

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on April 2, 1997, at 3:10 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. Douglas T. Wagner (R)

Members Excused: none

Members Absent: Rep. Carley Tuss (D)

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 337 (3/26), SB 342 (3/26)
Executive Action: SB 273 (18-0) DO CONCUR as
AMENDED, SB 337 (16-1) DO
CONCUR, SB 342 (16-0) DO
CONCUR as AMENDED, SB 339 (16-
2) DO CONCUR as AMENDED, SB
377 (18-0) DO CONCUR as
AMENDED, SB 315 was discussed
and Subcommittee is working on
amendments executive action
was further deferred until
4/4, SB 334 (10-8) was TABLED

HEARING ON SB 337Opening Statement by Sponsor:

Sen. Lorents Grosfield, SD. #13 opened
{Tape: 1; Side: a; Approx. Time Count: 1.4; Comments: none.}

Proponents' Testimony:

Chris Tweeten, Reserved Water Rights Commission Compact opened by recognizing the other members of the RWRCC and their efforts in coordinating water compacts.

{Tape: 1; Side: a; Approx. Time Count: 5.8; Comments: none.}

Rep. Knox interjected that he had been made aware of a letter that was going to be sent to him with specific objections to this particular water compact.

{Tape: 1; Side: a; Approx. Time Count: 12.0; Comments: none.}

Chris Tweeten resumed his testimony.

{Tape: 1; Side: a; Approx. Time Count: 13.0; Comments: none.}

Joe Mazurek, Attorney General

{Tape: 1; Side: a; Approx. Time Count: 15.0; Comments: none.}

Susan Cottingham, Director of the Reserved Water Rights Compact Commission submitted Exhibit #1 and #2 (#2 contains letters, maps and other information with regards to the Rocky Boy Compact and the area and people it will effect, the letters are in support of the parameters contained in the compact).

{Tape: 1; Side: a; Approx. Time Count: 19.1; Comments: Exhibit #1 & #2.}

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

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

Rep. Matt McCann, HD #92

{Tape: 1; Side: b; Approx. Time Count: 6.4; Comments: none.}

Bud Clinch, representing DNRC & Governor Marc Racicot

{Tape: 1; Side: b; Approx. Time Count: 8.9; Comments: none.}

Paul Russette, Jr., Chippewa Cree Tribe, submitted Exhibit #3 & #4

{Tape: 1; Side: b; Approx. Time Count: 9.6; Comments: Exhibit #3 & #4.}

Doug Kaercher, Hill County

{Tape: 1; Side: b; Approx. Time Count: 12.5; Comments: none.}

Gene Etchard, MT RWRCC submitted Exhibit #5

{Tape: 1; Side: b; Approx. Time Count: 13.2; Comments: exhibit #5.}

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Mike Murphy, MT Water Resources Association
{Tape: 1; Side: b; Approx. Time Count: 17.6; Comments: none.}

Tom Sheehy, Bear Paw Resources Alliance
{Tape: 1; Side: b; Approx. Time Count: 18.1; Comments: none.}

Tony Hagener, HD #90
{Tape: 1; Side: b; Approx. Time Count: 21.4; Comments: none.}

Lydia Sutherland, Chippewa Cree Tribe Council Member
{Tape: 1; Side: b; Approx. Time Count: 22.2; Comments: none.}

Bruce Sun Chill, Council Member of Chippewa Cree Tribe
{Tape: 1; Side: b; Approx. Time Count: 23.0; Comments: none.}

Opponents' Testimony:
no opponents testified

James Pipkin, Counselor to the Secretary, U.S. Department of the Interior, Office of the Secretary submitted a faxed letter in opposition to the Compact, marked **Exhibit #6**

Informational Testimony:

Rep. George Heavy Runner, HD #85
{Tape: 1; Side: b; Approx. Time Count: 23.5; Comments: none.}

Questions From Committee Members and Responses:
{Tape: 1; Side: b; Approx. Time Count: 27.2; Comments: none.}

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

{Tape: 2; Side: a; Approx. Time Count: 0.1; Comments: none.}

Closing by Sponsor:

Sen. Grosfield closed
{Tape: 2; Side: a; Approx. Time Count: 7.1; Comments: none.}

Rep. Swanson proposes that the Committee take Executive Action on SB 337.

{Tape: 2; Side: a; Approx. Time Count: 16.1; Comments: none.}

EXECUTIVE ACTION ON SB 337

Motion: Rep. Story, DO CONCUR

Discussion: none, Question was called for

Vote: (15-1) Rep. Wagner voted no, SB 337 passes out of Committee, Rep. Story will carry the Bill on the House floor

HEARING ON SB 342

Opening Statement by Sponsor:

Sen. Vivian Brooke, SD #33

{Tape: 2; Side: a; Approx. Time Count: 18.2; Comments: none.}

Proponents' Testimony:

Holly Franz, attorney for MT Power Company submitted Exhibit #7

{Tape: 2; Side: a; Approx. Time Count: 22.0; Comments: Exhibit #7.}

Kathleen Williams, Staffer, hands out amendment

{Tape: 2; Side: b; Approx. Time Count: 1.2; Comments: none.}

Jack Lynch, Chief Executive of Butte Silver Bow

{Tape: 2; Side: b; Approx. Time Count: 3.4; Comments: none.}

Bud Clinch, Director DNRC

{Tape: 2; Side: b; Approx. Time Count: 7.1; Comments: none.}

Jim Quigley, Clarkfork Steering Committee

{Tape: 2; Side: b; Approx. Time Count: 7.4; Comments: none.}

Mike Murphy, MY Water Resources Association

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

Opponents' Testimony: none

Informational Testimony: none

Questions From Committee Members and Responses:

{Tape: 2; Side: b; Approx. Time Count: 9.9; Comments: none.}

Closing by Sponsor:

Sen. Brooke closed

{Tape: 2; Side: b; Approx. Time Count: 18.4; Comments: none.}

EXECUTIVE ACTION ON SB 342

Motion: Rep. Curtiss, DO CONCUR

Amendments: Rep. Tash moved the amendments, sb034201.akw

{Tape: 2; Side: b; Approx. Time Count: 21.1; Comments: none.}

Discussion: Question was called for

Vote: (16-0) amendment is adopted

Motion/Vote: Rep. Tash moves DO CONCUR as AMENDED, Question was called for, (16-0) SB 342 passes out of Committee, Rep. Smith will carry the Bill on the House floor

{Tape: 2; Side: b; Approx. Time Count: 22.2; Comments: none.}

Rep. Knox asks for the SB 273 subcommittee to report. Rep. Story informs the Committee that Rep. Harper has inform about the Bill and will present it to the Committee when he returns.

{Tape: 2; Side: b; Approx. Time Count: 22.9; Comments: none.}

EXECUTIVE ACTION ON SB 315

Rep. Knox asks the Subcommittee to raise and report on SB 315.

Rep. Mood provides the Committee with background information on the situation in Granite county as well as pictures he took on 4/1 of the container sites. Rep. Mood discusses a solution to the current problem and language that he'd like to amend into the Bill.

{Tape: 2; Side: b; Approx. Time Count: 23.8; Comments: none.}

Rep. Swanson supports Rep. Mood and his solution, adds that he did a great job.

{Tape: 2; Side: b; Approx. Time Count: 29.4; Comments: none.}

Rep. Knox asks Mr. Dillard of DEQ to comment on the proposed amendments. Mr. Dillard comments.

{Tape: 2; Side: b; Approx. Time Count: 32.1; Comments: none.}

Rep. Mood continues his discussion.

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

Rep. Raney feels the amendments still need work, but its a workable solution.

{Tape: 3; Side: 6.8; Approx. Time Count: none; Comments: none.}

Rep. Knox decides to suspend action until Friday (4/4).

{Tape: 3; Side: a; Approx. Time Count: 9.6; Comments: none.}

EXECUTIVE ACTION ON SB 377

Motion: Rep. Beaudry moves DO CONCUR

{Tape: 3; Side: a; Approx. Time Count: 10.5; Comments: none.}

Amendments: Rep. Beaudry offers amendments sb037702.akw and moves the amendments

Discussion: Rep. Beaudry discusses the proposed amendments

{Tape: 3; Side: a; Approx. Time Count: 13.2; Comments: none.}

Motion/Vote: Question is called for, (17-0) amendment is adopted
Rep. Knox submits and moves two more amendments.

Motion/Vote: A Question is called for, (17-0) amendment is adopted

Motion/Vote: Rep. Beaudry moves the Bill DO CONCUR as amended, Question is called for, (17-0) motion carries, Rep. Beaudry will carry the Bill on the House floor

EXECUTIVE ACTION ON SB 334

Motion: Rep. Tash moves DO CONCUR

Amendments: Rep. Tash moves the amendments sb033401.amc

Discussion: Kathleen Williams explains the relationship to MEPA
{Tape: 3; Side: a; Approx. Time Count: 20.6; Comments: none.}

Rep. Swanson states that Leo Barry's idea for an amendment would shift the authority from the Department to the Legislature.

{Tape: 3; Side: a; Approx. Time Count: 21.2; Comments: none.}

Rep. Tash commented.

{Tape: 3; Side: a; Approx. Time Count: 22.6; Comments: none.}

Motion/Vote: Question is called for, (17-0) amendment is adopted

Rep. Tash moves that the Bill be passed as amended.

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

Discussion: Rep. Raney states that nobody really knows what this Bill is for, seems like a waste of time.

{Tape: 3; Side: a; Approx. Time Count: 25.5; Comments: none.}

Rep. Tash feels the purpose is to identify legislation and constitution, it clarifies the Representatives position.

{Tape: 3; Side: a; Approx. Time Count: 26.1; Comments: none.}

Rep. Raney feels its just more verbage.

{Tape: 3; Side: a; Approx. Time Count: 27.0; Comments: none.}

Vote: Question is called for, (9-9) Bill dies on a tie vote, Reps. Harper, Raney, Ellingson, Tuss, Schmidt, Swanson, Wagner, Mood, & Trexler vote no

EXECUTIVE ACTION ON SB 273

Motion: Rep. Harper moves DO CONCUR

Amendments: Rep. Harper suggests a conceptual amendment on p.4, line 20 strike "does not object" and insert "consents"

{Tape: 3; Side: a; Approx. Time Count: 30.2; Comments: none.}

Rep. Story agrees with Rep. Harper's amendment. Rep. Harper moves the amendment.

Discussion: Rep. Harper has a concern over removing 35 gallon or less from Bill.

{Tape: 3; Side: a; Approx. Time Count: 32.5; Comments: none.}

Mr. Gary Fritz from DNRC was allowed to comment.

{Tape: 3; Side: b; Approx. Time Count: 0.6; Comments: none.}

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Motion/Vote: Question was called for, (18-0) the amendment is adopted

Motion/Vote: Question was called for on the Bill as amended, (18-0), Rep. Harper will carry the Bill on the floor

EXECUTIVE ACTION ON SB 339

Motion: Rep. Tash moves DO CONCUR

Amendments: Rep. Tash submits amendment sb033904:amc

Discussion: Mr. Waddel explains the amendments
{Tape: 3; Side: b; Approx. Time Count: 4.0; Comments: none.}

A discussion ensues about the amendment and segregating amendments 1,3 & 5 from the amendment to be discussed each separately.

{Tape: 3; Side: b; Approx. Time Count: 6.1; Comments: none.}

Rep. Tash moves amendments 1,2,4 & 5 as written.

{Tape: 3; Side: b; Approx. Time Count: 20.8; Comments: none.}

Discussion about the amendments, Reps. Harper, Curtiss, Ohs, Raney, Trexler, Story and Swanson comment.

{Tape: 3; Side: b; Approx. Time Count: 22.3; Comments: none.}

Motion/Vote: Question is called for, (16-2) Reps. Harper & Raney vote no

Amendment: Rep. Trexler moves a conceptual amendment to be added to p. 4. Sen. Grosfield has no objection to the amendment.

{Tape: 3; Side: b; Approx. Time Count: 28.1; Comments: none.}

Discussion: Rep. Story comments.

{Tape: 3; Side: b; Approx. Time Count: 29.9; Comments: none.}

Motion/Vote: Question is called for, (17-1) amendment is adopted Rep. Harper votes no

Amendment: Rep. Harper proposes an additional amendment that would add the phrase "or by adoption before the age of 18".

{Tape: 3; Side: b; Approx. Time Count: 31.0; Comments: none.}

Discussion: Rep. Story opposes the amendment.

{Tape: 3; Side: b; Approx. Time Count: 32.0; Comments: none.}

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

Motion/Vote: Question is called for, (9-9) amendment dies

Vote: Question on Bill as amended is called for, (16-2) Bill passes out of Committee, Reps. Harper and Raney vote no

EXECUTIVE ACTION ON SB 334

Motion: Rep. Swanson moves to TABLE SB 334

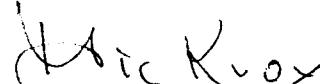
Discussion: none, Committee members decide to reverse their votes from the prior vote of "DO CONCUR" (which failed)

Motion/Vote: SB 334 was TABLES on a (10-8) vote, Reps. Tash, Curtiss, Beaudry, Orr, Taylor, Stovall, Ohs & Knox vote no

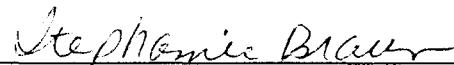
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ADJOURNMENT

Adjournment: 6:25 p.m.



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB