

MINUTES OF MEETING
SENATE NATURAL RESOURCES
MARCH 23, 1981

The twenty-third meeting of the Natural Resources Committee was called to order by Senator Harold Dover, Chairman, at 1:00 P.M., on the above date in Room 405.

ROLL CALL: All members were present with the exception of Senator Etchart and Senator Manning.

CONSIDERATION OF HJR 48:

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING
THAT AN APPROPRIATE INTERIM COMMITTEE BE ASSIGNED TO
CONDUCT AN INTERIM STUDY TO DETERMINE HOW TO IMPROVE
THE ECONOMIC ENVIRONMENT IN MONTANA

In the absence of Representative O'Hara, Senator Dover explained this bill. The Select Committee on Economic Problems was started after the closure of the Anaconda plant and they have had four meetings which have been very productive. This bill asks for the continuance of this committee.

There were no proponents or opponents. Chairman Dover asked for questions from the committee.

Senator Manley made a motion that HJR 48 be concurred in.

Senator Brown referred the committee to page 1, lines 19 and 20. He feels there are a lot of economical problems that do not fall into that category. He made a substitute motion to strike lines 19 and 20 on page 1.

Senator Elliott is concerned that if this whereas is stricken there will be conflict with the therefore on page 2, lines 18 and 19.

Senator Hafferman thinks we should leave it the way it is.

Senator O'Hara asked if Senator Brown had a better way of bringing that point out.

Senator Brown said it states that many business opportunities do not exist in Montana and it directs the committee to find out why.

Senator Dover said that Senator Brown had a good point. How do you define the lack of a sound business economy and free enterprise climate.

Senator Ryan said that is the only area in the bill that has an answer.

Senator O'Hara has a part in the school system and he is concerned that this motion will cause problems with the therefore on page 2, lines 18 and 19, as mentioned by Senator Elliott. He feels that education on the free enterprise system should be encouraged.

Senator Elliott said that he does not think that striking the language Senator Brown has suggested would have any effect on the conclusions drawn on page 2. He is willing to accept the motion.

Senator Manley said many business opportunities do not exist in Montana very definitely because of the lack of a sound business economy and free enterprise climate in Montana. We are very anti-business in Montana and have been for the last 10 or 12 years.

Senator Brown's motion did not pass with a vote of 5 for and 5 against. See attached roll call vote sheet.

Senator Elliott made a motion to amend page 1, lines 19 and 20 to read "Montana because of the lack of knowledge of sound business economies".

The motion passed with a vote of 8 for, and 2 opposed, Senator Manley, and Senator Van Valkenburg.

Senator Van Valkenburg made a motion to amend page 2, line 18, by striking "if" and inserting "whether" and to strike "are being" and to insert "should be". He said you are not really asking the committee to do much in terms of whether students are being forced to learn this. If it is changed the discussion and argument would be productive. In the end, you will come to a conclusion whether these values should be inculcated into the students minds.

Senator Elliott cannot agree. He thinks Senator Van Valkenburg's amendment really changes the intent. He certainly does not agree with Senator Van Valkenburg if he thinks that there is a question whether that should be educated or not.

Senator Van Valkenburg said it comes out how you define the free enterprise system. By looking at the sponsors, are we going to educate these people with the Republican party partisan. The Republican view of the free enterprise system is certainly different than the Democrats.

Senator O'Hara asked Senator Van Valkenburg to define the difference between the two.

Senator Van Valkenburg said the Democrats rely on the Government a good deal more than the Republicans do.

Senator Tveit said it makes as much sense as subsection (1). There is no way this committee is going to determine if Montanans understand free enterprise concepts and functions as they apply to Montana and the employment possibilities in Montana.

Senator Ryan said some of the things in this bill are concrete and other are intangible.

Senator Keating said the committee could determine if the students are being taught the values of a free enterprise whereas they would have to make that determination anyhow to decide whether they should be taught.

Senator Elliott said if Senator Van Valkenburg's motion does not pass he has an amendment to offer which would ask if they "can" be taught.

Senator Van Valkenburg's motion did not pass. The vote was 3 for and 5 opposed. See attached roll call vote sheet.

Senator Elliott made a motion to change page 2, line 18, to read "determine how students in Montana can be taught".

The motion passed with a vote of 5 for, and 3 opposed, Senator Keating, Senator Van Valkenburg and Senator Ryan. Senator Manley and Senator Tveit left the meeting early.

Senator Brown made a motion to amend page 2, line 23, by striking "investigate" and inserting "analyse the present tax system in applicant to business in Montana and determine whether".

Senator Ryan was on an interim committee that had to do with solid waste. Because of the way the resolution was written we had to do more than we could accomplish. He questions whether this resolution should be cut down to one specific area.

