

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Chairman Dick Knox, on January 27, 1997, at  
3:00 p.m., in Room 437

**ROLL CALL**

**Members Present:**

Rep. Dick Knox, Chairman (R)  
Rep. Bill Tash, Vice Chairman (Majority) (R)  
Rep. Hal Harper, Vice Chairman (Minority) (D)  
Rep. Haley Beaudry (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Jon Ellingson (D)  
Rep. Doug Mood (R)  
Rep. Karl Ohs (R)  
Rep. Scott J. Orr (R)  
Rep. Bob Raney  
Rep. Trudi Schmidt (D)  
Rep. Robert R. Story, Jr. (R)  
Rep. Jay Stovall (R)  
Rep. Emily Swanson (D)  
Rep. Lila V. Taylor (R)  
Rep. Cliff Trexler (R)  
Rep. Carley Tuss (D)  
Rep. Douglas T. Wagner (R)

**Members Excused:** none

**Members Absent:** none

**Staff Present:** Kathleen Williams, Legislative Services  
Stephanie Braun, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 283, HB 285  
Executive Action: HB 154 DO PASS (18-0), HB 214  
DO PASS (14-4), HB 225 (on  
hold until further  
clarification from Sponsor or  
Department)

**HEARING ON HB 283**

**Opening Statement by Sponsor:** Rep. Emily Swanson, HD 30 opened

{Tape: 1; Side: a; Approx. Time Count: 1.7; Comments: none.}  
Proponents' Testimony:

Sen. Charles Swysgood, SD #17

{Tape: 1; Side: a; Approx. Time Count: 6.0; Comments: none.}

Barbara Cosens, Reserved Water Rights Compact Commission (RWRCC),  
submitted Exhibit #3

{Tape: 1; Side: a; Approx. Time Count: 10.4; Comments: Exhibit  
#3.}

Barbara Cosens read two letters in support of HB 283:

Scott Boelman, Greenfield Irrigation District, marked as  
Exhibit #1

David Gettel, marked as Exhibit #2

Bud Clinch, Director of Department of Natural Resources and  
Conservation

{Tape: 1; Side: a; Approx. Time Count: 21.6; Comments: none.}

Rep. Sam Rose, HD 87

{Tape: 1; Side: a; Approx. Time Count: 22.1; Comments: none.}

Beth Baker, on behalf of the Attorney General (who was in court)

{Tape: 1; Side: a; Approx. Time Count: 25.3; Comments: none.}

Mike Murphy, MT (MWRA)

{Tape: 1; Side: a; Approx. Time Count: 25.4; Comments: none.}

Cheryl Williss, Chief of Water Resources, Fish & Wildlife  
Services, Denver, CO, marked Exhibit #6

{Tape: 1; Side: a; Approx. Time Count: 25.9; Comments: Exhibit  
#6.}

Rep. Robert Story, HD 24

{Tape: 1; Side: a; Approx. Time Count: 31.2; Comments: none.}

{Tape: 1; Side: a; Approx. Time Count: end; Comments: flipped  
tape at the very end.}

Opponents' Testimony: none

{Tape: 1; Side: b; Approx. Time Count: 0.1; Comments: none.}

Informational Testimony: none

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 0.5; Comments: none.}

Closing by Sponsor: Rep. Swanson asks Committee to DO PASS this  
Bill as it was drafted if there are any changes to the Bill then

the Compact Commission will have to start over again with negotiations

{Tape: 2; Side: b; Approx. Time Count: 12.2; Comments: none.}

HEARING ON HB 285

Opening Statement by Sponsor: Rep. Paul Sliter, HD 76

{Tape: 2; Side: b; Approx. Time Count: 13.2; Comments: none.}

Proponents' Testimony:

Mike Volesky, MT Association of Conservation District

{Tape: 1; Side: b; Approx. Time Count: 14.5; Comments: none.}

Dennis DeVries, Lake County Conservation District

{Tape: 1; Side: b; Approx. Time Count: 16.0; Comments: none.}

Larry Van Rinsum, Flathead County Conservation District

{Tape: 1; Side: b; Approx. Time Count: 17.8; Comments: none.}

Elna Darnow, Flathead Basin Commission, Box 400, BigFork, MT  
marked as Exhibit #7

{Tape: 1; Side: b; Approx. Time Count: 18.3; Comments: Exhibit #7.}

Don Allen, Montana Wood Product Association

{Tape: 1; Side: b; Approx. Time Count: 23.8; Comments: none.}

Opponents' Testimony: none

Informational Testimony: none

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 25.1; Comments: none.}

{Tape: 1; Side: b; Approx. Time Count: 30.0, very end; Comments: flipped tape at the very end.}

{Tape: 2; Side: a; Approx. Time Count: 0.1; Comments: still questions from the Committee.}

Closing by Sponsor: Rep. Sliter, HD 76 closed

{Tape: 2; Side: a; Approx. Time Count: 6.5; Comments: none.}

Rep. Knox announced that Executive Action will be done on Friday 1/31/97 for HB 283, HB 285

EXECUTIVE ACTION ON HB 154

Motion: by Rep. Ohs; DO PASS

**Discussion:** Rep. Taylor opened the discussion with introducing an amendment, marked **Exhibit #8**. Kathleen Williams explains the proposed amendment (hb0154.01.akw) from Rep. Taylor.  
{Tape: 2; Side: a; Approx. Time Count: 9.4; Comments: Exhibit #8.}

**Discussion on HB 154 for executive action continued:** Rep. Knox asks the subcommittee if they have a report. Rep. Taylor hands out the fact sheet that the subcommittee put together for the Committee, marked as **Exhibit #9**.  
{Tape: 2; Side: a; Approx. Time Count: 10.3; Comments: Exhibit #9.}

Subcommittee found that the grass did not produce the amount of native species that the mixture was supposed to produce.

Rep. Harper asks question of Attorney John North and Ms. Lovelace (DEQ) as to whether or not the Department (DEQ) would release bonds even if the vegetation did not meet the criteria.  
{Tape: 2; Side: a; Approx. Time Count: 24.0; Comments: none.}

Rep. Taylor, Rep. Story, Rep. Knox, Rep. Stovall, and Rep. Wagner all participate in a dialogue about the "introduced" species.  
{Tape: 2; Side: a; Approx. Time Count: 28.5; Comments: none.}  
{Tape: 2; Side: b; Approx. Time Count: 0.1; Comments: none.}

**Motion/Vote:** Question on amendment was called for by Rep. Ohs, voice vote was called for on the amendment, all in favor (18-0) amendment passed

**Vote:** Vote called for on body of HB 154 as amended, voice vote (18-0), DO PASS as Amended  
{Tape: 2; Side: b; Approx. Time Count: 9.0; Comments: HB 154 DO PASS (18-0).}

#### EXECUTIVE ACTION ON HB 214

**Motion:** By Rep. Tash; DO PASS  
{Tape: 2; Side: b; Approx. Time Count: 9.7; Comments: none.}

**Discussion:** Rep. Story feels if we start borrowing to carry out mandate to cleanup the tank problem. He realizes that the Board of Investments feels its sound, but it concerns him to go into a borrowing program; hates to see income used to pay back interest on a loan. Not sure that he knows of any other solution.  
{Tape: 2; Side: b; Approx. Time Count: 9.8; Comments: none.}

Rep. Raney discusses history of the gas tax and the tank leaking problem. There are two alternatives 1.) Borrow the money to fix

the leaking tanks or 2.) to raise the gas tax 3/4 of a cent. Rep. Raney feels its a better idea to raise the money through a tax.

*{Tape: 2; Side: b; Approx. Time Count: 11.3; Comments: none.}*

Rep. Tash says he can't vote for a tax increase.

*{Tape: 2; Side: b; Approx. Time Count: 15.0; Comments: none.}*

Discussion continued on HB 214:Rep. Story has a question for Rep. Raney about how much would it take to raise the money. Jean Riley (Petroleum Release Compensation Board) answered the question, a 1 penny tax would raise 7 million dollars.

*{Tape: 2; Side: b; Approx. Time Count: 16.0; Comments: none.}*

Rep. Ohs, borrowing option is the most sensible since we don't know how much to borrow. Rep. Beaudry feels the 6.25% interest rate is a very good.

*{Tape: 2; Side: b; Approx. Time Count: 18.8; Comments: none.}*

Motion/Vote: vote has been called for, individual role call vote, HB 214 DO PASS (14-4)

*{Tape: 2; Side: b; Approx. Time Count: 21.5; Comments: none.}*

#### EXECUTIVE ACTION ON HB 225

##### Exhibit #4 & #5

Rep. Knox mentions to the Committee that they have new information in front of them regarding aboveground storage tanks. Information about population areas and rules.

*{Tape: 2; Side: b; Approx. Time Count: 22.0; Comments: Exhibit #4 & #5, supplied by Ronna Alexander, Petroleum Marketers Association.}*

Rep. Harper questioned the usage of the word "proper" installation.

*{Tape: 2; Side: b; Approx. Time Count: 30.7; Comments: none.}*

Motion: Rep. Knox stated that he is going to suspend executive action on this Bill, he would like further clarification from either the Sponsor or the Department

ADJOURNMENT

Adjournment: 5:09 p.m.

  
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REP. DICK KNOX, Chairman

  
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STEPHANIE BRAUN, Secretary

DK/SB