

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By CHAIRPERSON RANEY, on January 23, 1991, at 3:05 pm.

#### **ROLL CALL**

**Members Present:**

Bob Raney, Chairman (D)  
Mark O'Keefe, Vice-Chairman (D)  
Beverly Barnhart (D)  
Vivian Brooke (D)  
Ben Cohen (D)  
Ed Dolezal (D)  
Orval Ellison (R)  
Russell Fagg (R)  
Mike Foster (R)  
Bob Gilbert (R)  
David Hoffman (R)  
Dick Knox (R)  
Bruce Measure (D)  
Tom Nelson (R)  
Bob Ream (D)  
Jim Southworth (D)  
Howard Toole (D)  
Dave Wanzenried (D)

**Staff Present:** Gail Kuntz, Environmental Quality Council  
Paul Sihler, Environmental Quality Council  
Lisa Fairman, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** CHAIR RANEY announced the following bills will be heard, in order: HB 233, HB 189, HB 186, HJR 8, and HB 237. Executive action on HB 139, HB 160 and HB 162 will follow hearings. He asked all visitors to sign in and present written testimony if they have any.

#### **HEARING ON HB 233**

#### **Presentation and Opening Statement by Sponsor:**

**REP. FRANCIS BARDANOUE**, House District 16 - Harlem, stated this bill was introduced during the 1989 session. The bill has been

amended making it more appealing to some and less to others.

**REP. BARDANOUVE** supports proposed amendments. **EXHIBIT 1.** A problem area still exists concerning recreational use. He hopes the conflicting groups can work out their differences. The bill is intended to give first right of refusal to people who have leases on railroad right-of-ways. A concern exists that people who lease land on railroad right-of-ways and those that developed valuable facilities on leased lands, such as grain elevators, may have the land sold out from under them or will not be able to afford to buy the land due to inflated prices. This is a major problem. The Glacier Park Company, a subsidiary of Burlington Northern (BN), owns a large portion of land along BN track. The Glacier Park Company is selling right-of-way property, with a large portion going to land developers, making it difficult for the lessees to buy the land. This type of scenario is a major concern for ranchers and farmers. **REP. BARDANOUVE** recommended the committee accept the bill as amended.

#### Proponents' Testimony:

**Harry Johnson, Montana Agriculture Business Association (MABA) and Montana Seed Trade Association (MSTA),** supported the need for a right of first refusal for holders of railroad leases. **EXHIBIT 2.** He suggested the committee consider an amendment that would address the problem of obtaining fair market value for improvements on the lease.

**SEN. GENE THAYER,** supported HB 233 with **REP. BARDANOUVE'S** amendments. **Mr. Johnson's** amendment concerning fair market value may be too hard on the railroads. He urged the committee to give the bill fair consideration.

**Gary Goodroad, Harvest States Cooperatives,** supported HB 233 with amendments. He related an incident when a lessee had to buy a small parcel of land (1.7 ac) that he leased for an exorbitant price. It is necessary to have legislation that would permit first buying option, first right of refusal, and force the buyer to purchase the improvements.

**Delane Thorn, Harvest States Cooperatives,** supported HB 233. He stated there needs to be a process that evaluates values on facilities and properties. A fair market value needs to be equitably established. Lessees can not afford to pay inflated prices for property. The ambiguous state of not knowing if a lessee will be able to hold on to land makes it difficult to plan and often curtails business growth.

**Dan Place, Montana Grain Elevator Association and Broadwater Grains and Supply** supported HB 233. **EXHIBIT 3.** First right of refusal would protect businesses and investments. He asked the committee to consider an amendment to allow lessees first option to buy the land.

**Dave McClure, Montana Farm Bureau,** supported the concept of the

bill. He said the original bill is more appropriate than the amended version. He felt the bill needs to address how the railroads acquired the land originally, as this could influence the sale and final use of the land.

REP. BRUCE MEASURE, representing Rails to Trails of Northwest Montana, supported the original bill. The federal government addressed the issue of abandoned rail lines on federal lands by allowing the option of using rail ways for public use such as recreational purposes. The original HB 233 addressed issues of adjacent land ownership, cooperative leases, and recreational potential. The proposed amended bill only addresses the issue of cooperative leases. The recreational use of abandoned railways is a valid and important recreational use.

REP. MIKE FOSTER said he supported HB 233.

#### Informational Testimony:

Willa Hall, Gold Country Rails to Trails, requested recreation be fairly considered in management of railroad lands. Land grant properties should be returned to the federal government and recreation should be considered a viable use of the land. She was not sure if she was an opponent or proponent of HB 233.

#### Questions From Committee Members:

REP. RUSSELL FAGG asked REP. BARDANOUE if a bonified buy-sell agreement was taken to a lessee first, allowing them to have first right of refusal, would accomplish the intent of the bill in a simpler manner. REP. BARDANOUE responded this idea is the intention of the bill. It is intended for all to get a fair market value. The issue is very technical resulting in a very complex bill. He suggested a subcommittee be formed to examine it more closely. REP. VIVIAN BROOKE asked about the Public Service Commission. REP. BARDANOUE explained the appraisal process and the Public Service Commission serve the same purpose. He has no preference which method is used. He stated he would support the committee with what process they decide would most effectively accomplish the bill's intent.

REP. BROOKE asked Mr. McClure how he would address the problem of how the land was originally acquired. He responded the committee needs to address this. The final ownership of the land could affect the use of the corridor and influence the property value of adjacent landowners, such as ranchers. REP. ORVAL ELLISON stated he was very disappointed with the testimony presented. He said this is a very complex matter and more information is needed for the committee to take action. He asked REP. BARDANOUE if acquisition of lands differ, how can rights of one individual be taken away without affecting anothers'. REP. BARDANOUE responded this is a very difficult area in law. One must

consider the rights of landowners, railroads, and developers. REP. ELLISON asked how one would differentiate between leased right-of-ways and whole sections of railroad lands leased. The sale of leases on the whole sections could result in the collapse of a ranching business. REP. BARDANOUVE agreed this may be a problem and referred examination of the issue to the committee at a later time.

Closing by Sponsor:

REP. BARDANOUVE stated that the issues addressed in HB 233 are very complex. These are major concerns of both cooperatives and private businesses. The committee needs to address the intricate issues presented here and provide some solutions.

REP. RANEY appointed a subcommittee to address this bill. REP. MEASURE will chair and REP. FAGG and REP. EDWARD DOLEZAL will be members.

HEARING ON HB 189

Presentation and Opening Statement by Sponsor:

REP. BOB THOFT, House District 63 - Stevensville, stated this bill changes two words in the existing water legislation. The need to mediate in decreed water basins is apparent. The Bitterroot Valley is a prime example where courts need to have the authority to appoint mediators. Current law allows for mediators in non-decreed basins. HB 189 would change the law to include "decreed" areas.

Proponents' Testimony:

Stan Bradshaw, Trout Unlimited, was involved in developing the water mediation bill in 1989. He supported this extension of the bill. In the past two years trained mediators were used in the Bitterroot Valley. These two cases involved decreed streams. This extension of the bill is obviously needed to legally allow what currently is in operation. Mediation is a valuable tool to use when addressing issues in decreed and non-decreed basins.

Tom Gale, Water Commissioner, stated as a water commissioner he spends a large amount of time in water disputes, rather than accomplishing his job of allocating decreed water. Using mediation, rather than entering in court disputes, saves money, time, and hardship. He supported HB 189.

Lee Yelin, Water Mediators and Water Commissioners, stated water mediation is an effective tool in Montana. HB 189 would allow for mediation to occur. The Bitterroot basin is a highly controversial decreed basin where the use of mediators is needed. Judges recognize the value of mediators and will stretch the law

to allow their use. The courts need the legal authority to appoint mediators in decreed basins. This amendment will expedite the judicial process, save money and save time. He supported HB 189.

Jim Jensen, Montana Environmental Information Center, supported HB 189.

Jo Brunner, Montana Water Resources Association, supported the use of mediators and supported the passage of HB 189.

Faye Bergan, Department of Natural Resources and Conservation, supported HB 189. Mediators will allow solutions to local problems. HB 463, from the 1989 session, provided protection of underlying rights. It is unclear if HB 189 will allow underlying rights in decreed basins. This is a concern. Ms. Bergan stated in this time of war she supports a process that allows people to resolve conflicts in a cooperative manner.

George Ochenski, supported HB 189.

Opponents' Testimony: none

Questions From Committee Members:

REP. ELLISON, asked Mr. Lee to clarify the word "basin". Mr. Lee replied the definition is not clear. "Basin" is often misinterpreted to mean a creek and some of its tributaries. A basin can be a series of streams. Mediation was allowed in a Bitterroot case because one stream within the basin was not decreed. REP. MARK O'KEEFE asked Ms. Bergan if it is necessary to differentiate between basins decreed by district courts and basins decreed by state water courts. Ms. Bergan responded that district courts can appoint water mediators for areas decreed by state water courts.

CHAIR RANEY read REP. THOFT'S proposed amendment: Page 1, end of line 16 add "(C) in the discretion of the district court having jurisdiction." REP. THOFT said the amendment specifies that a district judge has the authority to appoint a mediator.

Closing by Sponsor:

REP. THOFT supported HB 189 and urged passage.

HEARING ON HB 186

Presentation and Opening Statement by Sponsor:

REP. ERVIN DAVIS, House District 53 - Charlo, stated HB 186 replaces an annual fee with a one-time fee for underground tanks. The definition of "underground tank" needs clarification. He

supported the intent of the bill to locate leaky tanks.

REP. DAVIS suggested a different form of funding be considered to fund Department of Health and Environmental Sciences' (DHES) tank program, such as a small fee placed on fuel. EXHIBIT 4.

Proponents' Testimony: none

Opponents' Testimony:

Franklin Gessaman, Department of Health and Environmental Sciences (DHES), opposed HB 186 EXHIBIT 5. Replacement of annual registration fees with a one-time registration fee will prohibit DHES from discharging its statutory obligation under the Montana Hazardous Waste Management and Underground Storage Tank Act, and the Montana Underground Storage Tank Installer Licensing and Permitting Act.

John Geach, DHES, opposed HB 186.

Chris Kaufmann, Montana Environmental Information Center (MEIC), urged the committee to kill HB 186. This bill would eliminate funding necessary to carry out present legislation.

REP. BEN COHEN, opposed HB 186 and presented written testimony from the Flathead City-County Board of Health opposing HB 186. EXHIBIT 6.

Questions From Committee Members:

REP. O'KEEFE stated he received negative feedback from constituents concerning the yearly fee. He asked Mr. Geach how much negative feedback DHES received and what the fee money is used for. Mr. Geach responded last year was the first time fees were assessed. They received a large amount of negative feedback one year ago. He attributed this to untimely billing during Christmas season and a lack of information provided by DHES. Currently, negative feedback is minimal. DHES is becoming more proficient in informing the public about the program. During the early stages of the program, fee money was used in program building. Money was used to develop guidelines, implement rules and guidelines, and issue permits for tank installation and removal. Approximately 50% of the money went to local agencies. DHES plans to provide training and equipment to initiate programs at local levels, to develop educational brochures, and to hold informational public meetings.

REP. ELLISON asked if people need to pay for another inspection when a tank is removed. Mr. Geach replied yes. The Tank Installer Licensing Act of 1989 requires it. DHES is trying to establish a fee schedule that is compatible to a homeowner. There is a \$35 installation fee and DHES usually waives the tank inspection fee. REP. ELLISON asked if some authority will go to the county. Mr. Geach answered yes, under DHES direction. This will help to minimize staff and increase effectiveness. REP.

DAVE HOFFMAN inquired if the fiscal note was correct in showing a decrease in FTE's. Mr. Geach responded that 1989 legislation mandated the program to be self-funded and less reliant on the Environmental Protection Agency (EPA). The decrease in the fiscal note reflects the potential loss of grants from EPA and other sources. The Department hopes funding will continue at current levels. The \$550,000 would need to come from another source. REP. BRUCE MEASURE asked the amount of the fee for installation of a commercial system. Mr. Geach answered the fees are the same as for residential tanks but homeowners get a break in the permitting and removal inspection fees. REP. BOB REAM asked what proportion of tanks fall into the homeowner fuel tanks category. Mr. Geach stated approximately 8300 tanks or approximately 50% of the tanks fall in the non-commercial category, including small farm and residential tanks. REP. REAM asked REP. DAVIS to explain his proposed funding mechanism for the bill. He replied it was an idea rather than a proposal. The idea was to impose a \$0.001/gal fuel tax.

Closing by Sponsor:

REP. DAVIS said it was not his nor his constituents' intent to destroy efforts of the underground storage tank program. The intention was to ensure fees are used to identify leakage problems resulting in pollution. He stated he is not sure if the above ground tanks are the problem. HB 186 may encourage closer contact with homeowners. He recommended the committee to consider the problem with fee scheduling.

HEARING ON HJR 8

Presentation and Opening Statement by Sponsor:

REP. MIKE KADAS, House District 55 - Missoula, said during the 1970's the Northwest was slated for growth. To supply the energy demand resulting from prospective growth, numerous power plants, including expensive hydro-power and coal, were built. During the early 1980's the country went into a recession which contributed to a decrease in the projected energy demand. The burden of paying for unused electrical facilities was placed upon the citizens. During this time a growing movement to reduce energy use and demand (e.g. conservation) was becoming more accepted. The Northwest Electric Power and Conservation Planning Council (NWPPC) was established at this time as a result of the federal Northwest Power Act. The Council examined energy needs and reviewed proposals for problems and for cost effectiveness. External effects, such as environmental impacts, were closely examined. The Council did an admirable job of incorporating progressive thinking. The Montana Power Company (MPC) learned lessons from the Colstrip power plants. This resulted in some positive changes. The compromise of rate cases brought together the environmental and power industry groups. REP. KADAS stated Montana has always been in a situation of energy surplus that has made it difficult to conserve. Montana's energy surplus is

quickly decreasing and over the next 10 years we will need to find new resources. Instead of looking at new energy development to meet Montana's demands, conservation should be looked at. HJR 8, directed toward the Power Council, local utilities and the Public Service Commission, encourages using conservation as our primary "resource". REP. KADAS said MPC and Bonneville Power Administration agree with the intent of the resolution. MPC is concerned with specific language within the resolution. REP. KADAS requested executive action be delayed as he would like time to meet with MPC and other concerned individuals to work out some of the problems.

#### Informational Testimony:

Stan Grace, Northwest Power Planning Council, stated he is very glad to see the resolution as it reflects a key element in the draft plan. He is present to answer question the committee may have.

#### Proponents' Testimony:

Jim Jensen, Montana Environmental Information Center, supported HJR 8. Conservation should be considered the highest priority resource. This resolution may underestimate the power of conservation. He suggested the Northwest Power Planning Council hold a public meeting in eastern Montana to provide the opportunity for public involvement there.

Chester Kinsey, Montana Senior Citizens Association, supported HJR 8.

Van Jamison, Department of Natural Resources and Conservation, endorsed key components in any energy plan that increases energy efficiency. It is important to consider the environmental costs when considering options. He supported HJR 8.

Tom Schneider supported HJR 8. Conservation is the most attractive form of energy development. Conservation is appealing to the public, cost effective, environmentally benign, domestically secure, acquired in modest increments, and is a key for global competitiveness. As indicated by events in the Middle East, Montana is ready to assume an aggressive energy conservation strategy. Mr. Schneider finds the amendments acceptable, provided that the intent of the resolution is not lost in the language debate.

Dennis Olsen, Northern Plains Resource Council, supported HJR 8. Montana needs renewable resources. Large scale water developments are not reliable in times of drought. He said Bill Gillan supports HJR 8 for previously stated reasons.

Jay Downen, Montana Electrical Cooperatives, stated that their record of conservation effort is very strong. The Internal Revenue Service (IRS) has made it difficult for people to claim



implementing conservation measures as part of their income tax deductions or credits. Mr. Downen suggested the committee address this problem.

Opponents' Testimony:

Marjorie Thomas, MPC, opposed HJR 8, specifically subsections 3,4, and 5. MPC is not opposed to the intent of the resolution but is concerned with language used to reach the objective. MPC is conservation oriented. She felt the subsections are not constitutional. Ms. Thomas would like to meet with REP. KADAS to work on amending the resolution.

Gene Phillips, Pacific Power and Light, opposed HJR 8 and would like to work with REP. KADAS to amend the language. He was uncomfortable with paragraphs 3,4, and 5. The people supplied by his company would not benefit from conservation as their rates decrease as more energy is purchased. One can not control what the consumer should do.

Discussion:

REP. RANEY suggested a subcommittee be formed to investigate the resolution further. REP. KADAS responded a subcommittee would not be necessary. He offered to work on it more and bring it back into committee for discussion. REP. RANEY agreed and stated that plenty of notice prior to executive action will be provided. Any questions from the committee may best be addressed when the resolution returns to committee.

Closing by Sponsor:

REP. KADAS stated he'd be back after meeting with all the concerned groups.

HEARING ON HB 237

Presentation and Opening Statement by Sponsor:

REP. ELLISON, House District 81 - McLeod, stated the bill fine tunes the Hard Rock Impact Act. It will allow bonds to be sold by local governments for other facilities in addition to schools.

Proponents' Testimony:

Carol Ferguson, Hard-Rock Mining Impact Board, supported HB 237. EXHIBIT 7.

John Beanding, Stillwater County Administrator, supported HB 237 for reasons previously mentioned.

Steve Granzow, Pegasus Gold Cooperation, supported HB 237.

Ward Shanahan, Stillwater Mining Company, Stillwater PGM

Resources, and Chevron Companies, supported passage of HB 237.  
EXHIBIT 8.

Jim Jensen, Montana Environmental Information Center, supported  
HB 237.

Dennis Olsen, Northern Plains Resource Council, supported HB 237.  
EXHIBIT 9.

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor:

REP. ELLISON stated this is a good bill and urged passage.

EXECUTIVE ACTION ON HB 139

Motion: REP. GILBERT MOVED HB 139 DO PASS.

Recommendation and Vote: HB 139 DO PASS. Motion carried  
unanimously.

EXECUTIVE ACTION ON HB 160

Motion: REP. REAM MOVED HB 160 DO PASS

Discussion:

REP. HOFFMAN asked for clarification on the fiscal note, specifically the "Special Revenue (02)". REP. GILBERT replied he thought it is a special revenue account for the fee money. The bill addressing this will be coming along. REP. HOFFMAN asked if the proprietary fund was money from one agency that gets paid into the account. REP. RANEY suggested Mr. Tony Grover, DHES, provide some informational testimony to help answer some questions. REP. RANEY asked Mr. Grover what would happen to the bill if the fee bill was not passed. He indicated the bill would have no funding and be ineffective. Mr. Grover responded to REP. HOFFMAN'S question concerning the proprietary fund. This fund appears to be set up by the Department of Administration (DOA) to serve as a funding mechanism. REP. VIVIAN BROOKE suggested the money represents the standard fee the DOA requires for services. Mr. Grover concurred. REP. RANEY added the numbers will also be examined by the Appropriations Committee.

Amendments, Discussion, and Votes:

REP. O'KEEFE moved amendments by REP. RANEY be discussed. REP. RANEY explained the amendments clarify definition of recycled materials and add use of computers to reduce paper. EXHIBIT 10. REP. RANEY stated various people gave suggested amendments to REP. RANEY and REP. GILBERT. The amendments before the committee are those that REP. RANEY and REP. GILBERT agreed upon. Motion to accept the amendments carried.

REP. O'KEEFE presented an additional amendment. On page 4, line 8 after subsection 2, he suggested to include a subsection 3 that would take language from page 7 line 25 through page 8 line 1. REP. O'KEEFE agreed with the testimony that a review mechanism for the state recycling and reduction plan is needed. REP. O'KEEFE moved that amendment be added and asked if staffer, Paul Sihler, would draft the amendment. REP. GILBERT agreed with the amendment. He added that renumbering of subsequent sections would also be needed. The motion to adopt the amendment that will be prepared by Mr. Sihler carried.

REP. COHEN commented he heard that the way Flathead County was going to accomplish a 25% volume reduction was to compact garbage better. He hoped this was not the intent of the bill. REP. COHEN suggested an amendment. On page 7 line 9 to include the word "reducing". The term could be added at end of line 8 or beginning of line 9. REP. RANEY commented the amendment fits well with the intent of the bill. REP. GILBERT stated he felt the point is covered in the statement of intent but he is agreeable to the amendment if it helps to further clarify the bill. REP. COHEN moved the amendment. The motion carried.

Recommendation and Vote:

REP. REAM MOVED HB 160 AS AMENDED DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 162Motion:

REP. REAM MOVED HB 162 DO PASS.

Discussion:

REP. GILBERT proposed an amendment to HB 162. EXHIBIT 11. He asked Steve Pilcher to comment on the need for the amendment. Because Mr. Pilcher was not present, Steve Balewick responded. He said this amendment clarifies that DHES will provide variances in floodplains and other cases. DHES has no objection to amendment as it is proposed. The Department, with EQC, is developing one set of regulations that clearly explain the

standards for onsite sewage disposal in Montana. The regulations will include alternative systems along with the guidelines for standard systems currently found in Bulletin 332. Current subdivision regulations allow for variances dealing with flood plains, and deviation requests allowing alternative systems. He proposes a similar system be included for the rules they will be adopting.

Amendments, Discussion, and Votes:

REP. GILBERT moved to adopt the amendment. The motion carried unanimously.

Discussion:

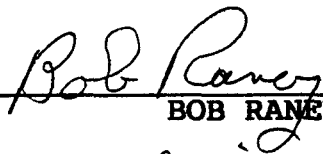
REP. O'KEEFE asked REP. GILBERT to clarify his previous statement concerning page 3, lines 6 and 7. He asked if his intent was to make the state standards the only standards and not allow counties to have more stringent standards. REP. GILBERT said he did originally state that but in closer examination, counties can have more stringent standards. He would prefer counties to stay with the state standards as this will standardize the process. REP. RANEY added the counties probably would not adopt more stringent standards but the potential is there. REP. GILBERT would like to go ahead with the bill. If people are abusing the statement of intent by making standards too strict then the legislature can amend the bill. REP. O'KEEFE stated he is comfortable with the present bill and wants to ensure that counties can adopt more stringent standards to meet their individual needs.


Recommendation and Vote:

REP. ELLISON MOVED HB 162 DO PASS AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:30 pm

  
\_\_\_\_\_  
BOB RANEY, Chair

  
\_\_\_\_\_  
LISA FAIRMAN, Secretary

BR/lf

**HOUSE OF REPRESENTATIVES**  
**NATURAL RESOURCES COMMITTEE**

**ROLL CALL**

**DATE** Jan. 23, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN	✓		
REP. DICK KNOX	✓		
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

11/10  
1-24-11  
JDR

HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report  
that House Bill 139 (first reading copy -- white) do pass.

Signed: \_\_\_\_\_  
Bob Raney, Chairman

1111  
1-24-91  
JDB

# HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that House Bill 160 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Bob Raney, Chairman

And, that such amendments read:

1. Page 1, line 20.

Following: "25%"

Strike: "source"

Insert: "waste"

2. Page 2, line 17.

Following: line 16

Insert: "(4) "Postconsumer material" means only those products generated by a consumer that have served their intended end uses and have been separated or diverted from the solid waste stream.

(5) "Preconsumer material" means rejected stock, obsolete inventories, or other paper waste created by the mill or by conversion operations and that has not been sold to consumers.

(6) "Recycled material" means material consisting entirely of postconsumer and preconsumer material and of which at least 50% is postconsumer material."

Renumber: subsequent subsections

3. Page 2, line 20.

Following: "resale;"

Strike: "and"

4. Page 2, line 22.

Following: "products"

Insert: "; and the purchase of products containing recycled material"

11:01  
1-24-91  
JDA

January 24, 1991  
Page 2 of 2

5. Page 3, line 8.  
Following: "by"  
Insert: "at least"

6. Page 4, line 3.  
Strike: "."  
Insert: "; and"

7. Page 7, line 8.  
Following: "for"  
Insert: "reducing,"

8. Page 4, line 9.  
Following: line 8  
Insert: "(3) apply computer technology to reduce the generation  
of waste paper through:  
(a) the use of electronic bulletin boards;  
(b) the transfer of information in electronic rather than  
paper form; and  
(c) other applications of computer technology."

9. Page 9, line 14.  
Following: "collection"  
Strike: "and"  
Insert: ", "  
Following: "disposal"  
Insert: ", reduction, and educational"

10. Page 4, line 8.  
Following: "line 8"  
Insert: "(4) The plan must be evaluated every 5 years and  
updated as necessary."



CLERICAL

House Bill No. 1160

Date: Jan. 24, 1991

Time: 1:45 pm

(Legislative Council Staff)

☒ Natural Resources  
S / ☒ H Standing Committee

Raney  
(Chairman)

☐ S / H Committee of the Whole

Bob Raney  
(Sponsor)

In accordance with the Rules of the Montana Legislature, the following clerical errors may be corrected:

Amendment #10 is in incorrect outline form. Rearrange  
section 5 as follows:

Page 3, line 20

Following: "program."

Insert: "(1)"

Pages 3 and 4

Redesignate (1) and (2) as (a) and (b)

Amendment # 8 insert should read:

"(3) (c) apply...

(a) (i) the use of electronic...

(b) (ii) the transfer...

(c) (iii) other ... "

Amendment # 10 insert should read:

"(4) (2) The plan must ... "

11. /  
1-24. / /  
703

HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Bill 162 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Bob Raney, Chairman

And, that such amendments read:

1. Statement of Intent, line 20.

Following: "buildings."

Insert: "The rules must include a procedure for the consideration of requests for variances from the minimum standards and for a variance to be granted if warranted, as determined by the department of health and environmental sciences. The variance procedure must be administered solely by the department of health and environmental sciences.

Amendments to House Bill No. 233  
First Reading Copy

Requested by Representative Bardanoue  
For the Committee on Natural Resources

Prepared by Bart Campbell  
January 22, 1991

1. Title, line 5.  
Following: "PURCHASE OF"  
Strike: "RAILROAD RIGHT OF WAY"  
Insert: "LEASED"
2. Title, lines 6 through 9.  
Following: the first "LAND"  
Strike: the rest of line 6 through "Right" on line 9  
Insert: "WITHIN 300 FEET OF A RAILROAD RIGHT-OF-WAY"
3. Page 1, line 12 through page 2, line 4.  
Strike: the STATEMENT OF INTENT in its entirety
4. Page 2, lines 9 and 10.  
Strike: subsection (1) in its entirety  
Re-number: subsequent subsections
5. Page 2, lines 11 through 14.  
Following: "means" strike everything through "(b)" on line 14
6. Page 2, line 19.  
Following: "owns"  
Strike: "improvements"  
Insert: "buildings"
7. Page 2, lines 14 and 15.  
Following: "land"  
Strike from "minus" through "improvements," on line 15
8. Page 2, line 16.  
Following: "by"  
Strike: "independent appraisers"  
Insert: "a certified appraisal"
9. Page 2, line 20.  
Following: "of"  
Strike: "\$15,000"  
Insert: "\$5,000"
10. Page 2, lines 21 through page 3, line 2.  
Following line 20 strike subsections (4) and (5) in their entirety  
Re-number: subsequent subsection
11. Page 3, line 3.  
Following: "land"

Strike: "owned by"  
Insert: "upon which"  
Following: "railroad"  
Strike: "that"  
Insert: "has or has had tracks."

12. Page 3, lines 4 and 5.  
Following line 3 strike lines 4 and 5 in their entirety

13. Page 3, line 7 through line 24.  
Following: "(1)"  
Strike: the rest of line 7 through line 24 in their entirety  
Insert: "Any person or entity that has a leasehold site within 300 feet of a railroad right-of-way, who uses the leasehold for transportation, regardless of the status of train operations, shall have a right of first refusal to purchase the land in the event the owner seeks to sell the land or transfer the leasehold estate."

(2) The owner of the land may not sell or offer for sale an interest in the leased land unless he first extends to the leaseholder a written offer to sell the leased land to the leaseholder at fair market value. The leaseholder must respond to the offer within 60 days of receipt of the offer.

(3) The owner must negotiate in good faith with the leaseholder for a period not to exceed 90 days following the leaseholders response to the written offer provided for in subsection (2). The land may not be sold or transferred during the response and negotiation periods.

(4)(a) If the owner and the leaseholder cannot agree on the fair market value of the land, they shall appoint a certified appraiser to establish the fair market value of the land.

(b) in the event that the owner and leaseholder cannot agree on an appraiser, each shall appoint a certified appraiser who shall make an independent appraisal. If the appraisals are within 5% of each other average of the 2 appraisals shall constitute the fair market value.

(c) if the 2 appraisals differ by more than 5%, the two appraisers shall appoint a third certified appraiser whose appraisal shall establish the fair market value of the land.

(d) if the leaseholder fails to close the purchase of the leasehold estate for any reason within 45 days after the fair market value of the land has been established by the appraisal process provided for in this section, the right of first refusal is extinguished and the owner is free to transfer the property to a person or entity other than the leaseholder.

(e) The owner may transfer any title under this section by quitclaim deed rather than warranty deed."  
Renumber: subsequent subsections

14. Page 4, lines 3 through 16.  
Strike: Section 3 in its entirety  
Renumber: subsequent sections

15. Page 4, line 25.  
Following: "through"

Ex. 1  
1-23-91  
HB 233

Strike: "3"  
Insert: "2" .

16. Page 5, line 4.

Following line 3

Insert: "NEW SECTION. Section 1. {standard} Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

January 23, 1991

House Bill 233

Proponent

EXHIBIT 2  
DATE 1-23-91  
HB 233

I'm Harry Johnson. I'm from Townsend and I'm here representing the Montana Ag Business Association (MABA) and the Montana Seed Trade Association (MSTA) both of which I am a member of.

We concur with the need for a right of first refusal for holders of railroad leases. However, we would like the committee to consider an amendment that would also address the problem of obtaining fair market value for the improvements on the lease. We think a logical approach would be for any interested buyer to be required to negotiate the purchase price of the improvements with the present leaseholder before any lease negotiations or transfer can occur on the land.

In the case of my own business, which is a relatively new seed cleaning plant, we have approximately 260 linear feet of frontage along the right of way, but we have an investment of over a half million dollars in facilities. This is not an unusual situation for many ag-businesses in the state. If the land covered by the lease is offered for sale prior to an agreement being reached on the improvements, the whole process of negotiation becomes more difficult. It would also clear up potential problems as to who would be responsible for the disposal of the improvements should the present leaseholder not be able or willing to purchase the land at whatever would be determined as fair market value.

EX. 2  
1-23-91  
HB 233

Our associations would like to point out some factors we think are pertinent to any legislation concerning the railroads and leaseholders. The conditions that now exist can discourage or restrict business development or growth.

The railroads have been unwilling to write long term leases. This creates problems for leaseholders in areas such as;

Long term planning

Financing

Business expansion

Sale of improvements or facilities

These type of problems could be avoided or minimized if long term or at least intermediate term leases would be available. An advance notice of at least a year in advance on lease renewals or an option to purchase the property if the railroads wanted to sell would also help if longer term leases were available. Making the leases more equitable to those parties that have made an investment in their development and depend on them for a livelihood would eliminate the need for legislation involving the public service commission.

Jan. 23, 1991

HOUSE BILL # 233

EXHIBIT 3  
DATE 1-23-91  
HB 233

Mr. Chairman, Members of the Committee;

My name is Dan Place. I am from Townsend, Montana. I am here today representing the Montana Grain Elevator Association and also my own personal business, Broadwater Grain and Supply, Inc. of Townsend. We are proponents of House Bill # 233.

What the Elevator Association and I, myself, am trying to accomplish with H B # 233, is to protect the railroad leases on which our facilities are located. If anyone should get the chance to own the land on which our elevators are located, we feel it should be us, the people who have improved the land and who have a committed investment on the land.

A second party should not be able to: 1. obtain our lease, or 2. buy the land out from under us without giving us, the leasee, First Right of Refusal.


We do not question that the land does in fact belong to the railroad---all we are asking is that we, as lease holders, be treated fairly.

We ask the Committee to consider an amendment to House Bill # 233. This amendment would pertain to persons desiring to assume a lease or buy land that is currently leased. It would prohibit someone from buying the land on which our elevator facilities sit without FIRST offering us that option. Any potential buyer would have to negotiate to buy improvements at a fair price before he could make an offer on the land.

Montana Rail Link have exercised this option in Townsend in the past few years, ie. they will not consider a lease change unless all improvements made on the leased land are taken in to account.

First Right of Refusal protects **our** businesses and our investments--therefore the Montana Grain Elevator Assn. and Broadwater Grain & Supply of Townsend are proponents of House Bill # 233.

Thank you.

  
Dan Place

MGEA / Broadwater Grain & Supply



January 18, 1991

TESTIMONY HB186

Mr. Chairman and members of the Natural Resources Committee. I am Representative Ervin Davis, HD 53, Lake County.

HB 186 asks to replace the annual fee with a one-time fee. I ask you to look at the STATEMENT OF INTENT. It really needs a clarification of the definition and/or description of an "underground tank." I think someone from the department of hazardous waste will do that for you.

My concern with the administrative rules deals with the fee schedule which is assessed on an annual basis. Finding a leaky "underground tank" and getting the problem cleared up is one thing -- assessing an annual fee on the home owner who has a fuel barrel, with a service line running under a foundation for a short way from the source to the furnace, is another issue. By definition, as prepared by the agency's administrative rules, THAT home fuel barrel is now an "underground tank" and is subject to the annual fee.

Who has been assigned the job of inspecting these home fuel systems? How soon and how often will someone representing the department of hazardous

waste inspect ALL homes in Montana? Or is the task of inspecting going to be done by the home owner and a report sent to the agency? Once the fee has been paid, the tank system inspected and found to be free from leakage, HB 186 asks that the owner be exempt from the annual fee.

I supported the underground storage bill in 1989 and still support the intent to locate any leaky tanks to resolve the problem. However, I feel that in lieu of the annual fee, funding the system may well be better accepted if a small fee was placed on each gallon of fuel (be it gasoline, propane, diesel or heating fuel) to broaden the base and place the responsibility on everyone. All of us are affected - some are the CAUSE - some the EFFECT.

Most people, who have contacted me, offer the suggestion that the agency might well spend the time and money locating abandoned underground tanks or those still in use at older locations. Any leaky tank system at a residence could be observed by the supplier and notify the home owner.

With that, I'll relinquish the "mike" to any proponents or opponents and reserve the right to close. I'll remain for any questions.

Thank you.

TESTIMONY  
for the  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
before the  
HOUSE NATURAL RESOURCE COMMITTEE

HOUSE BILL 186  
January 23, 1991

The Department of Health and Environmental Sciences is opposed to House Bill 186.

The replacement of the current annual underground storage tank registration fee with a one-time registration fee for the lifetime of the tank will prohibit the Department from discharging its statutory obligation under the Montana Hazardous Waste Management and Underground Storage Tank Act and the Montana Underground Storage Tank Installer Licensing and Permitting Act. The annual tank registration fees are the Leak Prevention Program's only source of State funding available to finance the program's on-going regulatory and educational activities.

The annual registration fees are used to fund the services of 6.75 FTEs whose major program activities include the provision of technical and regulatory information and assistance, the education of the regulated industry and the public, and the inspection of new and existing underground storage tank systems for compliance with state and federal regulations. The program's overall goal is to assist tank owners and operators to prevent accidental product releases through the use of effective underground storage tank management and operation.

Although program funding for FY92 would remain essentially the same as for the past biennium, the enactment of this bill would drastically reduce the program's anticipated revenue by approximately \$525,000 for FY93 and succeeding years. A revenue reduction of this magnitude would essentially prohibit the program from functioning.

In addition, one of the requirements for EPA program authorization is that state programs must develop and implement adequate program funding mechanisms. Failure to maintain an adequate funding mechanism for the Leak Prevention Program could result in a loss of state program primacy and \$862,500 in federal UST/LUST Trust funds which the Department currently receives. Unless an alternate funding strategy were developed and authorized, the State's entire UST/LUST Program could be jeopardized.

DATE 1-23-91  
HB 186

P-23

**Flathead City-County Health Department**

723 5th Ave. East • Kalispell, Montana 59901

Environmental Health Services 756-5632 • Community Health Services 756-5633

To: Montana House of Representatives  
Natural Resources Committee

From: Flathead City-County Board of Health

**TESTIMONY**

In accordance with the position statement of the Flathead City-County Board of Health adopted January 17, 1991, the Board is opposed to the proposed legislation introduced as House Bill 186. The alterations to the fee structure indicated in this amendment would be insufficient to provide for continuous monitoring of underground storage tanks which are presently installed. The ground waters of the State of Montana have already been threatened by leaking petroleum storage tanks in several counties. Further investigation of tanks has indicated probable environmental degradation from large and small tanks throughout the state. Continuous monitoring of underground storage tanks is necessary to protect the resources of Montana for future generations. This amendment would severely limit the funds available to the state and the local units of government for the inspection and enforcement of necessary regulations. Without ongoing funding from users of underground storage tanks, enforcement and inspection actions would either not proceed or would be funded through general funds of the state or local governments. Such funding would place an unequal burden on the citizen who would gain no benefit from the installation of underground storage tanks.

The Flathead City-County Board of Health, therefore recommends that the section (75-10-405,MCA) remain as written and that the amendment introduced as House Bill 186 be not enacted.

*Jane Lopp / DSK.*  
Jane Lopp, Chairperson



## **Flathead City-County Health Department**

**723 5th Ave. East • Kalispell, Montana 59901**

**Environmental Health Services 756-5632 • Community Health Services 756-5633**

ADOPTED JANUARY 17, 1991

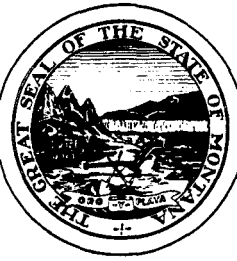
The Flathead City/County Board of Health supports legislation that continues coordination of all Public Health Services. This includes continued single-site organization of Personal, Community and Environmental Health Services and the resources and support services necessary for these programs and services.

The Flathead City/County Board of Health supports legislation that will enhance environmental quality and protect the public safety including the areas of Waste Management, Air and Water Quality, Subdivisions, and Underground Storage Tanks.

The Flathead City/County Board of Health supports legislation which will enhance the provision of Personal Health Services through a coordinated delivery plan. Such services would include basic immunization and disease prevention programs, nutrition services for families, family planning services and other basic Public Health Programs for our citizens regardless of ability to pay.

The Flathead City/County Board of Health supports those programs that will positively benefit the Public Health, protect the Public Safety and enhance the environmental quality of the State and support adequate funding of those programs and services by the State or through authorization of such mechanisms to local units of government that they can be adequately funded at the local level.

DEPARTMENT OF COMMERCE  
LOCAL GOVERNMENT ASSISTANCE DIVISION



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING — ROOM C 211  
CAPITOL STATION

STATE OF MONTANA

(406) 444-3757

HELENA, MONTANA 59620-0522

DATE: January 23, 1991  
TO: House Natural Resources Committee  
FROM: Carol L. Ferguson, Administrative Officer, Hard-Rock Mining Impact Board  
RE: HB 237

Mr. Chairman, Representative Ellison, members of the committee, my name is Carol Ferguson. I am the administrative officer of the Hard-Rock Mining Impact Board. Typically, the Board does not take a position on substantive changes to the Impact Act, except to try to ensure that proposed changes are clearly understood and are technically feasible. However, the Board has traditionally supported the consensus efforts of mineral developers, local government units, and concerned citizens to make the Impact Act function more equitably, more smoothly and with needed flexibility.

Therefore, the testimony I am about to offer is my own professional evaluation of HB 237 and does not represent a formal position of the Board, although, I will say that in informal discussions the Board has appeared quite comfortable with the concept of HB 237.

As required by the Hard-Rock Mining Impact Act, the developer of each new large-scale hard-rock mining project must pay affected local government units all increased local government capital costs resulting from the proposed new development. The costs are identified in an impact plan prepared by the developer and reviewed by the affected local government units. At present the Act authorizes three methods of paying these costs: tax prepayments which must later be credited to the developer, grants, or, in the case of schools only, education impact bonds.

Under the current law, an education impact bond is a special bond that may be used for the construction of school facilities needed as a result of a large-scale hard-rock mine. Principal and interest on the bond are paid by a special mill levy against the taxable valuation of the mineral development. The bond is debt only of the mineral development. The bond is not a debt of the school district as a whole and does not affect the bonding capacity of the district. Interest on the bond is exempt from state taxes.

HB 237 expands this impact bond concept to create a similar financing option for all local government capital facility improvements needed as a result of the mineral development, as identified in the impact plan. HB 237 does not eliminate any existing financing provisions nor preclude their use, if they should be considered more appropriate for meeting specific needs.

During the past year, the Hard-Rock Mining Impact Board has provided several opportunities for public discussion of the facility bond concept as proposed by HB 237. In that context, the Board has heard no opposition to the proposal, which appears, in different ways, to benefit mineral developers, local government units and local taxpayers.

Mineral developers benefit because the bondholders, not the developer, will be providing the up-front money for local government capital improvements at a time when the developer is incurring its own heavy capital costs in the construction of a mine and is not yet generating revenue from production. In addition, by means of interlocal agreements, the costs of a number of smaller capital projects may be pooled into a single, larger and more cost effective bond issue.

The affected local government units benefit because they will be spared the necessity for calculating and providing tax credits for capital expenses from local government funds that often are intended for operating expenses, not capital costs. Local property taxpayers benefit because a reduction in tax credits will accelerate the time when their tax base realizes the full benefit of the mineral development.

Bondholders benefit because affected local government units are empowered to require from the developer a guarantee of bond payment appropriate to the project and because interest earned on the bonds is not subject to taxation by the state.

HB 237 does not change any existing rights or obligations under the Impact Act, except that it does bring the definition of local government unit up to date, in a manner consistent with the history, purpose and structure of the Act. In 1983 the Impact Act was amended to narrow what had been a very broad definition of local government unit. Where the statute had once encompassed all independent special purpose districts, the 1983 definition was limited to those independent special districts that provide services particularly affected by population growth, such as county water and sewer districts and rural fire districts. In 1985 the legislature authorized the creation of an additional district in this category, the county park district. Under the 1983 criteria for defining local government units, county park districts should appropriately be included, as is proposed by HB 237.

Overall, it appears that HB 237 represents a return to the consensus legislation that characterized the early history of the Impact Act.

Thank you for this opportunity to testify in support of HB 237, as introduced.

To The Committee on Natural Resources  
of the House of Representatives

Mr. Chairman and Members of the Committee:

For the record, my name is Ward A. Shanahan; I am the lobbyist for Stillwater Mining Company and Stillwater PGM Resources which respectively operate a mine in Stillwater County and are developing a second mine in Sweet Grass County for the production of platinum and palladium group minerals.

My clients were the first to come under the Montana Hard Rock Mining Act and were instrumental in its drafting and passage in 1981. We appear here today in support of HB 237 which is a proposed amendment to the Hard Rock Mining Impact Act to amend and clarify the procedure for the issuance of capital improvement bonds.

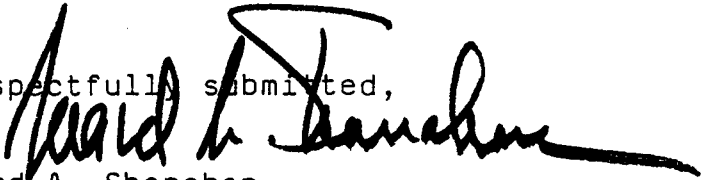
The capital improvement bond concept which has been in the Hard Rock Impact Act a long time to cover education and school district projects, should properly be expanded to allow use of this device in connection with other capital improvement facilities owned, operated, or maintained by local government units.

The use of these capital improvement bonds is entirely permissive and comes about as a result of an agreement between the developer and the local government units in a hard rock mining impact plan. The flexibility which would be afforded by passage of HB 237 should improve the operation of the Hard Rock Mining Impact Act. We believe it is mutually beneficial to the developer and the local government unit to have available the maximum number of problems solving options to make the development of mining projects a smoother process.

We urge the passage of HB 237. Up to the present time, we believe the hard rock mining impact process has generally worked well to solve many problems created by the development of large-scale mining projects and to integrate developers into the communities in which its employees and their families must work and live their lives.

If amendments are to be made by the Committee, we would appreciate notice and copies of the amendments so that we can properly respond.

Respectfully submitted,



Ward A. Shanahan  
Registered Lobbyist for  
Stillwater Mining Company,  
Stillwater PGM Resources, and  
Chevron Companies  
P. O. Box 1715  
Helena, MT 59624  
(406) 442-8560



# Northern Plains Resource Council

EXHIBIT  
DATE 1-23-91  
HB 237

## TESTIMONY OF THE NORTHERN PLAINS RESOURCE COUNCIL BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE ON HOUSE BILL 237

Wednesday, January 23, 1991

Mr. Chairman, members of the Committee, my name is Dennis Olson, and I am a lobbyist for the Northern Plains Resource Council (NPRC), a grassroots citizens' organization which addresses natural resource development and agricultural issues. I am testifying today in support of HB 237 on behalf of NPRC.

NPRC has members in four affiliated community groups currently being directly affected by major hard rock mining projects regulated by the Hard Impact Act. These include the Beartooth Alliance in the Cooke City/Silver Gate area; the Bear Creek Council in Gardiner area; the Cottonwood Resource Council in the Big Timber area; and the Stillwater Protective Association in the Nye area. Some of our members in these groups have reviewed Representative Ellison's bill, and agree with its provisions for the following reasons:

1) HB 237 would increase local control of mineral development by increasing the flexibility of local government and the company in setting up bonds under the Hard Rock Impact Act and the Property Base Sharing Act.

2) HB 237 would allow other local governments besides school districts to utilize the mining project's financial resources for other worthy facilities.

3) HB 237 could in some cases decrease the potential for inadequate bond guarantees by increasing the number of local governments units who review the bond guarantee mechanisms, and who have a stake in making sure they are adequate. This could in turn decrease risk to resident taxpayers.

Amendments to House Bill No. 160  
First Reading Copy

Requested by Rep. Raney  
For the House Committee on Natural Resources

Prepared by Paul Sihler  
January 19, 1991

1. Page 1, line 20.

Following: "25%"

Strike: "source"

Insert: "waste"

2. Page 2, line 17.

Following: line 16

Insert: "(4) "Postconsumer material" means only those products generated by a consumer that have served their intended end uses and have been separated or diverted from the solid waste stream.

(5) "Preconsumer material" means rejected stock, obsolete inventories, or other paper waste created by the mill or by conversion operations and that has not been sold to consumers.

(6) "Recycled material" means material consisting entirely of postconsumer and preconsumer material and of which at least 50% is postconsumer material."

Renumber: subsequent subsections

3. Page 2, line 20.

Following: "resale;"

Strike: "and"

4. Page 2, line 22.

Following: "products"

Insert: "; and the purchase of products containing recycled material"

5. Page 3, line 8.

Following: "by"

Insert: "at least"

6. Page 4, line 8.

Strike: "."

Insert: "; and"

- OVER -

7. Page 4, line 9.

Following: line 8

Insert: "(3) apply computer technology to reduce the generation of waste paper through:

(a) the use of electronic bulletin boards;

(b) the transfer of information in electronic rather than paper form; and

(c) other applications of computer technology."

8. Page 9, line 14.

Following: "collection"

Strike: "and"

Insert: ", "

Following: "disposal"

Insert: ", reduction, and educational"

EXHIBIT 11  
DATE 1-23-91  
HB 162

Amendments to House Bill No. 162  
First Reading Copy

Requested by Rep. Gilbert  
For the Committee on Natural Resources

Prepared by Gail Kuntz  
January 23, 1991

1. Statement of Intent, line 20.

Following: "buildings."

Insert: "The rules must include a procedure for the consideration of requests for variances from the minimum standards and for a variance to be granted if warranted, as determined by the department of health and environmental sciences. The variance procedure must be administered solely by the department of health and environmental sciences."

HB 237

WITNESS STATEMENT

NAME Natural Resources Stephen Granzow

ADDRESS 3045 Meadowlark Dr. East Helena MT 59635

WHOM DO YOU REPRESENT? Pegasus Gold Corporation

SUPPORT   X X   OPPOSE            AMEND           

COMMENTS: \_\_\_\_\_

Support House Bill No. 237

Urge passage of HB No. 237

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. 233  
DATE 1-23-91 SPONSOR(S) Bardanoue

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Mike Hall - Helena	Gold Country Rails to Trails			
Harry Johnson	Montana Ag Business Assn Montana Seed Trade Assn			✓
Dan Place	Montana Grain Elevator Assn Broadwater Grain Supply			✓
Dave McClure	Mont Farm Bureau			✓
Maxim Hatch, ES	Mont T In Independent Montana Miners			
Gary Goodroad	Harvest States Cooperatives			✓
Delane Thom	Harvest States Cooperatives			✓
Gene Thayer	Gen PIST 19			✓
Kay Nornberg	WIFE			✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

Natural Resources

COMMITTEE

BILL NO. 189DATE 1-23-91SPONSOR(S) Rep Thoff

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Lee Yelin Missoula, MT 113 Parker Court 1520 E 6th Ave	Water Mediators & Water Commissioners	189		X
Faye Bergman Helena	DNRC	189		✓
J. Drimmer	MWR	189		✓
Karen Brooke	MT Stockgrowers MT Wood Growers	189		✓
Stan Radigan	MTU	189		✓
George Ochenski		189		✓
Jim Jensen	MELC	189		✓
Tom Gale	Water Commissioners	189		✓

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. 186  
 DATE 1-23-91 SPONSOR(S) Ervin Davis

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
PAUL SLITER	MT PETROLEUM MARKETERS			
Franklin Gessman	State Dept of Health & EN Sci	186	✓	
Chris Kaufmann	MEIC	186	✓	
Jim C. Smith	DHES	186	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.



## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

HJR  
BILL NO.

8

Natural Resources

COMMITTEE

DATE 1-23-91 SPONSOR(S) Kadas

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>Alan Grace</i>	<i>NWFP C</i>	<i>S</i>		<i>infor</i>
<i>JAY DOWNEN</i>	<i>MONTANA'S ESCORTIC COOPERATIVES</i>	<i>8</i>		<i>✓</i>
<i>Van Jamson</i>	<i>DNRC</i>	<i>HJR 8</i>		<i>✓</i>
<i>GENE PHILLIPS</i>	<i>PP &amp; L</i>	<i>"</i>	<i>X</i>	
<i>John Albe</i>	<i>MDU</i>	<i>HJR 8</i>	<i>X</i>	
<i>Dennis Olson</i>	<i>NPRC</i>	<i>H58</i>		<i>✓</i>
<i>Tom Schneider</i>	<i>Self</i>	<i>H58</i>		<i>✓</i>
<i>Chris Kinsley</i>	<i>MSCA</i>	<i>458</i>		<i>✓</i>
<i>Maguire L. Okuma</i>	<i>MPC</i>	<i>HJR 8</i>	<i>X</i>	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

# HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. 237  
 DATE 1-23-91 SPONSOR(S) Ellison

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Stephen R. Grunzow	Pegasus Gold	237		X
Carol L. Ferguson	Hard-Rock Mining Impact Bd.	237		X
John Beaudry	Stillwater County	237		X
Ward Kanaka	STILLWATER MINING	237		X
Nennis Olson	Northern Plains Res. Council	237		X
Jim Jensen	WELC	237		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.