

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 20, 1995,
at 3:00 PM

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Larry J. Tveit, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Thomas F. Keating (R)
Sen. Ken Miller (R)
Sen. Vivian M. Brooke (D)
Sen. B.F. "Chris" Christiaens (D)
Sen. Jeff Weldon (D)
Sen. Bill Wilson (D)

Members Excused: Sen. William Crismore

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Theda Rossberg, Committee Secretary

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

Committee Business Summary:

Hearing: HB 473
Executive Action: HB 338, HB 351, HB 472, HJR 24, HJR 26

HEARING ON HB 473 CONT'D.

CHAIRMAN GROSFIELD announced that because of a misunderstanding about the scheduling of the hearing on HB 473 amongst some members of the public, he would allow additional oral testimony at this time, and would accept into the record additional written testimony until the close of Executive Action on HB 473, scheduled for March 22nd.

Opponents' Testimony:

Don Spivey, representing Collective Planning Boards for Flathead County said that Section 6 deals with the review process on subdivisions. There were 3 steps in the review process where they work with a subdivider's proposal for a subdivision. That

was done before the application was accepted, and then it goes through a review process and then through a planning board. Then they go through a public hearing process.

Mr. Spivey said Section 6, subsection (5)(a) says: "Mitigation measures imposed may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat." (b) says: "Whenever feasible, mitigation should be designed to provide some benefits for the subdivider."

Mr. Spivey stated that because of the vagueness of those two statements and the way liability was defined in Section 10, that was a concern to the planning boards and the professional staff.

Mr. Spivey added that after the hearing in the House on HB 473, they had a meeting to review a 16 unit development at Big Mountain ski area. The Forest Service was concerned about wild fires, because it was in an extremely wooded area. Therefore, they were told they had to provide a secondary road. Under Section 10 of the bill, it was certain that the developer would go to court over that issue, and that would cost a lot of money. Also that proposed subdivision crosses a stream that was the watershed that feeds the domestic water supply for the city of Whitefish, so they pushed the stream set-back from 50 to 100 feet from the stream, which makes some of the land unusable.

EXHIBIT 1.

The following written testimony was submitted:

Richard Idler, Bigfork, Montana, recommended that HB 473 be tabled. **EXHIBIT 2.**

EXECUTIVE ACTION ON HB 338

Motion: SEN. FOSTER MOVED TO ADOPT AMENDMENTS NO. hb033804.amk AS CONTAINED IN EXHIBIT 3.

Discussion:

Alan Joscelyn, Attorney, who drafted the amendments and explained their intent to the committee members. **EXHIBIT 3.**

SEN. VIVIAN BROOKE asked **Mr. Joscelyn** what other economic impacts would be involved. He replied that the Legislature acknowledged that mining does have impacts on the lands where the mining takes place. In future challenges the courts will take a hard look at impacts that could result in scenic impacts, and impacts on animal habitat.

SEN. TOM KEATING said the statement of intent usually involves rule-making, is that the case here? He said he didn't see any

rule-making in the bill. He asked if there was somewhere in the statutes that rule-making and the statement of intent were tied together. **Todd Everts, Environmental Quality Council**, responded that he was correct, they were tied together in statute, but didn't necessarily have to be.

SEN. JEFF WELDON asked **Mr. Joscelyn** about, since the statement of intent would probably end up being in the Montana law, what his thoughts were on some of the policy objectives that were incorporated into the bill such as, (3) "to encourage reclamation to a condition that is aesthetically unobtrusive..." He asked what that meant. **Mr. Joscelyn** said basically it means to tie in with the surrounding areas.

SEN. WELDON asked **Mr. Joscelyn** what (6) meant that says: "to discourage requirements that will generate undesirable offsite environmental impacts." He replied that in water treatment, there were trade offs to be made to get the last 1% of a constituent out of the water; for example, it may be necessary to use a lot of electrical power, to remove that last 1% which means that there could be off site impacts somewhere else to generate that additional power.

