

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 16, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 16, 1983, at 1:05 p.m. in Room 325, State Capitol.

ROLL CALL: Roll was called with all committee members present.

HOUSE BILL 39: Representative Harper, District 30, sponsor of the bill, stated the purpose of the bill is to make "The Montana Melody" the official state ballad. He spoke briefly to the history of the state song "Montana" and noted the children in their minds feel the "Montana Melody" is better. However, they understand the old song is a part of us and, tradition being very strong, realize they couldn't eliminate it. He said a young man approached him a year and a half ago with the idea of having the "Montana Melody" adopted as the state song and in an effort to include it in the history of Montana they are happy to be here today for the hearing.

Representative Harper presented the children from Jefferson School, Helena, and students from Bonner and Cutbank, who sang the "Montana Melody" for the committee.

PROPONENTS

Twenty five students from Helena, Cutbank, Missoula and Bonner spoke in favor of the bill (exhibit #1). They all urged the committee to support the bill as it is an easily learned, beautiful melody which incorporates all aspects of the state such as animals, flowers, mountains, plains, sunsets and big sky.

Madeleine Dunham, a Helena librarian, said the song is romantic, sentimental, and a slow melody appropriate for a ballad and urged the committee to support the bill.

Margaret Dove, from the Nine Mile Valley near Missoula, said she is a neighbor of the composers and producers of the song, LeGrande and Colleen Harvey. She said further she has loved the song since she first heard it and feels it really depicts the state.

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Mary Dove, Nine Mile Valley, said in 46 years she has learned to love the state song but when she heard the "Montana Melody" she was thrilled and it still thrills her every time she hears it. She urged the committee to give everyone in the state the opportunity to hear it and learn it.

Rita Ward, Nine Mile Valley, said she has lived all her life in Montana and feels this is not just another "go team go" song. This song instills pride in a person, describes the state, and is truly representative of big sky country.

Dale Lackner, Cutbank, stated he is a guide and outfitter and works for the Forest Service. He said he has been introducing people to the song for over a year and has a good positive reaction from everyone. He urged the committee to support the bill.

Marietta Pfister, Missoula, a music teacher, said this music is not just for children but for people of all ages. She said she has taught hundreds of children the song very easily and urged the committee to support the bill.

Brent Compton, a student who lives very close to Canada, said he liked the song because it tells about wildlife and nature.

Scott Anderson, a country school student from Cutbank, urged support of the bill.

Merv Finstad, Principal, Jefferson and Ray Bjork Schools in Helena, and President of the Montana Association of Elementary School Principals said Mrs. Heffelfinger, Mrs. Carol, Mr. Stanaway, and Mrs. Berg, teachers of Jefferson School, had as their primary goal teaching students about and having them participate in the legislative process. The "Montana Melody" speaks well of our Montana beauty and heritage and support for it is growing all across the state.

There were no further proponents and no opponents to the bill. However, Lee Eames spoke as neither an opponent or a proponent saying she being a high school student hadn't been aware of the new song as it seemed to be a younger children's project. She further questioned whether the new song might replace the current state song "Montana", however unintentionally, if adopted as the state ballad.

There being no further witnesses the Chairman opened the hearing for questions from the committee.

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Senator Mazurek commented the committee has spent approximately the past three weeks dealing with private vs public school bills and has heard a lot of criticism of public schools. However, he said, if this is representative of public schools, he was very impressed. The committee agreed with Senator Mazurek's remarks.

Senator Mazurek asked Representative Harper to explain what would happen to the royalties from the music as that is not addressed in the bill.

Representative Harper replied by introducing Colleen and Le-Grande Harvey, composers and producers of the song and stated he has a letter from their attorney stating their intention to donate the royalties on all the sheet music to an educational scholarship fund. This will be formalized legally following passage of the bill.

In closing, Representative Harper complimented the students on the degree of excellence shown in their testimony and thanked the committee for their consideration. He noted sponsoring this bill has been a wonderful experience.