Senator Dover said all of these overlap.

The motion passed with a vote of 7 for and 1 opposed, Senator Ryan.

Senator Brown made a motion to amend page 3, line 3, following "consumers", insert ", the environment" and page 2, line 24, strike "to" and insert "will".

The motion passed unanimously.

Senator Brown made a motion to amend page 3, line 6, following "economy" to insert "and the impact of such deregulation or regulation on Montana citizens".

The motion passed unanimously.

Senator Dover said that Montana has a problem with transportation and questions whether we could deal with it in this resolution.

Senator Keating said the resolution addresses enough areas as it is.

Natural Resources Minutes

March 23, 1981

Page Four

DISPOSITION OF HJR 48: Senator Brown made a motion that HJR 48 be concurred in as amended. The motion passed with a vote of 6 for and 2 opposed, Senator Van Valkenburg and Senator Ryan.

DISPOSITION OF HJR 18: Senator Elliott moved that the resolution be concurred in.

Senator Van Valkenburg asked if there was any possibility that any other private company would be interested in this besides the Montana Power Company. He has a problem with the Montana Legislature saying that the federal government should give something to a specific company.

Senator Hafferman said they built the dam.

Senator Dover said if someone took this over they would have to pay Montana Power what they had invested.

Senator Elliott feels that if someone were to take the dam over they would have to pay Montana Power the market value of the dam.

Senator Dover said he wished somebody would have asked the Indians if they would have been willing to pay taxes if they had the dam.

Senator Ryan said that the testimony was that Montana Power doesn't have to pay taxes but they do.

Senator Dover said they are a state corporation and as such they are required to pay taxes.

Senator Van Valkenburg said the Indians said that Montana Power is not required to pay property taxes but they do pay taxes. It has never been challenged. Because the dam is located on Indian land they would not have to pay taxes.

Senator Brown said the time for putting in a bid for this project has passed and the Tribes and Montana Power are the two entities involved.

Senator Dover asked what would happen if we took Montana Power out and substituted the words "free enterprise".

Senator Brown said Montana Power is not a free enterprise, they are a private utility.

Senator Hafferman said the day may come when the Indians may be able to run this operation but to date most of the projects they have had have gone broke.

Senator Ryan said we are passing legislation basically for one entity, the Montana Power Company. We only want the Montana Power Company to get this.

Senator Elliott's motion passed with a vote of 5 for, and 3 opposed, Senator Brown, Senator Ryan and Senator Van Valkenburg.

RECONSIDERATION OF DISPOSITION OF HB 697: Senator Brown made a motion to reconsider adverse action taken on HB 697.

The motion passed unanimously.

Senator Brown made a motion to amend page 1, line 15, by striking "establish to its satisfaction" and insert "file an affidavit stating". This does not put the Department in a position of determination before the license is issued.

The motion passed unanimously.

Senator Brown moved that HB 697 be concurred in as amended.

Senator Elliott questioned the need for the language on lines 23 and 24 on page 1.

Senator Brown said he does not know what they had in mind when they put this language in the bill. He does not have any problem with striking that language out.

Senator Keating said this was placed in the bill in the event there are other Department rules that will be used on that permit.

Senator Brown withdrew his motion.

Senator Elliott made a motion to strike "A" on line 22, page 1 and to strike "AND" through "RULE" on lines 23 and 24, page 1.

Senator Van Valkenburg said this language is the whole reason why we have the Statement of Intent. If you want to strike that language out you should also include striking the Statement of Intent.

Senator Elliott said that gets back to the original purpose of the bill.

Senator Brown said to leave the Statement of Intent. It takes away the authority to adopt other rules except as they relate to subsection 2 and 3.

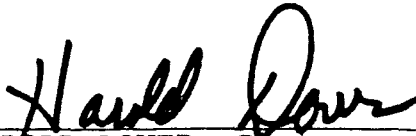
The motion passed with a vote of 6 for and 2 opposed, Senator Van Valkenburg and Senator Ryan.

Senator Brown made a motion that HB 697 be concurred in as amended.

The motion passed with a vote of 7 for and 1 opposed, Senator Ryan.

Natural Resources Minutes
March 23, 1981
Page Six

ADJOURNMENT: The meeting adjourned at 2:00 P.M.



HAROLD DOVER, Chairman

ROLL CALL
NATURAL RESOURCES COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-23-81

NAME	PRESENT	ABSENT	EXCUSED
Harold Dover, Chairman	✓		
Mark Etchart, Vice Chairman			✓
Thomas Keating	✓		
Roger Elliott	✓		
Larry Tveit	✓		
Jesse O'Hara	left early ✓		
John Manley	left early ✓		
William Hafferman	✓		
Steve Brown	✓		
Dave Manning		✓	
Patrick Ryan	✓		
Fred Van Valkenburg	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

March 23, 1981

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE JOINT RESOLUTION**

Bill No. **48**

DAVE O'HARA (ELLIOTT)

Respectfully report as follows: That **HOUSE JOINT RESOLUTION**

Bill No. **48**

third reading copy, be amended as follows:

1. Page 1, line 19

Following: "lack of"

Strike: "a"

Insert: "knowledge of"

Following: "business"

Strike: "economy and"

Insert: "economies"

2. Page 1, line 20

Following: line 19

Strike: "free" through "Montana"

~~XXXXX~~
DO PASS

(continued)

March 23, 1981

3. Page 2, line 18
Following: "determine"
Strike: "if"
Insert: "how"
Following: "Montana"
Strike: "are being"
Insert: "can be"

4. Page 2, line 19
Following: line 18
Strike: "inculcated with"
Insert: "taught"

5. Page 2, line 23
Following: "(4)"
Strike: "investigate"
Insert: "analyse the present tax system in application to business in Montana and determine whether"

6. Page 2, line 24
Following: "taxation"
Strike: "to"
Insert: "will"

7. Page 3, line 3
Following: "consumers"
Insert: ", the environment,"

8. Page 3, line 6
Following: "economy"
Insert: "and the impact of such deregulation or regulation on Montana citizens"

And, as so amended,
BE CONCURRED IN

HAROLD DOVER,

Chairman.

SENATE COMMITTEE Natural Resources

Date March 23, 1981 Bill No. HJR 48 Time 1:20 P.M.

NAME	YES	NO
Harold Dover, Chairman	<input checked="" type="checkbox"/>	
Mark Etchart, Vice Chairman	<input checked="" type="checkbox"/>	
Thomas Keating		<input checked="" type="checkbox"/>
Roger Elliott	<input checked="" type="checkbox"/>	
Larry Tveit		<input checked="" type="checkbox"/>
Jesse O'Hara		<input checked="" type="checkbox"/>
John Manley		<input checked="" type="checkbox"/>
William Hafferman		<input checked="" type="checkbox"/>
Steve Brown	<input checked="" type="checkbox"/>	
Dave Manning	<input checked="" type="checkbox"/>	
Patrick Ryan	<input checked="" type="checkbox"/>	
Fred Van Valkenburg	<input checked="" type="checkbox"/>	

Agnes Hamilton
Secretary

Harold Dover
Chairman

Motion: Senator Brown's motion to strike lines 19 and 20 on page 1.

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

SENATE COMMITTEE Natural Resources

Date March 23, 1981 Bill No. HJR 48 Time 1:35 P.M.

NAME	YES	NO
Harold Dover, Chairman	✓	
Mark Etchart, Vice Chairman	<i>Abst</i>	
Thomas Keating		✓
Roger Elliott		✓
Larry Tveit	<i>Abst</i>	
Jesse O'Hara		✓
John Manley	<i>Abst</i>	
William Hafferman		✓
Steve Brown		
Dave Manning	<i>Abst</i>	
Patrick Ryan		
Fred Van Valkenburg		

Agnes Hamilton
Secretary

Harold Dover
Chairman

Motion: Senator Van Valkenburg's motion to amend page 2, line
18 by striking "if" and inserting "whether" and to strike
"are being" and to insert "should be".

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

STANDING COMMITTEE REPORT

March 23,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE**

Bill No. 597

McBRIDE (DOVER)

Respectfully report as follows: That **HOUSE**

Bill No. 597

third reading copy, be amended as follows:

1. Page 1, line 16

Following: "applicant to"

Strike: "establish to its satisfaction"

Insert: "file an affidavit stating"

2. Page 1, line 22

Following: "diameter,"

Strike: "A"

Following: "and"

Insert: "and"

3. Page 1, lines 23 and 24

Following: "allowed"

Strike: ", AND OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE BY
RULE" on lines 23 and 24

And, as so amended,

~~XXXXXX~~

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 23, 1981

19

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE (STATEMENT OF INTENT)**

Bill No. **597**

MCBRIDE (DOVER)

Respectfully report as follows: That **HOUSE (STATEMENT OF INTENT)**

Bill No. **597**

third reading copy, be amended as follows:

1. Page 1, lines 11 and 12

Following: "operations" on line 11

Strike: "and ensure compliance with state law"

Insert: "to ensure that the applicant is aware of applicable state
and federal laws"

And, as so amended,
BE CONCURRED IN

~~DOVER~~