SEN. WELDON asked if they could segregate the two amendments.

CHAIR. GROSFIELD asked **John North, Attorney, Department of State Lands**, if the bill had been in place would the litigation outcome have been different. He said yes, the court looked at the way the statute was phrased, and determined that it essentially said that open pits don't have to be reclaimed. The Constitution says that all lands have to be reclaimed. At the Constitutional Convention, the delegates intended that the Legislature couldn't exempt any land from reclamation, but could set what constitutes reclamation standards.

Motion/Vote: **SEN. WELDON MOVED A SUBSTITUTE MOTION TO SEGREGATE AND TO ADOPT AMENDMENT NO. hb033804.amk, Item 1. MOTION CARRIED 6-4 ON A ROLL CALL VOTE.**

Motion/Vote: **SEN. WELDON MOVED TO ADOPT THE OTHER AMENDMENT, AMENDMENT NO. hb033804.amk, Item 2. MOTION CARRIED UNANIMOUSLY.**

Motion: **SEN. MIKE FOSTER MOVED TO CONCUR IN SB 338 AS AMENDED.**

Discussion:

SEN. BROOKE said she was concerned that on Page 2, Line 24 that said: "significant failure that would be a threat to public safety and the environment." She asked what that meant. **CHAIR. GROSFIELD** said without the word "significant" it could possibly come up in a court case if that word was struck.

SEN. WELDON said that **Dr. Foster** from the Golden Sunlight Mine said they use current mining materials to backfill for

reclamation. One of the opponents said that the bill would exclude backfill. He asked how that might affect the bill. **SEN. CHRISTIAENS** said his notes said that by backfilling all mines for reclamation the cost became prohibitive.

Mr. Joscelyn said he heard that comment also, but didn't think that was what the bill did. The bill does not require backfilling in every case, and it would be up to the discretion of the department.

Mr. North said he didn't remember that comment, but when it was feasible to require backfilling, it would be required. In the statement of intent where it talks about remining being a possible post-mining land use, the agency would have to make a determination as to whether or not there was a bonafide potential for remining.

SEN. CHRISTIAENS asked **Mr. North** at what point would the department make that decision that remining may be possible. He replied a postmining land use is submitted at the time of application and they would be required to make that determination at the time the application was submitted, and may require another postmining land use be inserted. After the mining occurred, the applicant can apply to change postmining land use.

CHAIR. GROSFIELD said he wanted to propose another amendment, but would like to know what **Mr. North** thought it would do first. Line 24, Page 2 says: "...feasible under the circumstances...", and on Line 26 it says: "technologically feasible." He asked **Mr. North** if those statements were different. **Mr. North** responded that the language was not from the department, but they would have the same meaning.

Motion/Vote: **CHAIR. GROSFIELD** MOVED TO STRIKE "under the circumstances" ON PAGE 2, LINE 24 OF THE BILL. MOTION CARRIED UNANIMOUSLY.

Motion/Vote: **SEN. FOSTER** MOVED TO CONCUR IN HB 338 AS AMENDED. MOTION CARRIED 7-3 ON A ROLL CALL VOTE. (SEN. FOSTER will carry the bill)

{Tape: 1; Side: B}

EXECUTIVE ACTION ON HB 351

Motion: **SEN. BROOKE** MOVED TO CONCUR IN HB 351.

Motion: **CHAIR. GROSFIELD** MOVED TO ADOPT AMENDMENTS NO. hn035103.ate AS CONTAINED IN EXHIBIT 4.

Discussion:

CHAIR. GROSFIELD said that basically his amendments said, "the Board of Land Commissioners have the final say." He explained the amendments to the committee members.

George Schunk, office of the Attorney General, said he agreed with the amendments because they achieve what they were attempting to do.

SEN. FOSTER asked **Mr. Schunk** if there was an agreement that was reached before the session started, and if the amendment would move them closer to what the original agreement was between the Regents and the Land Board. **Mr. Schunk** said he went back and read all the minutes of all the meetings and they dealt with that for 9 months. The legislation only got going in December and January. He thought they had an agreement with the Regents at the beginning of the session on the bill that was introduced. All 5 members of the Land Board clearly agreed that the bill would be introduced as it originally was. In checking the minutes of that meeting **Mr. Schramm, Attorney for the Board of Regents**, voiced his objection at that time and continued that objection in the House. There never seemed to be a 100% agreement on the bill as it was introduced. Since the bill had changed, there may be even more points of disagreement.

Mr. Schunk said the 5 members of the Land Board agreed that they would grant the Regents authority to sell land, subject to certain limitations, one of which was that the Land Board would have final say on certain types of land sales.

SEN. FOSTER said the amendments move closer to what the Land Board agreed to. **Mr. Schunk** said that was correct, and they had a somewhat spirited lengthy debate at the Land Board meeting which took place this morning. The first preference of the Land Board would be to go back to the bill as it was originally adopted before the House changed it. However, if the decision was between HB 351 in its current form, **CHAIR. GROSFIELD'S** amendments, and amendments proposed by the Regents, the Land Board prefers this bill as amended by **CHAIR. GROSFIELD**.

SEN. WELDON asked **Mr. Schunk** what the differences were between the bill with and without the amendments. He replied that with all of the university managed land, the Land Board would only have review authority over a certain percentage of the total university managed lands. In some cases, before lands were managed by the university, they were public lands. The Land Board was looking at that, and Fort Missoula would come under that situation. He said on Page 3, Line 9 the introduced bill said: "if land that is proposed for sale or exchange was owned by the federal government, the state, or a unit of local government immediately prior to its acquisition by the system or the state for the system". However, that language was struck by the House. That was the main change in the bill.

SEN. WELDON said CHAIR. GROSFIELD clarified the language of the bill, and wondered if he considered putting the language on Lines 9 and 10 back into the bill. CHAIR. GROSFIELD said the reason he didn't offer that was because the House took that language out. He didn't feel it would serve any of us well to send the bill back in the form that was already turned down.

SEN. WELDON asked Mr. Schunk if the Land Board was aware of the amendments proposed by CHAIR. GROSFIELD. He answered that they were aware of similar amendments that he had proposed, and they were comfortable with them.

Vote: MOTION TO ADOPT AMENDMENTS NO. jhb035203.ate, CARRIED UNANIMOUSLY.

Motion: SEN. BROOKE MOVED TO CONCUR IN HB 351 AS AMENDED.

Discussion:

SEN. WELDON said it comes down to the nature of the Land Commissioners and the nature of the Board of Regents, one being an elected body and the other appointed. He wasn't sure that it would have prevented what had happened with Fort Missoula, but it would have given an additional forum for people who were concerned about that sale to go before, and the forum would involve an elected board.

Vote: MOTION TO CONCUR IN HB 351, CARRIED UNANIMOUSLY.
(SEN. BROOKE will carry the bill)

EXECUTIVE ACTION ON HJR 26

Motion: SEN. WELDON MOVED TO CONCUR IN HJR 26.

Discussion:

SEN. FOSTER said after the hearing on HJR 26, a worker from the forest industry became aware of the resolution and remarked that there was a big problem there. He said he didn't know what those problems were, but that person said to keep in mind that current Forest Service employees were not allowed to speak. If the current Forest Service employees could testify, there would be a different story in regard to the resolution.

SEN. BROOKE said the people that would be closest to the forest would be moved further away. She said everything she heard in Missoula was that that was a bad decision.

SEN. COLE said one thing they may be hearing was that people were trying to tell the federal government they were not in favor of something that the Forest Service should make the decision on

Vote: MOTION TO CONCUR IN HJR 26, CARRIED WITH SEN. FOSTER AND SEN. COLE VOTING NO.

