

MINUTES OF MEETING
SENATE NATURAL RESOURCES
MARCH 25, 1981

The twenty-fourth meeting of the Natural Resources Committee was called to order by Senator Harold Dover, Chairman, at 12:40 P.M., on the above date in Room 405.

ROLL CALL: All members were present with the exception of Senators Brown and Manning. Senator O'Hara arrived at the meeting late.

DISPOSITION OF HB 90: Senator Van Valkenburg made a motion to amend HB 90 on page 2, line 1, by striking "60" and inserting "45" and to amend the title accordingly.

Senator Manley is in favor of taking the time limit off altogether. He doesn't think we should bind the Governor or our leadership to meet with the legislature with any time limit.

Senator Dover said when we drafted the original bill our concern was that the Governor would not consult with the legislature. He was on the committee during the crises in 1977 and 1980 and was not happy with the Governor's position with the legislature in 1980.

Senator Elliott said you were dealing with Governor Judge at that time. He thinks there is a difference in personalities between Governor Judge and Governor Schwinden.

Senator Dover said there will be all kinds of personalities through the years.

The motion passed with a vote of 8 for and one opposed, Senator Tveit.

Senator Dover asked if the committee would like to consider the amendments submitted by Senator Brown on polling the legislature.

Senator Van Valkenburg moved the two amendments proposed by Steve Brown. He noted that the time frame mentioned in the amendments would have to be changed.

The motion did not pass. The vote was 4 for and 5 opposed. See attached roll call vote sheet.

Senator Van Valkenburg made a motion that HB 90 be concurred in as amended. The motion passed unanimously.

DISPOSITION OF HB 397: Senator Manley moved that HB 397 be concurred in. He said this is a better bill than the similar Senate bill sponsored by Senator Turnage which was passed out of this committee. The motion passed unanimously.

DISPOSITION OF HB 652: Katherine Orr, Legislative Council, presented the committee with a copy of amendments that were accepted at our meeting of March 20th, with additional amendments, numbers 3 and 4, which amend the Statement of Intent to coincide with the amendments that were accepted by the committee. See list of amendments attached.

Senator Keating moved amendments numbered 3 and 4, which pertain to the Statement of Intent. The motion passed unanimously.

Senator Keating made a motion that HB 652 be concurred in as amended. The motion passed with a vote of 7 for and 2 opposed, Senator Elliott and Senator Van Valkenburg.

DISPOSITION OF HJR 18: Senator Dover said at our last meeting we had a lot of discussion on this bill and questioned whether we wanted to pass this out of committee with the Montana Power Company specified on the resolution.

Senator Van Valkenburg said there was some question whether we should identify the Montana Power Company as being the entity that should be given this license by the Federal Government. Will the State Legislature of Montana be looking out for the special interests of a certain company. He thinks we should amend the resolution so that we might accomplish the same thing by saying a privately owned utility or publically owned facility instead of the Montana Power Company.

Senator Manley agrees 100%.

Senator Ryan said he is not afraid of saying the Montana Power Company in this bill as they are the presiding company. He thinks if we let the government get into it our lights will probably go out.

Senator Elliott said it wouldn't take much to change it.

Senator Dover said Katherine Orr has worked on some amendments.

Katherine Orr said the bill would need to be amended by striking the first, third and fourth whereas clauses because they refer to a specific company. Page 2, line 17, cross out Montana Power Company. Page 2, lines 22 and 23 strike the Montana Power Company. Page 3, lines 1 and 9, strike the Montana Power Company and insert private utility or rural electrical cooperative. The reference to the Montana Power Company in the title would be changed to private utility or rural electrical cooperative.

Senator Elliott said the first four whereas clauses are just statements of fact.

Katherine Orr said the only problem with leaving them in the resolution is that they are included as a type of argument for the resolution and these facts about the Montana Power Company are somewhat irrelevant.

Senator Van Valkenburg made a motion that HJR 18 be amended as outlined by Katherine Orr.

