

MINUTES OF THE MEETING  
NATURAL RESOURCES COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

January 14, 1985

The meeting of the Natural Resources Committee was called to order by Chairman Dennis Iverson on January 14, 1985, at 3:00 p.m. in Room 312 of the State Capitol Building.

ROLL CALL: All members were present.

The meeting was called for executive action on HB6 and HJR 5. Both measures had been heard and discussed on January 9, 1985.

HOUSE BILL 6: Rep. Addy moved to amend HB6 by striking lines 2-3 on page 6. He explained that because the Dept. of Natural Resources and Conservation is currently in litigation involving Section 2 of the bill, that matters would be confused if 85-1-121 were suspended rather than repealed.

Chairman Iverson asked Rep. Addy if he would include all references to Section 2 in his motion to amend. Rep. Addy said his motion to amend HB6 would include all references to Section 2, including those in the title, page 6, lines 2-3, and page 13, lines 3-4.

Rep. Ream asked for confirmation that the amendment would essentially omit Section 2 and was given that confirmation by Rep. Addy.

On a voice vote, the committee unanimously passed the motion of Rep. Addy, deleting Section 2 and renumbering subsequent sections of HB6.

The committee then voted unanimously in favor of a do pass motion on HB6. Rep. Addy agreed to carry the bill.

HOUSE JOINT RESOLUTION 5: Rep. Asay, sponsor of HJR 5, opened action on that resolution with a do pass motion. Researcher Hugh Zackheim explained that the Legislative Council had determined that the committee had the power to amend the title of the resolution to include the Yellowstone and Big Horn Rivers.

Rep. Raney recommended that the amended title include the Big Horn River and the Yellowstone River below its confluence with the Big Horn. Rep. Iverson said the title need not specifically include reference to that confluence. Rep. Asay explained that the Pick-Sloan plan specified that any action on the Yellowstone take place above its confluence with the Big Horn.

Rep. Asay moved to amend the title of HJR5 to include the Yellowstone and Big Horn Rivers. The motion passed on a unanimous voice vote.

Rep. Raney moved that the resolution be amended on page 2, line 13, to read "Yellowstone, below confluence with the Big Horn," with the same change on page 3, line 4.

Rep. Driscoll asked if the resolution would address the problem of erosion on the Yellowstone above its confluence with the Big Horn. Rep. Asay explained that only that area of the Yellowstone below the confluence would be included, and that the upper portion of the Yellowstone would have to be addressed in other legislation.

Rep. Miles explained to Rep. Driscoll that the amendment to specifically state that the Yellowstone would be affected only above its confluence with the Big Horn River was an effort by Rep. Raney to discourage any action by the Army Corps of Engineers on the upper Yellowstone, specifically any further planning for the proposed Allenspur Dam.

The amendment passed unanimously on a voice vote, and discussion proceeded on the resolution.

Rep. Grady spoke in favor of the proposed resolution, stating that private landowners are losing land to erosion, but rip-rapping and streambank stabilization is too expensive for private owners. He said it would be necessary to carefully watch any actions by the Corps, but that the agency's assistance is necessary to halt erosion problems.

Rep. Asay commented that excessive silt content in rivers resulting from erosion is harmful to fisheries and reservoirs.

Rep. Ream asked if there would be any problems with changing the title of the resolution, and was told by Chairman Iverson that the Legislative Council had indicated that the change was a clerical matter.


Rep. Ream expressed concern that other proponents or opponents of the resolution might have been present at the public hearing if the Yellowstone and Big Horn Rivers had been included in the title. Rep. Iverson agreed that might be possible, but said those interested parties would have a chance to testify when the Senate discusses the measure.

Rep. Addy asked if lines 16-19 on page 2 could be stricken without damaging the intent of the resolution. Rep. Asay said he would prefer to delete the reference to fluctuating amounts of water, but leave in a reference to clear water (with a high capacity to erode banks).

Rep. Addy recommended that lines 16-17, page 2, be amended to read: "because of releases of clear water capable of eroding and . . ." The amendment was passed unanimously.

Rep. Addy then moved to pass the resolution as amended, and the motion was passed unanimously on a voice vote.

There being no further business before the committee, the meeting was adjourned at 3:45 p.m.

  
DENNIS IVERSON, Chairman

# DAILY ROLL CALL

HOUSE NATURAL RESOURCES

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date

*January 14, 1985*

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	X		
KADAS, Mike (Vice-Chairman)	X		
ADDY, Kelly	X		
ASAY, Tom	X		
COBB, John	X		
DRISCOLL, Jerry	X		
GARCIA, Rodney	X		
GRADY, Edward	X		
HARP, John	X		
JONES, Tom	X		
KRUEGER, Kurt	X		
MILES, Joan	X		
MOORE, Janet	X		
O'HARA, Jesse	X		
PETERSON, Mary Lou	X		
RANEY, Bob	X		
REAM, Bob	X		
SMITH, Clyde	X		

# STANDING COMMITTEE REPORT

PAGE 1 OF 2

JANUARY 14, 1935

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE JOINT RESOLUTION Bill No. 5

FIRST reading copy (WHITE color)

A RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS AND THE ARMY CORPS OF ENGINEERS TO COMPLETE A PROGRAM OF BANK PROTECTION, STABILIZATION, AND MAINTENANCE ALONG THE MISSOURI RIVER IN MONTANA.

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 5

BE AMENDED AS FOLLOWS:

1) Page 1, line 3

Following: "MISSOURI"

Insert: ", YELLOWSTONE, AND BIG HORN RIVERS"

Strike: "RIVER"

2) Page 2, line 11

Following: "Yellowstone"

Insert: "below its confluence with the Big Horn"

3) Page 2, line 16

Following: "or"

Strike: "reservoir management that"

DO PASS

MR 3  
AMENDMENTS

JANUARY 14 ..... 19 35

4) Page 2, lines 16-17

Following: "releases"

Strike: "highly fluctuating amounts"

5) Page 3, line 4

Following: "Yellowstone"

Insert: "below its confluence with the Big Horn"

AND AS AMENDED

DO PASS

# STANDING COMMITTEE REPORT

JANUARY 14

19 85

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 5

FIRST reading copy ( WHITE )  
color

AN ACT TO GENERALLY REVISE AND CLARIFY LAWS RELATING TO MINING  
AND TO WATER RIGHTS AND USE; AMENDING SECTIONS 82-4-254, 85-8-624,  
AND 90-6-307, MCA, AND SECTION 3, CHAPTER 706, LAWS OF 1983; AND  
PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR SECTION 2.

Respectfully report as follows: That HOUSE Bill No. 5

BE AMENDED AS FOLLOWS:

1) Page 1, lines 8-9

Following: "MCA"

Strike: ", AND SECTION 3, CHAPTER 706, LAWS OF 1983, AND PROVIDING  
AN IMMEDIATE EFFECTIVE DATE FOR SECTION 2"

2) Page 5, line 25 through Page 6, line 3

Strike: section 2 in its entirety

Re-number: subsequent subsections

3) Page 13, lines 3-4

Strike: lines 3-4

AND AS AMENDED,

DO PASS