The hearing was closed and the committee moved to Room 402 for Executive Session.

EXECUTIVE SESSION

ACTION ON SENATE BILL 297: Senator Hammond stated after consulting with the Office of Public Instruction, no amendments were necessary.

Senator McCallum moved Senate Bill 297 DO PASS. The motion carried with Senator Blaylock voting no.

ACTION ON HOUSE BILL 39: Senator Mazurek moved House Bill 39 BE CONCURRED IN. The motion carried with Senator Elliott voting no.

Senator Brown left the committee room to present a bill and Senator Smith assumed the chair.

ACTION ON SENATE BILL 246: Senator Haffey moved to ADOPT THE STATEMENT OF INTENT. The motion carried unanimously.

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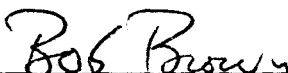
Senator Haffey moved Senate Bill 246 DO PASS AS AMENDED with the Statement of Intent. The motion carried with Senator McCallum voting no.

ACTION ON SENATE BILL 308: Senator Severson moved to adopt the amendments as per the attached committee report. The motion carried unanimously Senator Berg moved Senate Bill 308 DO PASS AS AMENDED. The motion carried unanimously with Senators Brown and Blaylock absent.

ACTION ON SENATE BILL 253: Senator Elliott moved to TABLE Senate Bill 253. The motion carried unanimously with Senators Brown and Blaylock absent.

ACTION ON SENATE BILL 331: Senator Elliott moved to TABLE Senate Bill 331. The motion carried unanimously with Senators Brown and Blaylock absent.

ADJOURN: There being no further business, the meeting adjourned at 2:30 p.m.



Senator Bob Brown, Chairman

jdr

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 7/16/83

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Bob Brown, Chairman</u>	X		
<u>Senator Ed Smith, V. Chairman</u>	X		
<u>Senator Roger Elliott</u>	X		
<u>Senator Delwyn Gage</u>	X		
<u>Senator George McCallum</u>	X		
<u>Senator Elmer Severson</u>	X		
<u>Senator Harry Berg</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Jack Haffey</u>	X		
<u>Senator Joseph Mazurek</u>	X		

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jim Barney	Belgrade High School	HB 39		✓
Pat Schessler	Belgrade High School	HB 39		✓
Delores Barney		" "		✓
Kris Cook	Belgrade High School	HB 39		✓
Cheryl Willits	Great Falls - self	HB 39		✓
Dora Dabayer	Croft-Wren Elementary - Browning	HB 39	✓	
Marty Drenoggle	Croft-Wren - Browning	HB 39	✓	
Cheryl Deming Bandy	C.K. Anderson Elementary School	HB 39	✓	
B. Dodge	Montana City Elem. - Keelan	HB 39	✓	
Mc Culloch	Broadwater School	HB 39		
F. Magee	Whitehall El. Sch.			
Gody Jackson	Belgrade High school			✓
W. H. Laughlin	Belgrade Elementary School	HB 39	✓	
Robert B. Morris	Forster Elementary School	HB 39	✓	
Warren Monahan	Four Georgian School	HB 339	✓	
Adam Bury	Polson Montana	HB 339	✓	
Tim Ringhoff	Polson Montana	HB 339	✓	
Chad Uold	Polson Mt.	HB 339	✓	
Shamus O'Keefe	Polson Montana	HB 339	✓	
Janet Morton	Polson, MT	HB 339	✓	
Amy Robinson	Polson, Montana	HB 339	✓	
Rose Chandler	Big Arm	HB 339	✓	
Lily Christensen	Polson, Mt.	HB 339	✓	
Anne Manley	Polson, MT.	HB 339	✓	
Louise Conner	Broadview Mt.	HB 39	✓	
Luth Towle	Billings, Mt.	HB 39	✓	

