprove additions to statewide
20 inventories of heritage properties;

21 (4) review the annual work program that recommends
22 preservation goals and grant allocations for the next
23 succeeding fiscal year; and

24 (5) act in an advisory capacity to the historic
25 preservation office and to state agencies.

1 Section 6. Historic preservation office -- duties of
2 historic preservation officer. (1) There is established the
3 historic preservation office within the Montana Historical
4 Society to consist of an historic preservation officer and a
5 qualified professional staff.

6 (2) The historic preservation officer is appointed by
7 the governor.

8 (3) The historic preservation officer has the
9 following duties and responsibilities:

10 (a) follow necessary procedures to qualify the state
11 for money that is now or will be made available under any
12 act of congress of the United States or otherwise for
13 purposes of historic preservation;

14 (b) conduct an ongoing statewide survey to identify
15 and document heritage properties and paleontological
16 remains;

17 (c) maintain a state inventory file of heritage
18 properties and paleontological remains and maintain a
19 repository for all such inventory work done in the state;

20 (d) evaluate and formally nominate potential register
21 properties according to the criteria established by the
22 register;

23 (e) prepare and annually review the state preservation
24 plan, register nominations, and historic preservation grant
25 activity;

(f) maintain, publish, and disseminate information relating to heritage properties and paleontological remains in the state;

(g) cooperate with and assist local, state, and federal government agencies in comprehensive planning that allows for the preservation of heritage properties and paleontological remains;

~~(h) ENTER INTO COOPERATIVE AGREEMENTS WITH THE FEDERAL GOVERNMENT, LOCAL GOVERNMENTS, AND OTHER GOVERNMENTAL ENTITIES OR PRIVATE LANDOWNERS OR THE OWNERS OF OBJECTS TO ENSURE PRESERVATION AND PROTECTION OF REGISTERED PROPERTIES.~~

~~th)(i)~~ any other necessary or appropriate activity permitted by law to carry out and enforce the provisions of [sections 3 through 16].

Section 7. Registration of heritage properties. (1) Any citizen of Montana may submit TO THE HISTORIC PRESERVATION OFFICER FOR HIS CONSIDERATION the necessary forms to nominate heritage properties to the register.

(2) For properties not administered, controlled, or owned by the state, the historic preservation officer may, upon approval by the preservation review board and after written ^{notification by} ~~notification by~~ the landowner, nominate heritage properties to the register, and ~~may enter into cooperative agreements with the federal government, local governments, and other governmental entities or private landowners or the~~

1 owners--of--objects-to-ensure-preservation-and-protection-of
2 registered-properties.

3 (3) For lands administered~~y~~-controlled~~y~~--or owned by
4 the state, the historic preservation officer may, upon
5 approval by the preservation review board, nominate heritage
6 properties to the register. The historic preservation
7 officer shall notify the appropriate state agency and give
8 public notice when any property is being considered for
9 nomination. Unless state agency or public objections are
10 submitted in writing within 30 days after notification, the
11 historic preservation officer shall complete the
12 nominations. When a state agency or any citizen of Montana
13 submits written objections, the historic preservation
14 officer shall consider the objections and may conduct a
15 public hearing. IF A HEARING IS HELD, IT SHALL BE COMMENCED
16 WITHIN 30 DAYS AFTER THE FINAL DATE FOR SUBMISSION OF
17 WRITTEN OBJECTIONS. Within 60 days after submission of the
18 objections or after the public hearing, the historic
19 preservation officer shall make a final decision on the
20 proposed registration and prepare a statement responsive to
21 the objections submitted.

22 Section 8. Issuance of permits. (1) No person may
23 excavate, remove, or restore any heritage property or
24 paleontological remains on lands administered~~y~~-controlled~~y~~
25 or owned by the state without first obtaining an antiquities

1 permit from the historic preservation officer.

2 (2) Antiquities permits are to be granted only after
3 careful consideration of the application for a permit and
4 after consultation with the appropriate state agency.
5 Permits are subject to strict compliance with the following
6 guidelines:

7 (a) Antiquities permits may be granted only for work
8 to be undertaken by reputable museums, universities,
9 colleges, or other historical, scientific, or educational
10 institutions, societies, or persons with a view toward
11 dissemination of knowledge about cultural properties,
12 provided no such permit may be granted unless the historic
13 preservation officer is satisfied that the applicant
14 possesses the necessary qualifications to guarantee the
15 proper excavation of those sites and objects that may add
16 substantially to man's knowledge about Montana and its
17 antiquities.

18 (b) The antiquities permit must specify that a summary
19 report of such investigations, containing relevant maps,
20 documents, drawings, and photographs, be submitted to the
21 historic preservation officer. The historic preservation
22 officer shall determine the appropriate time period
23 allowable between all work undertaken and submission of the
24 summary report.

25 (3) All heritage property and paleontological remains

1 collected under an antiquities permit are the permanent
 2 property of the state and must be deposited in museums or
 3 other institutions within the state or loaned to qualified
 4 institutions outside the state, unless otherwise provided
 5 for in the antiquities permit.

6 (4) An antiquities permit is not a substitution for
 7 any other type of permit that a state agency may require for
 8 other purposes.

9 Section 9. State agency participation. State agencies
 10 shall:

11 (1) adopt policies for the preservation of heritage
 12 properties and paleontological remains, *as they would be* and avoid, whenever
 13 feasible, state actions, or state assisted or licensed
 14 actions that substantially alter heritage properties or
 15 paleontological remains;

16 (2) identify and develop, in consultation with the
 17 historic preservation officer, methods and procedures to
 18 ensure that the identification and protection of heritage
 19 properties and paleontological remains *as land owned by the* is given appropriate
 20 consideration in state agency decisionmaking;

21 (3) deposit in the historic preservation office all
 22 inventory reports, including maps, photographs, and site
 23 forms, of heritage properties and paleontological remains.

24 Section 10. Environmental review process. (1) Each
 25 state agency responsible for the preparation of an

1 environmental impact statement in accordance with the
 2 Montana Environmental Policy Act shall, as a part of its
 3 evaluation and study process, consult with and obtain the
 4 comments of the historic preservation officer concerning the
 5 identification and location of heritage properties and
 6 paleontological remains, ^{as determined by the state} that may be adversely impacted by
 7 the proposed action. PROVIDED, HOWEVER, THAT WHERE THE GRANT
 8 OF AN INTEREST IN STATE LAND REQUIRES THE PREPARATION OF AN
 9 ENVIRONMENTAL IMPACT STATEMENT UNDER THE MONTANA
 10 ENVIRONMENTAL POLICY ACT, THE ENVIRONMENTAL IMPACT STATEMENT
 11 SHALL BE LIMITED TO AN EVALUATION OF THE HERITAGE PROPERTIES
 12 AND PALEONTOLOGICAL REMAINS LOCATED IN, ON, UNDER AND WITHIN
 13 ONLY THE AFFECTED STATE LAND.

14 (2) When heritage properties and paleontological
 15 remains are located and identified as described in
 16 subsection (1), the responsible state agency, in
 17 consultation with the historic preservation officer and the
 18 preservation review board, shall include as part of its
 19 environmental impact statement a plan for the avoidance or
 20 mitigation of damage to heritage properties and
 21 paleontological remains to the greatest extent practicable.
 22 Whenever necessary or appropriate, the state agency may
 23 require an applicant for a lease, permit, license, or other
 24 approval, ^{as determined by the state} to develop an avoidance or mitigation plan in
 25 consultation with the historic preservation officer and the

1 preservation review board.

