

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

**Call to Order:** By **CHAIRMAN LORENTS GROSFIELD**, on January 29, 1997, at 1:00 P.M., in Room 405

#### ROLL CALL

**Members Present:**

Sen. Lorents Grosfield, Chairman (R)  
Sen. William S. Crismore, Vice Chairman (R)  
Sen. Vivian M. Brooke (D)  
Sen. Mack Cole (R)  
Sen. Thomas F. Keating (R)  
Sen. Dale Mahlum (R)  
Sen. Bea McCarthy (D)  
Sen. Ken Miller (R)  
Sen. Mike Taylor (R)

**Members Excused:** Sen. Fred R. Van Valkenburg

**Members Absent:** None

**Staff Present:** Larry Mitchell, Legislative Services Division  
Gayle Hayley, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 73, HB 132;  
Posted January 23, 1997  
Executive Action: HB 81, HB 73, HB 132

#### HEARING ON HB 73

**Sponsor:** REP. DOUG MOOD, HD 58, Seeley Lake

**Proponents:** Bud Clinch, Director, Dept. of Natural Resources & Conservation.

**Opponents:** None

#### Opening Statement by Sponsor

REP. DOUG MOOD, HD 58, Seeley Lake, stated that the Forestry Division of the Dept. of Natural Resources and Conservation (DNRC) asked him to sponsor this bill. After the reorganization

of DNRC, the Forestry Division continued to have responsibilities of promoting conservation practices as well as enforcing the state's forest practice standards. In addition, the Division has the responsibility of protecting Montana's rangeland and forestland from uncontrolled fire. However, after the reorganization, the Forestry Division found that the rule making authority for fire protection in the timber slash programs had seemingly been left in the hands of the State Board of Land Commissioners. The Land Board is directly responsible for the oversight of the Trust Land Division of the DNRC, but they are no longer responsible of the oversight of the Forestry Division. The text of HB 73 strikes all references to the State Board of Land Commissioners, "the Board," and it inserts references to the Department of Natural Resources, "the Department." He believes these changes correct an oversight of the last session and they would allow the DNRC to operate more efficiently.

**Proponents' Testimony:**

Bud Clinch, Director of Dept. of Natural Resources and Conservation, (EXHIBIT 1) presented a organizational chart of the new DNRC structure and the previous state land hierarchy. He reiterated that this bill is basically a housekeeping bill to rectify some oversights that failed to occur last session in SB 234. Previously, the State Board of Land Commissioners served as the director, and had rule making authority over all the various divisions. The reorganization focused the activities that fell under the Land Board's jurisdiction into a single division, the Trust Land Management Division. Now, internal reorganization moved the land management activities that were in the old forestry division into the forest management bureau. Therefore, all of the state land activities that are constitutionally mandated to come before the Board of Land Commissioners now totally reside in the Trust Land Management Division. In the last bill, SB 234, the relationship of the State Board to the other divisions were missed, therefore, this bill rectifies the problem of treating rule making authority among all of the divisions, and clearly focus the Land Board's authority on strictly those things that are related to Trust Land Management activities. He closes in requesting a do pass for HB 73.

**Opponents' Testimony:** None

**Closing by Sponsor:**

REP. MOOD closes with saying that this bill is obviously a housekeeping bill that makes sense with the reorganization.

{Tape: 1; Side: A; Approx. Time Count: 1:10; Comments: .}

**HEARING ON HB 132**

**Sponsor:** REP. DICK KNOX, HD 93, Winifred.

**Proponents:** Mark Simonich, Dept. of Environmental Quality (DEQ)  
Bud Clinch, Director, Dept. of Natural Resources and  
Conservation (DNRC)  
Anne Hedges, Montana Environmental Information  
Center (MEIC)  
Ted Lange, Northern Plains Resource Council (NPRC)

**Opponents:** None

**Opening Statement by Sponsor**

REP. DICK KNOX, HD 93, Winifred, stated that this bill is a result of last year's joint committee study on compliance and enforcement effort. He said it is one of the 33 recommendations out of that study. This bill is requiring that the DEQ, DNRC, and DOA, report all data pertinent to enforcement and compliance activities on a biannual basis to the Environmental Quality Council, which is the same as reporting it to the legislature. He believed this procedure was long overdue, and is not going to cause any hardship concerning time and cost, on the agencies involved.

At this point in the meeting, CHAIRMAN GROSFIELD turned over the gavel to VICE CHAIRMAN CRISMORE, as he had another meeting to attend.

**Proponents:**

Mark Simonich, Director, Montana Dept. of Environmental Quality, (DEQ), stated that the Dept. is fully in support of this bill. He worked with REP. KNOX and EQC in how the recommendations could be presented in a cost effective way. It is feasible without any additional funds. The information needed is the same data that he needs on a daily basis to ensure that the Dept. is administering the programs in the best manner possible. He respectfully recommend that HB 132 do pass.

Bud Clinch, Director, Montana Dept. of Natural Resources and Conservation, (DNRC), stated that the Dept. was equally involved through the process with EQC and concurred with their recommendations and support of this legislation.

Anne Hedges, Montana Environmental Information Center, said they also supported this bill, specifically, in regard to the Environmental Self Audit bill that is moving through the House at the moment. If this passes, this would be an excellent mechanism to track the progress and the success or failures of the new programs that might be implemented. It would be very useful to have the information resulting from this legislation, and therefore, MEIC supports this bill.

Ted Lange, Northern Plains Resource Council, reinforced Anne Hedges' comments and also felt that the effects regarding the Environmental Self Audit Bill were worthwhile. This bill does not

track the high turnover rate of employees in the Department, which he thought had an effect on the enforcement problems of the past, but hopefully the information that will result from this bill will shed some light on the matter, therefore, NRPC supports this bill.

Opponents: None

Questions From the Committee and Responses:

SEN. VIVIAN BROOKE asks sponsor REP. KNOX about assumption 6, under the DEQ, in the fiscal note. She was concerned about the compliance and enforcement sub-committee concerning how much more work and money was needed to complete the kind of reporting and tracking that was envisioned.

REP. KNOX replied that this was of major concern to the committee and there were no significant additional costs. Secondly, by the time the report is required the agencies will be ready after the reorganization to handle the requirement.

SEN. MACK COLE commented that the DEQ and the DNRC are in favor of this, but what about the Dept. of Agriculture? Do they have any comments? STEVE BARIL, DEPT. OF AGRICULTURE, replied that the Dept. of Agriculture did participate in the study and preparation of the report, and felt their Dept. could prepare the information required by this bill.

SEN. THOMAS F. KEATING asked REP. KNOX about how much paperwork this requirement would generate. REP. KNOX replied that it would not be substantial unless there were specific interests involved.

SEN. KEATING asked REP. KNOX about the amount of additional work that would result from requirement for the EQC. REP. KNOX responded that he could not really answer that but there has not been any problems indicated to him.

Todd Everts, EQC, expounded on the question of how much additional work it would entail. He said the work would be very brief and concise with minimal effort.

{Tape: 1; Side: A; Approx. Time Count: 1:25; Comments: .}

SEN. KEATING asked Mr. Everts what he thought the benefits would be concerning this recording and reviewing process. Mr. Everts stated that the Council requested a desire for legislative oversight of these activities, and an accountability.

Closing by Sponsor:

REP. KNOX closed by first saying the committee did inflict a large amount of time demands upon the various departments. This study took place over 14 months and he was very appreciative of the work and the cooperation during this process. The benefits of this reporting process are: 1) to diffuse controversy by making

it wide open and clear cut; 2) tracking of enforcement and compliance - tools for both legislatures and private citizens; 3) means to achieving some degree of comfort on both sides of these constantly polarized natural resource issues.

REP. KNOX strongly urged a positive vote for this bill.

VICE CHAIRMAN CRISMORE closed the hearing on HB 132.

EXECUTIVE ACTION ON HB 81

Motion: SEN. KEATING MOVED HB 81 BE CONCURRED IN

Discussion: SEN. KEATING asked Mr. Clinch about line 23, "Upon failure to make the rental payment, the lease terminates unless there is a well currently being drilled, a producing well, or a shut-in well approved by the department on the lease." SEN. KEATING stated that a completed well is not mentioned, so there is a gap between drilling and being a producing well. He asked about putting in the phrase, "a well currently being drilled or completed". He asked if a well currently being drilled is considered drilled and completed all in one. Mr. Clinch replied that was correct. He continued to say the interpretation is that once the activity of drilling has commenced that fulfills the requirement, the criteria. SEN KEATING then asked if the language here is sufficient and if a well is commenced, can it be completed and become a producing well if the rent is not paid. Mr. Clinch answered that this was correct. The lease is not terminated if the rentals are not paid.

Vote: MOTION THAT HB 81 BE CONCURRED IN  
CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 73

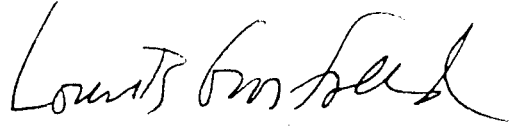
Motion/Vote: SEN. KEATING MOVED THAT HB73 BE CONCURRED IN.  
MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB132

MOTION/VOTE: SEN. BROOKE MOVED THAT HB132 BE CONCURRED IN.  
MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 1:35 PM



SEN. LORENTS GROSFIELD, Chairman



GAYLE HAYLEY, Secretary

LG/GH