EXECUTIVE ACTION ON HB 472

Motion/Vote: SEN. WELDON MOVED TO CONCUR IN HB 472, MOTION CARRIED UNANIMOUSLY. (CHAIR. GROSFIELD will carry the bill)

EXECUTIVE ACTION ON HJR 24

Motion: SEN. COLE MOVED A TO ADOPT AMENDMENTS NO. hjr2401.ate AS CONTAINED IN EXHIBIT 5.

Discussion:

SEN. COLE reviewed the amendments with the committee members.

SEN. WELDON asked SEN. COLE about the 4th amendment, why he struck "sustained." He replied that just addressed it in a more positive manner.

SEN. WELDON said doesn't sustained mean "on going?" CHAIR. GROSFIELD said that was what that meant, and he could make a motion to change the amendment if he so desired.

SEN. BROOKE said it seemed that "sustained" modified how they were going to work on that, rather than sustained yield.

SEN. COLE said it seems everyone had a different idea of what "sustained" means, and therefore would be willing to change that to "on going."

Substitute Motion: SEN. COLE MOVED A SUBSTITUTE MOTION TO STRIKE "sustained," AND INSERT "on going," AND TO ADOPT AMENDMENTS NO.hjr2401.ate WITH THAT CHANGE.

Several of the proposed amendments were discussed by the committee members.

CHAIR. GROSFIELD said he hadn't heard anyone complain about amendments 2,3,4,5,6,9, and 10. He said he also had amendments to the bill that were a little bit different.

SEN. KEATING asked what the purpose of the resolution was. The Streamside Best Management Practice was funded and was working, and so was the Forest Management Practices working. They were spending state money to teach private land owners how to cut their trees.

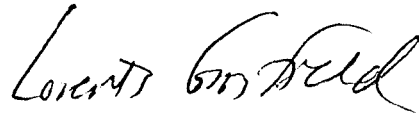
{Tape: 2; Side: A}

Substitute Motion/Vote: SEN. KEATING MOVED TO TABLE HJR 24.
MOTION CARRIED 7-3 ON A ROLL CALL VOTE.


{Comments: the meeting was recorded on 1, 60 minute tape and to the count of 4.0 on the 2nd tape.}

ADJOURNMENT

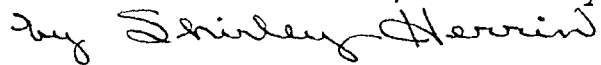
Adjournment: 4:45 PM



LORENTS GROSFIELD, Chairman



THEDA ROSSBERG, Secretary



LG/TR

DATE _____

3-20-95

SEN

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MONTANA SENATE
1995 LEGISLATURE
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE _____

3.20-95

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 21, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration HB 472 (third reading copy -- blue), respectfully report that HB 472 be concurred in.

Signed: *Lorent Grosfield*
Senator Lorents Grosfield, Chair

SV
SR Amd. Coord.
Sec. of Senate

L. GROSFIELD
Senator Carrying Bill

651015SC.SPV

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 21, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration HB 351 (third reading copy -- blue), respectfully report that HB 351 be amended as follows and as so amended be concurred in.

Signed: Lorents Grosfield
Senator Lorents Grosfield, Chair

That such amendments read:

1. Page 3, line 8.

Following: "~~proposals.~~"

Insert: "If the board of regents sells the land, the sale must be to the offeror whose proposal the board determines to be the most advantageous to the system, taking into consideration the price and the other evaluation criteria listed in the request for proposals."

2. Page 3, line 11.

Following: "~~the~~"

Insert: "(6)"

Following: "it"

Insert: "first requests and"

Following: the first "the"

Insert: "written"

3. Page 3, line 14.

Strike: "OR"

Insert: ", "

4. Page 3, line 15 through 17.

Strike: "IF" on line 15 through "DETERMINES" on line 16

Insert: ", or"

Following: "SALE" on line 16

Insert: "or exchange"

Strike: "IT" on line 16 through "FINAL" on line 17

5. Page 3, line 18.

Following: "(7)"

Strike: "The"

Insert: "After obtaining written concurrence of the board of land commissioners required in subsection (6), the"

-END-



Amd. Coord.
Sec. of Senate


V. B. BROOKE
~~MA. FOSBER~~
Senator Carrying Bill

651009SC.SPV

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 21, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration HB 338 (third reading copy -- blue), respectfully report that HB 338 be amended as follows and as so amended be concurred in.

Signed: Lorents Grosfield
Senator Lorents Grosfield, Chair

That such amendments read:

1. Page 1.

Following: line 10

Insert: "STATEMENT OF INTENT

In this bill, the legislature is implementing, with regard to open pits and rock faces that are the result of metal mining, the duty imposed upon it by Article IX, section 2(1), of the Montana constitution, which provides that "All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed."

The drafters of this provision of the constitution expressly decided not to impose a constitutional requirement for a specified level of reclamation for all disturbed lands in all locations under all circumstances. Rather, they delegated to the legislature the duty to more specifically define reclamation in the public interest.

The legislature expects, and this bill requires, that miners will prepare and submit to the state reclamation plans for open pits and rock faces. This bill requires that these plans must, at a minimum, provide for return of these lands to structural stability and that the plans must be protective of air and water quality as provided elsewhere in the metal mine reclamation laws. These requirements and standards will prevent risks to public health and safety and the environment and will thereby adequately protect the environmental life support system from degradation.

In order to prevent unreasonable depletion and degradation of natural resources, the legislature finds

PV
SP

Amd. Coord.
Sec. of Senate

M. FOSTER
Senator Carrying Bill

650954SC.SPV

that further reclamation of open pits and rock faces to provide functional uses and to blend with surrounding areas should be accomplished whenever feasible.

In determining feasibility of further reclamation, the legislature directs the department of state lands to consider and give effect to each of the following objectives:

(1) to encourage mining as an activity beneficial to the economy of our state;

(2) to encourage the production of minerals to meet the needs of society and the economic demands of the marketplace;

(3) to encourage reclamation to a condition that is aesthetically unobtrusive;

(4) to encourage reclamation to functional use;

(5) to discourage requirements that may foreclose future access to mineral resources not fully developed by current mining operations;

(6) to discourage requirements that will generate undesirable offsite environmental impacts.

The legislature finds that functional postreclamation uses include but are not limited to livestock grazing, agriculture, timber, recreation, wildlife habitat or other wildlife use, or other industrial use, including remining.

The legislature finds that when reclamation has been accomplished in accordance with an approved reclamation plan, the economic and social benefits of mining outweigh the scenic and other impacts associated with open-pit mining."

2. Page 2, lines 23, 24, 25, and 26.

Strike: "economically" on line 23

Strike: "and technologically" and "under the circumstances" on line 24

Strike: "economically and" on line 25

Strike: "technologically" on line 26

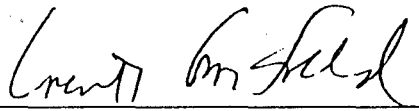
-END-

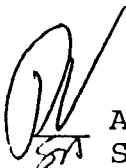
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 21, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration HJR 26 (third reading copy -- blue), respectfully report that HJR 26 be concurred in.

Signed: 
Senator Lorents Grosfield, Chair


Amd. Coord.
Sec. of Senate

Sen. Eversmore
Senator Carrying Bill

651017SC.SPV

DATE 3-20-95BILL NO. HB-473

To: Senate Natural Resources Committee
Senator Lorents Grosfield, Chairman

March 19, 1995
SUBJECT: HB 473

Because of time constraints in the public hearing I was unable to adequately express the views of the four Flathead County Planning Boards. I am therefore submitting this on our behalf. We believe HB. 473 is bad public policy legislation and unnecessary for the following reasons:

1. This will cost municipalities and volunteer boards much more time and money to implement than did HB 408.
2. This bill shifts "Private Property Rights" considerations in favor of the subdivider at the expense of other affected parties.
3. It adds an additional exemption that is redundant and provides a new avenue for land division without review--UNDESIRABLE.
4. The proposed Bonding changes are unnecessary, too complicated and expensive to administer.
5. The elimination of the Community Impact criteria significantly cripples a municipality's ability to use these impacts in their decision process.
6. Section 6 is too subjective, shifts the 'burden of proof' to the public and away from the subdivider where it belongs, and will make it virtually impossible to complete many reviews within the statutory 60 day window without additional staff and expense.
7. The proposed Parkland Dedication (Section 9) is complicated, difficult to administer, and often unworkable.
8. Section 10 as written is wrong and could prove disastrous to the whole subdivision review process. The fact that 'legislative immunity' is removed and damages allowed, coupled with the subjective aspects of Section 6 will be a lawyer's dream come true and a public nightmare. Also if litigation is warranted, anyone who can show cause should be able to engage.
9. Today's Subdivision Review process is a public process conducted by private citizens on behalf of other private citizens. Through that process using the law as amended in 1993, we approve 97% of all subdivisions brought for public review. We also do that faster and cheaper than any other state in the Union. If HB 473 is enacted it will become a legal process conducted by lawyers against other lawyers at public expense, and take forever.

On behalf of all the Planning Boards and Municipalities in Flathead County please TABLE HB 473.

Respectfully,



Don Spivey, Vice President
Whitefish City/County Planning Board
cc Governor Marc Racicot

R.D.I. - memo 3-17-95 cc: Office of the Governor
To: Senate Natural Resources Committee The Honorable Lorents Grosfield, Chair
Re: Bill 473
From: Richard D. Idler P.O. Box 1631 Bigfork, Mt 59911

I submitted copies of my comments on Bill 473 to all members of the Committee at the March 15th hearing, in room 325 of the Capitol Building. Although I had traveled from Bigfork to Helena to speak in opposition to the Bill, time did not permit me to do so. Further, I will be in Colorado during the week of March 19.

I am heeding Senator Grosfield's advise, therefore, and would request that my observations as represented in this memorandum be circulated to committee members prior to the executive session on this matter.

For over 25 years I have been involved in real estate and land development throughout the United States as developer, broker, and land use counselor. Since passage of the National Environmental Policy Act in 1969, I have followed the evolvement of the comprehensive land use planning process to the point where it has materially revised, in a beneficial way, not only the concept but the manner in which subdivisions, and planning and zoning districts are created and approved.

The Montana Subdivision Act of 1993, as reformed, was a major step by the State to mirror these changes and slowdown the proliferation of helter skelter subdivisions, which were occurring throughout Montana. It was with great disappointment, then, when I heard real estate agent representatives and surveyor representatives, as proponents of Bill 473, speak to the need to relax restrictions on subdivision approval, reduce the responsibilities of subdividers to assume the costs of mitigation of their impacts, and protect subdividers through provisions to seek "damages" from the taxpayers (in essence).

As a member of the Mountain States Task Force of the Urban Land Institute (a national association of developers, financiers, architects, civil engineers, planners, and government officials, dedicated to better land use practices) I can assure you that Montana's growth potential does not go unnoticed within the nation's development community. Nor is it unnoticed that Montana has about the most lenient subdivision regulations in the U.S.

Responsible subdividers and developers willingly accept the costs and expenses associated with good subdivision laws and regulations. To weaken the 1993 reforms as proposed by Bill 473, and supported by real estate agents and surveyors (I might add, to their own financial gain) will open the door to speculators, promoters, and jerry developers or subdividers, to the detriment of the natural and socio-economic resource values of the areas and communities within which they operate.

This Bill is bad legislation; I recommend that it be tabled until it can be sensibly reviewed and evaluated in the light of reality. Who is to benefit?

Amendments to House Bill No. 338
Third Reading Copy

Requested by Rep. Grimes
For the Committee of the Whole

Prepared by Michael S. Kakuk
March 13, 1995

1. Page 1.

Following: line 10

Insert:

"STATEMENT OF INTENT

In this bill, the legislature is implementing, with regard to open pits and rock faces that are the result of metal mining, the duty imposed upon it by Article IX, section 2(1), of the Montana constitution, which provides that "All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed."

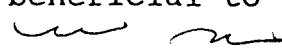
The drafters of this provision of the constitution expressly decided not to impose a constitutional requirement for a specified level of reclamation for all disturbed lands in all locations under all circumstances. Rather, they delegated to the legislature the duty to more specifically define reclamation in the public interest.

The legislature expects, and this bill requires, that miners will prepare and submit to the state reclamation plans for open pits and rock faces. This bill requires that these plans must, at a minimum, provide for return of these lands to structural stability and that the plans must be protective of air and water quality as provided elsewhere in the metal mine reclamation laws. These requirements and standards will prevent risks to public health and safety and the environment and will thereby adequately protect the environmental life support system from degradation.

In order to prevent unreasonable depletion and degradation of natural resources, the legislature finds that further reclamation of open pits and rock faces to provide functional uses and to blend with surrounding areas should be accomplished whenever feasible.

In determining feasibility of further reclamation, the legislature directs the department of state lands to consider and give effect to each of the following objectives:

(1) to encourage mining as an activity beneficial to the economy of our state;

6-4 

(2) to encourage the production of minerals to meet the needs of society and the economic demands of the *marketplace* *uncon* marketplace;

(3) to encourage reclamation to a condition that is aesthetically unobtrusive;

(4) to encourage reclamation to functional use;

(5) to discourage requirements that may foreclose future access to mineral resources not fully developed by current mining operations;

(6) to discourage requirements that will generate undesirable offsite environmental impacts.

The legislature finds that functional postreclamation uses include but are not limited to livestock grazing, agriculture, timber, recreation, wildlife habitat or other wildlife use, or other industrial use, including remining.

The legislature finds that when reclamation has been accomplished in accordance with an approved reclamation plan, the economic and social benefits of mining outweigh the scenic and other impacts associated with open-pit mining."

2. Page 2, lines 23, 24, 25, and 26.

Strike: "economically" on line 23

Strike: "and technologically" on line 24

Strike: "economically and" on line 25

Strike: "technologically" on line 26

Amendments to House Bill No. 351
Third Reading Copy

Requested by Senator Grosfield
For the Committee on Natural Resources

Prepared by Todd Everts
March 20, 1995

1. Page 3, line 8.

Following: "~~proposals~~:"

Insert: "If the board of regents sells the land, the sale must be to the offeror
whose proposal the board determines to be the most advantageous to the
system, taking into consideration the price and the other evaluation criteria
listed in the request for proposals."

2. Page 3, line 11.

Following: "the"

Insert: "(6)"

Following: "it"

Insert: "first requests and"

Following: the first "the"

Insert: "written"

3. Page 3, line 14.

Strike: "OR"

Insert: ", "

4. Page 3, line 15 through 17.

Strike: "IF" on line 15 through "DETERMINES" on line 16

Insert: ", or"

Following: "SALE" on line 16

Insert: "or exchange"

Strike: "IT" on line 16 through "FINAL" on line 17

5. Page 3, line 18.

Following: "(7)"

Strike: "The"

Insert: "After obtaining written concurrence of the board of land commissioners
required in subsection (6), the"

Amendments to House Joint Resolution No. 24
Third Reading Copy

Requested by Senator Cole
For the Committee on Natural Resources

Prepared by Todd Everts
March 17, 1995

1. Title, lines 8 through 10.
Strike: "AND" on line 8 through "GOVERNOR" on line 10
2. Page 1, line 15.
Following: "values,"
Insert: "forest resources,"
3. Page 1, line 18.
Following: "tourist,"
Insert: "forest,"
4. Page 1, line 27.
Strike: "~~sustained~~," *ongoing*
Following: "cooperative"
Strike: ", "
5. Page 1, line 30.
Following: "uses,"
Insert: "forestry uses,"
6. Page 2, line 5.
Following: "operations"
Insert: "and forest industries"
7. Page 2, line 6.
Strike: "minimizing"
Insert: "managing"
8. Page 2, line 7.
Following: "development"
Insert: "to protect beneficial uses of water"
9. Page 2, line 9.
Following: "industries"
Insert: "while recognizing the environmental impacts of these activities"
10. Page 2, line 10.
Strike: "reasonable,"

CENTRE NATURAL RESOURCES
EXHIBIT NO. 15
DATE 3-20-95
FILE NO. HJR-24

11. Page 2, line 11.

Strike: "establishing consensus-based,"

Insert: "encouraging the development of"

Strike: "development"

12. Page 2.

Strike: lines 14 through 22 in their entirety

13. Page 2, line 24.

Strike: "property owner, developer,"

Following: "agricultural,"

Insert: "forestry,"

MONTANA SENATE
1995 LEGISLATURE
NATURAL RESOURCES COMMITTEE
ROLL CALL VOTE

DATE 3-20-95 BILL NO. HB-338 NUMBER 1

MOTION: To Adopt AMENDMENT hb 033804-amk

No 1

PASSED 6-4

NAME	AYE	NO
VIVIAN BROOKE		X
B.F. "CHRIS" CHRISTIAENS		X
MACK COLE	X	
WILLIAM CRISMORE		
MIKE FOSTER	X	
TOM KEATING	X	
KEN MILLER	X	
JEFF WELDON		X
BILL WILSON		X
LARRY TVEIT, VICE CHAIRMAN	X	
LORENTS GROSFIELD, CHAIRMAN	X	

SEN:1995

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CS-11

MONTANA SENATE
1995 LEGISLATURE
NATURAL RESOURCES COMMITTEE
ROLL CALL VOTE

DATE 3-20-95 BILL NO. HB 338 NUMBER 2

MOTION: TO CONCUR IN AS

AMENDED

PASSED 7-3

NAME	AYE	NO
VIVIAN BROOKE		X
B.F. "CHRIS" CHRISTIAENS		X
MACK COLE	X	
WILLIAM CRISMORE		
MIKE FOSTER	X	
TOM KEATING	X	
KEN MILLER	X	
JEFF WELDON		X
BILL WILSON	X	
LARRY TVEIT, VICE CHAIRMAN	X	
LORENTS GROSFIELD, CHAIRMAN	X	

MONTANA SENATE
1995 LEGISLATURE
NATURAL RESOURCES COMMITTEE
ROLL CALL VOTE

DATE 3-20-95 BILL NO. HJR-24 NUMBER 3

MOTION: TO TABLE THE

RESOLUTION

CARRIED 7-3

NAME	AYE	NO
VIVIAN BROOKE		X
B.F. "CHRIS" CHRISTIAENS	X	
MACK COLE	X	
WILLIAM CRISMORE		
MIKE FOSTER	X	
TOM KEATING	X	
KEN MILLER	X	
JEFF WELDON		X
BILL WILSON		X
LARRY TVEIT, VICE CHAIRMAN	X	
LORENTS GROSFIELD, CHAIRMAN	X	

SEN:1995

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CS-11

DATE 23. 3~~00~~-95

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: _____

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Don Spivak	SELE	473		<input checked="" type="checkbox"/>
Rusty Harper	State Auditor	HB351	<input checked="" type="checkbox"/>	

~

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY