

MINUTES OF THE MEETING OF THE NATURAL RESOURCES COMMITTEE
FEBRUARY 21, 1981

The House Natural Resources Committee convened in Room 437 of the Capitol Building on Saturday, February 21, 1981, at 7:40 a.m. with CHAIRMAN DENNIS IVERSON presiding and sixteen members present (REPS. SALES and BERTELSEN were excused).

EXECUTIVE SESSION HOUSE BILL 758 REP. MUELLER moved DO NOT PASS. He stated he felt it is unfair to the mineral owners.

REP. ASAY said he did not think it unfair to the owners.

REP. KEEDY explained that there is a redemption part so that the owner may rerecord. Section 5 of the bill explains it.

The motion of DO NOT PASS failed with REPS. IVERSON, BURNETT, CURTISS, ASAY, HARP, QUILICI, HUENNEKENS, KEEDY, SHELDEN, BROWN, ABRAMS, and HART opposing. REP. NEUMAN abstained. The vote was then reversed to DO PASS with REPS. SALES, NORDTVEDT, MUELLER, ROTH, and COZZENS opposing. REP. NEUMAN abstained.

HOUSE BILL 600 REP. CURTISS moved DO PASS on the bill and on some amendments. She then explained the amendments. See Exhibit 1.

REP. NORDTVEDT questioned the use of the word "pecuniary". Some benefits are not financial but are beneficial. He suggested the use of "tangible".

REP. SHELDEN moved to strike subsection 2 saying that a project may not show any return. It may be risky now but show a return later.

REP. CURTISS objected to that motion saying that too many studies had been made and some of the projects needed to show a return.

The motion to strike subsection 2 FAILED.

REP. NORDTVEDT moved to strike "pecuniary" and add "tangible". The motion PASSED with REPS. ABRAMS, KEEDY, BROWN, HUENNEKENS, and HART opposing.

REP. KEEDY asked to separate the amendments. REP. CURTISS then moved DO PASS on the second amendment. It PASSED with REPS. KEEDY and SHELDEN opposing.

Amendment three PASSED.

REP. CURTISS moved DO PASS on amendment four. REP. MUELLER said he would prefer not to use percentage figures.

REP. HUENNEKENS said it should be spread out with some left for worthwhile projects that might turn up in the future.

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REP. HUENNEKENS made a substitution motion that page 2, line 9 be changed to 15 percent; line 11 to 40 percent; and, line 14 to 15 percent. This would leave 20 percent unencumbered.

REP. KEEDY did not think the unencumbered part was necessary.

REP. HUENNEKENS withdrew his motion but moved then on page 2, line 9. The motion PASSED.

REP. HUENNEKENS moved on page 2, line 11. The motion PASSED with REPS. CURTISS and ROTH opposing.

REP. HUENNEKENS then moved page 2, line 14. It PASSED with REP. ROTH opposing.

REP. HUENNEKENS moved amendment five and it PASSED.

REP. CURTISS moved amendments seven and eight. PASSED with REPS. SHELDEN, BROWN, and KEEDY opposing.

Motion of DO PASS AS AMENDED on the bill PASSED with REPS. BROWN, SHELDEN, and KEEDY opposing. REP. NEUMAN abstained.

HOUSE BILL 334 REP. BURNETT moved to RECONSIDER. REP. HUENNEKENS stated that a do pass on a bill indicates approval by the committee. The motion to RECONSIDER PASSED.

REP. CURTISS moved to pass it out without a committee recommendation.

REP. NORDTVEDT made a substitution motion of DO NOT PASS which FAILED.

REP. BURNETT moved DO PASS.

REP. NORDTVEDT then offered an amendment stating that some parts of the state need stronger standards than other parts. His amendment would give local counties the option of adopting their own standards.

REP. KEEDY said that if the legislature fails to adopt the state standards, the counties could do it.

REP. NORDTVEDT said that 10 percent of the voters of a county could approve the measure. He further stated that there are only two standards to adopt, the federal and those more stringent.

REP. NORDTVEDT then moved DO PASS on the amendments. It PASSED.

The motion of DO PASS AS AMENDED on the bill PASSED with REPS. BERTELSEN, HUENNEKENS, KEEDY, SHELDEN, NEUMAN, and HART opposing.

HOUSE BILL 652 REP. NORDTVEDT moved to strike page 14, lines 14-25 and to change the title. REP. MUELLER stated that the state should be allowed to do what is necessary for our state. REPS. BROWN and NORDTVEDT said this would strike the limitations on the state. The motion PASSED.

All amendments to HB 652 are attached as Exhibit 2.

REP. NORDTVEDT moved on the second amendment explaining this dealt with whether the state would commit to a lot of expense. It PASSED.

REP. BERTELSEN moved on the two sheets of amendments. The Department of State Lands wants to make sure the proper agency is in charge of the processing. It PASSED.

REP. BROWN moved the amendment dealing with "effective date", which makes it immediate. REP. KEEDY asked why the rush? REP. BROWN said he wanted the companies back that left when the initiative passed. REP. BERTELSEN said the action is improper and that the people of Montana will react to the actions of the legislature in overturning this initiative. REP. CURTISS asked if there was an effective date on I-84. The answer was yes; that it was immediate.

REP. KEEDY provided a substitution motion to add a referendum clause to the bill. REP. HUENNEKENS stated that the people did know what they were voting on and they said what they wanted. REP. BERTELSEN said the least the legislature could do would be to give the voters a chance to vote again. REPS. BROWN, NORDTVEDT, and QUILICI said the voters did not know what they were doing and this initiative should be changed. REPS. SHELDEN, MUELLER, and BERTELSEN said the voters did know and this was not the way to handle the issue.

The motion on the referendum FAILED with REPS. IVERSON, BURNETT, CURTISS, MUELLER, ASAY, HARP, ROTH, COZZENS, QUILICI, BROWN, ABRAMS, and NEUMAN opposing.

The committee then voted on an immediate effective date. That motion PASSED with REPS. BERTELSEN, HUENNEKENS, KEEDY, SHELDEN, NEUMAN, and HART opposing.

REP. BURNETT moved the bill DO PASS AS AMENDED.

REP. KEEDY asked someone on the committee to explain to him what the advantages are in being an agreement state.

REP. BERTELSEN said there are disadvantages as Wyoming decided and it did not become an agreement state. Other states have proven that it is better to allow the federal government to do its part of the work.

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REP. BROWN said this would allow state lands to take over.


REP. HUENNEKENS said the legislature spends its time saying the people need a voice in government and then we say the federal government should do this.

REP. HARP stated the legislature should respect the process whether we agree with what the voters have said or not.

The bill PASSED as did the Statement of Intent.

The meeting adjourned at 10:00 a.m.

Respectfully submitted,



DENNIS IVERSON, CHAIRMAN

Amendments to House Bill 600

1. Page 1, line 19.

Following: "a"

Strike: "pecuniary"

Insert: "beneficial"

2. Page 1, line 20 through line 22.

Following: "citizens"

Strike: the remainder of line 20 through line 22 in their
entirety

3. Page 2, line 3.

Following: "loans."

Strike: "Loans"

Insert: "Subject to the requirements of 90-2-103, loans"

4. Page 2, line 9.

Following: "(1)"

Strike: "25%"

Insert: "20%"

5. Page 2, line 12 through line 13.

Following: "projects"

Strike: the remainder of line 12 through line 13

Insert: "j"

6. Page 2, line 14.

Following: "(3)"

Strike: "10%"

Insert: "20%"

7. Page 2, line 15.

Following: "lands"

Strike: "."

Insert: "} and"

7. Page 2.

Following: line 15

Insert: "(4) 10% shall be given to conservation districts for
development of their water reservations."

HB 652

1. Page 15, section 12, line 15.
Following: the first word "material"
Insert: "produced in Montana"
2. Page 15, section 12, line 17.
Following: "department"
Insert: "No person may dispose in Montana of large quantity radioactive material produced in other states, except that byproduct material produced in other states and possessed, used, and transported for educational purposes, scientific research and development, medical research, diagnosis and treatment, geophysical surveying, and other purposes licensed by the United States nuclear regulatory commission or the department is excepted from this part during the period of possession, use, and transportation prior to disposal."

2nd Set of amendments.

HOUSE BILL NO. ~~625~~ 652

1. Title, Lines 9 - 11
Strike: "PROVIDING THAT STATE STANDARDS MAY BE NO MORE STRINGENT THAN FEDERAL STANDARDS"
2. Page 11, Line 14
Following: "licensees."
Insert: "Fees for the issuance of licenses shall be sufficient to cover the Department's full costs of processing an application."
3. Page 14, Lines 14 - 25
Strike: Lines 14 - 25 in their entirety
Renumber: Following sections

1. Page 3, section 1, line 22
Following: "department"
Insert: "or department of state lands"
2. Page 4, section 1, line 3
Following: "department"
Insert: "or department of state lands"
3. Page 4, section 1, line 22
Following: "department"
Insert: "or department of state lands"
4. Page 9, section 5, line 15
Following: "materials."
Insert: "However, the department of state lands may, in lieu of the department, provide for licensing and permitting for reclamation purposes of uranium and thorium mills and tailing disposal sites pursuant to Title 82, chapter 4 and this section."
5. Page 11, section 6, line 18
Following: "department"
Insert: "or department of state lands"
6. Page 12, section 6, line 6
Following: "department"
Insert: "or department of state lands"
7. Page 12, section 6, line 9
Following: "department"
Insert: "or department of state lands"
8. Page 12, section 6, line 11
Following: "department"
Insert: "or department of state lands"
9. Page 12, section 7, line 22
Following: "material."
Insert: "However, the department of state lands, in lieu of the department, may promulgate standards for the reclamation of such disposal sites pursuant to Title 82, chapter 4 and this section."
10. Page 13, section 8, line 9
Following: "department"
Insert: "or department of state lands"
11. Page 13, section 8, line 19
Following: "department"
Insert: "or department of state lands"

12. Page 14, section 9, line 7.
Following: "department"
Insert: "or department of state lands"
13. Page 14, section 10, line 16
Following: "department" ~~department~~
Insert: "or department of state lands pursuant to this chapter"
14. Page 14, section 10, line 18
Following: "department"
Insert: "or department of state lands"
15. Page 15, section 12, line 17.
Following: "department"
Insert: "or department of state lands"
16. Page 11, section 5, line 9
Following: "department"
Insert: "or department of state lands"
17. Page 20, line 17.
Insert: "Section 18. Coordination. If Senate Bill No. 258 [LC 1003] is passed and approved, any reference in this act to "department of state lands" is changed to "department of natural resources and conservation."