2 Section 11. Denial of applications. State agencies may
3 deny or approve with conditions any application for an
4 easement, lease, permit, contract, license, or certificate
5 in order to protect registered HERITAGE properties AND
6 PALEONTOLOGICAL REMAINS THAT CANNOT BE PROPERLY MITIGATED
7 PROVIDED THAT THIS SECTION IS LIMITED ONLY TO HERITAGE
8 PROPERTIES AND PALEONTOLOGICAL REMAINS WHICH HAVE BEEN
9 LOCATED AS A PART OF THE ENVIRONMENTAL IMPACT STATEMENT
10 REVIEW PROCESS AS DESCRIBED IN SUBSECTIONS (1) AND (2) OF
11 SECTION 10.

12 Section 12. Report of discovered heritage properties
13 or paleontological remains. Any person conducting
14 activities, including survey, excavation, or construction,
15 who discovers on any lands administered, controlled, or
16 owned by the state any heritage property or paleontological
17 remains as defined in [section 4] or who finds that an
18 operation licensed or otherwise entitled by the state may
19 damage heritage properties or paleontological remains, shall ^{as soon as possible}
20 promptly report to the historic preservation officer the
21 discovery of such findings and shall take all reasonable
22 steps to ensure preservation of the heritage property or
23 paleontological remains.

24 Section 13. Injury, damage, or removal of heritage
25 property and paleontological remains. No person may

1 knowingly---or---purposely---injure---damage---or---remove---any
 2 heritage-property-or-paleontological-remains-on-private-land
 3 without---written---consent---of---the---owner---or---on---lands
 4 administered---controlled---or---owned-by-the-state---without-a
 5 permit-pursuant-to-[section-8].

6 Section 13. Reproduction or sale of heritage property
 7 and paleontological remains. (1) No person may reproduce or
 8 falsely identify any heritage property or paleontological
 9 remains with the intent to sell the property or remains as
 10 an original.

11 (2) No person may sell any heritage property or
 12 paleontological remains with the knowledge that the property
 13 or remains have previously been collected or excavated in
 14 violation of [sections ⁸ ¹² through 14].

15 Section 14. Violation a misdemeanor -- penalty. A
 16 person violating any provision of [sections 3-through-14 ~~8,~~
 17 ~~12, 13, AND 14~~] is guilty of a misdemeanor and upon
 18 conviction shall be fined not more than \$1,000 or be
 19 imprisoned in the county jail for not more than 6 months, or
 20 both. Each day of continued violation of any provision of
 21 [sections 3--through--14 ~~8, 12, 13, AND 14~~] constitutes a
 22 distinct and separate offense.

23 [Section 15. Judicial remedy. The policies, duties, and
 24 procedures of [sections 3 through 14] are enforceable by any
 25 party on application to a district court of the state. The

1 court may grant such relief, including injunctive relief, as
2 it determines appropriate.⁷

3 Section 16. Severability. If a part of this act is
4 invalid, all valid parts that are severable from the invalid
5 part remain in effect. If a part of this act is invalid in
6 one or more of its applications, the part remains in effect
7 in all valid applications that are severable from the
8 invalid applications.

9 Section 17. Repealer. Sections 22-3-401 through
10 22-3-413, MCA, are repealed.

HB 555, Third Reading Copy

1. Title, line 7.

Following: "POWER"

Insert: "AND TO PROVIDE FOR POWER GENERATION AT TOSTON DAM"

Following: "MCA"

Insert: "; PROVIDING AN EFFECTIVE DATE"

2. Page 3, line 16.

Following: line 15

Insert: "Section 3. There is a new MCA section that reads:

Power generation at Toston Dam.

(1) The department shall conduct a study of the economic feasibility of power generation at the Broadwater-Missouri Dam facilities (Toston Dam). This study is to be completed no later than June 30, 1979. If the study shows that power generation is economically feasible, the department shall offer for lease the use of the facilities at Toston Dam for power generation, subject to the requirements of subsection (2).

(2) The facilities, if subject to lease under subsection (1), shall be offered for lease no later than November 1, 1979, and a decision on the lease shall be made no later than February 1, 1980. Preference in granting the lease shall be given to nonprofit corporations. The minimum acceptable lease offer must provide for an annual payment of an amount equal or equivalent to 1 mill per kilowatt hour of power generated and sold."

Renumber: subsequent section

3. Page 3, line 16.

Following: "CODIFICATION."

Strike: "SECTION 2 IS"

Insert: "Sections 2 and 3 are"

4. Page 3, line 19.

Following: "TO"

Strike: "SECTION 2"

Insert: "sections 2 and 3"

5. Page 3, line 20.

Following: line 19

Insert: "Section 5. Effective date. Section 3 is effective on passage and approval of this act."

TESTIMONY

ON

HOUSE BILL NO. 555

By

Wilbur Anderson

Vigilante Electric Cooperative, Inc.

Mr. Chairman, members of this committee. My name is Wilbur Anderson; I am General Manager of Vigilante Electric Cooperative and a Trustee of the Northwest Public Power Association. Vigilante Electric serves in 9 counties in southwestern Montana and into Clark County Idaho.

I would like to tell you a portion of the background and some of the reasons ^{for} ~~is~~ our testimony in favor of House Bill No. 555.

Vigilante, along with 114 other public power systems in the Pacific Northwest, was given a notice of insufficiency by our power supplier ^{Bonneville Power} ~~Vin~~ in June of 1976. This notice said essentially that we cannot provide you with any power for your load growth after July 1, 1983. Our reaction at that time, of course, was to start looking for any alternative methods of receiving power to provide to the farmers and ranchers in southwestern Montana. We discussed a number of alternative sources for power throughout the summer and fall of 1976, and Mr. Berberet, one of our directors for the Toston-Townsend Area, suggested we consider the possibility of generation at Toston Dam where we do have a water and good renewable resource.

In February, 1977, we sent to BPA information on this project, the water flow data, and we received a favorable estimate from

them and the Corps of Engineers for the installation of generation at this project. In June, 1977, we discussed with the Department of Natural Resources the fact that we were planning to try and develop this project. They told us at that time that they would work with us on it. In June, 1977, I also gave and hand delivered to the Department of Natural Resources copies of all of our correspondence with Senator Metcalf, the Bureau of Reclamation, Bonneville Power Administration and the Corps of Engineers relative to the development of this project. I brought this information to Helena and delivered it to their office. They told us at that time also that they would work with us on the project.

I subsequently wrote application which we then sent to the Federal Power Commission in Washington, D.C., applying for a Preliminary Permit to look at the feasibility of this project. We were given a filing date by the Federal Power Commission on September 22, 1977, and they assigned us project no. 2817. We sent in 20 copies of this application and they came back and requested 80 more copies of this. (You can see it is a pretty lengthy document.) The Department still told us they would work with us on the project and not oppose our application.

On February 15, 1978, we had a meeting with the staff and Department of Natural Resources personnel here in Helena. Lt. Gov. Ted Schwinden was there. We asked them once again if they were going to oppose us in our application on this project and they said they would not.

In May of 1978, I had a telephone call from Ted Doney, who was then director of this department, saying that they were not

only intervening in our application to develop this project, but that they were filing their own application on the same project. I asked him what his reason was; he said it was the advice of his chief legal counsel. They could not remember saying that they would not oppose our application.

The Department then sent us a letter on the 25th. of July, 1978, asking that we could meet with them and perhaps explore an agreement between the Department and Vigilante Electric on the Toston Project. We met with the Department on August 16, 1978, and the Department told us that they would develop two or three proposals and would get back to us within 60 to 90 days for a meeting on the project. On September 21, 1978, the Department of Natural Resources sent us a letter advising the project was being offered to a number of electrical systems, including the Montana Power Co. Those companies include Upper Missouri Generation and Transmission Cooperative at Sidney, Ravalli Electric Cooperative at Corvallis, Missoula Electric Cooperative at Missoula, Fergus Electric Cooperative at Lewistown, Central Montana Generation and Transmission Cooperative at Billings, Beartooth Electric Cooperative at Red Lodge, Yellowstone Valley Electric Cooperative at Huntley and the Montana Power Co. at Butte, and also Vigilante Electric.

On November 9, 1978, I sent a letter to the Water Resources Department of the Department of Natural Resources requesting a list of systems receiving this offer and a copy of the responses from these companies. By December 12, I still had not heard any reply so I called their office this date and talked to Mr. Culver in

the Water Resources Department and asked for and did receive this list of systems that did receive copies of this offer. I asked him also about their statement that they were going to work up some proposals and get back with us, and he said he could not remember having said that.

So in January of 1979, we requested that this legislation be introduced to prohibit the State Department of Natural Resources from going into electrical generation.

We, at Vigilante, have a power line going to Toston Dam. It has been there for many years. This project is in our service area. We have 56 miles of transmission line presently. We intend to build 17 more miles this year in 1979, and we will have a total of 73 miles. We presently have 11 substations and we are planning to build two more in 1979. We have a power distribution system of in excess of 2,020 miles. We have customers in this area and throughout southwestern Montana, who irrigate and use this power on their ranches and farms. We would ask your favorable consideration of this bill. We feel that we can develop this project and we can utilize the output of it, if the project should be developed.

This dam was completed in 1940 and has set there as an irrigation diversion only, and we feel that it should be utilized. Thank you, and if there are any questions, I will attempt to answer them.

TESTIMONY

ON

HOUSE BILL NO. 555

By

G. H. Briggs

Vigilante Electric Cooperative, Inc.

I am G. Harold Briggs from Dillon, Montana, and I have served on the Vigilante Electric Board of Directors for 25 years and our purpose has been to furnish to our Co-op members electricity at the very cheapest and least possible cost to them.

After we received notice of insufficiency from our power supplier, this project seemed to be most feasible if we could develop it and deliver power in the same manner to our customers at the very cheapest rate. But what the Board of Natural Resources wanted to do looks like a conflict of interests--they being a regulatory agency wanting to generate this power for a revenue. The error that I see in this is that the energy crisis we are now facing, God only knows, escalates fast enough without putting first on there profit to take care of the maintenance of these dams and then to deliver it to some utilities or some REA's.

And what assurances are there to the State of Montana that they have to make a base suggestion of a \$1 million profit motive and they did not tell how much of it would be used for administration, how much would gradually be lost all the way to the maintenance of that dam. That was not explained.

I operate and have many shares in a dam in southwestern Montana known as the Lima Dam. Thirty years ago, when I acquired the ranch down there, they had a 13¢ minimal cost per share. We have paid that religiously ever since, and today our dam is in first class condition, we perform all maintenance that is required by the State and its engineers, and why didn't this organization do this from the very beginning. But one other thought, this would create an entire new agency as the Board of Water Resources has no expertise in this area. If they would just take the money it would cost to create this new agency and fix and maintain all of the dams, they would not need to generate any electricity.

I, therefore, suggest that the committee give a "do pass" recommendation on this bill.

REPORT ON POTENTIAL HYDROELECTRIC POWER FOR STATE OWNED DAMS

WATER RESOURCES DIVISION
DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

STATE OF MONTANA

TUDOR ENGINEERING COMPANY
SAN FRANCISCO, CALIFORNIA

JANUARY 1978



Re: HB 555

Mr. Chairman and Committee Members:

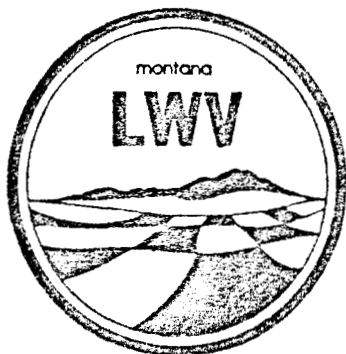
My name is Charlotte Easter. I am here today representing the Environmental Information Center in opposition to HB 555.

EIC is an environmental organization of several thousand members who are concerned with the wise and just use of Montana's natural resources.

These are tight days. At the same time, however, there are things that need to be done. The Army Corps of Engineers is inspecting the 105 dams, both public and private that are in the state, to ascertain whether they could pass the Maximum Flood Test. It is believed that none of the state dams will pass this test of "worst probable" high water. Cooney Dam has been declared unsafe and there is a definite fear of other dams being breached as well. Canals also need repair.

The Department of Natural Resources has been given authority to build small hydroelectric generating plants, which would necessarily entail the repair of dams suitable for generating purposes. It is our understanding that the money to do the necessary repairs would come partly from the counties involved, partly from the federal government, and partly from the state's general fund. It is also our understanding that DNRC plans to build up a reserve fund from the moneys that would accrue from the sale of the electric power from these small generating plants. Additional power is badly needed because of the growing use of large sprinkling systems in irrigation practices. In time, the reserve fund from the small generating plants would be used to help pay for the repairs of state water projects. This would save taxpayer's money because it would ^{eventually} spare a part of the general fund.

Given this premise, we think that it is in the best interests of the state to oppose this bill.



League of Women Voters of Montana

Testimony for HB 555

Feb. 28, 1979

Since there is such an increased demand for energy, we should not eliminate the possibility of using small dams for the production of power. We favor small local power producing units instead of relying on large regional units. Therefore we feel that this power producing option should be left open for the Department of Natural Resources.

Willa Hall

State Natural Resource Chairman

Mr. Chairman, Members of the Committee;

Dist. of Libby

I am Representative Bill Baeth of Libby and I was the main sponsor of HB 617.

We had a rather exciting committee hearing when this bill was in the House because a lot of people who didn't clearly understand the bill showed up to testify that it would prohibit their corporate or private activity; building transmission lines or tearing down picturesque old barns for example. Actually, that couldn't be farther from the truth as this bill does not affect private activity at all, nor does it impose any form of zoning.

This is a good bill. There are no radical steps that would result if this bill was to be passed. There's really nothing to be afraid of in this bill. When we were able to get that across to the House members in second reading debate, we had no trouble getting it passed. The third reading final vote was 64 to 34, quite a show of support.

The Highway Department would not be locked into building a two lane road in a scenic corridor if this bill passes, but they would have to show why they felt they needed a four lane and they're not too used to having to do this. Basically HB 617 is just a bill to help the tourist industry businesses in these areas. Since many of you are businessmen yourselves, I hope you will understand what it is they want, and give this bill a do pass recommendation.

Thank you.

HB 617 Montana Scenic
Resources Act

Rep. Bill Baeth, sponsor

STATEMENT OF INTENT

HB 617 creates a mechanism for the nomination and designation of scenic corridors; areas which possess special scenic, cultural, historic or other values worthy of recognition. HB 617 creates no new permit programs or land use controls of any kind. The purpose of the bill is simply to encourage the recognition of the special scenic values of appropriate areas, and to encourage state agencies and individuals to give added consideration to those values in planning and decision making.

NO CONTROLS ON PRIVATE DEVELOPMENT

If a private landowner wishes to engage in activity on private land within a designated area, and such activity does not require a permit under any other state law, then HB 617 would have no effect whatsoever on such activity. If a permit is required under some other statute (e.g. the Sanitation in the Subdivision Act) the applicant would be encouraged by the relevant state agency to include mitigative measures in his activities. HB 617 imposes no mandatory requirements.

NO IMPEDIMENT OF STATE AGENCY ACTIVITY

If a state agency wishes to conduct a project in a designated scenic corridor, HB 617 would require the agency to consider the effects of the project on the scenic quality of the area, and consider all practicable mitigative measures in order to minimize adverse impacts. Nothing in HB 617 would prevent the agency from carrying out the project after due consideration is given to such impacts. Nothing in HB 617 would prevent the construction of 4-lane highways which are necessary for highway safety.

HB 617 WILL...

HB 617 will increase tourist activity by allowing businesses nationally advertise their state-recognized scenic corridor a tourist attraction.

HB 617 will provide for the revocation of the designated corridor if the area experiences significant changes in scenic, historic or cultural characteristics that prompted its designation.

