

MINUTES OF THE MEETING  
SENATE NATURAL RESOURCES COMMITTEE  
MONTANA STATE SENATE  
February 8, 1985

The fifth meeting of the Senate Natural Resources Committee was called to order at 1:04 p.m., February 8, 1985, by Chairman Dorothy Eck in Room 325, State Capitol Building.

ROLL CALL: It was announced to the committee that Senators Cecil Weeding and Chris Christiaens are replacing Senators Manning and Stimatz on the Natural Resources Committee. All members of the committee were present.

CONSIDERATION OF HB81: Representative Ellison, sponsor of HB81, introduced Michael Hager of the Museum of the Rockies. Mr. Hager submitted written testimony (Exhibit 1) and stated that the discovery in Choteau, Montana, revealed one of the largest concentrations of fossils in the world. According to Mr. Hager, the find in Choteau is unique because for the first time, embryos were found preserved in the dinosaur eggs. This discovery has caught world-wide attention. Articles have appeared in many scientific journals, as well as National Geographic, The Weekly Reader and newspapers from all over the world. Documentaries have also been televised on 20/20 and 3-2-1 Contact. Mr. Hager is asking for official recognition of the Maiasaura Peeblesorum as the state fossil in order to protect one of Montana's most valuable natural resources from being exported from the state for display in museums. Mr. Hager informed the committee that the "dig" in Choteau contains bones from as many as 500-10,000 Maiasaura Peeblesorums and as many as 350 eggs. The discovery has also provided scientific proof that some dinosaurs were warm-blooded animals and that dinosaurs did have a social structure. Until the discovery at Choteau, these were just theories. Mr. Hager believes the large herd of dinosaurs was eventually eliminated by a large concentration of volcanic ash. Mr. Hager feels the Maiasaura Peeblesorum should be considered a state symbol, and that this recognition will result in a large amount of tourism in the state.

PROPOSERS: Mr. Ben Veach, President of the Yellowstone Gem and Mineral Society, thanked the committee for their consideration of HB81, and stated that because of weather conditions, the students from Livingston were unable to attend the hearing. Mr. Veach gave Chairman Eck a copy of the 1983 Membership Directory of the Northwest Federation of Mineralogical Societies (Exhibit 2).

Mr. William G. Melton, Jr., of the Department of Geology, University of Montana, submitted written testimony (Exhibit 3).

Mr. Melton travels to many schools in Montana to inform the students about dinosaurs, and will be developing a slide program for these students on Maiasaura Peeblesorum.

Miss Debra E. Klinger, Secretary of the Montana Council of Rock and Mineral Clubs, submitted written testimony (Exhibit 4) in favor of HB81.

Mr. Luke Duran, representing the Ben Veach, Jr., Rock Club of Livingston and the sixth grade class of Livingston, submitted written testimony (Exhibit 5) in favor of HB81.

Mr. Lester Sunvison, representing the Yellowstone Gem and Mineral Society, submitted written testimony (Exhibit 6) in favor of HB81.

Mr. Andy Goff, representing the Ben Veach, Jr., Rock Club, submitted written testimony (Exhibit 7) in favor of HB81.

Mr. Brian Hager, representing the sixth grade class of Wilson School in Bozeman, Montana, submitted written testimony (Exhibit 8) in favor of HB81. Mr. Hager presented Chairman Eck with a computer listing of all the grade schools in Montana and the number of students from each school who are in favor of HB81 (Exhibit 9).

There being no further proponents and no opponents, the hearing was opened to questions from the committee.

Upon the request of Senator Gage, the sixth grade class of Jefferson Elementary School in Helena, Montana, spelled Maiasaura.

Senator Weeding stated that he understands the importance of the discovery since the remains of three Tyrannosaurus Rex had been discovered near his home.

There being no further questions from the committee, the hearing was closed.

CONSIDERATION OF SB264: Senator Mohar, sponsor of the bill, stated he is carrying this bill at the request of the Department of State Lands. Senator Mohar explained SB264 provides for a penalty for failure to obtain an easement before construction begins on state lands. Under the current law, the only recourse the Department has is to prosecute under trespass laws, or to have the obstruction removed. Senator Mohar feels the provision of a penalty will provide an economic incentive for people to obtain a permit.

PROPOSERS: Mr. Dennis Hemmer, Commissioner of State Lands, submitted written testimony (Exhibit 10) and stated that it is usually not the lessees who are abusive, but rather persons with absolutely no rights to the land at all.

There being no further proposers and no opponents, the hearing was opened to questions from the committee.