Senator Keating said it was determined at our last meeting that it has gone past the time when some other private company can involve itself in the bidding on this. The contest is between the Montana Power Company and the Kootenai Tribes. What we are saying is that we side with the private company. He thinks we should leave it the way it is.

Senator Van Valkenburg disagrees. He does not think it was established at the meeting whether anyone else can apply if they are interested. For that reason he would encourage the committee to vote for the amendments.

Senator Ryan said we are changing the intent of the bill with the amendments.

Senator Hafferman would like to know why there is all this hatred against the Montana Power Company.

Senator Van Valkenburg said it is not hatred it is just making them equal with everyone else.

Senator Etchart said if you amend the resolution you might just as well kill it. This is dealing with the Montana Power Company so why not put it in the resolution.

Senator Elliott said he would agree with Senator Van Valkenburg if we were in a prospective stage and not a deliberate stage. The opportunity for application has gone by.

Senator Van Valkenburg's motion failed with a vote of 2 for and 8 opposed. See roll call vote sheet.

Senator Elliott made a motion that HJR 18 be concurred in.

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

ADJOURNMENT: The meeting adjourned at 1:08 P.M.



HAROLD DOVER, Chairman

ROLL CALL

NATURAL RESOURCES COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-25-81

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

Each day attach to minutes.

STANDING COMMITTEE REPORT

March 25,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE**

Bill No. **90**

QUILLICI (Dover)

Respectfully report as follows: That **HOUSE**

Bill No. **90**

thisd reading copy, be amended as follows:

1. Title, line 8
Following: "TO"
Strike: "60"
Insert: "45"

2. Page 2, line 1
Following: "14"
Strike: "60"
Insert: "45"

And, as so amended,
BE CONCURRED IN

DOVER

Harold Dover
.....
HAROLD DOVER,

BA
.....
Chairman.

SENATE COMMITTEE Natural Resources

Date March 25, 1981 Bill No. HB 90 Time 1:00 P.M.

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

Agnes Hamilton
Secretary

Harold Dover
Chairman

Motion: Senator Brown's amendments on polling the legislature.

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

Amendments to HB 90

1. Page 2, lines 2 through 4

Following: "legislature" on line 2

Strike: "by" through "legislature." on lines 2 through 4

Insert: "through a poll of its members, according to the procedures in section 2, in which the legislators decide whether the condition of an energy emergency should be extended and if so, the duration of this extension."

2. Page 3

Following: line 23

Insert: "Section 2. Procedure for polling legislators. (1) On the fifty-ninth day of an energy emergency as defined in 90-4-302, the energy policy committee shall poll all of the members of the legislature by telephone to determine the intent of the legislature on the question of whether an energy emergency should be extended beyond 60 days and if so, the duration of this extension.

(2) An extension and the duration of the extension may be approved only by a majority of all voting members of the legislature."

"Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 90, chapter 4, part 3 and the provisions of Title 90, chapter 4, part 3 apply to section 2."

STANDING COMMITTEE REPORT

March 25,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE**

Bill No.

397

McBRIDE (Dover)

Respectfully report as follows: That **HOUSE**

Bill No.

397

BE CONCURRED IN

~~DOVER~~

STANDING COMMITTEE REPORT

March 25,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

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

Bill No. **652**

CONROY (Keating)

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

Bill No. **652**

third reading copy, be amended as follows:

1. Statement of Intent, page 1, line 23

Following: "for"

Strike: "licensing and"

2. Statement of Intent, page 1, line 24

Following: "purpose"

Strike: "or"

Insert: "of"

3. Statement of Intent, page 2, line 1

Following: "75-3-202."

Strike: "The"

Insert: "The department is given rulemaking authority for establishing a fee structure for issuing licenses which includes an application fee and an annual license fee. Fee structures are established solely to cover the department's cost of inspection, review, and approval of license revisions. The department of health and the"

~~XXXXX~~

(continued)

4. Statement of Intent, page 2, line 3

Following: "[section 7]"

Insert: "Rulemaking authority is given to the department of health or the department of state lands to regulate the processing of exempt ores. In regulating this processing, the department is directed to take such measures as are necessary to protect the public's health."

And, as so amended,
BE CONCURRED IN

Harold Dover
.....
HAROLD DOVER,

P.A.

Chairman.

STANDING COMMITTEE REPORT

March 25,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE**

Bill No. **652**

CONROY (Keating)

Respectfully report as follows: That **HOUSE**

Bill No. **652**

third reading copy, be amended as follows:

1. Page 4, lines 4 and 5

Following: "department" on line 4

Strike: "OR DEPARTMENT OF STATE LANDS" on lines 4 and 5

2. Page 4, lines 11 and 12

Following: "department" on line 11

Strike: "OR DEPARTMENT OF STATE LANDS" on lines 11 and 12

3. Page 5, line 6

Following: "department"

Strike: "OR DEPARTMENT OF STATE LANDS"

4. Page 9, line 25

Following: "FOR"

Strike: "LICENSING AND"

~~XXXX~~
DO PASS

(continued)

March 25,

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5. Page 12, line 3

Following: "ISSUANCE OF"

Insert: "uranium or thorium milling or concentration"

6. Page 12, line 5

Following: "APPLICATION."

Insert: "The department shall establish a fee structure for such milling or concentration licenses which includes an application fee and an annual license maintenance fee. The maintenance fee shall be set at a level which, taking account of the nature and size of the various types of license and activities, will defray the department's costs of inspections, review and approval of license revisions."

And, as so amended,
BE CONCURRED IN

[Signature]
.....
HAROLD DOVER,

oa.
.....
Chairman.

Amendment to HB 652

1. Statement of Intent, Page 1, line 23

Following: "for"

Strike: "licensing and"

2. Statement of Intent, page 1, line 24

Following: "purpose"

Strike: "or"

Insert: "of"

3. Statement of Intent, page 2, line 1

Following: "75-3-202."

Strike: "The"

Insert: The department is given rulemaking authority for establishing a fee structure for issuing licenses which includes an application fee and an annual license fee. Fee structures are established solely to cover the department's cost of inspection, review, and approval of license revisions."

"The department of health and the"

4. Statement of Intent, page 2, line 3

Following: "[section 7]"

Insert: "Rulemaking authority is given to the department of health or the department of state lands to regulate the processing of exempt ores. In regulating this processing, the department is directed to take such measures as are necessary to protect the public's health."

5. Page 4, lines 4 and 5

Following: "department" on line 4

Strike: "OR DEPARTMENT OF STATE LANDS" on lines 4 and 5

6. Page 4, lines 11 and 12

Following: "department" on line 11

Strike: "OR DEPARTMENT OF STATE LANDS" on lines 11 and 12

7. Page 5, line 6

Following: "department"

Strike: "OR DEPARTMENT OF STATE LANDS"

8. Page 9, line 25

Following: "FOR"

Strike: "LICENSING AND"

9. Page 12, line 3

Following: "ISSUANCE OF"

Insert: "uranium or thorium milling or concentration"

10. Page 12, line 5

Following: "APPLICATION."

Insert: "The department shall establish a fee structure for such milling or concentration licenses which includes an application fee and an annual license maintenance fee. The maintenance fee shall be set at a level which, taking account of the nature and size of the various types of license and activities, will defray the department's costs of inspections and review and approval of license revisions."

STANDING COMMITTEE REPORT

March 25,

19 81

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE JOINT RESOLUTION**

Bill No. **18**

SEIFERT (Etchart)

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

Bill No. **18**

BE CONCURRED IN

~~DO NOT~~

SENATE COMMITTEE Natural Resources

Date March 25, 1981 Bill No. HJR 18 Time 1:00 P.M.

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

Agnes Hamilton
Secretary

Harold Dover
Chairman

Motion: Amend HJR 18 to delete reference to the Montana Power Company.

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