HB 617 will allow one of the conditions for designation to be existence of an interesting variety of land use activity.

HB 617 will encourage the Highway Department to apply for Federal Highway Beautification Act funds for the construction of bicycle paths, footpaths, roadside rest and recreation facilities, and the acquiring of scenic easements. Scenic easement funds could be used to purchase standing billboards if the owners of the property agreed to sell.

HB 617 will require state agency activities to be carried in such a way as to consider the adverse impacts on the scenic qualities of the corridor, and encourage permit applicants for private activities to do the same.

HB 617 will stimulate the local businesses related to tourism in small canyon communities by encouraging tourists to stop and enjoy the recreation and rest facilities, and also recognize the businesses in the vicinity.

WHY IS THERE NO FISCAL NOTE ON HB 617 ?

HB 617 does not need any new administrative structure or personnel. All procedures for designation are administered by the Dept. of Natural Resources, Board of Natural Resources and Highway Commission.

WILL HB 617 PROHIBIT MINING OR THE BUILDING OF TRANSMISSION OR PIPELINES?

No, HB 617 will not prohibit mining or the building of transmission lines or pipelines.

HB 617 WON'T...

HB 617 will not prohibit billboards or the construction of billboards.

HB 617 will not require the Highway Department to build a roadway of any specific size. When planning a new roadway the bill would ask that the Highway Department consider moderate speed limits and modified 2-lane roadway size. However, the Highway Department can proceed with whatever plans they feel are necessary if those plans are based on safety considerations.

HB 617 will not restrict timber harvesting within the area of a scenic corridor.

On Federal Lands: this bill does not affect the present process used by the Forest Service to let timber sales.

On Private Lands: this bill does not interfere with present timber harvesting on private lands.

On State Lands: The Montana Environmental Policy Act already requires consideration of the scenic aspects of any area where a timber sale is being let. HB does not mandate any new timber harvesting practice for areas that are visually contiguous to a highway.

HB 617 will not impose land use controls or any form of zoning on a designated area, but simply encourages all parties to recognize the special scenic character of the area in their planning and development activities.

Q: WHAT PERMITS NEED TO BE APPLIED FOR IN ORDER TO BEGIN DEVELOPMENT ACTIVITY IN A DESIGNATED CORRIDOR?

A: No permits need to be applied for in order to begin development activity. The only permits required for development are those (if any) already required under other statutes of Montana or local law.

Q: WILL HB 617 REQUIRE THAT A 2-LANE ROADWAY BE BUILT IN AN UNSAFE AREA?

A: No. HB 617 allows the Highway Department to construct whatever size roadway it can justify on safety considerations.



HUNGRY HORSE

MONTANA 59019

March 12, 1979

RE: Support of HB 617

Dear Chairman and Committee Members:

Since time is at a premium, and in order to expedite communication, I would like to request that those testifying maintain proper references and stick to the issues at hand. We realized at our House Committee hearing that there were many misunderstandings and arguments expressed lacked foundation. A fact sheet has been provided to all parties in hopes that testimonies will be cleared of inaccuracies. I want to take this opportunity to address these following misunderstandings about HB 617.

The State Chamber of Commerce has claimed HB 617 is too vague. HB 617 was not meant to have any specific teeth. The purpose of this bill is simply to encourage the State's recognition of special scenic values along tourist routes. HB 617 has to be general because it recognizes a variety of possible designations throughout the State and therefore cannot specifically designate any particular corridor. Also, may I stress, this bill will not restrict private activity such as mining, utility lines, or even the reconstruction of barns considered scenic, for example.

Scenic Corridors will not happen if the people of an area do not want it. The Board of Natural Resources naturally won't approve a designation opposed by the people at a public hearing. The crux of this bill is its provision for voluntary public participation, and it gives the people the opportunity to initiate/and/or become involved in a designation.

To alleviate concerns of the Mont. Stockgrowers and Mt. Woolgrowers, HB 617 pertains explicitly to existing or proposed transportation corridors (Re: ln. 22-23 p.1), and does not involve or encourage roadbuilding in roadless or undeveloped or private areas.

The Highway Department contends this bill is duplicative of processes within their existing Action Plan. HB 617 actually strengthens an existing weakness in the Highway Dept.'s Action Plan by providing for additional direct nomination of scenic corridors by the public, local government, and the Dept. of Natural Resources. Therefore, HB 617 is not duplicative because now the DNR has the ability to make direct nomination, whereas they presently play an inadequate advisory role.

May I point out to you from our research on the Scenic Roads and Parkways Study prepared by the Presidents Council on Recreation and Natural Beauty by US Dept. of Commerce: The US Dept of Commerce indicated in 1966 that cash returns from 24 tourists per day benefit community as much as a factory with an annual payroll of \$100,000. Also this fact: A Scenic Highway with its slower speed design and appealing facilities for relaxation and picnicing induce calm to the body and spirit. **Please note the many businesses who have written to your committee in support of HB 617.

Sincerely, *[Signature]* Sec. Treas.

Mr. Chairman and Members
Senate Natural Resources Committee

My name is Vic Benson, Jr., Gallatin Gateway. I appear in support of House Bill 617, the Scenic Resources Act. I operate a dude ranch in the Gallatin canyon, started by my parents in 1925 and have been a member of the canyon community through most of the years since 1926.

Through the years we have experienced some tramatic experiences in the Gallatin area and have been, in many cases, unable to find forum to which we could address our concerns. We feel this legislation would encourage State agencies to give consideration when local residents have input in areas that are of concern to their local community when planning and decision making process is in progress.

As an example in the late 1950's during the reconstruction of U.S. 191 through the Gallatin canyon we found absolute frustration with bureacratic run around in trying to find a responsible agency that would give a hearing to our factual and sincere concerns. Our failure resulted in a loss of 55% of the fish reproduction capacity in the upper Gallatin, today, 20 years later we still suffer general financial loss from the unnecessary destruction of fishery.

The Gallatin canyon historically has depended on recreation as the principa income to the area. Dating back to the 1880's when paying guests first visited the Gallatin, one being Teddy Roosevelt on a hunting trip in the fall of 1888, you can trace this activity to the present day when now third generations are in this same business, continuing an occupation that is of direct financial benefit to the entire State.

We do hold hope that passage of this legislation would afford recognition to certain proper designated corridors that need the special attention between those living and familiar with an area and the State agency that too often is remote and removed from being objective.

It is our understanding that this legislation in no way creates any additional board or commission or is there any necessary need for additional State personnel. It also is very clear there is no attempt to impose any land use control or obligate private development or activity. But we do hope this can serve as a vehicle to identify special scenic values in places when this is of importance.

Thank you for this opportunity to sincerely solicit your approval of H.B. 617.

Chairman

Willows

Willows Honeyberry Farm

Senate Natural Resources Committee
Montana State Legislature
Capitol Station
Helena, MT, 59601

HUNGRY HORSE, MONTANA

"WILDWOOD DELICACIES"

From the Mountains
Near Glacier National Park

Mr. Chairman and Members of the Committee,

Mar. 12, 1979

I am Jim Willows; farmer, carpenter, and tourist businessman. I farmed for ten years at Fairfield, Montana, near Great Falls and was a member of the Montana Stockgrowers Association. I helped build the Hungry Horse Dam and the Anaconda Aluminum Plant and have since been a tourist businessman in Hungry Horse, near Glacier National Park. My family owns Willows Honeyberry Farm; Restaurant, Bakery, Gift Shop, and Cannery for Wild Jams and Jellies. Since 85% of my income is from summer tourist business, you can easily see how important tourism is for me. After 20 years in the tourist business, I have a fair idea of what tourists are coming to Montana for.

Have any of you been to British Columbia, Alberta, or Saskatchewan lately? If so, you would have easily seen that:

1. They are far out-competing Montana for the tourist dollar.
2. While we are here talking, the basic concepts of HB 617 are already at work for their tourist industry; helping them to advertise, promote, and show more creative imagination in attracting tourists to their provinces. It would be an asset and a boon to the tourist industry in Montana if our businesses could advertise the State Recognition of their area.

Now I think that I speak your language and understand how you possibly feel that these are trying and cautious times for us all. And they are! I know that the tourist business is in for hard times in the years ahead so we can not stand by and let Canada win over most of the tourist dollars! The tourist business is too important for Montana for us to do that. We hope you will help us continue to be competitive with Canada.

We need HB 617. I have read it very carefully. This is a sound bill.

We hope you will help us.

Thank you

Jim Willows
Willows Honeyberry Farm

Willows
Honeyberry Farm

Box 421, White Sulphur Springs
Montana 59645

March 11, 1979

HOUSE BILL #617
Montana Scenic Resources Act

According to Section 2, "Scenic Corridors" are defined as unlimited areas of land which contain or lie along "Transportation Corridors". Transportation Corridors are any existing or proposed roads; there is no distinction between public or private land.

This bill has the now familiar thrust of attempting to break down rural property rights for the benefit of the urban dweller.

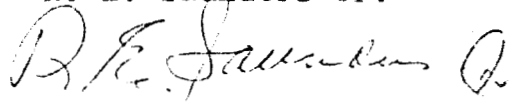
How would the private land owner be compensated for the confiscation of his land?

This bill is in conflict with basic property rights and not at all consistent with the unfortunate policy of closing existing scenic roads on public lands, as appears to be the policy of the Forest Service.

I believe that efforts such as this proposal be directed toward public lands and the curtailment, not expansion, of government costs and bureaucratic empires.

This bill should be defeated.

R. E. Saunders Jr.



Chairman Cockle and Committee Members:

I'm Virge Holliday. My husband, myself, and children own and operate a cattle ranch on the Shields River, tributary of the Yellowstone River, in Park County.

Our ranch has an existing transportation corridor, better known as a road, that goes right past. It also has scenic, historic, and cultural qualities -- puddles of water, geology galore, outstanding scenery, and all the other goodies the Wild Rivers bills and Areas of Critical Concern and others promise. The one thing I have trouble with is the 'pastoral' scene. Maybe England, or even back East, but MONTANA? It's not a native word here, but I'm sure we have such scenes, maybe breathing life into a new born calf or some such.

Shields bill wants to get rid of hills and, well, some, & gravel pits, & the roads to be paved, & the hills to be leveled.
You know, I can't really get really serious about such a bill as this HB617. It has such fascinating possibilities. We have a longhorn bull that could stir up some land use activity such as foot racing. Then what if our Dept. of Agriculture had power as the Dept. of Natural Resources and could designate a sort of food production corridor. Maybe we could have hearings and help them decide, as in the wildernesses, what people could enjoy and use our product, food, that is, who could eat and who couldn't. There's lots of possibilities.

Who can designate scenic corridors? The Dept. of Nat. Resources can designate for designation. You all know how understanding, generous, sympathetic they've been to ranchers on land and water. The highway commission could also be expected to put agriculture first, I'm sure.

And the nitty gritty: petition of 10% or 250 registered voters in the county or counties of designation, whichever is available. If we strung this out clear to Billings, where other bills like this have originated, there must easily be 250. Why, in our county alone there has to be 5000 environmentalists snapping at our heels all the time. They often own a few acres and sometimes even wear two hats and own a ranch so 25 landowners could be found to petition for this land grab. If the designation fails (h, ha) after the hearing is published for 2 whole weeks, it can be brought up every six months. Talk about a stacked deck!

Then there's these vacationers and tourists. Can this be the IURIC, that's supposed to have access to all water, all public land and private land if they can get it? Surely it can't be the same public you people in town lock all cars, houses, and businesses to protect yourself from, even though you're just a few minutes from police and fire protection, hospitals, and helpful neighbors.

We, too, have a phone, and if it works - often it doesn't - and IF I can get the other sabby women off (it's a party line of six to eight) we could get the sheriff here within an hour, faster if he disobeys the federal speed limit. We could bleed a lot in an hour and whoever did it could be at least 55 miles in the other direction.

There's investment too. Many ranchers and their banks, have up to half a million investment against \$3000 to \$400,000 for many in town.

We've got a beautiful view of the mountains from our ranch.

extend this bill alone?

Now, what kind of thoughtless, selfish monsters would turn all this mischief loose on us? Well, their names are on this bill. I won't read them because they also value their lives and their privacy as we do, I'm sure. And here's 64 members of the house who voted for this bill to pass. I won't read them either because they value their voters -- and I hope the voters remember them.

You know I oppose this bill from beginning to end. Please kill it. Thank you.

Virge Holliday
Rte 2
Willsall, NT 59086

MARCH 12, 1979

TO: SENATE NATURAL RESOURCES COMMITTEE

FROM: MARJ BELL, NORTHWEST OF HELENA

TO ME.... HB 617 IS THE MOST DISTURBING BILL IN THE 46TH SESSION OF THE MONTANA LEGISLATURE.

THIS BILL IS ANOTHER ENCROACHMENT ON PRIVATE PROPERTY RIGHTS -- THE VERY RIGHTS UPON WHICH THIS GREAT COUNTRY OF OURS WAS FOUNDED.

MANY A MONTANAN HAS SPENT HIS LIFE'S SAVINGS TO ACQUIRE A LITTLE BIT OF GOD'S GREEN EARTH FOR HIS VERY OWN. THIS BILL WOULD ALLOW THE DNR, THE HI-WAY COMMISSION OR THE LOCAL GOVERNING BODY BY ORDINANCE OR RESOLUTION ... TO NOMINATE AN AREA THAT WILL REQUIRE YOU TO SHARE YOUR PROPERTY WITH TOURISTS AND VACATIONERS.

THESE "ROADSIDE REST AND RECREATION AREAS" AND "SCENIC EASEMENTS" THEY SPEAK OF IN THE BILL ... MEAN THAT THEY WANT A CHUNK OF PRIVATE LAND (YOUR LAND) FOR THE "PRESERVATION AND ENHANCEMENT OF SCENIC BEAUTY" ADJACENT TO THE ROADS. YOU WANTED THAT TOO... THAT'S WHY YOU BOUGHT IT.

CAR OWNERS PAY TAXES FOR USE OF THE ROADS IN MONTANA.. THIS BILL DIRECTS THE HI-WAY COMMISSION TO ACQUIRE FUNDS UNDER THE FEDERAL AID HIGHWAY ACT OF 1978 (PUBLIC LAW 95-599-) FOR DEVELOPING BICYCLE PATHS AND PEDESTRIAN WALKWAYS ADJACENT TO THESE HIGHWAYS. I FOUND NO MENTION OF BICYCLE TAXES. WE DON'T EVEN HAVE SIDEWALKS MOST PLACES IN HELENA AND SCHOOLCHILDREN MUST WALK IN THE STREET. WE NEED TO LOOK AT OUR PRIORITIES!

THIS IS DISCRIMINATORY LEGISLATION. IT IS "SPECIAL INTEREST" LEGISLATION FOR THE "HAVE-NOTS".. AT THE EXPENSE OF MONTANA LANDOWNERS.

THE INDIANS AROUND HERE USED TO SUNKER IN MY HAYFIELD... AND THE COUNTY ROAD RUNS RIGHT BY OUR HOUSE.

BUT I DON'T WANT THE PUBLIC PICNICING IN MY HAYFIELD... JUST BECAUSE OF ITS CULTURAL HISTORY.

PART OF OUR RANCH WAS AN HISTORICAL PLACER CLAIM ALSO. THE VACATIONERS AND TOURISTS WOULD LIKE THAT TOO!!

I URGE A "DO NOT PASS" BY THIS COMMITTEE ON HB 617.

Mary Bell

*As policy chairman for the Northern Humboldt
I testify to their opposition to HB 617 and
Mary Bell*

Jay Whitney
1621 Hauser
Helena, Montana 59601

March 12, 1979

Senator Harold Dover
Senate Natural Resources Committee
Capitol Building
Helena, Montana 59601

Dear Senator Dover:

The time available for my testimony on House Bill 0617 was very limited. Therefore, I am submitting a short written testimony for your consideration.

I am a private citizen representing no special interests. For reasons given on the attached sheet, I respectfully request that you give House Bill 0167 a "DO NOT PASS" recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Jay Whitney".

Jay Whitney, Architect

JW:lp

Encl.

WRITTEN TESTIMONY OPPOSING HOUSE BILL 0617

MARCH 12, 1979

46TH LEGISLATURE

1. The Bill gives no definition of a transportation corridor. The term "transportation corridor" could be interpreted as little more than a foot path giving most any access across private land a designation of "scenic corridor".
2. Once a piece of property is nominated, the Bill allows the Board of Natural Resources to designate it a scenic corridor without recourse by the property owner.
3. There is no limitation of the width or extent of designation of scenic corridor. It could conceivably take in an entire ownership.
4. Once a piece of property is designated a scenic corridor the Board would have the prerogative to administer the corridor "as it considers appropriate to carry out the purposes of the act" (Line 22, page 8). For example, in the case of an owner of timber land who is not allowed to cut his timber because it is scenic. This could amount to little more than confiscation of his property without reimbursement.

Department of Natural Resources and Conservation's Proposed
Amendments to House Bill No. 842-Amendments to Introduced Bill

- (1) Title, line 5.
Following: line 4
Strike: "REALLOCATION AND APPROPRIATION OF"
Insert: "BOARD OF NATURAL RESOURCES AND CONSERVATION
TO REALLOCATE FOR MUNICIPAL OR AGRICULTURAL PURPOSES"
- (2) Title: lines 6 through 9
Following: "MAINTAINING"
Strike: "IN STREAM"
Insert: "A MINIMUM"
Following: "FLOW"
Strike: "IN THE YELLOWSTONE RIVER WHENEVER THE BOARD
OF NATURAL RESOURCES AND CONSERVATION DETERMINES
THAT THE RESERVATION IS NOT REQUIRED"
Following: "SECTION"
Strike: "85-2-605"
Insert: "85-2-316"
- (3) Page 1, line 13 through line 4 on page 2.
Following: line 12
Strike: Section 1 in its entirety
Insert: "Section 1. 85-2-316. Reservation of waters.
 - (1) The state or any political subdivision or agency thereof or the United States or agency thereof may apply to the board to reserve waters for existing or future beneficial uses or to maintain a minimum flow, level, or quality of water throughout the year or at such periods or for such lengths of time as the board designates.
 - (2) Upon receiving an application, the department shall proceed in accordance with 85-2-307 through 85-2-309. After the hearing provided in 85-2-309, the board shall decide whether to reserve the water for the applicant. The department's costs of giving notice, holding the hearing, conducting investigations, and making records incurred in acting upon the application to reserve water, except the cost of salaries of the department's personnel, shall be paid by the applicant.
 - (3) The board may not adopt an order reserving water unless the applicant establishes to the satisfaction of the board:
 - (a) The purpose of the reservation;
 - (b) The need for the reservation;
 - (c) The amount of water necessary for the purpose of the reservation;

(d) That the reservation is in the public interest.

(4) If the purpose of the reservation requires construction of a storage or diversion facility, the applicant shall establish to the satisfaction of the board that there will be progress toward completion of the facility and accomplishment of the purpose with reasonable diligence in accordance with an established plan.

(5) After the adoption of an order reserving waters, the department may reject an application and refuse a permit for the appropriation of reserved waters or may, with the approval of the board, issue the permit subject to such terms and conditions it considers necessary for the protection of the objectives of the reservation.

(6) A reservation under this section shall date from the date the order reserving the water is adopted by the board and shall not adversely affect any rights in existence at that time.

(7) The board shall, periodically but at least once every ten years, review existing reservations to insure that the objectives of the reservation are being met. Where the objectives of the reservation are not being met, the board may extend, revoke or modify the reservation.

(8) The board may modify an existing or future order originally adopted to reserve water for the purpose of maintaining a minimum flow, so as to reallocate such reservation or portion thereof to a qualified municipal or agricultural applicant, to be used for a municipal or agricultural purpose. Reallocation of reserved water may be made by the board ~~as~~ ~~the~~ following notice and hearing wherein the board finds that need for the reallocation has been shown by the applicant to outweigh the need shown by the original reservant. Reallocation of reserved water shall not adversely affect the priority date of the reservation, and the reservation shall retain its priority date despite reallocation to a different entity for a different use.

Thomas L. Judge, Governor

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

MEMBERS OF THE BOARD - CHAIRMAN CECIL WEEDING, J. VIOLA HERAK, Gordon Holte,
DR. WILSON F. CLARK, DR. ROY E. HUFFMAN, WILLIAM H. BERTSCHE, CHARLES L. HASH

DNR
Ted J. Doney, Director

The Board of Natural Resources completed its decision making process on the Yellowstone Water Reservations Case on December 15, 1978. In reaching those decisions, the Board recognized that the review processes specified by the law would allow the modification of diversionary reservations after due presentation of information and due consideration by the Board. The present law does not make clear that in-stream reservations also could be modified. The Board feels that there should be a legislative directive that clearly permits the Board to modify in-stream reservations, and reallocate portions thereof for irrigation or municipal purposes but without any changes of priority dates, after proper notice, hearings, and consideration, should it become evident that through re-examination or through new data that the in-stream reservation may need adjustment.

Resolution, passed by the State Board of Natural Resources, February 23, 1979.

BOARD OF NATURAL RESOURCES AND CONSERVATION

Cecil Weeding
CECIL WEEDING, CHAIRMAN

J. Viola Herak
MRS. J. VIOLA HERAK

Charles L. Hash
CHARLES L. HASH

Wm H. Bertsche
WILLIAM H. BERTSCHE

Roy E. Huffman
DR. ROY E. HUFFMAN

Gordon Holte
GORDON HOLTE

Wilson F. Clark
DR. WILSON F. CLARK

*At Council
MUDA*

(VIII) The Board shall limit any in-stream reservations awarded at any point on any stream to a maximum of the historic low flow as determined by the Department at that point on the stream.

(IX) The Board shall not award any reservation on any stream until the existing water rights on that stream have been adjudicated by the Courts in accordance with the provisions of the Montana Water Use Act.

(X) The Board shall assign the following order of priorities to reservations awarded for the following uses:

- (a) Municipal and domestic use;
- (b) Agriculture and stock water;
- (c) In-stream uses.

(XI) Any person seeking to use water reserved to a conservation district shall apply to the Department for a Beneficial Water Use Permit covering the use of that water. The Department shall maintain records of permits issued for waters reserved to conservation districts and be responsible for rendering all technical and administrative assistance in the processing of such applications for the conservation districts. The conservation district must concur with the Department's action on any application for a permit covering waters reserved to the district.

(XII) The provisions of this act apply to existing, as well as future, reservations of water of the state of Montana.

Un-necessary

House Bill No. 842

Amendment proposed:

Insert new subsection (3) following line 9, page 2, the following:

"(3) Nothing contained herein shall serve to vest in the board the authority to alter a water right that is not a reservation."

Suggested by:

M. L. Toigen

Montana Stockgrowers Assn.

March 7

Dear (Senator):

Since Galt's bill (SB 464) has been tabled, probably with the idea that it is not needed with the introduction of HB 842, I thought you should know how I feel about the subject.

First, the whole idea of water reservations as a form of water right is contrary to the idea of "putting water to beneficial use." Either the right is needed now (and should be issued) or it isn't. Prior to the "reservation" concept those who needed water for a beneficial use applied for a "right" and if it were issued they had a "property right." Any subsequent uses who needed that same water would have to purchase or otherwise acquire that "right." Also, I believe it was understood that if the water could not be continued to be used for the purpose for which the "right" was issued that it was to be left in the stream and thus made available to subsequent users. The "reservation" concept knocked the previous system (which had worked quite well for nearly a century) askew. The difficulties of that disruption should be quite obvious to anyone who has followed the hearings on the attempts (so far unsuccessful) to arrive at a set of "reserved rights" on the waters of the Yellowstone River. Even if some agreement can be reached, which seems unlikely, in view of the uncertainty of both Federal and Indian rights; what will the "owner" of the "right" have except a piece of paper purporting that some portion of the water has been "reserved" for a stated use. What happens if no actual "use" of the water develops or can be legally defended. Obviously, some subsequent users should have the opportunity to gain a "right" to use that "reserved" water. Otherwise it continues to flow, unused, to downstream states.

While Galt's bill to eliminate "reservations" may seem like strong medicine it is sometimes better to take the medicine needed to cure the problem rather than accept the poor palliative (HB 842). If, as some claim, a "reservation" is a water right then HB 842 is not needed since a water right can always be subsequently acquired "for a higher beneficial use." Further HB 842 would only set the stage for another round of hearings and litigation whenever a change in a "reserved right" were attempted -- and why not wait to pass such a bill when it is actually needed -- or are we now admitting that the amounts proposed for "reservations" for "minimum flow, level or quality . . ." may be in error and therefore we need a process for ". . . reallocation and subsequent appropriation . . ."?.

The precedent that would be established if a "reserved" right were issued, stayed in effect for a number of years, and then was suggested for reallocation, would be difficult to break through. Either the water is needed now -- and should be left in that use until conditions change -- or it isn't. Is anyone suggesting that fish can get by with less sometime in the future -- or do we plan to put more water in the Yellowstone -- sometime? A "minimum" flow should be just that -- a minimum -- not some amount that can be "reallocated" later to a "higher beneficial use." And we should remember that, on the Yellowstone in particular, mother nature has her own ideas on what "minimum" flows might be. Man can meddle with mother nature but in this case only with water storage or interbasin transfers or both.

Looking at the problem the "reservations" have caused on the Yellowstone, do we really want to believe we should pass HB 842 so we can start the process statewide naively innocent in our assurance that we can change the "reservations" anytime we want.

Frank Schladern

March 9, 1979

Senator George Raskie
Senate Natural Resources Committee
Helena, Montana 59601

Re: Bill 694- (Do not pass)

Dear Sir -

Many people in Wibaux
County are differently opposed
to Bill 694 as written.
We feel this bill is too
restrictive.

I strongly urge you
to vote **DO NOT PASS**
on this issue.

Sincerely

Orlando Clal

Box 631

Wibaux, Mt. 59353

March 9, 1979

Senator George Roskie
Senate Natural Resources Committee
Helena, Montana 59601

Re: Bill 694-----Introduced by Willie Day (Do Not Pass)

Dear Senator Roskie:

We, people of Wibaux County are in opposition to bill 694. The Bill is too restrictive and does not meet the Yellowstone River Compact.

For the reasons above please do not pass bill 694.

Thank you.

Simon Hogg - Box 353 - Wibaux, Mont 59353
Arline Bonner - Box 411 - Wibaux, Mont 59353
Ray L. Galt - Box 268 - Wibaux, Mont 59353
Paul Barthel - Box 265 - " " " "
Robert M. Larson - " " " "
Jerry Frye - Rt. 1 - Wibaux, Mont
Norm Christensen - Box 684 - " " " "
B. W. Kemerion - Box 313 - " " " "
Raymond M. Stubbard - Box 356 - " " " "

March 9, 1979

Senator George Roskie, Chairman
Senate Natural Resources Committee
Helena, Montana 59601

Subject: Bill 694 Do Not Pass

Dear Senator Roskie:

People in Wibaux County Coal County
are in opposition to bill 694. The
bill is too restrictive as written and does
not meet the Yellowstone River Compact.

Because of the above reasons please
Do Not Pass bill 694.

Thankyou.

Sincerely,
Joni Carter
Box 515
Wibaux, Mt. 59353

NAME: William Andersen DATE: 3-10-79

ADDRESS: 225 E Broadway St. Duluth, Minn.

PHONE: 683-2327

REPRESENTING WHOM? Vigilante Electric Co.

APPEARING ON WHICH PROPOSAL: H.B. 555

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Testimony presented to Comm. Hec

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Eric Burdick DATE: March 14 1979

ADDRESS: Tosco, Inc.

PHONE: 766-3617

REPRESENTING WHOM? Virginia E. P.

APPEARING ON WHICH PROPOSAL: HB 5435

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: SILL, ALBERT DATE: 12/1/67

ADDRESS: 771 28X 44-25 101-1-30 101-

PHONE: 284-1667

REPRESENTING WHOM? *As American War against Communism*

APPEARING ON WHICH PROPOSAL: *11/15/57*

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bob Davis DATE: 3-12-79

ADDRESS: Townsend, 1114 N 4

PHONE: 266-5786

REPRESENTING WHOM? Broadwater M... Water Co.

APPEARING ON WHICH PROPOSAL: H.B. 250

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: 7ed J. Davis DATE: 2/12/07

ADDRESS: 32 S. Gowing, Helena

PHONE: 444-5272

REPRESENTING WHOM? State D/KC

APPEARING ON WHICH PROPOSAL: A.E. 333

DO YOU: SUPPORT: _____ AMEND: _____ OPPOSE: _____

CONFIDENTIAL

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE: 12-22-54

ADDRESS: 1608 34th St. New York

PHONE: _____

REPRESENTING WHOM? ()

APPEARING ON WHICH PROPOSAL: *70-115*

DO YOU: SUPPORT? AMEND? OPPOSE? ☒

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Will Hall

DATE:

3/12

ADDRESS:

1502 Peosta

PHONE:

442 7495

REPRESENTING WHOM?

League of Women Voters

APPEARING ON WHICH PROPOSAL:

HR 555

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ad. Wm R Boehl, Jr DATE: 3/2/20

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: Spencer HB 617

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sharon L. Willows DATE: Mar. 12, 1977

ADDRESS: Box 422 - Hungry Horse, Mt. 59919

PHONE: _____

REPRESENTING WHOM? Hungry Horse Advisory Park Board

APPEARING ON WHICH PROPOSAL: HB 617

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

COMMENTS: Re: written testimony submitted to
Secretary of Committee

This bill will not restrict private
activity such as mining, utility lines, et

Purpose of bill is simply to
encourage the State's recognition
of special scenic values along
tourist travelled routes.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W. E. BENTON JR. DATE: 5/12/77

ADDRESS: Covered Wagon Road, Benton, Ark.

PHONE: 978-4237

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: F B 6-7

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: STEVE ROBINSON DATE: 3/12

ADDRESS: 45 West 100th St. New York

PHONE: 413-5653

REPRESENTING WHOM? Coalition of Laborers' Organizations

APPEARING ON WHICH PROPOSAL: FB 677

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Collins DATE: March 14, 79

ADDRESS: Box 700, Hamlet, N.C. 27849

PHONE: 327-5364

REPRESENTING WHOM? Central Home, Inc.

APPEARING ON WHICH PROPOSAL: HE 64

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Submitted letter regarding

the Community Center for the Blind

in Hamlet, N.C.

to the Committee

for the purpose of

the purpose of

the purpose of

the purpose of

the purpose of

the purpose of

the purpose of

the purpose of

the purpose of

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ADDRESS: 127 W. 25th St.

REPRESENTING WHOM? Beatrice Thompson - W.F.A.

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Margaret W. Allen DATE: 3/2/79

ADDRESS: Box 268 Livingston Ark 71454

PHONE: 333-4315

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 617

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: HB 617 would give the livestock industry
in restricting land use, exposure to terrorism
is contradictory in its concept.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: R. E. SANDERS JR DATE: 3/12/77

ADDRESS: Box 42, 1055 West 15th St

PHONE: 547-3590

REPRESENTING WHOM? Wichita Co. Public Works

APPEARING ON WHICH PROPOSAL: 143 6-17

DO YOU: SUPPORT? ☐ AMEND? ☐ OPPOSE? ☒

COMMENTS: Continued

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Vince Halliday DATE: March 12, 1979

ADDRESS: Rte 2, Wilcox

PHONE: 578-2349

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: HB 617

DO YOU: SUPPORT? AMEND? OPPOSE? ✓✓

COMMENTS: Gross infringement of private property

rights - bill all inclusive but still

vague how property or scenic easement

to be acquired. What's the cost?

Very stacked deck, unfair.

Tourism is fifth in importance in

Mont. Dix industry. Agriculture is first.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gordon Lubben DATE: 3-15-95

ADDRESS: Three Lakes

PHONE: 285-6719

REPRESENTING WHOM? Agriculture Experiment Station, Ohio

APPEARING ON WHICH PROPOSAL: HR 1-17

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ticket Thompson DATE: 3-12-77

ADDRESS: Pyrites Mt

PHONE: 932-2551

REPRESENTING WHOM? None

APPEARING ON WHICH PROPOSAL: H.B. 617

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

COMMENTS: _____

*I feel that all counties
for the purpose of the bill
the bill is proposed to be passed
by you.*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Charlie Pearson DATE: 2/1/68

ADDRESS: Box 945, Langston, Oklahoma

PHONE: 222-3707

REPRESENTING WHOM? Hyland Lumber Co

APPEARING ON WHICH PROPOSAL: #17 194 942

DO YOU: SUPPORT? ~~YES~~ AMEND? ~~YES~~ OPPOSE? ~~YES~~

COMMENTS: I am opposed to #17 because that

\$ at the FARE to go out of land

without proper compensation to the landowner

or allowing the landowner the option

to buy or sell. There are a threat

in the way of gaining access through private

existing channels.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Barbara K. Van Allen

DATE:

5/12/79

ADDRESS:

Big Timber, Mont

PHONE:

537-4464

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

NR 617

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

L

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bob Harding DATE: 11-1-59

ADDRESS: 1011 1/2 1st St. N. W.

PHONE: HA 3-2100

REPRESENTING WHOM? Wm. and Helen R. R. R.

APPEARING ON WHICH PROPOSAL: H. F. 1157

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Peter Jackson DATE: 2-12-79

ADDRESS: 1804 11TH AVE HELENA MT

PHONE: 443-5541

REPRESENTING WHOM? *WETA Moni*

APPEARING ON WHICH PROPOSAL: HR 617

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Joelle Fallan DATE: March 12, 1979

ADDRESS: Box 1730, Helena

PHONE: 442-6445, 2405

REPRESENTING WHOM? Montana Air and Space Museum

APPEARING ON WHICH PROPOSAL: 442-6445

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: too broad a scope -

did not to coordinate with
it would happen in the 1980s -
not enough money to pay for
new ideas - still in the same
area. Should be done

NAME: Ted J. Doney DATE: 3/12/79

ADDRESS: 32 S. Baring, Holton

PHONE: 449-3712

REPRESENTING WHOM? State DMR

APPEARING ON WHICH PROPOSAL: H.R. 242

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS:

Amendment submitted to Committee

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Cecil Weeding DATE: 3/12/79

ADDRESS: P.O. Box 75, Jordan River 189337

PHONE: 557-2557

REPRESENTING WHOM? BNRC

APPEARING ON WHICH PROPOSAL: 342

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: A. T. Terzich DATE: 2/1/72

ADDRESS: 2704 Beth Drive

PHONE: 656-1552

REPRESENTING WHOM? HILL DA

APPEARING ON WHICH PROPOSAL: HR 842

DO YOU: SUPPORT? AMEND? ✓ OPPOSE?

COMMENTS: Submit Amendment in connection

with Terzich

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

New Teyon

2/2/72

Helen

642-3420

North Star University of the Americas

11B 842

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Bob Bignall

DATE:

3/12/71

ADDRESS:

9 F. House, York.

PHONE:

448-5711

REPRESENTING WHOM?

Water Association of Green Lion Estate

APPEARING ON WHICH PROPOSAL:

44842

DO YOU:

SUPPORT?

X

AMEND?

X

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Burt Jackson DATE: 2-12-77

ADDRESS: 1804 11TH AVE. HELENA MONT

PHONE: 443-5541

REPRESENTING WHOM? WETA-MONT

APPEARING ON WHICH PROPOSAL: HB 242

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Gordon McHuan

DATE:

9/12/79

ADDRESS:

Gordon McHuan

PHONE:

733-2541

REPRESENTING WHOM?

Mont R. R. Association

APPEARING ON WHICH PROPOSAL:

684-842

DO YOU:

SUPPORT?

L

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sharon Peterson DATE: _____

ADDRESS: Rt 1 Box 17 Lumberton

PHONE: 443 5343

REPRESENTING WHOM? WIFE FARMER (and) NED FARMER

APPEARING ON WHICH PROPOSAL: HB 842

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

COMMENTS: Think this kind of legislation
is necessary, and be happy to help
work on AMENDMENTS

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ted J. Dwyer DATE: 2/12/77

ADDRESS: 33 S. Ewing, Holmdel

PHONE: 449-3712

REPRESENTING WHOM? State DNRC

APPEARING ON WHICH PROPOSAL: H.B. 694

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Les Lobbe II DATE: 3-12-77

ADDRESS: 716 Power

PHONE: 414 2 6883

REPRESENTING WHOM? Intake Water Co.

APPEARING ON WHICH PROPOSAL: H.R. 694

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Mockler DATE: 3/12/79

ADDRESS: Jim Mockler

PHONE: 442-6223

REPRESENTING WHOM? Montana Coal Council

APPEARING ON WHICH PROPOSAL: H.B. 694

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Doe DATE: 3/12/79

ADDRESS: 77 Lakeside, N.Y.C.

PHONE: 732-2702

REPRESENTING WHOM? Wm. A. R. Jones, Jr.

APPEARING ON WHICH PROPOSAL: 691 /

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Donald A. Smith DATE: 3/5

ADDRESS: 5 A. Lane

PHONE: 415 277-7171

REPRESENTING WHOM? West Coast

APPEARING ON WHICH PROPOSAL: H.R. 1117

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

2/17

The bill is a good one

and will be a good one

Page 3 Line 15, 16, 17 - Change to 1, 2, 3, 4, 5

Page 5 Line 19 - Change to 1, 2, 3, 4, 5

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bill Ayler DATE: 3-17-74

ADDRESS: Rt 1 Box 344-25 MACHATAN

PHONE: 284-6664

REPRESENTING WHOM? Agricultural Producers Association

APPEARING ON WHICH PROPOSAL: HE 617

DO YOU: 'SUPPORT? _____ AMEND? _____ OPPOSE? _____ ✓

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME Les Laite II Bill No. HB ~~617~~ 617
ADDRESS 716 Power DATE 3-12-77
WHOM DO YOU REPRESENT NDLP
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Bob Ziegler DATE: 3-12-79

ADDRESS: Box 1693

PHONE: 412-7330

REPRESENTING WHOM? Martinez Wood Growers Association

APPEARING ON WHICH PROPOSAL: HB 617

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: T. A. Lucas DATE: 3/12/57

ADDRESS: Highland Street

PHONE: 733-2702

REPRESENTING WHOM? Mr. J. DeLoach, Room

APPEARING ON WHICH PROPOSAL: HE 842

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.