

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRPERSON BOB RANEY, on April 10, 1991, at 4:00 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)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Members Excused: Bob Ream (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.

EXECUTIVE ACTION ON SENATE BILL 407

Motion: REP. O'KEEFE MOVED SB 407 BE CONCURRED IN.

Discussion: REP. O'KEEFE reviewed the bill and presented amendments. **EXHIBIT 1.** He stated that it is a compromise bill that came out of the study done by Montana's Public Water Supply task force. They worked on this bill for two years. The Senate amended the bill to reduce the funding by one-third. In the amended version, there is a maximum charge of \$2.00 per residential hookups and a minimum fee of \$100 with no cap for public water supplies.

Motion: REP. O'KEEFE moved to adopt amendments to SB 407.

Discussion: REP. O'KEEFE stated that a main issue concerns the cap for hookup fees. The city of Billings feels there should be a cap on the hookups so that larger city water systems are not subsidizing the smaller systems. The city of Billings suggested a cap of \$15,000, the Senate suggested \$7,500, and the subcommittee suggested \$40,000. The adoption of the \$40,000 cap is amendment #3 of the proposed amendments.

REP. COHEN asked how many communities will be impacted by the adoption of amendment #3. REP. O'KEEFE replied one community, the city of Billings. Donna Jensen, Water Quality Bureau - Water Supply Program, confirmed REP. O'KEEFE's response and added that the city of Billings is the only city that exceeds 20,000 hookups. They have approximately 22,000 hookups. REP. COHEN commented that establishment of the cap will save Billings \$5,400 immediately. They also will not have to contribute to help other public water supplies. REP. O'KEEFE said it will save Billings money for two years because that is how long the fees will stay in place. REP. COHEN asked if a termination date is needed. REP. O'KEEFE responded that a termination date is not needed because the funds will stay that way unless they are changed in the Legislature. The Department should be able to put the program together and implements it if all the amendments are adopted. If problems develop with their budget due to emergencies they may need to come to the Legislature for more funding.

Vote: Motion to adopt amendment #3 carried with Reps. Wanzenried, Cohen, Barnhart, and Measure voting no.

Discussion: REP. O'KEEFE stated that the subcommittee felt that the \$100 minimum hookup fee might be high for the commercial customer on the edge of town considering what services they get. Under the proposed program they will get a water inspection worth \$55. Ms. Jensen explained that, currently, the Department contracts out the county water inspections. It costs \$55 to inspect a restaurant. The inspections are conducted a minimum of once every five years. The small water systems, such as trailer parks, are inspected a minimum of every three years for a cost of \$55. The Department pays the county for the \$55 inspection. This does not include the costs associated with data management, monitoring of the results of the required tests, technical assistance or follow-up studies. REP. COHEN asked what happens if they are on surface water. Ms. Jensen said surface water supplies are strictly inspected by people from the Department or an engineering contractor paid on an hourly basis. These inspections are done on an annual basis.

Motion: REP. WANZENRIED moved to amend the \$100 minimum hookup fee to \$25.

Discussion: REP. O'KEEFE said if the fee is reduced to \$25, the

Department won't have enough funding to set up a program that meets the primacy concerns that the federal government has. The federal government will step in and take over the program. The small water users have stated that they would rather deal with state than federal agencies. There is a certain amount of hassle with the public water supply program, however, there are costs associated with protecting the public drinking supply for the citizens. The \$100 fee is already the minimum amount necessary in order to fund the program. Those affected by the \$100 fee are the commercial enterprises with single hookups that serve water to the public. If the fee is dropped here it will have to be raised somewhere else. An option is to raise the cap and get an additional \$5,400 from Billing's fee.

REP. MEASURE stated that it seems the committee is willing to give Billings a break in a situation where they have an opportunity to spread their costs over 100,000 people, but is not willing to give the individual small business operator in a rural area any kind of break. He stated that he supported **REP. WANZENRIED's** amendment and supported removing the cap of \$40,000.

REP. ELLISON asked what the federal government would charge if they ran the program. **Jim Melstad, DHES**, replied that he didn't know. They will run their program as they choose and there will be a lack of communication. A \$100 fee is the absolute minimum to operate this program. **REP. FAGG** asked how the \$100 fee minimum was determined. **Ms. Jensen** responded that the \$100 is based on the known cost of \$55 for the inspection fee. At this time no fees are charged to do inspections, samples, or sanitary surveys. The state pays the county to do some of these inspections due to our lack of personnel. Data management is needed, as the results must be reported to the federal government. The Department does have people available to do follow-up site inspections. Some systems have problems that require more than one visit. **CHAIR RANEY** said that currently, the fee is \$55 every five years. He asked if the proposed fee would be \$100 per year or every five years. **Ms. Jensen** replied \$100 per year.

REP. FOSTER stated that he supported **REP. WANZENRIED's** amendment. Over a three year period the business or individual would pay \$75. Of that, \$55 goes for the inspection, and \$20 to cover the miscellaneous expenses. **REP. O'KEEFE** said there will be costs to collect the fees. If you lower the fees to individual commercial establishments then fees will have to be raised for other users to keep primacy. **REP. COHEN** stated that fees are difficult and expensive to collect. He suggested that it be funded through the General Fund. Because it appears that is not a viable option, fees should be lowered so as not to hurt small business people. **REP. FAGG** responded that the small to medium water systems owners are the ones getting the technical assistance and they should pay for it. Billings will put in \$40,000 to the program and virtually get no benefits. **REP. MEASURE** disagreed and said that all communities benefit from the program. At some point all

communities have submitted expertise and tax dollars to the larger cities. The larger cities should pay extra to develop the public water systems throughout the state as everyone will eventually use them. CHAIR RANEY asked the Department what would be the loss to the Department if fees were reduced from \$100 to \$25. Mr. Melstad responded approximately \$103,000. CHAIR RANEY inquired if the fee was reduced could the state maintain primacy. Mr. Melstad said he did not think so but that it was difficult to predict. The new federal requirements may change the number of samples and frequency necessary. Mr. Melstad added that there are approximately 212 new sites, schools and some businesses, that samples will be required which take more time. The department requests that these places not be allowed the minimum fee and instead be charged more. CHAIR RANEY asked how these are be classified separately in the bill so the bill could be amended requiring them to pay the \$100 fee. Mr. Melstad responded that they are not broken out in the bill because the Department proposed a \$100 minimum. The group of people involved are referred to as "non-transient". Mr. Melstad explained that "transient noncommunity systems" are systems such as bars and restaurants. There are about 1000 of these systems. "Non-transient" systems include schools and trailer parks.

REP. GILBERT asked what the fee covers. Mr. Melstad responded that the fee covers the cost of sanitation, field work such as checking the well, sampling, water system inspection and follow-ups visits. The state pays the county for these services. The business or individual pays for the actual cost of the test which is \$6.50 and \$10.00 for samples. REP. GILBERT stated that it appears the Department charges the person twice: once through the annual fees and then for any work done. Mr. Melstad responded that the Department does not charge the owner for services the county has already charged them for. REP. GILBERT asked how much of the funding is from the federal government. Mr. Melstad answered 83% is from federal funds and 17% is from the Resource Indemnity Trust (RIT). REP. GILBERT asked why there is a need for more funding since there is federal funding, RIT money, and the \$6.50 or \$10.00 collected from testing. Mr. Melstad said there is an abundance of follow-up work with sampling and additional field work. The new federal requirements are very complex that it requires more of our time in the field with county people. The Department needs these fees to build the program so it is not lost to the federal government.

CHAIR RANEY asked if the federal government will contribute more money since they are requiring additional work. Mr. Melstad replied that the Department's federal grant should increase by approximately 5%.

REP. WANZENRIED withdrew his motion.

Motion: CHAIR RANEY MADE A SUBSTITUTE MOTION THAT THE \$25 APPLY TO THE TRANSIENT NONCOMMUNITY WATER SYSTEMS.