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Janet S. Kudan	Helena, mt.	HB39	✓	
Cathy Uselman	Helena	HB39	✓	
Peggy Z. Ward	Huron Mt.	HB39	✓	
Richard E. Ehlert	East Helena MT.	HB39	✓	
Bob Kaufmann	Bozeman Schools	HB39	✓	
Patty Remy Skot	Helena Mt	HB39	✓	
Margie Opatz	Helena MT	HB39	✓	
Annie Ackerman	Belgrade High School	HB39	✓	
Kris Vogel	Belgrade High School	HB39	✓	
Randa Rahlert	Belgrade High School	HB39	✓	
Rae Horn	Belgrade High School	HB39	✓	
Jodel Justesen	Belgrade High School	HB39	✓	
Mickey Mouse	Disneyland			✓
Marie Carlson	Glendale, Calif.	1	✓	
Fred Marynatt	Europe	#?	✓ I	✓ I
Bew Conklin	Belgrade, Mt.	#HB39	✓	
Tracy Morris	Belgrade, Mt.	#HB39	✓	
Debbie Edwards	Belgrade, Montana	#HB39	✓	
Cheryl Anderson	Cut Bank mt	#HB39	✓	
Sidney Anderson	Cut Bank mt	#HB39	✓	
Alisha Anderson	Cut Bank Mt	#HB39	✓	
Laurie Gustafson	Cut Bank Mt	#HB39	✓	
Jennifer Sabestinas	Cut Bank Mt	#HB39	✓	
Howard Sabestinas	Cut Bank Mt	#HB39	✓	
Denise Sabestinas	Cut Bank Mt	#HB39	✓	
Jay Sabestinas	Cut Bank Mt	#HB39	✓	

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Granda Schys	Glasgow	HB 39		
DAN MARK	Belgrade	HB 39		
Richard Lennemann	Belgrade	HB 39		
Jonelle Loendorf	Ray Bjork School		✓	
Lesh Riffle	Ray Bjork School		✓	
Alisa Bass	Ray Bjork School		✓	
Amy Van Hook	Ray Bjork School		✓	
Carrie Quickenden	Ray Bjork School		✓	
Lauri Norris	Ray Bjork School		✓	
Garrett Pirany	Ray Bjork School		✓	
William Robinson	Linderman School Polson	HB 39	✓	
Cheryl Zancto	Belgrade	HB 39	✓	
Robert Alexander	Belgrade High School	HB 39	✓	
4 th grade	Helena Montana		✓	
Dick Perry	Wren Lodge MT	HB 39	✓	
Donald C. King	Clancy		✓	
Jim Woolley	Wanda School	HB 39	✓	
Andy Bepi	Dargy Sch	HB 39	✓	
J. Barnett	Legsler Sch		✓	
L. Rodgers	Lawson		✓	
Ann Helstet	Huron Mt.		✓	
Rita Ward	Huron - 9-mile	HB 39	✓	

DATE

2-16-83

COMMITTEE ON

Education & Cultural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Tami Thomas		39	✓	
Kim Bartsch		39	✓	
Jessica Lowe		39	✓	
Karen Nutter	Belgrade	39	✓	
Dean Duma	"	39	✓	
Randy Wolter	"	39	X	
Verny Life		39	X	
Laurie Life		39	X	
Chad Life		39	X	
Ira Hall		39	✓	
Mandy Bell	Helena Ray Bjork School	39	✓	
Molly Scanlon Ray Bjork	"		✓	
Amy Bisson	"		✓	
Amy Williams	"		✓	
Erik Base	"		✓	
Stacy Arnillas	"		✓	
Tyler Cortright	"		✓	✓
Joe Gray	"		✓	✓
Math Engle	"		✓	
Mr. Hurlington	"		✓	
Jack Scanlon	Ray Bjork kids		✓	
Arion Sheuman	"		✓	
Paul Alkema	"		✓	
Bill Wyman	"		✓	
Morgan Voth	"		✓	
Kevin Johns	"		✓	

(Please leave prepared statement with Secretary)

DATE

(2-16-83

COMMITTEE ON

Educational & Cultural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Loendorf	Ray Bjork School		✓	
e Maughan	"		✓	
h Dawkins	"		✓	
g Souza	"		✓	
m Wilson	Belgrade		✓	
Don Miller	"		✓	
er Fuld	Belgrade		✓	
Simson	Belgrade		✓	
as Schrade	"		✓	
re Sendell	Belgrade		✓	
indy Medina	Belgrade		✓	
Mon Schott	"		✓	
Ryan Jamison	Belgrade Mt.		✓	
Kevin	Belgrade		✓	
on Vetter	Belgrade Mt.		✓	
James	Belgrade			✓
Stud Soder	Belgrade MT			✓
le Moss	Bel			
my Adomko	Belgrade			
rolle Krutzen	Belgrade Mt		✓	
ana Hansen	"		✓	
ank Stinger	Belgrade Mt.		✓	
essy Stuart	Belgrade, Mt.		✓	✓
v. Conklin	Belgrade, Mt.		✓	
Tracy Morris	Belgrade, Montana		✓	
Hebbie Edwards	Belgrade, Mt.		✓	
ino Hesse	Belgrade, Montana		✓	

(2-16-83

Educational & Educational Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
1. Alya Hamill	San Francisco	✓	✓	
2. Seitz	Montana		✓	
3. Paugh	Belgrade		✓!!!	
4. K. Mize	"			✓
5. Neely	"		✓	
6. Nieren	"		✓	
7. Weaver	Belgrade		✓	
8. Nathan	"		✓	
9. Angus Young	Australia	✓	✓	✓
10. Fowler	Belgrade		✓	
11. Matsume	Belgrade		✓	
12. McNabb	Belgrade		✓	
13. Rogers	Belgrade		✓	
14. Mike Lovely			✓	
15. Todd Buchanan	Montana		✓	
16. Hies	Polson		✓	
17. Pickrell	Polson		✓	
18. Dahl	Polson		✓	
19. McCumb	Polson		✓	
20. Emerson	Polson		✓	
21. Susott	Polson		✓	

Feb. 16, 1983

DATE Feb 16, 1983

COMMITTEE ON

Education and Cultural Resources

witness

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Nicole Wolcott	Helena	HB 39	✓	
Paige Reese	Helena	39	✓	
Julie Lackner	Cut Bank	39	✓	
Mikal Deschamps	Bonner	39	✓	
Lisa Strickler	Helena	39	✓	
Andy Liffing	Helena	39	✓	
Lisa Lott	Bonner	39	✓	
Gina Icenogle	Cutbank	39	✓	
Lerrica Rogers	Helena	39	✓	
Tracy Knudson	Helena	39	✓	
Scott Dear	Cutbank	39	✓	
Stacy Short	Helena	39	✓	
Krystin Deschamps	Hellgate - Missoula	39	✓	
Joshua Colberg	Helena	39	✓	
Kathy Woods	Bonner	39	✓	
Lisa Kallio	Helena	39	✓	
Laura Bickell	Helena	39	✓	
Amy Chenovick	Helena	39	✓	
Dill Frohlich	Bonner	39	✓	
Alex Johnson	Helena	39	✓	
Erin Keenan	Helena	39	✓	
Lynette Griest	Helena	39	✓	
Joel Rasmussen	Helena	39	✓	
John Maes	Helena	39	✓	
Kerry Heffelfinger	Helena	39	✓	
Madeleine Deham	Helena	39	✓	

(Please leave prepared statement with Secretary)

DATE _____

Witness

~~SECRET~~

REGISTER

HB

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Nancy Dove			X	
Pita Ward	self		X	
Dale Lackner	Cut Bank	39	—	
Marietta Pfister	Missoula	39	X	
Brent Compton	Cut Bank	39	X	
Scott Anderson	Cut Bank	39	X	
Merle Finstad	Mont. Assoc. of Elem Sch Principals	39	X	

Nicole

Good afternoon Mr. Chairman and members of the committee my name is Nicole Wolcott I'm 12 years old, in the sixth grade, and I go to Jefferson school.

