

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on January 29, 1997, at
3:06 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 293, HB 329
Executive Action: HB 181 Tabled (15-3), HB 284
DO PASS as amended (18-0), HB
288 DO PASS as amended (18-0)

HEARING ON HB 293

Opening Statement by Sponsor: Rep. Scott Orr, HD 82 opened
introduced an amendment marked **Exhibit #2** (hb029301.alm)
{Tape: 1; Side: a; Approx. Time Count: 3.0; Comments: Exhibit
#2.}

Proponents' Testimony:

Tom Ezrie Attorney from Billings, Exxon

{Tape: 1; Side: a; Approx. Time Count: 11.8; Comments: none.}

Riley Johnson, National Federation of Independent Businesses (NFIB)

{Tape: 1; Side: a; Approx. Time Count: 16.5; Comments: none.}

Steve Pilcher, Western Environmental Trade Association (WETA)

{Tape: 1; Side: a; Approx. Time Count: 19.1; Comments: none.}

Mike Voellor, Lee Newspapers of Montana would support Bill with amendment ensuring the information on the form was "public information"

{Tape: 1; Side: a; Approx. Time Count: 20.6; Comments: none.}

Tom Donbert, WMX/Waste Management, Inc., north of Great Falls

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

Candace Torgerson, BEI and Coalstrip Energy Limited Partnership (CELP)

{Tape: 1; Side: a; Approx. Time Count: 23.0; Comments: none.}

Ken Williams, MT Power Company

{Tape: 1; Side: a; Approx. Time Count: 24.0; Comments: none.}

Gail Abercrombie, MT Petroleum Association

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

Pam Langley, MT Agricultural Business Association submitted Exhibit #3

{Tape: 1; Side: a; Approx. Time Count: 28.0; Comments: Exhibit #3.}

Hertha Lund, MT Farm Bureau (MFB)

{Tape: 1; Side: a; Approx. Time Count: 30.9; Comments: none.}

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

{Tape: 1; Side: b; Approx. Time Count: 0.1; Comments: Hertha Lund.}

Frank Crowley, ASARCO

{Tape: 1; Side: b; Approx. Time Count: 0.6; Comments: none.}

Mike Murphy, MT Water Resource Association

{Tape: 1; Side: b; Approx. Time Count: 3.5; Comments: none.}

Jan Sensibaugh, Department of Environmental Quality submitted Exhibit #4, Exhibit #15

{Tape: 1; Side: b; Approx. Time Count: 3.9; Comments: Exhibit #4 & #15.}

Dexter Busby, MT Mining Association

{Tape: 1; Side: b; Approx. Time Count: 7.2; Comments: none.}

Don Allen, MT Wood Products Association

{Tape: 1; Side: b; Approx. Time Count: 7.6; Comments: none.}

Rex Manual, Cennex Petroleum Division

{Tape: 1; Side: b; Approx. Time Count: 9.2; Comments: none.}

Chris Gallus, MT Chamber

{Tape: 1; Side: b; Approx. Time Count: 9.4; Comments: none.}

Opponents' Testimony:

Ted Lange, Northern Plains Resource Council

{Tape: 1; Side: b; Approx. Time Count: 10.5; Comments: none.}

Chris Cerquone, Missoula County Health Department

{Tape: 1; Side: b; Approx. Time Count: 18.9; Comments: none.}

Paul Johnson, self

{Tape: 1; Side: b; Approx. Time Count: 23.3; Comments: none.}

Peter Funk, MT Council of Trout Unlimited

{Tape: 1; Side: b; Approx. Time Count: 29.2; Comments: none.}

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

{Tape: 2; Side: a; Approx. Time Count: 0.1; Comments: still Peter Funk.}

Debbie Smith, MT Chapter of the Sierra Club

{Tape: 2; Side: a; Approx. Time Count: 0.7; Comments: none.}

Anne Hedges, Montana Environmental Information Center (MEIC)
submitted Exhibit #5

{Tape: 2; Side: a; Approx. Time Count: 4.4; Comments: Exhibit #5.}

Michael Downey, concerned citizen

{Tape: 2; Side: a; Approx. Time Count: 9.3; Comments: none.}

Tony Tweedel, MT-CHEER, Missoula

{Tape: 2; Side: a; Approx. Time Count: 12.7; Comments: none.}

Janet Ellis, MT Audubon submitted Exhibit #6

{Tape: 2; Side: a; Approx. Time Count: 20.9; Comments: Exhibit #6.}

Brett Brownscombe, MT Wildlife Federation

{Tape: 2; Side: a; Approx. Time Count: 22.8; Comments: none.}

Exhibit #7 submitted by Peter Nielsen, Acting Director of Missoula City-County Health Department (exhibit only no testimony on tape)

Cesar Hernandez, Cabinet Resource Group

{Tape: 2; Side: a; Approx. Time Count: 28.4; Comments: none.}

{Tape: 2; Side: a; Approx. Time Count: end; Comments: flipped tape at the very end.}

Alicia Bradshaw, Greater Yellowstone Valley, submitted Exhibit #8

{Tape: 2; Side: b; Approx. Time Count: 0.4; Comments: Exhibit #8.}

John Krutar, Blackfoot Legacy

{Tape: 2; Side: b; Approx. Time Count: 0.7; Comments: none.}

Niel Brown, owns a Brewery

{Tape: 2; Side: b; Approx. Time Count: 1.3; Comments: none.}

James Emerson, Self, concerned citizen

{Tape: 2; Side: b; Approx. Time Count: 1.9; Comments: none.}

Wade Sikorski, self submitted letter in opposition to HB 293, marked as Exhibit #1

Informational Testimony:

Beth Baker, representing the Department of Justice, submitted suggesteds for amendments Exhibit #9, also filled out a Witness Statement form marked as Exhibit #10

{Tape: 2; Side: b; Approx. Time Count: 2.3; Comments: Exhibit #9 & #10.}

Erik Fink, EPA marked as Exhibit #19 (information provided by Mr. Fink upon Committee's request, given to the Committee on 1/30/97 and entered into the record)

{Tape: 3; Side: a; Approx. Time Count: 12.3; Comments: Exhibit #18.}

Questions From Committee Members and Responses:

{Tape: 2; Side: b; Approx. Time Count: 3.9; Comments: none.}

{Tape: 2; Side: b; Approx. Time Count: end; Comments: flipped tape at the very end.}

{Tape: 3; Side: a; Approx. Time Count: 0.1; Comments: none.}

Closing by Sponsor: Rep. Orr closes

{Tape: 3; Side: a; Approx. Time Count: 25.3; Comments: none.}

{Tape: 3; Side: a; Approx. Time Count: end; Comments: flipped tape at the very end.}

Rep. Knox appoints a Subcommittee to study the amendments and comments from proponents and opponents to the Bill. Subcommittee consists of Rep. Orr, Rep. Story, Rep. Mood, Rep. Ellingson, Rep. Swanson. Committee will take Executive Action on this Bill in one week (2/5/97).

{Tape: 3; Side: b; Approx. Time Count: 0.3; Comments: none.}

HEARING ON HB 329

Opening Statement by Sponsor: Rep. Jon Ellingson, HD 65 opened, introduced Exhibit #11 amendment hb032901.amc

{Tape: 3; Side: b; Approx. Time Count: 1.7; Comments: Exhibit #11.}

Proponents' Testimony:

Patrick Judge, Montana Environmental Information Center, submitted Exhibit #16

{Tape: 3; Side: b; Approx. Time Count: 10.1; Comments: Exhibit #16.}

Hope Stevens, self, farm on Marysville road

{Tape: 3; Side: b; Approx. Time Count: 15.7; Comments: none.}

Chris Gingerelli, Missoula City Council, provided Exhibit #12

{Tape: 3; Side: b; Approx. Time Count: 17.2; Comments: Exhibit #12.}

John Krutar, Blackfoot Legacy

{Tape: 3; Side: b; Approx. Time Count: 19.6; Comments: none.}

Stan Frazier, MT Wildlife Federation

{Tape: 3; Side: b; Approx. Time Count: 23.5; Comments: none.}

Debbie Smith, MT Chapter of the Sierra Club

{Tape: 3; Side: b; Approx. Time Count: 24.1; Comments: none.}

Peter Funk, Council of Trout Unlimited

{Tape: 3; Side: b; Approx. Time Count: 24.8; Comments: none.}

Jim Emerson, self, Helena resident

{Tape: 3; Side: b; Approx. Time Count: 25.7; Comments: none.}

Ted Lange, Northern Plains Resource Council

{Tape: 3; Side: b; Approx. Time Count: 26.6; Comments: none.}

Bob Stevens, lives northwest of Helena

{Tape: 3; Side: b; Approx. Time Count: 27.4; Comments: none.}

Cesar Hernandez, Cabinet Resource Group

{Tape: 3; Side: b; Approx. Time Count: 29.0; Comments: none.}

Chris Cerquone, Missoula County Health Department

{Tape: 3; Side: b; Approx. Time Count: 29.8; Comments: none.}

John Bloomquist, MT Stocker's Association

{Tape: 3; Side: b; Approx. Time Count: 32.4; Comments: none.}

{Tape: 3; Side: b; Approx. Time Count: end; Comments: flipped tape at the very end.}

{Tape: 4; Side: a; Approx. Time Count: 0.1; Comments: none.}

Opponents' Testimony:

Steve Pilcher, Western Environmental Trade Association (WETA)

{Tape: 4; Side: a; Approx. Time Count: 4.0; Comments: none.}

Bill Snoddy, MacDonald Gold Project, submitted Exhibit #13 & #14

{Tape: 4; Side: a; Approx. Time Count: 8.1; Comments: Exhibit #13 & #14.}

Anne Alberts, MT Association of Realtors

{Tape: 4; Side: a; Approx. Time Count: 11.8; Comments: none.}

Mike Murphy, MT Water Resources Association

{Tape: 4; Side: a; Approx. Time Count: 12.0; Comments: none.}

Larry Brown, Agricultural Preservation Association, Northern Montana Oil & Gas Association

{Tape: 4; Side: a; Approx. Time Count: 13.3; Comments: none.}

Lorna Frank-Karn, MT Farm Bureau

{Tape: 4; Side: a; Approx. Time Count: 13.7; Comments: none.}

Questions From Committee Members and Responses:

{Tape: 4; Side: a; Approx. Time Count: 15.0; Comments: none.}

Closing by Sponsor: Rep. Ellingson, HD 65 closed

{Tape: 4; Side: a; Approx. Time Count: 29.2; Comments: none.}

EXECUTIVE ACTION ON HB 181

Motion: By Rep. Curtiss, DO PASS

{Tape: 4; Side: b; Approx. Time Count: 3.1; Comments: none.}

Discussion: Rep. Curtiss read a letter from her county (Exhibit #19) who is not opposed to conservation easements although they have trouble with the loss of tax base as a result of conservation easements

Rep. Tash, owns land and has done a considerable amount of research with regards to easements and he feels they are very negotiable.

{Tape: 4; Side: b; Approx. Time Count: 3.9; Comments: none.}

Rep. Ohs commented that in his county the tax base can't keep up with development. He knows that many of the people would like to pass down the land to their kids. He feels that there is a possibility to mix both. If you take away the proposition of a land easement then you are limiting the property rights of an individual- the easement is a tool for the landowner.

{Tape: 4; Side: b; Approx. Time Count: 10.7; Comments: none.}

Rep. Story, Rep. Trexler and Rep. Taylor felt it's the right of the person to decide

{Tape: 4; Side: b; Approx. Time Count: 12.1; Comments: none.}

Motion/Vote: Rep Taylor motioned that the HB 181 be Tabled; individual roll call vote, (15-3) motion passed HB 181 Tabled (Rep. Curtiss, Rep. Orr and Rep. Wagner voted against Tabling HB 181)

EXECUTIVE ACTION ON HB 284

Motion: By Rep. Ellingson; DO PASS

{Tape: 4; Side: b; Approx. Time Count: 18.4; Comments: none.}

Amendments: Trexler submits an amendment, hb028401.akw, Exhibit #17

Discussion: none

Motion/Vote: Rep. Story calls for a Question, voice vote was called for, 18-0 motion carries the amendment passed

Amendments: Rep. Ohs calls to amend, he asks Mr. John North to explain the amendment to the Committee; its a conceptual amendment with coordinating language from DEQ.

Motion/Vote: a Question was called, voice vote was called for, 18-0 motion carries the amendment passed

Discussion: Rep. Story still isn't in favor of the fact that the Bill is earmarking money; reappropriate every 2 years. Then Rep. Beaudry, Rep. Raney and Rep. Ohs commented.

{Tape: 4; Side: b; Approx. Time Count: 23.5; Comments: none.}

Motion/Vote: a Question was called, voice vote was called for, (15-3) motion carries the Bill passes as amended (Rep. Beaudry, Rep. Tuss and Rep. Wagner voted against the Bill)

EXECUTIVE ACTION ON HB 288

Motion: By Rep. Tash; DO PASS

Motion: By Rep. Tash; DO PASS

Amendments: Rep. Ohs submitted an amendment per the request of the Department

Discussion: none

Motion/Vote: Question was called for by Rep. Stovall, 18-0 motion carries amendment is passed, amendment is attached to the body of the Bill

Motion: By Rep. Tash; DO PASS as amended

Discussion: none

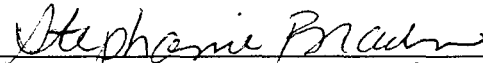
Motion/Vote: Question was called for, motion carries 18-0; Bill passes as amended

ADJOURNMENT

Adjournment: 7:15 p.m.



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB