

MINUTES OF THE MEETING OF THE NATURAL RESOURCES COMMITTEE
APRIL 3, 1981

The House Natural Resources Committee convened in Room 437 of the Capitol Building on Friday, April 3, 1981, at 8:00 a.m. with CHAIRMAN DENNIS IVERSON presiding and twelve members present (REPS. SALES, NORDTVEDT, ROTH, COZZENS, QUILICI, and NEUMAN were excused).

EXECUTIVE SESSION SENATE JOINT RESOLUTION 17 REP. BROWN explained that several people met with the Board and the Department of Health and the main problem is the 35/50 standard. It would go into effect immediately or within 30 days and the companies cannot comply.

REP. CURTISS mentioned that from the testimony given there is not technology available to bring the companies into compliance.

DEBBIE SCHMIDT, staff researcher, said the difference is not in the numbers and that the Health Department has 35/20 standards for floride and forage. The difference is on the yearly average or the grazing average. The board feels the average should be taken on the grazing season basis. If this passes, the department will not be able to modify the standard.

REP. BROWN then moved to TABLE the resolution. It PASSED.

SENATE JOINT RESOLUTION 31 REP. BURNETT moved BE CONCURRED IN.

REP. ASAY felt the research project would be a good idea.

REP. MUELLER said the same results could probably be obtained by writing to a plant in Illinois which is currently doing this type of research.

REP. CURTISS said several requests have been made for this type of research and the funding thereof. She felt the committee should make some recommendations to the Department of Natural Resources that it conduct some studies.

REP. BROWN felt there should be some coal-related research.

REP. BERTELSEN was opposed to the funding process. He felt the information could be found elsewhere.

REP. MUELLER made a substitute motion to TABLE the resolution. It PASSED with REPS. BURNETT, CURTISS, ASAY, COZZENS, QUILICI, KEEDY, and BROWN opposing.

SENATE BILL 327 REP. BERTELSEN stated that local governments have all the power and authority needed to handle situations that arise. This would simply put more on the books that is not necessary.

REP. CURTISS asked if it is necessary to say exactly what is an emergency.

Natural Resources
April 3, 1981
Page 2

MS. SCHMIDT said the bill was drafted in 1975 and the emergency procedures were quite explicit. The private property owners can go in and do whatever is necessary at the time. After the crisis is over, he must report to the county officials what has been done and they determine whether or not it was justified.

REP. BERTELSEN moved that the bill be TABLED. It PASSED with REPS. KEEDY and CURTISS opposing.

HOUSE BILL 861 REP. BROWN felt this is one of the most important bills of the session. He was concerned about the funding possibilities

MS. SCHMIDT said according to the Fiscal Analyst the Resource Indemnity Trust Fund is virtually committed. There could, however, be some funds left in the renewable resource fund.

REP. BROWN moved to amend page 3, line 8 to strike "interest income of the Resource Indemnity Trust Fund" and add "Renewable Resource Development Account". The motion PASSED.

REP. ASAY then moved AS AMENDED DO PASS on the bill. It PASSED unanimously.

HOUSE JOINT RESOLUTION 50 REP. BERTELSEN moved DO PASS.

REP. CURTISS stated that this is a serious problem in timber producing areas of the state. When the small timber is harvested, it all goes as overrun. Measuring by the cubic foot is the only accurate way to do it. We should at least try to determine a better method of log scaling.

REP. MUELLER said it is an archaic system that should be changed.

REP. SHELDEN did not feel the state should spend a huge amount of money on this problem.

REP. MUELLER said he would hope the committee could at least write a strong letter to emphasis what we feel is the problem.

REP. HARP then made a substitute motion to TABLE the bill but to send a letter to the Department of Natural Resources emphasizing the committee's feelings.

The motion PASSED with REPS. MUELLER, KEEDY, BERTELSEN, CURTISS, NORDTVEDT, and NEUMAN opposing.

HOUSE JOINT RESOLUTION 51 REP. BERTELSEN moved DO PASS.

REP. CURTISS asked if this study would be something the E. Q. C. could do. REP. SHELDEN replied that agency is charged with reporting

on environmental issues.

MS. SCHMIDT said that whatever committee does the study a set of criteria would be necessary. This resolution would direct them to set up a procedure for establishment of rules.

The motion PASSED with REPS. BURNETT, KEEDY, and ROTH opposing and REP. NEUMAN abstaining.

SENATE BILL 199 REP. BROWN moved BE CONCURRED IN.

CHAIRMAN IVERSON said it is a pilot program.

REP. KEEDY said he felt there was something wrong with a procedure that gives the department the authority in all three steps in the decision-making process. If this is a pilot program, it will be in other areas eventually and this law only speaks to the Milk River.

REP. CURTISS felt this is an effort to make the department do something it should be doing.

CHAIRMAN IVERSON said the Milk River is totally over-allocated. Provisional permits have been granted upstream and the people are storing the water. This is a policing attempt.

MS. SCHMIDT stated that the department has the authority to deny the permits but it does not have enforcement capability.

REP. KEEDY moved to amend page 3, line 2 to reinsert the reference to the board. It failed.

REP. KEEDY then moved to amend the bill to strike reference to Milk River. He felt if the criteria applies to the Milk River, it applies to other places as well and this bill should address them. It should apply in all cases where water supplies are limited.

REP. SHELDEN said every stream in Monana is over-appropriated.

The motion to amend failed.

REP. KEEDY then provided a substitute motion of BE NOT CONCURRED IN. It TIED with REPS. BURNETT, CURTISS, MUELLER, ASAY, ROTH, COZZENS, QUILICI, BROWN, and ABRAMS opposing.

REP. KEEDY then moved the bill be TABLED. The motion PASSED with REPS. BROWN, MUELLER, and CURTISS opposing.

Natural Resources

April 3, 1981

Page 4

MS. SCHMIDT was authorized by the committee to write a letter supporting REP. ORREN VINGER'S House Joint Resolution 44. The letter was to be directed to Montana's congressional delegation supporting their efforts to modify the congressional crude oil windfall profit tax act of 1980 by providing certain encouragements to exploration and production of domestic crude oil.

The meeting adjourned at 9:15 a.m.

Respectfully submitted,


DENNIS IVERSON, CHAIRMAN

Ellen Engstedt, Secretary