I would like both Montana song to stay our state song and Montana melody to become our state ballad.

Montana melody is eligible to become our state ballad because it tells of Montana's beauty like the golden fields and high mountain lakes. Those may not be important to others but it is to Montanans. ~~because it talks of~~ ~~the~~ mountains for which we are named.

I would like Montana to stay our state song because of tradition and because to some the song is very dear in their heart as well as mine. Please vote yes for house bill 39.

Hello Mr. Chairman and members of the committee, My name is Paige Reese I'm a sixth grader at Jefferson School. I think "Mt. Melody" should be our state ballad because it has a flowing and pleasing melody, it describes Montana and it's a beautiful song. We wouldn't have to give up tradition for a state ballad as we would for a state song. Our state ballad should describe Montana and "Montana Melody" does just that. It mentions Charlie Russell clouds and animals which are very important. I hope you will vote in favor of "Montana Melody". Thank you for your time and attention. I'm willing to answer any questions about my testimony.

Good afternoon Mr. Chairman and members of the committee. My name is Liesl Strickler. I am a sixth grade student at Jefferson School in Helena.

Montana Melody is a very beautiful song. It describes the people, places, animals, wilderness, and Indians in Montana. Indians are part of Montana's cultural heritage and should be recognized.

The song Montana is also very beautiful. It describes how much the people need and love Montana.

I think that we need both songs to adequately capture the essence of Montana.

If we have both songs, then we can use the song Montana at football games and other happy occasions and we can use Montana Melody for occasions where Montana won't fit.

It is in my and many others opinion that we need both songs.

I am willing to answer any questions about either song or my testimony.
Thank-you for listening.

Testimony

Terria Rogers
Feb 10, 1983
Testimony

Testimony

Good morning Mr. Chairman and members of the Committee.

My name is Terria Rogers I am twelve years old, in the sixth grade and go to Jefferson School in Helena Mont.

I have been working on House Bill 39 for a very long time and each day I feel more and more that "Montana Melody" should become state ballad.

I feel it is a good compromise to keep "Montana" as state song and make "Montana Melody" as state ballad. This song is beautiful and so is our state.

Some say this song will be too hard to learn, and yes this song is long. Although after you hear this song once you don't have trouble carrying the tune, and the words flow out of your mouth as if you've known them all of your life.

Montana deserves a song like "Montana Melody."

andy Luffing
Feb 15 1983

Mr. chairman and the rest
of the comitey My name is Andy
Luffing age 11 6th grade at Jefferson
school in Helena Montana
I think that Montana Melody should be
the state song because its a beautiful song it
mentions dear Elk & Beavers
which Tourist come to see
so what if it doesnt mention
what the states rich name is
our the state flower so that
why I think it should be the
State Ballad.

Testimony

Tracy Ann Knudson @

Hello, Mr. Chairman and member of the comitee,
My name is Tracy Knudson, I'm 11 years old, ^{and} in the
the 6th grade at Jefferson School in Helena, Mt.

It is my belief that "Montana Melody" by
Lee Grande and Carleen Harvey should be
Montana's state ballad. This song is
easy to sing, beautiful, and fully describes the
physical environment and wildlife of
Montana. The words are easy to remember,
the melody is lovely, and I have really
enjoyed learning this fun-to-sing song. I
believe all Montanans would like this new
song, and like it for their state ballad.

I thank you very much

Good afternoon Mr. Chairman and members of the committee I am Joshua Colberg, in the fifth grade at Jefferson School, and I am age 11. I am Testifying because I like the compromise that has been spoken about lately. I think it would be nice to have a beautiful state ballad such as "Montana Melody" I hope you think about

Good afternoon Mr. Chairman and Members of the Committee.

My name is Stacy Short, I'm 10 years old, and in the 5th grade in Helena. In the House I was opposed to changing the state song, but when we amended the bill to State Ballad I switched. "Montana Melody" tells of the beauties of our state. It is smooth and relaxing. Montana is cherry and sounds better at football or basketball games. Also my

(over)

this when
you vote
thankyou.

my teacher and one of my classmates,
Bill Jenkins wrote to Ambassador Mansfield.
He wrote back saying that he thought
"Montana Melody" is very pretty, and that
maybe Montana should have a state song.
Please vote yes for "Montana Melody."

Thank you.

Lisa Kallio

Mr. Charman and members of the
community. My name is Lisa Kallio.
I am in 6th grade at Jefferson school.
I think Montana Melody would make
a good state ballad. I am glad we kept
keeping Montana for our state song, because
there is a lot of tradition behind it.
Montana deserves both songs.
Thank you for your time and for
letting me speak.

Good afternoon Mr. Chairman
and members of the committee. My
name is Amy Lincoln. I am in the
fifth grade. It tells our school is in
the future. Montana Melody is a song
that has a happy melody. It
is easy to sing. We can sing it
it is a song that we can sing
and make for a good song.

Good Afternoon Mr. Chairman
and members of the committee.

My name is Laura Bickell
and I am in Mrs. Hefliff's 5th
grade at Jefferson School in Helena.

I think "Montana Melody" should
be our state ballad for many reasons.
We deserve "Montana Melody" for our
state ballad. It tells all about the

Good afternoon Mr. Chairman
and members of the committee. My
name is Amy Erickson in the
fifth and St. Jefferson School in Helena.
The title "Montana Melody" is a song
that has a lovely melody and
it is easy to sing. When I first
it was in the hands of my friends
and made you feel good. I am

Good Afternoon Mr. Chairman
and members of the committee.

My name is Laura Richell
and I'm in Mrs. Hefflingers 5th
grade at Jefferson School in Helena.

I think "Montana Melody" should
be our state ballad for many reasons.
We deserve "Montana Melody" for our
state ballad. It tells all about the

Kind request to note "Yes" for the
Montana state ballad.

Senary in Montana.

I would wish you would
note for Montana Melody!"

Good

Alex Johnson
Feb. 11, 1983

Dear Mr. Chairman and the members
of the committee, My name is Alex
Johnson, I am 12 years old, and in the
sixth grade. I would like the "Montana
Melody" to be our state ballad. I can
tell the "Montana Melody" song is very
touching from the praise we got in our
letters. Personally, I think both songs fit
well together because one you can
use at football games and the other
by the fire. I have always loved
Montana and its beauty and both songs
make it come alive. So please vote
for "Montana Melody" as our state
ballad!

Dear Mr. Chairman and members of the committee

My name is Joe
My name is Joel Rasmussen and I'm in the sixth grade
at Jefferson School in Helena Montana. I believe that
Montana Melody should be our state song Ballod because it

wouldn't take the place of and other song so those who

like the old song wouldn't even have to learn it although
personally I think they would want to just because its
such a beautiful song..The tune of Montana Melody flows
easily. The most the notes jump is one octave and it happens
only in the chorus. The range of the song is very easy for
most singers because it is neither very high or very low.
The royalties for the song "montana" will still go to
Shodair Hospital and all the royalties from "Montana Melody
will go to a scholarship fund for higher education. The
rumor that the Montana Melody project is only in Jefferson
is false. Many students in Wolf Point have written letters
to their legislator expressing an interest in the song.
A group of kids in Butte have already learned the song and
over 53 principals bought sheet music of records from
a Helena teacher at the State Principals Convention.
With Montana Melody as our State Ballod we will still
have our ~~game song~~ football cheer state song and we
will have a lovely sweet folk style song for those
who enjoy this style of music. I think both songs
adequately portray our state. In reaction to someones
comment about this being a pet project I would just
like to say that this is our project and not some boring
assignment. This was totally our choice and believe me
I'm here speaking to you only because I love this song
and I love our state. Thank you for allowing me to speak
before you.