Senator Fuller questioned Mr. Hemmer as to the seriousness of the problem. Mr. Hemmer replied he knows of 4-6 instances where persons without permits substantially damaged state lands. Senator Fuller inquired as to why these people were not dealt with under the current trespass laws. Mr. Hemmer replied it was too costly to the State to prosecute under these statutes.

Senator Gage questioned Mr. Hemmer concerning whether persons were knowingly failing to obtain a permit, or whether they were doing this out of a lack of knowledge of the law. Senator Gage was concerned about a person who was simply unclear of boundaries being penalized. Mr. Hemmer stated that under those circumstances, he would recommend to the Board that a penalty not be assessed.

Senator Christiaens questioned whether the use of the word "person" on page 1, line 24, referred to corporations as well. Mr. Hemmer replied it did.

Senator Mohar closed the hearing on SB264 by asking the committee for careful deliberation on the bill.

CONSIDERATION OF SB272: Senator Mohar, sponsor of SB272, opened the hearing by stating the purpose of the bill is to allow any entity to submit an application to develop hydroelectric power on state-owned projects. Senator Mohar believes this bill will increase electrical generating capacity on state-owned projects.

PROPOSERS: Mr. Larry Fasbender, Director of the Department of Natural Resources and Conservation, testified that passage of SB272 will assist development of small scale hydro projects, and negotiation will allow adequate state control while protecting the rights of small projects. Mr. Fasbender urged the committee for a do pass recommendation.

There being no further proposers and no opponents, the hearing was opened to questions from the committee.

Upon question from Senator Shaw, Mr. Fasbender stated that small companies would be eligible for a tax credit and, in fact, would probably make more from the tax credit than they would in profit.

The excess power could then be sold to The Montana Power Company. Mr. Fasbender explained to Senator Shaw the rate at which the power would be sold to The Montana Power Company is currently being reviewed by the Public Service Commission, so he is unsure what the rate would be.

Senator Tveit questioned why the language was deleted on page 1, line 16-21, rather than just simply adding to the language already contained in the law. Mr. Fasbender replied the added language was inclusive of the previous language.

Senator Gage questioned why the State of Montana would want to give up this additional income to the private sector. Mr. Fasbender replied the State is not eligible for the tax credit. Senator Mohar replied the maximum credit a developer would receive from the State would be \$125.

Senator Eck asked Mr. Berry if, since Mr. Pete Gross, one of the foremost proponents of the bill, was unable to come to Helena and testify, he knew what Mr. Gross's interests were. Mr. Berry stated Mr. Gross was interested in smaller projects under two megawatts which the State could not develop, such as the South Willow Creek near Pony, Montana, the Ruby Reservoir and the Tongue River Reservoir. Mr. Berry stated that if some of these smaller projects are not developed by private entities, they will never be developed.

Senator Gage asked if the projects had to be totally or partially completed before the tax credit can be realized. Senator Mohar stated that he did not have that information available, but he believes a tax credit could be realized as long as the necessary permits have already been obtained.

Chairman Eck granted permission for Pete Gross's written testimony to be submitted to the committee before action would be taken on SB272.

Senator Mohar closed the hearing by stating that hydropower is a clean, efficient way to produce electricity, and it is in the best interest of the State of Montana to pass SB272.

ACTION ON SB223: Bob Thompson submitted proposed amendments to SB223 to the committee (Exhibit 11). Senator Fuller moved the committee accept the proposed amendments. The motion carried unanimously.

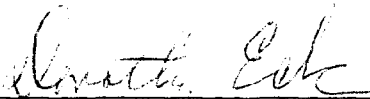
ACTION ON HB81: Senator Fuller moved that HB81 BE CONCURRED IN. The motion carried.

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FURTHER CONSIDERATION OF SB264: Senator Shaw stated he had problems with the penalty provision. He feels if a lessee violates the lease, the lease should be revoked. Senator Mohar reminded Senator Shaw of the types of problems arising with individuals other than the lessee.

Senator Daniels felt there may be a problem with the constitutionality by providing a penalty without an opportunity for the accused to prove his innocence. Senator Mohar agreed and decided some investigation into that issue should be done before proceeding.

There being no further business to come before the committee, the hearing was adjourned at 2:55 p.m.

  
\_\_\_\_\_  
Senator Dorothy Eck, Chairman



020885

SB 264

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: Michael W. Hoyer DATE: 2/8/85

ADDRESS: 108 Silverwood Dr. Bozeman

PHONE: 586-1615

REPRESENTING WHOM? Museum of the Rockies

APPEARING ON WHICH PROPOSAL: HB 81

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Favor Maiasaura for the state  
fossil for educational and tourism  
value.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 1

DATE 020885

BILL NO. HB 81



SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 2

DATE 020885

BILL NO. H381

# MEMBERSHIP DIRECTORY

of

Northwest Federation of  
Mineralogical Societies

# 1983

ALASKA

ALBERTA

IDAHO

MONTANA

NORTH DAKOTA

OREGON

UTAH

WASHINGTON



\$1.50



NAME: William S. Meltzer Jr. DATE: 8/8/85

ADDRESS: Dept of Geology, Univ of Mont, Missoula, MT, 59813  
Hallgate Rocks and Minerals Club, Missoula, MT

PHONE: 243 5621

REPRESENTING WHOM? University of Montana Biology Dept

APPEARING ON WHICH PROPOSAL: HB 81

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: I favor Mesasaurus for the state  
fossil

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 3

DATE 020885

BILL NO. HB 81

Senators,

I'm Debbie Klingler of Livingston &  
Sec. of the MT. Council of R & M Clubs which is  
a member of the Northwest Fed. of Mineralogical  
Societies ~~which is~~ This Fed is a member of  
the Am. Fed of Min. Soc. which all R & M  
clubs in the U.S. are members of. This directory  
lists the clubs & members of the NW Fed.  
The N. W. Fed has 9034 members in 137 clubs.  
Montana alone has 727 mem. in 17 clubs.  
In the Am. Fed there are 60,000 members in 825 clubs.  
We have spent hours getting petitions signed &  
we feel this bill will bring rockhounds  
from all over the U.S. <sup>and</sup> Due to the  
number of T.V. reports & articles in magazines  
& newspapers other tourists will come to  
Montana to see what we've found.  
Especially Missoula, Deep River.  
We would appreciate your support  
on HB 81 Thank you.

Debbie C. Klingler

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 4

DATE 020885

BILL NO. HB 81

(This sheet to be used by those testifying on a bill.)

NAME: Debra E. Klingler DATE: 2-8-85

ADDRESS: P.O. Box 1265 Livingston, MT 59047

PHONE: 222-2375

REPRESENTING WHOM? Montana Council of Rocks and Minerals

APPEARING ON WHICH PROPOSAL: HB81

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: I favor the Maiasaura Peeblesorum for  
the state fossil

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 4

DATE 020885

BILL NO. HB81

*Also Represent*  
I represent the Ben Veach Jr Rock Club -  
of Livingston - and since the snow storm  
the 6th grade class of Livingston.

The Rock Club of my 6th grade  
Class has worked very ~~ok~~ hard to  
have the Maiasaura as our State Fossil.

So please vote yes on H. B. 81

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 5

DATE 020885

BILL NO. H6381

Thank you.

NAME: Luke DURAN DATE: 2-8-85

ADDRESS: Rt. 62 Box 3219 Livingston, MT 59047

PHONE: 222-6277 (406)

REPRESENTING WHOM? Ben Veach Junior Rock Club, Yellowstone <sup>Gem & Mine Socy</sup>

APPEARING ON WHICH PROPOSAL: House Bill 81

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: I favor the Maiasaura peeblesorum as the  
state fossil of Montana.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES COMMITTEE  
EXHIBIT NO. 5  
DATE 020885  
BILL NO. HR81

This baby had a difficult childhood, being born only a mere foot long compared to it's mother's awesome length of 30 feet. Maisauras start life quite small but grew to become formidable creatures much like the state of Montana, it's native home.

"Why did the dinosaur disappear?", ~~now appears to be answered.~~  
Thanks to the Fort Union formations of eastern MOn tana, <sup>→ this question is</sup> The discovery

The Maiasaura's home is Montana. Many other dinosaurs have lived here but like some of our young people seem to end up in the big cities. j We want to change this trend and what better way to start than by naming a state fossil which will stay in it's native home.

SENATE, NATURAL RESOURCES COMM.  
EXHIBIT NO. 6

DATE 020885

Every person, regardless of their age, has a fascination with the perplexing mysteries of dinosaurs. Yet the people of Montana have to travel out of state to see and study creatures who shared their home millions of years ago. The *Maisaura peeblesorum* a timeless family of Montana is an excellent choice for our state fossil.

This dinosaur has changed our view of dinosaurs as Mindless slow moving reptiles. Instead the good mother dinosaur was a warmblooded social creature who cared for ~~XXX~~ her young and enjoyed the greater family surrounding her. And much like the Montanan who steps out in the evening for a breath of our clean air and watch the sun set--Who is to say the giant *Maiassaura* did not also see the golden rays of the setting sun and thank her God that she lived in Montana?



(This sheet to be used by those testifying on a bill.)

NAME: LESTER D. SUNNISON DATE: 2-8-85

ADDRESS: 527 50.8TH ST. LIVINGSTON MT 59047

PHONE: 222-6985 222-3880

REPRESENTING WHOM? YELLOWSTONE GEM and MINERAL SOC

APPEARING ON WHICH PROPOSAL: HB 81

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Favor This Bill

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 6

DATE 020885

BILL NO. HB 81

My name is Andy Goff and I have a poem -

When you come to Montana where the  
skies are bright and blue You can see the new  
state fossil near Chat eau there's a clue.

Please Please help us your votes are what we need  
to have the duck billed Dinosaur would really be swell  
indeed. Our state would be really <sup>great</sup> with a state fossil such  
as this, he is the only one around so how could it be a  
miss? Please, Please help us your votes are what we  
need to have the duck billed Dinosaur would be really swell  
indeed.

MAE SAURA

PEMBLESORUM

71

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 7

DATE 020885

BILL NO. HB 81

(This sheet to be used by those testifying on a bill.)

NAME: Andrew Goff DATE: 2-8-85

ADDRESS: 112 No. Yellowstone Livingston, Montana

PHONE: 222-2769

REPRESENTING WHOM? Ben Veach JR. Rock Club

APPEARING ON WHICH PROPOSAL: HB #81

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: I favor the Maiasaura being Montana  
State fossil.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 7

DATE 020885

BILL NO. HB 81

NAME: Brian Hager DATE: 2-8-85

ADDRESS: 104 Silverwood Dr. Bozeman MT 59715

PHONE: 586-1615

REPRESENTING WHOM? Wilson School six grade Bozeman

APPEARING ON WHICH PROPOSAL: HB 81

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: I favor maiasaura for the state  
Fossil!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE NATURAL RESOURCES COMMITTEE  
EXHIBIT NO. 8  
DATE 020885  
BILL NO. HB 81

The following schools, rock clubs and citizens wish to have  
MAIASAURA PEEBLESORUM (Duck-Billed Dinosaur) named the Montana  
State Fossil in the 1985 legislation.

Arrowhead Mineral Club Inc. P.O. Box 222 Great Falls, MT 59403	48 Signatures
Ben Veach Junior Rock Club 112 So. C St. Livingston, MT 59047	16 Signatures
Big Sky Rocks & Mineral Club Box 342 Rollins, MT 59931 Polson, MT	36 Signatures
Billings Gem & Mineral Club Box 477 Billings, MT 59103	82 Signatures
Bitterroot Gem & Mineral Society Box 295 Stevensville, MT 59870	53 Signatures
Butte Mineral & Gem Club Box 41211 Butte, MT 59701	58 Signatures
Central Gem & Mineral Society 614 W. Ohio St. Lewistown, MT 59457	22 Signatures
Helena Mineral Society Box 114 Clancy, MT 59634	62 Signatures
Hellgate Mineral Society Inc., Box 2683 Missoula, MT 59806	51 Signatures
Kalispell Rockhounds Box 1370 Kalispell, MT 59901	50 Signatures
Lincoln County Rockhounds Box 308 Trego, MT 59934	22 Signatures
Mont. Society of Nat. & Earth Sci Box 375 Bozeman, MT 59715	49 Signatures
Musselshell Mineral & Fossil Soc.	

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 9

DATE 020885

BILL NO. HR 81

1117 2nd. St. W. Roundup, MT 59072	21 Signatures
Rock & Hobby Club 340 Prospect Dr. Glendive, MT 59330	70 Signatures
Whoop Up Trail Rockhounds Inc. Box 126 Fort Benton, MT 59406	15 Signatures
Yellowstone Gem & Mineral Society 112 So. C St. Livingston, MT 59047	28 Signatures
Yellowstone Agate Club Box 2552 Miles City, MT 59301	46 Signatures
Cascade Schools P.O. Box 307 Cascade, MT 59421-0307	70 Signatures
Big Timber Grade School Box 887 Big Timber, MT 59011	77 Signatures
South School 606 S. 5th Laurel, MT 59044	72 Signatures
West School 410 Colorado Avenue Laurel, MT 59044	243 Signatures
Valley View School 900 Avenue A.N.W. Great Falls, MT 59403	346 Signatures
Linderman School 111 4th Avenue East Polson, MT 59860	129 Signatures
Peerless Elementary Miss Lori Falcon Peerless, MT 59253	43 Signatures
Sheridan School	

105 Madison Sheridan, MT 59749	103 Signatures
Bitterroot School 1801 Bench Blvd. Billings, MT 59105	248 Signatures
Jefferson School M. Carroll, 6th Grade 1023 Broadway Helena, MT 59601	289 Signatures
Hardin Intermediate School Rose Schindler 631 W. 5th Hardin, MT 59034	228 Signatures
Jordan Elementary School Box 309 Jordan, MT 59337	72 Signatures
Hardin Middle School Mr. Cheeseman Hardin, MT 59034	151 Signatures
Cascade Schools (K-6) P.O. Box 307 Cascade, MT 59421-0307	140 Signatures
Boulder Elementary Box 176 Boulder, MT 59632	23 Signatures
Chief Joseph School Great Falls, MT 59401	33 Signatures
Froid Elementary Froid, MT 59226	32 Signatures
McKinley School W. Park Butte, MT 59701	167 Signatures
Wyola Elementary School P.O. Box 66 Wyola, MT 59089	16 Signatures

Rimrock Elementary School 2802 13th Street West Billings, MT 59102	174 Signatures
Turner Public Schools Box 40 Turner, MT 59542	67 Signatures
Whitehall Public Schools A. Hoffmann P.O. Box 400 Whitehall, MT 59759	32 Signatures
Jefferson School Room 13 Grade 6 Glendive, MT 59330	21 Signatures
Fort Benton Public Schools Fort Benton, MT 59442	31 Signatures
Eureka Elementary P.O. Box 2001 Eureka, MT 59917	45 Signatures
Lincoln School 213 S. Nowlan Glendive, MT 59330	350 Signatures
Grass Range Public Schools Grass Range, MT 59032	11 Signatures
Superior Elementary Box 400 Superior, MT 59872	16 Signatures
Whitter School Great Falls, MT 59401	128 Signatures
Garfield School 215 7th Avenue Sout Lewistown, MT 59457	69 Signatures
Choteau Public Schools Choteau, MT 59422	95 Signatures
Edgerton Schools 233 First Ave. East	116 Signatures



Kalispell, MT 59901	
Big Sandy Public Schools Big Sandy, MT 59520-0570	66 Signatures
St. Ignatius Elem. Susan Abtiuchok P.O. Box 370 St. Ignatius, MT 59865	265 Signatures
Columbus Elemnetary School P.O. Box 925 Columbus, MT 59019	156 Signatures
Highland Park Elementary 1312 7th Avenue North Lewistown, MT 59457	212 Signatures
Butte Schools Webster-Garfield Butte MT, 59701	126 Signatures
Dillon School Dillon, MT	38 Signatures
Livingston Middle School 5th and Callender Livingston, MT 59047	
Winans School K-5 grades Livingston, MT 59047	
East Side School K-5 grades Livingston, MT 59407	
St. Mary's School K-8 (grades) Livingston, MT 59407	----- Livingston Schools A Total of 1408 Signatures -----
Park Senior High School McLeod Island Livingston, MT 59047	
Washington School K-5 (grades) Livingston, MT 59047	
Livingston Citizens Livingston, MT 59047	92 Signatures
Garfield School	

Lincoln School Building 215 7th Avenue South Lewistown, MT 59457	69 Signatures
School District #34-3 Carbon County Box 28 Belfry, Montana 59008	79 Signatures
Butte Schools Sally Andersen, Co-ordinator Butte Schools Butte, Montana 59701	37 Signatures
Missoula School District 1 215 South Sixth West Missoula, Montana 59801	23 Signatures
Lavina Public Schools Districts 41M\2 Box 146 Lavina, Montana 59046-0146	39 Signatures
Patti Walker 403 Hiberta Missoula, Montana 59801	18 Signatures
Geraldine Public Schools Box 57 Geraldine, Montana 59446	52 Signatures
Kessler School 4222 Hwy. 12 West Helena, Montana 59601	188 Signatures
Missoula School District 1 215 South Sixth West Missoula, Montana 59801	19 Signatures
Butte Schools Sally Anderson Co-ordinator Butte, Montana 59701	26 Signatures
William Rolshover, Principal	

Prescott School	203 Signatures
Harrison and Elm	
Missoula, Montana 59802	

Park Basketball Fans	
Park Senior High	218 Signatures
Livingston, Montana, 59047	

Johns IGA	
Livingston, Montana	237 Signatures
59047	

Morningside School	
4119 7th Ave. No.	201 Signatures
Great Falls, Montana	
59401	

Thompson Falls School	
School District #2	186 Signatures
P.O. Box 129	
Thompson Falls, Montana	
59873	

Livingston Business	
Livingston, Montana	23 Signatures
59047	

Park High Fans	
Livingston, Montana	10 Signatures
59047	

Missoula School Dist. 1	
215 South 6th West	18 Signatures
Missoula, Montana 59801	

Garfield Elementary School	
3212 1st Ave. South	
+ Billings, Montana 59101	37 Signatures

Lowell School	
1200 Sherwood	162 Signatures
Missoula, Montana 59802	

TOTAL NUMBER OF SIGNATURES COLLECTED BY THE SIXTH GRADE  
STUDENTS.....8574

HB81

Original petitions submitted from the various elementary schools can be located at the Montana Historical Society, 225 North Roberts, Helena, Montana.

## TESTIMONY ON SENATE BILL 264

DENNIS HEMMER, COMMISSIONER OF STATE LANDS

The Department of State Lands supports the passage of Senate Bill 264 regarding the implementation of a penalty of up to three times the full market value of the easement for those persons who perform an action on state land without first obtaining an easement.

Recently the Department has experienced a number of cases where construction has taken place on state lands without first obtaining an easement. Examples include oil and gas lines, water lines, septic fields, and even houses. In essence the Board is only left with two remedies at that point. Requiring the individual to remove what he has constructed or to give them an easement. Requiring the individual to remove what has been constructed can actually present more disturbance to the land and pose an undue hardship on the applicant. However, by constructing it without review by the Department or the Board the construction may take place in an area that would not have been otherwise approved or not subject to other modifications that would be in the best interest of the trust. Sometimes easements are constructed that are in direct opposition to existing land uses and detrimental to land values. The concern is that illegal trespass does not damage long term management and therefore the revenue of the state school trust lands.

Obviously with the scattered nature of state lands, the Department cannot monitor constantly for illegal trespass. By constructing without an easement the individual in essence has bound the Board to his desires. Senate Bill 264 would present an economic incentive to the applicant to apply and go through the correct procedures before any construction takes place on school trust land.

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 10

DATE 020885

BILL NO. SB264

Proposed Amendments to SB 223:

1. Page 1, line 20.

Following: "court"

Insert: "and the county clerk and recorder"

2. Page 2, line 25.

Following: "a"

Insert: "reference"

3. Page 3, line 1

Following: "judge"

Insert: "and to the county clerk and recorder in the county in which the transfer occurred."

4. Page 3, line 5.

Following: "department"

Insert: "and the county clerk and recorder"

Following: "processing"

Strike: "the copy of"

5. Page 3, line 19.

Following: "85-2-424"

Insert: "(1)"

SENATE NATURAL RESOURCES COMMITTEE

EXHIBIT NO. 11

DATE 020885

BILL NO. SB223

# STANDING COMMITTEE REPORT

February 8, 1985

MR. PRESIDENT

We, your committee on Natural Resources

having had under consideration Senate Bill No. 223

**First** reading copy ( white )  
color

(Heuman)

**PROVIDE FOR FILING WATER RIGHTS TRANSFER CERTIFICATE WITH DWRC**

Respectfully report as follows: That Senate Bill No. 223

be amended as follows:

1. Page 1, line 20.

Following: "court"

Insert: "and the county clerk and recorder"

2. Page 2, line 25.

Following: "a"

Insert: "reference"

3. Page 3, line 1

Following: "judge"

Insert: "and to the county clerk and recorder in the county in which the transfer occurred"

4. Page 3, line 5.

Following: "department"

Insert: "and the county clerk and recorder"

Following: "processing"

Strike: "the copy of"

5. Page 3, line 19.

Following: "85-2-424"

Insert: "(1)"

and, as so amended,

DO PASS

XXXXXXXXXX  
DO NOT PASS

Chairman.

# STANDING COMMITTEE REPORT

February 8, 1985

MR. PRESIDENT

We, your committee on Natural Resources

having had under consideration House Bill No. 81

Third reading copy ( blue )  
color

**STATE FOSSIL**

Respectfully report as follows: That House Bill No. 81

**(Weeding)**

BE CONCURRED IN

~~XXXXXX~~  
DO PASS

DO NOT PASS

Chairman.