Paul Sihler, Environmental Quality Council staff, explained that the transient noncommunity water system serves 25 or more people, or ten or more service connections per day for at least 60 days of the year and serves a transient population such as bars and restaurants. The non-transient noncommunity are places such as schools and business where people come but leave at night. **CHAIR RANEY** said the \$25 will cover the people that everyone is concerned about, the small business owner such as a bar owner that has his own well. He asked what type of businesses are non-transient noncommunity. **Mr. Melstad** responded businesses where there is at least 25 employees, such as factories. **CHAIR RANEY** stated that by adopting his amendment, 1,100 single water users will be dropped out and 200 that have 25 or more employees or daily participants will be included.

Vote: Motion to adopt Chair Raney's substitute amendment carried with Reps. Toole, Brooke, O'Keefe, Raney, Fagg and Hoffman voting no.

Discussion: **REP. RANEY** stated that adoption of that amendment resulted in a cut of approximately \$75,000 from the bill.
REP. O'KEEFE read amendment #4. **EXHIBIT 1**

Motion: **REP. O'KEEFE** moved to adopt amendment #4.

Discussion: **CHAIR RANEY** stated that if amendment #4 is not adopted the ground water assessment program will die. The bill to provide ground water assessment funding died in taxation. **REP. BARNHART** asked if the people of Billings will benefit from the ground water assessment program. **REP. O'KEEFE** said yes. **REP. FAGG** responded that Billings does not get any of its water from ground water. They will only benefit from it when they start using a ground water system. **REP. GILBERT** said all surface water is affected by ground water. **REP. O'KEEFE** added that the majority of the systems are ground water systems. **REP. MEASURE** suggested to alleviate the funding problem, that an additional 25 cent charge/hookup be added and to remove the cap. **REP. O'KEEFE** stated that he supported the 25 cent charge but opposed removing the cap.

Motion: **REP. MEASURE MADE A SUBSTITUTE MOTION TO CHARGE 25 CENTS PER HOOKUP.**

Discussion: **CHAIR RANEY** said this motion would change the fee from \$2 per hookup to \$2.25. He asked how much money would that raise. **Mr. Melstad** replied approximately \$45,000. **CHAIR RANEY** commented that \$45,000 is what is needed for the groundwater program. **REP. ELLISON** emphasized that the groundwater assessment study is extremely important. It is important to get it funded. **REP. O'KEEFE** asked if the fee of \$25 would increase to \$25.25. **REP. MEASURE** said yes. **REP. FOSTER** asked if the extra 25 cents would go to the groundwater assessment program. **REP. MEASURE** replied yes. **CHAIR RANEY** clarified that the 25 cents would be added to all the fees. The money raised would go to fund SB 94,

the groundwater assessment program. REP. O'KEEFE said amendments #4 and #5 will have to be rewritten because they take 25 cents out of the \$2. The substitute amendment would put 25 cents on top of the \$2. REP. RANEY asked if the additional charge of 25 cents should be terminated on October 1, 1993. REP. MEASURE replied yes. REP. GILBERT said that the committee may need to reconsider the \$25 fee and increase it to \$50.

Motion/Vote: REP. RANEY MADE A SUBSTITUTE MOTION TO ADD 25 CENTS TO THE SERVICE CHARGE WITH A TERMINATION DATE OF OCTOBER 1, 1993. Motion passed unanimously.

Motion/Vote: REP. GILBERT MOVED TO RECONSIDER ACTION WHICH LOWERED THE MINIMUM HOOKUP FEE FROM \$100 TO \$25. Motion carried unanimously.

Motion/Vote: REP. GILBERT moved to change the hookup fee for transient noncommunity users from \$100 to \$50. Motion carried unanimously.

Motion/Vote: REP. BARNHART MOVED TO RECONSIDER ACTION ON ESTABLISHING A CAP. Motion carried 9 - 8 with Reps. O'Keefe, Gilbert, Ellison, Nelson, Fagg, Foster, Knox, and Southworth voting no.

Motion/Vote: REP. BARNHART MOVED TO REMOVE CAP. Motion carried 9 - 8. EXHIBIT 2

Discussion: REP. BOHARSKI explained his proposed amendments. EXHIBIT 3. He stated that under current law, several districts can expand but to hook up they need to be contiguous. These amendments address the problem of systems hooking up. REP. MEASURE asked REP. BOHARSKI if he is referring to a specific problem. REP. BOHARSKI responded that in Lakeside and near Summers the line is already in but they aren't able to hook up. CHAIR RANEY asked the Department if they had any problems with this. Mr. Melstad responded no.

Motion: REP. O'KEEFE moved to adopt the REP. BOHARSKI's amendments.

Discussion: Mr. Melstad explained that the amendment would allow someone who has not been in an existing district to be served by that district without being annexed into the district. REP. BOHARSKI agreed with that interpretation of the intent. REP. ELLISON asked if it would create problems with someone hooking into the sewer without paying a fee. REP. O'KEEFE said they have to pay a fee. They can sell it.

Vote: Motion passed unanimously.

Motion: REP. FAGG MOVED TO RECONSIDER ACTION AND ESTABLISHING A CAP.

Discussion: REP. MEASURE said its a terrible idea to put the cap back on. Billings would be the only city to benefit. The amount of money Billings would be required to donate is not substantial to the city.

Vote: Motion failed 7 - 10. EXHIBIT 4

Motion/Vote: REP. O'KEEFE MOVED SB 407 DO PASS AS AMENDED. Motion carried 15-2 with Reps. Fagg and Foster voting no and Rep. Ream absent.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 43

Motion: REP. FOSTER MOVED HJR 43 DO PASS.

Motion: REP. COHEN moved to amend HJR 43.

Discussion: REP. COHEN explained his proposed amendments. He proposed that on page 1, line 14, insert "at times"; page 1, line 20 - 23, change the language to read "whereas projected timber supply forecasts indicate that existing timber harvest levels cannot be sustained in the near future"; page 1, line 24, change "would" to "could" bring economic hardships to western Montana. CHAIR RANEY commented that REP. REAM has some amendments that would strike lines 20 through 23. REP. COHEN responded that his amendments would take care of REP. REAM's concerns and accomplish additional tasks.

Vote: Motion to adopt REP. COHEN's amendment carried 13 - 5 with Reps. Hoffman, Foster, Gilbert, Ellison and Knox voting no.

Discussion: REP. COHEN proposed to adopt the following amendment: on page 2, line 5 and line 9 strike "sustained yield" and insert "sustainable". This amendment will suggest that others resources are considered besides just the timber supply. REP. ELLISON said it should read " sustainable yield" not sustainable management.

Motion/Vote: REP. GILBERT MADE A SUBSTITUTE MOTION TO TABLE HJR 43. Motion failed 8 - 9. EXHIBIT 5

Discussion: REP. COHEN proposed to adopt the following amendment: on page 2, line 12 and 22 and in the title, strike "sustained yield" and insert "sustainable management"; and on page 2, line 16 strike "the growth and harvest of timber" and insert "forest productivity". He explained that the amendments would make the bill consistent with HJR 14 and broaden the scope of the study from just timber to sustained yield on the land.

Motion/Vote: REP. COHEN moved to adopt the amendments. Motion carried 11 - 5. EXHIBIT 6

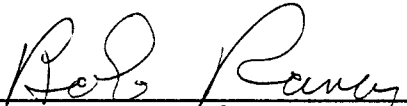
Discussion: CHAIR RANEY asked Gail Kuntz, EQC staffer, to explained REP. BARNHART's amendments. Ms. Kuntz reviewed the amendments. EXHIBIT 7

Motion/Vote: REP. BARNHART moved to adopt the amendments.
Motion carried 11 - 6. EXHIBIT 8

Motion/Vote: REP. COHEN MOVED HJR 43 DO PASS AS AMENDED. Motion carried 11 - 7 with Reps. Gilbert, Ellison, Nelson, Foster, Hoffman, Knox, and Wanzenried voting no.

ADJOURNMENT

Adjournment: 5:45 p.m.



Bob Raney, Chair

Lisa Fairman, Secretary

BR/lf

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE 4-10-91

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	✓		

CS05NATRES.MAN

HOUSE STANDING COMMITTEE REPORT

April 11, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 407 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Bob Raney, Chairman

1991 04 11 Rep. 1000

And, that such amendments read:

1. Title, line 24.

Following: "HEARING;"

Insert: "PROVIDING THAT LOCAL SEWER DISTRICTS MAY SELL SEWER SERVICE TO MUNICIPALITIES OR TOWNS OR CONSUMERS LOCATED WITHIN OR OUTSIDE THE DISTRICT;"

2. Title, page 2, line 4.

Following: "ACT;"

Strike: "AND"

Insert: "ALLOCATING A PORTION OF THE REVENUES TO THE GROUND WATER ASSESSMENT ACCOUNT;"

3. Title, page 2, line 5.

Following: "SECTIONS"

Insert: "7-13-2218,"

4. Title, page 2, line 6.

Following: "DATE"

Insert: "; AND PROVIDING A TERMINATION DATE"

5. Page 4, line 24.

Following: line 23

Insert: "(2) "Community water system" means any public water supply system that serves at least 10 service connections used by year-round residents or regularly serves at least 25 year-round residents."

Renumber: subsequent subsections

6. Page 7, line 6.

Following: line 5

Insert: "(16) "Transient noncommunity water system" means any public water supply system that is not a community water system and that serves persons on a transient basis."

7. Page 10, line 22.

Following: "THAN"

Insert: "\$2.25 for each service connection to the public water supply system for the biennium beginning July 1, 1991, and ending June 30, 1993, and thereafter is no more than"

8. Page 10, line 24.

Following: "100"

Insert: ", except that the fee for a transient noncommunity water system is \$50"

9. Page 11, line 12.

Following: "[section 8]"

Insert: "[, except that \$45,000 must be deposited each fiscal year in the ground water assessment account, established by [section 4 of Senate Bill No. 94], within the state special revenue fund]"

10. Page 15, line 6.

Following: "account"

Strike: ", all"

11. Page 15, line 7.

Following: "assessed"

Strike: "and"

Insert: ", "

Following: "collected"

Insert: ", and allocated"

12. Page 18, line 24.

Following: line 23

Insert: "Section 11. Section 7-13-2218, MCA, is amended to read:

"7-13-2218. District powers related to water and sewer projects. Any district incorporated as provided in this part may:

(1) construct, purchase, lease, or otherwise acquire and operate and maintain water rights, waterworks, sanitary sewerworks, storm sewerworks, canals, conduits, reservoirs, lands, and rights useful or necessary to store, conserve, supply, produce, convey, or drain water or sewage for purposes beneficial to the district. Beneficial purposes include but are not limited to flood prevention, flood control, irrigation, drainage, municipal and industrial water supplies, domestic water supplies, wildlife, recreation, pollution abatement, livestock water supply, and other similar purposes.

(2) if the incorporators of the district are members of a private, nonprofit water association that was formed under the laws of this state, acquire by eminent domain from that water association any type of property referred to in this section;

(3) store water for the benefit of the district; conserve water for future use; appropriate, acquire, and conserve water and water rights for the purposes of the district; commence, maintain, intervene in, and compromise, in the name of the district, and assume the costs of any action or proceeding involving or affecting the ownership or use of waters, water rights, or sewer rights within the district used or useful for any purpose of the district or a benefit to any land situated in the district;

(4) commence, maintain, intervene in, defend, and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of waters used or useful for any purpose of the district or a common benefit to the lands within the district or its inhabitants;

(5) commence, maintain, and defend actions and proceedings to prevent any interference with the waters or rights referred to in this section as may endanger the inhabitants or lands of the district;

(6) lease from any person, firm, or public or private corporation, with the privilege of purchase or otherwise, existing water rights, waterworks, sewerworks, canals, or reservoir systems; and carry on and maintain them;

(7) sell water or the use of water for household or domestic or other similar purposes or sell sewer service and, whenever there is a surplus of water or sewerworks capacity, sell or otherwise dispose of the water or sewerworks capacity to municipalities or towns or to consumers located within or outside the boundaries of the district."

Renumber: subsequent section

13. Page 19, line 9.

Following: line 8

Insert: "NEW SECTION. Section 13. Termination. The bracketed portion of [section 4(4)] terminates October 1, 1993."

HOUSE STANDING COMMITTEE REPORT

April 11, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that House Joint Resolution 43 (first reading copy -- white) do pass as amended .

Signed: _____
Bob Raney, Chairman

And, that such amendments read:

1. Title, line 6.

Strike: "SUSTAINED"

Insert: "SUSTAINABLE"

2. Title, line 7.

Strike: "YIELD"

3. Page 1, line 14.

Following: "industry"

Insert: "at times"

4. Page 1, line 20.

Strike: "foreboding"

Insert: "projected"

5. Page 1, lines 20 through 22.

Strike: "and" on line 20 through "Valleys" on line 22

6. Page 1, line 22.

Strike: "may"

7. Page 1, line 23.

Strike: "decline"

Insert: "cannot be sustained"

8. Page 1, line 24.

Strike: "would"

Insert: "could"

9. Page 2, lines 5 and 9.

Strike: "sustained yield"

Insert: "sustainable"

10. Page 2, lines 12 and 22.

Strike: "sustained yield"

Insert: "sustainable management"

11. Page 2, line 13.

Strike: the second "and"

12. Page 2, line 16.

Strike: "the growth and harvest of timber."

Insert: "forest productivity; and

(e) the maintenance and enhancement of the physical and
biological productivity of the land. "

Amendments to Senate Bill No. 407
Third Reading Copy

Requested by Rep. O'Keefe
For the Committee on Natural Resources

Prepared by Gail Kuntz
April 9, 1991

A-1
DATE 4-10-91
HB SB 407

1. Title, page 2, line 4.

Following: "~~ACT,~~"

Strike: "~~AND~~"

Insert: "ALLOCATING A PORTION OF THE REVENUES TO THE GROUND
WATER ASSESSMENT ACCOUNT;"

2. Title, page 2, line 6.

Following: "DATE"

Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 10, line 24.

Following: "\$100"

Insert: "and the maximum fee is \$40,000"

4. Page 11, line 12.

Following: "[section 8]"

Insert: "[, except that \$45,000 must be deposited each fiscal
year in the ground water assessment account, established by
[section 4 of Senate Bill No. 94], within the state special
revenue fund]"

5. Page 19, line 9.

Following: line 8

Insert: "NEW SECTION. Section 12. Termination. The bracketed
portion of [section 4(4)] terminates October 1, 1993."

EXHIBIT 2
DATE 4-10-91
~~HB~~ SB 407

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 4-10-91 BILL NO. SB 407 NUMBER 1

MOTION: to remove cap

NAME	AYE	NO
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	✓	
TOTAL	9	8

motion carried

Amendments to Senate Bill No. 407
Third Reading Copy

Requested by Rep. Boharski
For the Committee on Natural Resources

Prepared by Gail Kuntz
April 10, 1991

1. Title, line 24.

Following: "HEARING;"

Insert: "PROVIDING THAT LOCAL SEWER DISTRICTS MAY SELL SEWER SERVICE TO MUNICIPALITIES OR TOWNS OR CONSUMERS LOCATED WITHIN OR OUTSIDE THE DISTRICT;"

2. Title, page 2, line 5.

Following: "SECTIONS"

Insert: "7-13-2218,"

3. Page 18, line 24.

Following: line 23

Insert: "Section 11. Section 7-13-2218, MCA, is amended to read:

"7-13-2218. District powers related to water and sewer projects. Any district incorporated as provided in this part may:

(1) construct, purchase, lease, or otherwise acquire and operate and maintain water rights, waterworks, sanitary sewerworks, storm sewerworks, canals, conduits, reservoirs, lands, and rights useful or necessary to store, conserve, supply, produce, convey, or drain water or sewage for purposes beneficial to the district. Beneficial purposes include but are not limited to flood prevention, flood control, irrigation, drainage, municipal and industrial water supplies, domestic water supplies, wildlife, recreation, pollution abatement, livestock water supply, and other similar purposes.

(2) if the incorporators of the district are members of a private, nonprofit water association that was formed under the laws of this state, acquire by eminent domain from that water association any type of property referred to in this section;

(3) store water for the benefit of the district; conserve water for future use; appropriate, acquire, and conserve water and water rights for the purposes of the district; commence, maintain, intervene in, and compromise, in the name of the district, and assume the costs of any action or proceeding involving or affecting the ownership or use of waters, water rights, or sewer rights within the district used or useful for any purpose of the district or a benefit to any land situated in the district;

(4) commence, maintain, intervene in, defend, and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of waters used or useful for any purpose of the district or a common benefit to the lands within the district or its inhabitants;

(5) commence, maintain, and defend actions and proceedings to prevent any interference with the waters or rights referred to in this section as may endanger the inhabitants or lands of the district;

(6) lease from any person, firm, or public or private corporation, with the privilege of purchase or otherwise, existing water rights, waterworks, sewerworks, canals, or reservoir systems; and carry on and maintain them;

(7) sell water or the use of water for household or domestic or other similar purposes or sell sewer service and, whenever there is a surplus of water or sewerworks capacity, sell or otherwise dispose of the water or sewerworks capacity to municipalities or towns or to consumers located within or outside the boundaries of the district.""

Renumber: subsequent section

EXHIBIT 4
DATE 4-10-91
~~HB~~ SB 407

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 4-10-91 BILL NO. SB 407 NUMBER 2

MOTION: to reconsider action that removed the caps

NAME	AYE	NO
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓	
REP. BOB GILBERT	✓	
REP. BEN COHEN		✓
REP. ORVAL ELLISON	✓	
REP. BOB REAM	Absent	
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		✓
TOTAL	7	10

Motion failed

EXHIBIT 3
DATE 4-10-91
~~HJR~~ HJR 43

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 4-10-91 BILL NO. HJR 43 NUMBER 1

MOTION: to table

NAME	AYE	NO
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		✓
TOTAL	8	9

failed

EXHIBIT 6
DATE 4-10-91
HB HJR 43

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 4-10-91 BILL NO. HJR 43 NUMBER 2

MOTION: to adopt Rep Cohen's amendments

NAME	AYE	NO
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓	
REP. BOB GILBERT		✓
REP. BEN COHEN	✓	
REP. ORVAL ELLISON	Absent	
REP. BOB REAM	✓	
REP. TOM NELSON		✓
REP. VIVIAN BROOKE	✓	
REP. BEVERLY BARNHART	✓	
REP. ED DOLEZAL	✓	
REP. RUSSELL FAGG	Absent	
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	✓	
TOTAL	11	5

carried

EXHIBIT 7
DATE 4-10-91
SR 413

Amendments to House Joint Resolution No. 43
First Reading Copy

Requested by Rep. Barnhart
For the Committee on Natural Resources

Prepared by Gail Kuntz
April 2, 1991

1. Page 2, line 13.
Following: "stability;"
Strike: "and"

2. Page 2, line 16.
Following: "timber"
Insert: "; and

(e) the maintenance and enhancement of the physical and
biological productivity of the land"

EXHIBIT 3
DATE 4-10-91
HB HR 43

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 4-10-91 BILL NO. HR 43 NUMBER 3

MOTION: to adopt Rep. Barnhart's Amendment

NAME	AYE	NO
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	Absent	
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	/	
TOTAL	11	6

EXHIBIT 9
DATE 4-10-91
HB HJR 43

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 4-10 BILL NO. HJR 43 NUMBER 4

MOTION: Do Pass as amended.

NAME	AYE	NO
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	✓	
TOTAL	10	8