STANDING COMMITTEE REPORT

..... February 17, 19 83

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **SENATE** Bill No. **297**

Respectfully report as follows: That **SENATE** Bill No. **297**

DO PASS

STANDING COMMITTEE REPORT

February 17, 19 83

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **39**

Respectfully report as follows: That **HOUSE** Bill No. **39**

BE CONCURRED IN

~~XXXXX~~
DO PASS

STANDING COMMITTEE REPORT

February 17, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **SENATE** Bill No. **246**

Respectfully report as follows: That **SENATE** Bill No. **246**
introduced copy, be amended as follows:

1. Page 2, line 21.

Following: line 20

Strike: "consider systematically"

Insert: "systematically consider"

2. Page 3, line 6.

Following: "(1)"

Insert: "in consultation"

Following: "with"

Strike: "the concurrence of"

3. Page 3, line 14.

Following: "22-3-423"

Insert: ". If the state agency acts in conjunction with a federal agency in their normal course of granting permits, the rules adopted under this subsection must be substantially the same as the federal rules that apply to the federal agency"

~~XXXXXXX~~

And, as so amended, DO PASS

Statement of Intent Attached

Senator Bob Brown, Chairman.

February 17

83

19.....

STATEMENT OF INTENT RE: SB 246

The primary purpose of the bill is to ensure that systematic consideration of heritage properties on state-owned land occurs in state agency planning and actions. The bill provides that agencies that do not choose to prepare their own regulations to afford systematic consideration to heritage properties on state lands adhere to general rules prepared by the Historical Society.

The rules promulgated pursuant to this bill should ensure that (a) the decision on whether to undertake a professional cultural resources inventory or site evaluation prior to a potentially harmful action is made by the agency in consultation with the Society;)b) any heritage properties identified on state land are afforded direct consideration in an agency's decision on whether or how to undertake an action; and (c) when feasible, damage to heritage properties is avoided or subject to an appropriate form of mitigation.

The rules are not intended to require a single course of action by the agency or absolute protection of all identified heritage properties.

The rules promulgated by either state agencies or the Historical Society should have as common elements:

- a requirement that prior to taking an action affecting state land or property state agencies will check with the Historical Society to determine the presence or absence of previously identified historic or prehistoric resources, the relative value of any previously identified sites or buildings, and whether a field inventory or further site evaluation needs to occur to determine whether heritage properties might be impacted.
- a requirement that the Historical Society provide the information requested within a specified time and in a precise format.
- a requirement that each state agency have a system for making and documenting decisions on whether heritage properties identified as being affected by an agency decision or action can be afforded protection, avoidance, reuse, rehabilitation, or recording prior to impact and that the system adopted permits the Historical Society comment to the agency on their decision.
- a method for adjudicating differences between the agency and the Historical Society in instances where the value of jeopardized sites appears to be high. Such a method could involve the Governor-appointed State Historic Preservation Review Board.

(Continued)

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This bill would be applicable to state agencies in two separate contexts: decisions on remodeling or demolition of historic state-owned buildings and decisions made by state land managing agencies relative to leases, easements, access, development.

In the case of the Montana University System, "rule" means procedures included in the Montana University System Policies and Procedures Manual through the formal and public process used by the Regents for that purpose.

STANDING COMMITTEE REPORT

February 17, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **SENATE** Bill No. **308**

Respectfully report as follows: That **SENATE** Bill No. **308**
introduced copy, be amended as follows:

1. Title, line 5.

Following: "OWNERS"

Insert: "and owners of more than one-half of the property"

2. Page 1, line 22.

Following: "concurrence of"

Insert: "; (a)"

3. Page 1, line 23.

Following: "district"

Insert: "; and (b) the owners of more than one-half of the
property in the district"

And, as so amended, DO PASS

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February 17, 19 83

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