

**Final Status  
of  
Natural Resource Legislation  
in the  
53rd Montana Legislature**

**Montana Environmental Quality Council  
Capitol Station  
Helena, Montana 59620  
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**1993**

# Montana Environmental Quality Council

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## PREFACE

Despite the fact that tax and revenue issues dominated the discussion during the 53rd Legislature, over 200 of the 1213 bills introduced during the session related to the use of the state's natural resources. Some of the environmental issues debated were unique to this session; i.e., the siting of hazardous waste incinerators, dam safety, lakeshore regulations -- and others were historic; i.e., instream flow legislation, environmental agency reorganization, state land leases, wild buffalo hunting permits, and the state's subdivision law.

After twenty years of often emotional debate, legislators passed one of several bills introduced to revise Montana's Subdivision and Platting Act. Of the six subdivision reform bills proposed (**SB 262**, Doherty; **SB 343**, Swift; **HB 218**, Brandewie; **HB 242**, Swanson; **HB 280**, Gilbert; **HB 408**, Fagg), **HB 408** ultimately passed. **HB 408** changes from 20 acres to 160 acres the size of a subdivided parcel which is exempt from local review, removes the occasional sale exemption, limits the family conveyance to one transfer per family per county, and removes the public interest requirement and the "basis of need" and "expressed public opinion" criteria.

Other land use legislation passed by the legislature included **HB 314** (Raney), establishing certain Montana parks as primitive and limiting further development, and **SB 424** (Blaylock), requiring the Board of Land Commissioners to attain full market value on school trust land leases. Land use legislation that failed to pass the legislature included **HB 30** (Driscoll), revising the state's lakeshore regulations, **HB 205** (Dolezal), eliminating the recreational use license, and **SB 415** (Fritz), prohibiting the "indiscriminate" use of outdoor advertising along highways.

Nearly fifty fish and game bills were debated, many revising and clarifying existing law rather than proposing significant new legislation. **SB 58** (Swift), revises Montana's hunting and fishing laws and clarifies restrictions on weapons and the ownership of tagged game. **HB 338** (Ream), revises game farm regulations, including game farm licensing and license revocation criteria. **HB 432** (Smith), revises outfitting and guide laws and initiates an administrative penalty for outfitter and guide violations.

Following through on its commitment from the 1991 legislative session, the House and Senate handily passed several energy bills. **SB 225** (Rye), adopts a state energy policy goal statement and provides for an ongoing state energy policy development process. **SB 340** (Doherty), applies the energy conservation provisions of the state building code to residential buildings. **SB 257** (Harp), increases the gas and fuel tax by 4 cents in

1993 and 3 cents in 1994. Two bills increasing the fine for breaking the fuel conservation speed limit; **HB 140** (Vogel), and **HB 152** (Galvin), both failed to win legislative approval.

The issue of hazardous waste incineration proved both controversial and time-consuming for the legislature. After squeaking through the Senate, **SB 338** (Yellowtail), establishing siting criteria for commercial hazardous waste incinerators, died in House Natural Resources committee. **SB 339** (Weeding), providing for a local referendum on the siting of a dangerous waste facility, passed both houses but was ultimately vetoed by the governor. The legislature did pass and the governor approved, **SJR 34** (Eck), requesting the Environmental Quality Council to conduct an interim study on the management and disposal of hazardous waste in Montana, and **HB 567** (Foster), establishing additional requirements for an air quality permit for commercial medical waste and commercial hazardous waste incinerators.

Bills were introduced and passed in both the House and the Senate to revise Montana's Metal Mine Reclamation Act. **SB 320** (McClernan), provides for a time limit to challenge the Board of Land Commissioner's mining decisions and allows the award of costs and attorneys fees for challenges. **HB 442** (Knox), revises operating permit review procedures and strengthens enforcement and bonding mechanisms. In addition, **HB 171** (Hanson), amends the Montana Strip Mine and Reclamation Act to comply with federal law and to expand the state's authority to deny a permit on federal land or because of current violations.

Responding to the state's chronic water shortages, the legislature passed several bills closing rivers basins to further appropriations. **SB 282** (Swysgood), closes the Jefferson and Madison River Basins to further consumptive appropriations, except for ground water, certain storage projects or for domestic, municipal or stock uses. **HB 365** (Rose), closes the Teton River Basin and **HB 395** (Foster), closes the Upper Missouri River Basin. **HB 420** (Harper), introduced to allow the Department of Health and Environmental Sciences (DHES) and the Department of Fish, Wildlife and Parks (DFWP) to maintain their recent instream water reservations despite these basin closures, was killed in House Natural Resources committee.

Other water bills debated and passed by the 1993 Legislature included **HB 692** (Wanzenried), ratifying the compact between the state of Montana and the National Park Service, **SB 280** (Grosfield), implementing the state water plan and establishing water quality as a criteria for permit approval, **SB 401** (McClernan), defining the term "degradation" in DHES water quality statutes and regulations and requiring the Board of Health and Environmental Sciences to adopt rules for "mixing zones", and, **SJR 29** (Weeding), requesting the Environmental Quality Council to conduct a study of the "nondegradation provisions of the Montana water quality laws and the Montana constitution."

The House passed three permit fee bills, **HB 318** (Rice), air quality; **HB 388** (Raney), water quality; and, **HB 592** (Grimes), hazardous waste, in order to allow the DHES to permit new facilities and to monitor and enforce existing departmental regulations.

Several controversial natural resource bills were tabled in Senate committees: **SB 253** (Gage), eliminating the Environmental Quality Council; **SB 356** (Doherty), requiring an applicant for certain state permits to disclose past environmental and safety violations; **HB 479** (Larson), requiring economic impact statements for agency rulemaking; and, **HB 570** (Grinde), requiring the assessment of governmental actions that affect the use of private property.

The Environmental Quality Council (EQC) prepared the *Final Status of Natural Resource Legislation in the 53rd Montana Legislature* to provide a brief summary of natural resource legislation for legislators, lobbyists and the public. The bills in the status are organized by subject, number, and status (passed or failed). Each bill entry includes the bill number, short title, committee hearings and relevant votes. Several bills are included in more than one category; for example, underground storage tank legislation is listed under both hazardous materials management and water quality.

For further information on these bills or others, we recommend consulting the Legislative Council's publication *Final History and Status*, published in July, which contains all legislative action taken on all bills. In addition, the EQC's *Montana Index of Environmental Permits*, published in the fall after each session, provides a comprehensive list of the permits and licenses needed to conduct activities that might effect Montana's environment.

The Montana Environmental Policy Act, enacted in 1971, charges the EQC with researching and reviewing state regulations and policies affecting Montana's environment, and recommending measures to promote the general welfare of present and future generations of Montana. For more information on EQC publications and activities, contact the Environmental Quality Council, Capitol Station, Helena, MT 59620, (406) 444-3742.

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# Agriculture

(See also Weed and Pest Control)

## Passed \*

### **SB 168 \* Tom Beck**

#### *Revising the Valuation and Taxation of Agricultural Lands*

An act generally revising the taxation of agricultural land; revising the method of valuing agricultural lands in class three property for property tax purposes; providing for the determination of net income from agricultural land; holding constant the state-wide total taxable value of class three property between reappraisal cycles; phasing in the change in the taxable value of agricultural lands; taxing class three property at the rate applicable to class four property; establishing an advisory committee to review all relevant costs, including water costs, in determining the productive capacity of irrigated lands; eliminating class eleven farmstead property by combining it with class four property; and providing an immediate effective date, an applicability date, and a termination date.

Amending sections 7-13-2527, 15-6-133, 15-6-134, 15-7-201, 15-10-402, and 15-10-412, MCA; and repealing section 15-6-144, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 44-4; House 89-10

Third Reading Votes: Senate 45-5; House 88-12

### **SB 328 \* John Hertel**

#### *Clarify Crop and Grain Spraying and Dusting Lien Provisions*

An act clarifying that the lien available for spraying or dusting grain or crops includes both aerial and ground application and the use of fertilizer; and providing an immediate effective date.

Amending section 71-3-901, MCA.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 41-5; House 93-5  
Third Reading Votes: Senate 48-2; House 93-3

**HB 213 \* John Rose**

*Revise Irrigation District Voting*

An act allowing a landowner within an irrigation district to vote in a district election regardless of county residency; and allowing a single landowner within an irrigation district to designate an agent to vote for the owner.

Amending section 85-7-1710, MCA.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate - placed on consent calendar,  
approved by voice vote  
House - placed on consent calendar,  
approved by voice vote

Third Reading Votes: Senate 48-0; House 95-0

**Failed**

**SB 170 Greg Jergeson**

*Revising the Valuation of Agricultural Land for Property Tax Purposes*

An act revising the method of valuing agricultural lands in class three property for property tax purposes; revising the tax rate on class three property to 4.03 percent to maintain statewide total taxable value of class three property; and providing an immediate effective date and an applicability date.

Amending sections 15-6-133 and 15-7-201, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**SB 182 Steve Doherty**

*Revise the Definition of Agricultural Land for Tax Purposes*

An act generally revising the greenbelt appraisal definition of agricultural land for property taxation purposes; eliminating class eleven property by combining it with class four property; and providing an effective date and an applicability date.

Amending section 7-13-2527, 15-6-134, 15-7-202, 15-10-402, and 15-10-412, MCA; repealing section 15-6-144, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**SB 433 Gary Aklestad**

*Income Requirement for Land to be Classified as Agricultural for Tax*

An act requiring that parcels of land totalling 20 acres or more must produce agricultural income equal to at least 20 percent of its assessed value based upon productive capacity in order to be classified as agricultural land for property tax purposes; and providing an applicability date.

Amending section 15-7-202, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**SB 435 Lorents Grosfield**

*Revising the Greenbelt Definition of Agricultural Land for Property Tax*

An act generally revising the greenbelt appraisal definition of agricultural land for property tax purposes; requiring that land produce a certain amount in annual gross

income in order to be eligible for taxation as agricultural land and requiring annual certification of that amount; taxing rural residential property formerly eligible for taxation as agricultural land at reduced rates under class four property until 2003; taxing rural nonagricultural property formerly eligible for taxation as agricultural land at five times the tax rate under class three property; requiring that certain conditions be met before land formerly classified as agricultural land may be reclassified as forest land; and providing an effective date and an applicability date.

Amending sections 15-1-101, 15-6-133, 15-6-134, 15-7-202, and 15-44-102, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 29-20  
Third Reading Votes: Senate 33-17

Tabled in House committee.

**HB 334 Alvin Ellis Jr.**

*Revising the Definition of Agricultural Land for Property Tax Purposes*

An act generally revising the greenbelt appraisal definition of agricultural land for real property taxation purposes; taxing certain land formerly eligible for taxation as agricultural land at a reduced rate under class four property; taxing improvements and one acre of land eligible for the reduced rate under class four property at the full rate for class four property; and providing an applicability date.

Amending sections 15-6-134 and 15-7-202, MCA.

Committee Hearings: House Taxation

Tabled in House committee.

# Air Quality

**Passed \***

**HB 318 \* Sheila Rice**

*General Revision of the Clean Air Act of Montana*

An act generally revising the laws relating to air quality; authorizing the Department of Health and Environmental Sciences to administer a program for the issuance and renewal of air quality operating permits; amending the confidentiality provisions relating to air quality; clarifying the authority of the Department of Health and Environmental Sciences to administer a program for the issuance of air quality permits for construction, installation, alteration, operation, or use; clarifying the authority of the Department of Health and Environmental Sciences to collect fees for operating and construction permits; designating fees to an account in the special revenue fund; providing for an administrative civil penalty in the Clean Air Act of Montana; clarifying and amending the criminal punishment applicable to violations of air quality statutes, rules, orders and permits; clarifying and amending the civil punishment applicable to violations of air quality statutes, rules, orders and permits; amending the provisions relating to the assessment of noncompliance penalties; creating the Small Business Compliance Assistance Advisory Council; creating the Small Business Stationary Source Technical and Environmental Compliance Assistance Program within the Department of Health and Environmental Sciences; providing for a Small Business Stationary Source Representative; amending provisions related to local air pollution control programs; and providing effective dates and a retroactive applicability date.

Amending sections 75-2-103, 75-2-105, 75-2-204, 75-2-211, 75-2-301, 75-2-401, 75-2-412, 75-2-413, and 75-2-421, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 34-10; House 84-12

Third Reading Votes:

Senate 35-14; House 88-9

Senate amended, House concurred 77-22.

**HB 380 \* David Ewer**

*Amend Air Quality Permit Requirements for Incinerators and BIF's*

An act amending the air quality permit requirements for incinerators; requiring an air quality permit for boilers and industrial furnaces; eliminating an exemption for incinerators that burn 200 pounds or less per hour; and providing an immediate effective date.

Amending sections 75-2-103 and 75-2-215, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 48-0; House 87-8  
Third Reading Votes: Senate 43-5; House 95-1

**HB 567 \* Mike Foster**

*Commercial Medical and Hazardous Waste Incinerator Permitting*

An act establishing additional requirements for an air quality permit for commercial medical waste and commercial hazardous waste incinerators; requiring the Board of Health and Environmental Sciences to adopt rules; coordinating the permitting process for air quality and solid and hazardous waste permits; requiring a disclosure statement; establishing criteria for denial or alteration of a permit; and providing an immediate effective date and a retroactive applicability date.

Amending sections 75-2-103, 75-2-211 and 75-2-215, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 46-3; House 91-5  
Third Reading Votes: Senate 44-4; House 94-5

Senate amended, House concurred 86-10.  
Governor amended: Senate concurred 49-0; House concurred 68-29.

**HB 585 \* Vicki Cocchiarella**

*Radon Control Act*

An act providing for recognition of a United States Environmental Protection Agency proficiency listing for persons who provide radon testing and mitigation services; providing for voluntary disclosure of radon information to the Department for conducting legitimate scientific studies; establishing a public education and outreach program; requiring notification of radon hazards on real estate transactions; providing an appropriation; establishing a radon control account in the special revenue fund; and providing an effective date.

Committee Hearings: Senate Public Health, Welfare and Safety  
House Business and Economic Development

Second Reading Votes: Senate 31-16; House 82-15

Third Reading Votes: Senate 31-17; House 81-19

Senate amended, House concurred 87-12.

**Failed**

**SB 389 Tom Towe**

*Study Sulfur Dioxide Effects in Billings/Laurel; Implement Standards in 1997*

An act requiring health studies in the Billings and Laurel area where there are major industrial sources of sulfur dioxide; requiring monitoring of ambient air concentrations of sulfur dioxide; and providing air quality standards for sulfur dioxide to be implemented in 1997.

Amending section 75-2-206, MCA.

Committee Hearings: Senate Public Health, Welfare and Safety  
House Natural Resources

Second Reading Votes: Senate 32-17

Third Reading Votes: Senate 30-20

Tabled in House committee.

# Energy

## Renewable Energy and Conservation

### Passed \*

#### **SB 225 \* David Rye**

##### *Energy Policy Development Process*

An act adopting a state energy policy goal statement; providing for an ongoing state energy policy development process; providing for the application of an energy policy analysis methodology for energy-related legislation; and providing a termination date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 46-3; House 90-6  
Third Reading Votes: Senate 46-4; House 93-7

House amended, Senate concurred 34-7.

#### **SB 340 \* Steve Doherty**

##### *Residential Energy Efficiency Provisions*

An act establishing a policy on residential energy efficiency; providing for the applicability of the energy conservation provisions of the state building code to residential buildings; requiring that the adoption of rules for energy conservation in buildings conform to certain policies; providing for the certification of installation of energy efficient features by builders; and providing for the labeling of energy efficient features in new homes.

Amending sections 50-60-102 and 50-60-203, MCA.

Committee Hearings: Senate Natural Resources  
House Business and Economic Development

Second Reading Votes: Senate 47-3; House 82-9  
Third Reading Votes: Senate 44-4; House 90-7

**SB 374 \* Eve Franklin**

*Increase the Tax Incentive for the Production of Alcohol*

An act increasing the tax incentive for the production of alcohol; providing for a proportionate reduction in the tax incentive for alcohol produced from out-of-state agricultural or wood products; and providing a termination date.

Amending section 15-70-522, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 44-3; House 67-29  
Third Reading Votes: Senate 41-7; House 72-27

House amended, Senate concurred 38-1.

**HB 97 \* Joe Quilici**

*Energy Conservation Bonds*

An act appropriating stripper-well payments contained in the federal special revenue fund to the Department of Natural Resources and Conservation; authorizing the issuance of general obligation bonds to fund the State Building Energy Conservation Program; approving energy conservation and lighting retrofit projects for fiscal years 1994 and 1995; appropriating bond proceeds to the Department of Natural Resources and Conservation; pledging the credit of the state of Montana to secure the bonds to be issued; providing a method for allocating energy cost savings; and providing an immediate effective date.

Amending section 90-4-607, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 49-0; House 96-2  
Third Reading Votes: Senate 47-1; House 99-1

**HB 98 \* Joe Quilici**

*Repeals Residential Conservation Service Law*

An act eliminating the laws relating to the residential conservation service; and providing an immediate effective date.

Repealing sections 90-4-501, 90-4-502, 90-4-503, and 90-4-504, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 46-0; House 99-0  
Third Reading Votes: Senate 47-1; House 97-0

**HB 219 \* Bob Gilbert**

*Tax Credit for Alternative Fuels - Vehicle Conversion*

An act allowing a tax credit for conversion of a motor vehicle to alternative fuel; and providing an immediate effective date and a retroactive applicability date.

Committee Hearings Senate Taxation  
House Taxation

Second Reading Votes: Senate 45-3; House 84-11  
Third Reading Votes: Senate 41-8; House 92-6

Senate amended, House not concurred 92-7.  
Conference committee vote: Senate 45-3; House 97-3.

**Failed**

**SB 337 John Harp**

*General Revision of Building Code Law Includes Plumbing - Electrical - Elevators*

An act generally revising the building codes; expanding the Department of Commerce's rulemaking authority and the applicability of the rules; revising construction permit

requirements; increasing building code enforcement remedies; revising building code violation penalties; revising the purpose of building codes; eliminating reviews of building plans by the Department of Justice; allowing the Department of Commerce to adopt rules pertaining to dangerous buildings; requiring the Department to enforce any part of the state building codes not adopted by a local jurisdiction; amending the variance application procedure; allowing for the issuance of permits to an owner or a person doing work on a building; providing for certification by the Department of any building code adopted by a local jurisdiction; requiring a county to adopt an appeal procedure; clarifying the applicability of standards and rules to factory-built buildings and recreational vehicles; providing for the enforcement by counties of building standards for modular homes; providing for inspections to ensure licensing; revising exceptions to the application of plumbing codes; authorizing the inspection of plumbing and drainage systems by authorized representatives of the Department; eliminating the requirement for a hearing prior to the Department issuing an order pertaining to work contrary to a provision of the plumbing code; increasing the penalty for a violation of the plumbing code; requiring local jurisdictions to ensure that permit applicants performing electrical work are properly licensed and creating exemptions from permitting requirements for minor electrical work; creating an exemption from obtaining a state permit for electrical installations governed by a local building code; substituting electrical permits for inspection tags; allowing disconnection of power when electrical code violations exist and other relief for energizing electrical installations without a permit; increasing elevator and escalator inspection fees to cover inspection and administration costs; prohibiting a local jurisdiction from adopting building codes regulating elevators and escalators; and providing penalties for code violations pertaining to elevators and escalators.

Amending sections 50-60-101, 50-60-102, 50-60-103, 50-60-105, 50-60-107, 50-60-108, 50-60-109, 50-60-110, 50-60-201, 50-60-202, 50-60-203, 50-60-205, 50-60-206, 50-60-301, 50-60-302, 50-60-303, 50-60-402, 50-60-404, 50-60-503, 50-60-504, 50-60-505, 50-60-506, 50-60-507, 50-60-508, 50-60-509, 50-60-510, 50-60-511, 50-60-512, 50-60-515, 50-60-602, 50-60-603, 50-60-604, 50-60-605, 50-60-607, and 50-60-701, MCA; and repealing sections 50-60-106, 50-60-204, 50-60-502, 50-60-514, and 50-60-606, MCA.

Committee Hearings:	Senate Business and Industry House Business and Economic Development
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Second Reading Votes:	Senate 50-0
Third Reading Votes:	Senate 48-0

Tabled in House committee.

**SB 376 Dorothy Eck**

*Increase Gas Tax and Special Fuel Tax for Allocation to Local Government*

An act increasing the gasoline tax and special fuels tax to 21 cents; providing an increased allocation of fuel taxes to cities and counties and the Montana Rural Technical Assistance Transportation Program; and providing an effective date.

Amending sections 7-14-102, 15-70-101, 15-70-204, 15-70-321 and 17-7-502, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**HB 140 Randy Vogel**

*Increase Penalty for Violating Fuel Conservation Speed Limit -- Allocate Fine*

An act increasing the penalty for violation of the fuel conservation speed limit from \$5 to \$10; depositing \$5 of each fine in the Montana drug abuse resistance education trust fund account; and providing an effective date.

Amending sections 3-10-601, 44-2-702 and 61-8-718, MCA.

Committee Hearings: House Highways and Transportation

Second Reading Votes: House 65-31, do not pass as amended

**HB 152 Patrick Galvin**

*Raise Fuel Conservation Speed Limit Fine to \$30.*

An act raising the penalty for violation of the fuel conservation speed limit.

Committee Hearings: House Highways and Transportation

Tabled in House committee.

## Energy - Other

### Passed \*

#### **HB 339 \* Jerry Driscoll**

##### *Exempt Petroleum Refineries from Building and Electrical Codes*

An act exempting petroleum refineries from the provisions of the state building code; exempting petroleum refineries from the provisions of the state building construction standards pertaining to electrical installations; and providing an immediate effective date.

Amending sections 50-60-102 and 50-60-602, MCA.

Committee Hearings: Senate Business and Industry  
House Business and Economic Development

Second Reading Votes: Senate 40-5; House 94-3  
Third Reading Votes: Senate 37-11; House 96-3

Senate amended, House concurred 91-9.

#### **HB 390 \* Joe Quilici**

##### *Least Cost Resource Planning for Utilities*

An act adopting the Montana Integrated Least-Cost Resource Planning and Acquisition Act; providing that the Public Service Commission may require a public utility that provides electric or natural gas service to file an integrated least-cost resource plan; allowing the inclusion of certain costs in rates; integrating the planning process in facility siting; and providing an effective date.

Amending sections 69-3-701, 69-3-702, 75-20-304, and 75-20-501, MCA.

Committee Hearings: Senate Business and Industry  
House Business and Economic Development

Second Reading Votes:  
Third Reading Votes:

Senate 48-0; House 96-1  
Senate 48-0; House 99-0

**HB 680 \* Bob Ream**

*Change Low Interest Energy Loan from Tax Credit to Rate Based*

An act providing that the reimbursement for interest rate differentials for low interest energy loans and installations provided by public utilities that provide electricity or natural gas be financed from a utility rate base rather than by a tax credit; providing that grants for installations provided by public utilities be included in a utility rate base; eliminating the provision of low interest energy loans by financial institutions; and providing a delayed effective date.

Amending sections 15-32-107 and 69-3-305, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:  
Third Reading Votes:

Senate 48-0; House 77-17  
Senate 46-3; House 80-20

Senate amended, House concurred 90-8.

# Environmental Quality

## Administration

### Passed \*

#### **SB 36 \* Del Gage**

##### *Revise Laws to Reflect Loss of Congressional District*

An act generally revising the laws to reflect the loss of a congressional district; providing districts for the appointment of members of the Districting and Apportionment Commission, the Board of Public Education, the Board of Regents, the Coal Board, and the Hard-Rock Mining Impact Board; eliminating geographical representation requirements for certain boards; revising the petition requirements for nominating a presidential candidate; and providing an effective date and an applicability date.

Amending sections 2-15-1508, 2-15-1802, 2-15-1803, 2-15-1821, 2-15-1822, 2-15-1867, 2-15-3102, 3-1-1101, 5-1-102 and 13-10-404, MCA; and repealing section 13-10-102, MCA.

Committee Hearings: Senate State Administration  
House State Administration

Second Reading Votes: Senate 49-0; House 99-0  
Third Reading Votes: Senate 50-0; House 99-1

#### **SB 316 \* Tom Towe**

##### *General Revision of Treasure State Endowment Program*

An act amending the Treasure State Endowment Program to allow county water, sewer, and solid waste districts to apply for assistance; allowing the Treasure State Endowment Program to borrow from the Board of Investments; permitting interest rate subsidies to be paid over the life of loans or bonds; and amending the order of priority for infrastructure projects.

Amending sections 90-6-701, 90-6-703, and 90-6-710, MCA.

Committee Hearings: Senate Taxation  
House Local Government

Second Reading Votes: Senate 49-0; House 74-20  
Third Reading Votes: Senate 38-9; House 77-21

House amended, Senate concurred 50-0.

**SB 429 \* Steve Doherty**

*Require DNRC to Give Priority to Grant Requests from Board of Oil and Gas*

An act requiring the Department of Natural Resources and Conservation to give priority, under certain conditions, to reclamation and development grant requests from the Board of Oil and Gas Conservation; and providing an effective date.

Amending section 90-2-1113, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 41-8; House 59-35  
Third Reading Votes: Senate 43-6; House 64-36

**SJR 8 \* J. D. Lynch**

*Permanent Paper Resolution*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting the Department of Administration to adopt rules relating to the appropriate use of acid-free, alkaline-based, or permanent paper in the publication of state documents.

Committee Hearings: Senate State Administration  
House State Administration

Second Reading Votes: Senate 49-0; House 92-5  
Third Reading Votes: Senate 47-0; House 92-8

**HB 6 \* Francis Bardanoue**

*Water Development Program Loans and Grants Applications*

An act appropriating money to the Department of Natural Resources and Conservation for loans and grants under the Water Development Program and the Renewable Resource Development Program; authorizing loans from water development bond proceeds, renewable resource development bond proceeds, and appropriate funds for debt service; reauthorizing grants and loans approved by the 52nd legislature; reallocating certain Resource Indemnity Trust account interest income for Water Development Program grants during the biennium ending June 30, 1995; approving the issuance of coal severance tax bonds to provide funds for loans to political subdivisions and local governments for certain approved water development projects; authorizing the creation of a state debt; appropriating coal severance tax income for debt service; placing conditions upon grants and loans; statutorily appropriating funds from the Renewable Resource Grant and Loan Program state special revenue account to the environmental science-water quality instructional programs at Northern Montana College; and providing effective dates.

Amending sections 15-38-202 and 17-7-502, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 45-2; House 93-6  
Third Reading Votes: Senate 47-1; House 83-15

Senate amended, House not concurred 98-0.  
Free conference committee report adopted: Senate 48-0; House 98-2.

**HB 7 \* Ernest Bergsagel**

*Reclamation and Development Grants Program Appropriation*

An act appropriating money to the Department of Natural Resources and Conservation for grants for designated projects under the Reclamation and Development Grants Program; prioritizing grants and amounts; and establishing conditions for grants.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 47-0; House 82-13  
Third Reading Votes: Senate 47-1; House 79-20

Senate amended, House concurred 90-6.

**HB 10 \* Ernest Bergsagel**

*Oil Overcharge Appropriation*

An act appropriating oil overcharge money for programs administered by the state of Montana; and providing an effective date.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 50-0; House 87-7  
Third Reading Votes: Senate 48-1; House 83-16

**HB 12 \* Francis Bardanouve**

*Water Development Bonds, Loans, Appropriations*

An act appropriating money to the Department of Natural Resources and Conservation for loans under the Water Development Program; approving the issuance of coal severance tax bonds to provide funds for loans to political subdivisions and local governments for certain approved water development projects and to provide funds to pay a portion of the state's share of the costs of the Tongue River Dam rehabilitation project; reauthorizing coal severance tax bonds for certain projects approved by the 52nd legislature; appropriating coal severance tax income for debt service; authorizing the creation of a state debt; authorizing the issuance of revenue bonds to refund existing bonds; placing certain conditions upon loans; and providing an immediate effective date.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 50-0; House 89-11  
Third Reading Votes: Senate 48-1; House 84-16

**HB 39 \* David Ewer**

*Clarifying Election Requirement for Municipal Water and Sewer Bonds*

An act clarifying the election requirement for municipal water and sewer revenue bonds.

Amending section 7-7-4222, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 49-0; House 93-4  
Third Reading Votes: Senate 49-0; House 95-2

**HB 47 \* Bob Gilbert**

*Assign Coal Tax Oversight Duties to the Revenue Oversight Committee*

An act transferring coal tax oversight duties to the Revenue Oversight Committee; and providing an effective date.

Amending sections 5-11-210, 5-18-202, and 5-18-203, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 47-0; House 91-5  
Third Reading Votes: Senate 47-0; House 98-0

**HB 303 \* Sheila Rice**

*Provide Tax Increment Financing for Pollution Control Facility or Equipment*

An act expanding urban renewal and industrial infrastructure development projects to include the cost of facilities or equipment for pollution control.

Amending section 7-15-4288, MCA.

Committee Hearings: Senate Taxation  
House Local Government

Second Reading Votes: Senate 46-1; House 79-15  
Third Reading Votes: Senate 43-5; House 83-14

Senate amended, House concurred 91-9.

**HB 317 \* Bob Gilbert**

*Montana Negotiated Rulemaking Act*

An act establishing a framework for the conduct of negotiated rulemaking; providing a process for establishing a negotiated rulemaking committee; providing duties for a negotiated rulemaking committee; authorizing an agency to use the services of a convener and a facilitator; and authorizing an agency to accept grants or gifts to fund a negotiated rulemaking process.

Committee Hearings: Senate State Administration  
House State Administration

Second Reading Votes: Senate 47-1; House 93-6  
Third Reading Votes: Senate 43-5; House 95-2

Senate amended, House concurred, 94-5.

**HB 436 \* Thomas Nelson**

*Clarify Definition for Pollution Control Tax Credit*

An act clarifying the definition of air and water pollution equipment for property tax purposes; providing requirements for rules governing the certification of the equipment; specifying the roles of the Department of Revenue and the Department of Health and Environmental Sciences in classifying and valuing air and water pollution equipment; and providing an applicability date.

Amending section 15-6-135, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 47-0; House 95-4  
Third Reading Votes: Senate 48-0; House 94-4

Senate amended, House concurred 98-2.

**HB 613 \* David Ewer**

*Generally Revise Local Government General Obligation and Revenue Bonds*

An act generally revising the laws relating to county and municipal general obligation bonds and revenue bonds; revising the redemption procedure for general obligation bonds; clarifying the authority of a municipality to issue revenue bonds for water and sewer systems without an election; and clarifying the authority of a municipality to issue revenue bonds without an election to finance an improvement district for a pedestrian mall or offstreet parking.

Amending sections 7-7-2268, 7-7-2269, 7-7-4268, 7-7-4269, 7-13-4301 and 7-14-4714, MCA; and repealing sections 7-13-4302, 7-13-4303, 7-13-4321, 7-13-4322, 7-13-4323, 7-13-4324, 7-13-4325, 7-13-4326, 7-13-4327, 7-13-4328, 7-13-4329, 7-13-4330, 7-13-4331, 7-13-4332, 7-13-4333, 7-13-4341, 7-13-4342, 7-13-4343, 7-13-4344 and 7-13-4345, MCA.

Committee Hearings:	Senate Local Government House Local Government
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Second Reading Votes:	Senate 47-0; House 93-6
Third Reading Votes:	Senate 42-0; House 97-3

Senate amended, House concurred 94-3.

**HB 616 \* Jerry Driscoll**

*MHD Loan from Clean Coal Technology Demonstration Fund*

An act providing a clean coal technology demonstration loan to the MHD Development Corporation; establishing terms and conditions around which a loan agreement between the Department of Natural Resources and Conservation and the MHD Development Corporation will be established; continuing the appropriation for the clean fuels information depository, distribution, and market development center; and providing an immediate effective date.

Amending section 17-5-703, MCA, Section 11, Chapter 722, Laws of 1991, and Section 1, Chapter 793, Laws of 1991.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 38-12; House 76-23  
Third Reading Votes: Senate 34-16; House 82-17

Senate amended, House concurred 75-24.

### **HB 660 \* Mary Lou Peterson**

#### *Community Service Act*

An act establishing a Montana Community, Conservation, and Volunteer Service Corps to provide a variety of public service opportunities for Montanans; assigning administration and coordination responsibilities to the governor's office; creating an advisory council on community service; establishing special revenue accounts and providing a statutory appropriation; and providing an immediate effective date and a termination date.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 34-15; House 89-10  
Third Reading Votes: Senate 33-16; House 93-7

Senate amended, House concurred 93-7.

## **Failed**

### **SB 253 Del Gage**

#### *Eliminate Environmental Quality Council*

An act abolishing the Environmental Quality Council; and assigning certain functions to the Legislative Council.

Amending sections 2-15-1514, 2-15-1523, 5-11-402, 39-30-103, 75-1-102, 75-1-201, 75-10-111, 75-10-913, 75-10-918, 75-20-211, 75-20-501, 85-2-105, and 90-4-112, MCA; and repealing sections 5-16-101, 5-16-102, 5-16-103, 5-16-104, 5-16-105, 75-1-

301, 75-1-302, 75-1-311, 75-1-312, 75-1-313, 75-1-321, 75-1-322, 75-1-323, and 75-1-324, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate committee.

**SB 356 Steve Doherty**

*Bad Actor Bill*

An act requiring an applicant to prepare an environmental and worker safety law violation disclosure statement before being issued certain state permits; prohibiting state and local governments from contracting with certain persons who have recently violated environmental or worker safety laws; defining environmental laws; requiring a compliance audit for environmental or worker safety law violators; imposing additional requirements on the issuance, transfer, modification, and renewal of certain permits; and increasing the penalties for repeated violations of certain laws.

Amending sections 7-5-4302, 18-4-301, 18-4-313, 75-2-211, 75-3-202, 75-5-303, 75-5-401, 75-6-112, 75-7-207, 75-10-221, 75-10-406, 75-10-933, 75-10-1006, 75-20-201, 82-4-121, 82-4-221, 82-4-226, 82-4-331, 82-4-335, 82-4-422, and 82-11-134, MCA.

Committee Hearings: Senate Judiciary

Tabled in Senate committee.

**SB 400 Dennis Nathe**

*Create Immunity from Suit for Damages for Conservation District Supervisors*

An act creating immunity from suit for conservation district supervisors; and providing an immediate effective date.

Amending section 76-15-320, MCA.

Committee Hearings: Senate Judiciary

Tabled in Senate committee.

**SB 426 Ed Kennedy Jr.**

*Revise SID and RSID Revolving Fund Laws*

An act generally revising the laws concerning special improvement district and rural special improvement district revolving funds; and providing an immediate effective date and applicability dates.

Amending sections 7-12-2181, 7-12-2183, 7-12-2184, 7-12-2185, 7-12-4221, 7-12-4223, 7-12-4224, and 7-12-4225, MCA.

Committee Hearings: Senate Taxation  
House Local Government

Second Reading Votes: Senate 39-8; House - failed 31-69  
Third Reading Votes: Senate 31-19

**HB 62 Vernon Keller**

*Appointment of Uneven Number of Directors on Water and Sewer District Board*

An act requiring the appointment of an uneven number of directors to the Board of a water and sewer district.

Amending section 7-13-2232, MCA.

Committee Hearings: House Local Government

Tabled in House committee.

**HB 264 John Cobb**

*Reorganize Natural Resources and Environmental Agencies*

An act reorganizing the natural resource and environmental functions of the Board, Director, and Department of Natural Resources and Conservation; and the Board of State Land Commissioners and the Commission and Department of State Lands; renaming the Board, Director, and Department of Health and Environmental Sciences and the Board, Director and Department of Natural Resources and Conservation; providing for the powers, duties, and functions of these agencies; and providing effective dates.

Amending sections 2-15-2107, 2-15-3302, 17-5-101, 17-5-202, 40-6-128, 75-10-103, 75-10-203, 75-10-404, 75-20-104, 75-20-202, 75-20-205, 75-20-208, 75-20-211, 75-20-213, 75-20-215, 75-20-216, 75-20-218, 75-20-219, 75-20-220, 75-20-221, 75-20-225, 75-20-226, 75-20-301, 75-20-302, 75-20-303, 75-20-304, 75-20-402, 75-20-406, 75-20-501, 75-20-1202, 76-15-103, 80-8-110, 81-23-103, 82-4-103, 82-4-111, 82-4-112, 82-4-123, 82-4-129, 82-4-203, 82-4-204, 82-4-205, 82-4-223, 82-4-227, 82-4-321, 82-4-337, 82-4-362, 82-4-421, 82-4-422, 82-4-425, 82-4-427, 85-1-102, 85-1-203, 85-1-205, 85-1-223, 85-2-512, 85-2-514, 85-9-104, 85-9-202, 85-9-204, and 90-15-102, MCA.

Committee Hearings: House Natural Resources

Tabled in House committee.

### **HB 325 Red Menahan**

#### *Polluted Property Tax*

An act defining polluted property for the purposes of taxation; establishing a public policy for the purposes of taxation of polluted property; providing for a method of appraising polluted property; providing that unpaid taxes on class thirteen property are a lien on all other property owned by the owner of the class thirteen property; and providing an applicability date.

Amending sections 15-1-101, 15-7-103, 15-8-111 and 15-16-403, MCA.

Committee Hearings: House Taxation

Tabled in House committee.

### **HB 479 Don Larson**

#### *Economic Impact Statement Required for Agency Rulemaking*

An act requiring state agencies to prepare economic impact statements and identify funding sources for local governing bodies for the implementation of state regulations; and providing an effective date.

Amending sections 2-4-102, 2-4-305, 2-4-405 and 5-18-107, MCA.

Committee Hearings: Senate Local Government  
House State Administration

Second Reading Votes: House 89-9  
Third Reading Votes: House 88-11

Tabled in Senate committee.

**HB 570 Larry Hal Grinde**

*Assessment of Governmental Action Impacting Private Property*

An act requiring an assessment of governmental actions that affect the use of private property; requiring an assessment of the constitutional implications of government actions; requiring private property assessments to be submitted to the governor and the legislature; and providing an effective date.

Committee Hearings: Senate Judiciary  
House Appropriations

Second Reading Votes: House 55-44  
Third Reading Votes: House 59-41

Tabled in Senate committee.  
Motion failed to take from table, 25-25.

**HB 682 Francis Bardanouve**

*Eliminate Board of Science and Technology Development*

An act eliminating the Montana Board of Science and Technology Development; providing that the Board of Investments administer existing loans; and providing an effective date.

Amending sections 2-18-103, 5-11-210, 17-6-308, 17-7-502 and 90-8-201, MCA; repealing sections 2-15-1818, 90-3-101, 90-3-102, 90-3-201, 90-3-202, 90-3-203, 90-3-204, 90-3-301, 90-3-303, 90-3-304, 90-3-305, 90-3-501, 90-3-502, 90-3-503, 90-3-504, 90-3-505, 90-3-506, 90-3-519, 90-3-520, 90-3-521, 90-3-522, 90-3-523, 90-3-524, 90-3-525 and 90-3-901, MCA.

Committee Hearings: House Appropriations

Missed transmittal deadline.

# Montana Environmental Policy Act (MEPA)

**Failed**

## **HB 599 Duane Grimes**

*Clarify When Department of State Lands May Not Prepare EIS for Operating Permit*

An act clarifying that the Department of State Lands may not prepare an environmental impact statement for an operating permit that will not, as modified by mitigation requirements agreed to by an applicant, significantly affect the quality of the human environment.

Amending section 82-4-337, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	House 66-34
Third Reading Votes:	House 72-28

Tabled in Senate committee.

# Fish and Wildlife

## Hunting, Fishing, Trapping, Outfitting

### Passed \*

#### **SB 17 \* Ed Kennedy, Jr.**

##### *Allow Companion of Disabled Hunter to Kill Wounded Game Animal*

An act allowing the companion of a licensed disabled hunter to pursue, hunt, take, shoot, or kill a game animal wounded by the disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal; and providing an immediate effective date.

Amending sections 87-2-103 and 87-2-803, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 47-0; House 98-1  
Third Reading Votes: Senate 48-0; House 95-0

#### **SB 57 \* Bernie Swift**

##### *Branding of Game Farm Animals*

An act requiring game farm animals to be identified by a recorded mark; and including noncarnivorous game farm animals in the definition of livestock for the purpose of brand inspection.

Amending sections 81-3-102, 81-3-104, and 81-3-201, MCA.

Committee Hearings: Senate Fish and Game  
House Agriculture, Livestock, and Irrigation

Second Reading Votes: Senate 47-0; House 94-1  
Third Reading Votes: Senate 48-0; House 97-1

**SB 58 \* Bernie Swift**

*Generally Revising the Hunting and Fishing Laws of Montana*

An act generally revising the hunting and fishing laws of Montana; clarifying restrictions on hunting with specified arms; revising provisions regarding residency of minors and certain members of the armed forces and their dependents; clarifying ownership of tagged game; increasing certain penalties; and providing an immediate effective date.

Amending sections 87-1-304, 87-2-102, 87-2-509 and 87-3-143, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 48-1; House 93-5  
Third Reading Votes: Senate 46-2; House 97-3

House amended, Senate not concurred 46-0.  
Conference committee report adopted: Senate 48-0; House 89-11.

**SB 81 \* Bruce Crippen**

*Prohibit Taking of Crayfish for Commercial Purposes with Certain Exceptions*

An act prohibiting the taking of crayfish for sale or commercial distribution except from private ponds or for bait fishing; and providing a penalty.

Amending section 87-4-609, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 24-20; House 64-33  
Third Reading Votes: Senate 46-4; House 74-24

House amended, Senate concurred 49-1.

**SB 418 \* Steve Doherty**

*Clarify Law Relating to Joint Hunting and Fishing Licenses*

An act providing that the requirements for hunting and fishing licenses and permits issued jointly by the state and Indian tribes supersede the general licensing and permit requirements of state law.

Amending section 87-1-228, MCA.

Committee Hearings: Senate Judiciary  
House Fish and Game

Second Reading Votes: Senate 49-0; House 81-18  
Third Reading Votes: Senate 48-0; House 81-16

**HB 82 \* William Wiseman**

*Provide Executive Director, Board of Outfitters; Qualifications and Duties*

An act creating the position of executive director for the Board of Outfitters; establishing qualifications and duties of the executive director; and providing an effective date.

Committee Hearings: Senate Fish and Game  
House Business and Economic Development

Second Reading Votes: Senate 30-14; House 82-12  
Third Reading Votes: Senate 40-9; House 79-18

**HB 110 \* Chase Hibbard**

*Require FWP to Hold Proceeds from Sale of Seized Wild Animals*

An act requiring the Department of Fish, Wildlife, and Parks, rather than a court, to hold the proceeds from the sale of seized wild animals, game birds, or fish when a prosecution is pending; and providing an effective date.

Amending section 87-1-513, MCA.

Committee Hearings: Senate Fish and Game

House Fish and Game

Second Reading Votes: Senate 42-4; House 94-3  
Third Reading Votes: Senate 42-6; House 95-2

**HB 133 \* Mike Foster**

*Authorizing Certain Federal Officers to Act as Ex Officio Wardens at DFWP*

An act authorizing certain federal officers and agents to enforce the laws and rules of the Department of Fish, Wildlife and Parks as ex officio wardens.

Amending section 87-1-503, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 48-0; House 90-6  
Third Reading Votes: Senate 46-2; House 82-15

**HB 251 \* Bob Pavlovich**

*Allow Possession or Sale of Antlers and Skull of Naturally Killed Animal*

An act allowing the possession, transportation, sale or purchase of antlers and attached skull from a game animal that has died from natural causes and that has not been unlawfully or accidentally killed.

Amending section 87-3-111, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 43-3; House 98-1  
Third Reading Votes: Senate 46-1; House 97-0

**HB 338 \* Bob Ream**

*Generally Revise Game Farm Statutes*

An act generally revising the laws relating to the licensing and operation of game farms; eliminating the game farm shooting license; revising definitions, penalties, application procedures, and licensing criteria related to game farm licensure; increasing the license fee; revising animal transportation and sale provisions; revising license revocation criteria and procedures; expanding recordkeeping requirements; and providing an immediate effective date.

Amending sections 87-4-406, 87-4-407, 87-4-409, 87-4-411, 87-4-412, 87-4-414, 87-4-415, 87-4-416, 87-4-417, 87-4-422, 87-4-423 and 87-4-424, MCA; and repealing section 87-4-421, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 47-3; House 88-10  
Third Reading Votes: Senate 40-9; House 93-6

**HB 381 \* William Ryan**

*Require Hunter Competency of Certain Armed Forces Members and Dependents*

An act requiring proof of firearms competency or completion of a hunter safety course by certain members of the armed forces and their dependents prior to issuance of a hunting license under the armed forces' 30-day residency exception; and providing a delayed effective date.

Amending sections 87-2-102 and 87-2-105, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 48-1; House 87-10  
Third Reading Votes: Senate 46-1; House 86-13

**HB 432 \* Liz Smith**

*Generally Revise Outfitter and Guide Laws*

An act generally revising the laws applicable to the licenses and practice of outfitting and guiding and the powers and duties of the Board of Outfitters; extending the general limitation applicable to prosecution of misdemeanor outfitter and guide violations; establishing an administrative penalty for outfitter and guide violations; and providing an effective date.

Amending sections 37-47-201, 37-47-301, 37-47-302, 37-47-303, 37-47-304, 37-47-305, 37-47-307, 37-47-308, 37-47-309, 37-47-310, 37-47-341, 37-47-343, 37-47-344, 37-47-402, 37-47-404, and 45-1-205, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 34-9; House 87-11
Third Reading Votes:	Senate 43-4; House 89-10

**HJR 24 \* Chase Hibbard**

*Resolution Urging Landowner/Sportsman/Outfitter Cooperation*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging landowners, outfitters, the sporting community, and the public to work together to address common goals that will mutually benefit the interests of all parties as well as the interests of Montana wildlife resources; and requesting that these efforts be coordinated through the office of the governor.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 47-0; House 96-3
Third Reading Votes:	Senate 48-0; House 97-1

## **Failed**

### **SB 3 Jim Burnett**

#### *Establish Hunting of Wild Buffalo as Management Tool and Provide for License*

An act establishing the hunting of wild buffalo as a management tool; providing for issuance of a special wild buffalo hunting license; establishing fees for the license; designating use of the fees for compensation for damages to persons and property caused by wild animals; and providing an immediate effective date.

Amending sections 87-1-215 and 87-2-701, MCA.

Committee Hearings: Senate Fish and Game  
Tabled in Senate committee.

### **SB 13 Bernie Swift**

#### *Allocate Additional 3,000 B-11 Nonresident Deer Licenses for Outfitted Hunters*

An act increasing by 3,000 the number of class B-11 nonresident deer combination licenses and reserving the licenses for applicants intending to use the services of a licensed outfitter.

Amending sections 87-2-510 and 87-2-511, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

### **SB 26 Ed Kennedy, Jr.**

#### *Require FWP to Complete Big Game Drawings and Permittee Notice by July 1*

An act to require the department of Fish, Wildlife, and Parks to complete big game license drawings and permittee notifications by July 1 of each year; and providing a delayed effective date.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 27 Ed Kennedy, Jr.**

*Remove Classification of Sun River Game Preserve*

An act removing the classification of the Sun River Game Preserve so that the area can be administered according to standard game management practices; and providing an immediate effective date.

Amending section 87-5-402, MCA; and repealing section 87-5-403, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 115 Eve Franklin**

*Complimentary Sportsman's License for Hunter Safety Instructors*

An act recognizing Montana Hunter Safety Instructors through the grant of a complimentary class AAA--sportsman's license based on years of service as an instructor; waiving fees for the license; and providing an immediate effective date.

Amending sections 87-2-105 and 87-2-711, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 167 Don Bianchi**

*Issuance of Nonresident Big Game and Deer Combo Licenses on Percentage Basis*

An act providing for the issuance of nonresident big game combination and nonresident deer combination licenses on a percentage basis that matches the percentage of applications for guided and unguided hunts rather than on a reserve system; revising the method of sale of class B-10 and class B-11 licenses; and providing a delayed effective date.

Amending sections 87-2-505, 87-2-510, and 87-2-511, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 200 Don Bianchi**

*Require Hunting of Wild Buffalo to Provide for Species Management*

An act requiring the hunting of wild buffalo to provide species management; providing for a special wild buffalo license, the establishment of hunting seasons, license drawings, and license fees; and providing a delayed effective date.

Amending sections 87-1-215 and 87-2-701, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 30-19

Third Reading Votes: Senate 32-17

Tabled in House committee.

Motion failed to take from committee and place on second reading, 33-60.

**SB 216 Fred Van Valkenburg**

*Allow Seizure and Forfeiture of Property used in Certain Felony Fish and Game Violations*

An act providing for the seizure and forfeiture of hunting, fishing, and trapping devices and certain other property used or intended for use in the sale or possession of unlawfully taken wildlife; providing for the disposition of forfeited property; and providing an immediate effective date.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 220 Larry Tveit**

*Person Needing Ambulatory Oxygen Considered Disabled for Fish and Game Licensing*

An act clarifying that a person who is reliant upon ambulatory oxygen is considered disabled for purposes of acquiring special fishing and hunting licenses; and providing an immediate effective date.

Amending section 87-2-803, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 268 J. D. Lynch**

*Provide a Voter Registration Form When Hunting/Fishing License Applied for*

An act requiring that employees of the Department of Fish, Wildlife and Parks, department wardens, or license agents for the department provide a voter registration form at the time of application for a license prescribed by the department.

Committee Hearings: Senate State Administration  
House State Administration

Second Reading Votes: Senate 28-21

Third Reading Votes: Senate 29-21

Tabled in House committee.

**SB 297 Terry Klampe**

*Clarify Smith River Access Rules, Permit System, and Group Size*

An act clarifying the rulemaking authority of the Fish, Wildlife, and Parks Commission to ensure that restrictions on access to the Smith River adequately address recreational and commercial uses; limiting group size; revising the permit system to include annual redrawing of authorized outfitters, nontransferability of individual launch permits, and transferability of outfitter permits and launches under certain conditions; and providing an immediate effective date.

Amending section 23-2-408, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 317 Bernie Swift**

*Temporarily Limit Number of Outfitter Licenses*

An act revising laws regarding the practice of outfitting by temporarily limiting the number of outfitter licenses that may be issued; and providing an immediate effective date and a termination date.

Amending section 37-47-308, MCA.

Committee Hearing: Senate Fish and Game

Second Reading Votes: Senate 23-24, do pass motion failed

**SB 341 Bill Yellowtail**

*Authority for FWP Commission and Board of Outfitters Re: Rules for Use of River and Stream*

An act granting authority to the Fish, Wildlife, and Parks Commission and the Board of Outfitters to adopt and enforce rules relating to the recreational and commercial use of public fishing reservoirs, public lakes, rivers and streams; temporarily limiting the number of fishing outfitter licenses that may be issued; and providing an immediate effective date and a termination date.

Amending sections 37-47-201 and 87-1-303, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SB 375 Don Bianchi**

*Remove 10 Mile Restriction on Shooting Preserve and Set Flat Fee for License*

An act revising the law regarding shooting preserves by removing the 10-mile restriction on preserve location and establishing a flat fee for shooting preserve licenses or permits.

Amending sections 87-4-502 and 87-4-503, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 50-0  
Third Reading Votes: Senate 48-0

Tabled in House committee.

**SJR 1 Ed Kennedy, Jr.**

*Resolution Urging Trapping and Transplantation of Surplus Wild Elk by FWP*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging the Department of Fish, Wildlife, and Parks, with the assistance of Montana citizens, to trap surplus wild elk that are not effectively harvested by hunters and transplant the elk to elk management areas that have not reached desired population levels; and urging the Fish, Wildlife, and Parks Commission to authorize the transplantation of surplus wild elk, subject to applicable laws regulating the transplantation of wildlife, upon the recommendation of the Department.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SJR 2 Ed Kennedy, Jr.**

*Resolution for Joint Study of Outfitting and Guiding Business by FWP, Commerce*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting a joint study of the outfitting and guiding business by the Department of Fish, Wildlife and Parks and the Department of Commerce; and requiring

a report of the study results; as well as any recommendations for proposed legislation, to the Fish and Game committees of the 54th Legislature.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 50-0; House - failed 47-52  
Third Reading Votes: Senate 43-6;

**HB 69 Randy Vogel**

*Provide Penalty for Habitual Misdemeanor Fish and Game Violations*

An act creating a separate penalty for habitual fish and game violations by providing for the mandatory loss of hunting, fishing, and trapping permits and license privileges by providing for an additional fine and imprisonment; and providing an immediate effective date.

Amending section 87-1-102, MCA.

Committee Hearings: House Fish and Game

Tabled in House committee.

**HB 131 Diana Wyatt**

*Provide Grants to Establish and Improve Shooting Ranges*

An act statutorily appropriating money to the Department of Fish, Wildlife and Parks for grants for the improvement of shooting ranges; establishing shooting range development grants and criteria for grants; and providing an effective date.

Amending section 17-7-502, MCA.

Committee Hearings: House Appropriations

Tabled in House committee.

**HB 313 Beverly Barnhart**

*College Student to Purchase Resident Fishing License*

An act allowing a student who is not a resident of Montana but is enrolled as a full-time student in a Montana university or college to purchase a resident fishing license.

Amending section 87-2-102, MCA.

Committee Hearings: House Fish and Game

Tabled in House committee.

**HB 341 Hal Harper**

*Prohibiting the Possession or Transportation of Live Fish from Point Taken*

An act prohibiting the possession or transportation of certain live fish away from the body of water in which the fish were taken; and providing a delayed effective date.

Amending section 87-3-111, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: House 92-5

Third Reading Votes: House 89-9

Tabled in Senate committee.

**HB 369 Marian Hanson**

*Use Wildlife Acquisition Funds to Pay Landowners Who Allow Hunting Access*

An act establishing a program of grants for landowners who provide hunting access to their private property; using a portion of Wildlife Habitat Acquisition money to fund the program; granting the Fish, Wildlife, and Parks Commission rulemaking authority to provide proper administration of the program by the Department of Fish, Wildlife, and Parks; and providing an immediate effective date.

Amending section 87-1-242, MCA.

Committee Hearings: House Fish and Game

Second Reading Votes: House 84-14 - do pass motion failed

**HB 386 Brad Molnar**

*Revise Outfitter Licensing, Definitions, Qualifications, and Penalty*

An act revising outfitter licensing provisions, revising the definition of outfitter by removing the agricultural exemption; revising the criteria for determining what constitutes compensation; revising outfitter qualifications to include restrictions on the lease of certain lands; limiting the number of outfitter licenses; removing the class B-1 nonresident deer combination license set-aside for persons intending to hunt with a resident landowner and increasing the outfitter set-aside for that license; revising penalty provisions; and providing an immediate effective date.

Amending sections 37-47-101, 37-47-102, 37-47-302, 37-47-308, 37-47-344, 87-2-510, and 87-2-511, MCA.

Committee Hearings: House Fish and Game

Tabled in House committee.

**HB 412 Red Menahan**

*Moratorium on Number of New Game Farm Licenses*

An act limiting the number of game farm licenses that may be issued by the Department of Fish, Wildlife and Parks; and providing an immediate effective date.

Amending sections 87-4-409 and 87-4-412, MCA.

Committee Hearings: House Agriculture, Livestock and Irrigation  
House Fish and Game

Tabled in House Fish and Game committee.

**HB 576 William Endy**

*Constitutional Amendment to Extend Right to Bear Arms to Lawful Hunting and Recreation Use*

An act submitting to the qualified electors of Montana an amendment to Article II, Section 12, of the Montana constitution to provide that the right to keep or bear arms extends to lawful hunting and recreational use and other lawful purposes.

Committee Hearings: Senate Judiciary  
House Fish and Game

Second Reading Votes: House 72-20  
Third Reading Votes: House 84-15

Tabled in Senate committee.  
Motion failed to take from table and place on second reading, 20-29.

**HB 664 Hal Harper**

*No Ag Tax Classification -- Land Which Hunting Permitted Under Lease or Pay*

An act disallowing the agricultural property tax classification, except in accordance with a block management program, for any parcel of land on which hunting is permitted under a lease or for consideration; and providing an effective date and an applicability date.

Amending section 15-7-202, MCA.

Committee Hearings: House Taxation

Tabled in House committee.

## Fish and Wildlife - Other

### Passed \*

#### **SB 199 \* Don Bianchi**

*Extending the Termination of the Wildlife Acquisition Program*

An act extending the termination date of the Wildlife Habitat Acquisition Program.

Amending Section 12, Chapter 598, Laws of 1987; and Section 3, Chapter 319, Laws of 1991.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 33-16; House 65-34  
Third Reading Votes: Senate 36-14; House 66-34

#### **SJR 3 \* Ed Kennedy, Jr.**

*Urge Federal Wolf Recovery Agencies to Provide Resources and Assist our State*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging federal agencies involved in the gray wolf recovery program to provide the necessary resources and assistance to state wildlife management agencies to conduct big game habitat population studies in areas affected by the recovery program; requesting that affected state and federal agencies analyze the impacts of wolf recovery on other multiple-use interests; encouraging the appropriate federal agencies to implement habitat improvement projects in cooperation, coordination, and consultation with other multiple-use interests; encouraging continued federal funding of a wolf specialist in Montana; and urging federal agencies to persuade Congress to amend the Endangered Species Act to give state wildlife management agencies the necessary flexibility to manage the gray wolf.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 49-0; House 66-32  
Third Reading Votes: Senate 41-9; House 67-31

House amended, Senate not concurred, 26-21.  
Free conference committee vote: Senate 47-0; House 67-31.

**HB 122 \* Shiell Anderson**

*Allow Monetary Lease of FWP Land in Exchange for Services*

An act allowing nonmonetary lease transactions by the Department of Fish, Wildlife, and Parks in exchange for services rendered on the lease lands; and providing an immediate effective date.

Amending section 87-1-209, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 45-2; House 90-6  
Third Reading Votes: Senate 46-2; House 96-0

**HB 123 \* John Johnson**

*Revise Paddlefish Roe Donation Program and Extend Program's Termination Date*

An act revising the paddlefish roe donation program; revising the restriction that only roe from paddlefish caught at the intake fishing access site is eligible for donation to the program by specifying a longer section of the Yellowstone River; extending the termination date applicable to the program; and providing an immediate effective date.

Amending sections 87-4-601, MCA, and Section 5, Chapter 409, Laws of 1989.

Committee Hearings: Senate Judiciary  
Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 41-4; House 90-8  
Third Reading Votes: Senate 46-2; House 84-11

**HB 595 \* Hal Harper**

*Revise Jurisdiction of and Penalty for Wildlife Introduction Crimes*

An act giving Justice of the Peace courts concurrent jurisdiction with district courts of fish and game violations that are punishable by a fine exceeding \$1,000 or imprisonment exceeding six months, or both; and providing for a civil rather than a criminal, restitution penalty.

Amending sections 3-10-303 and 87-5-721, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 37-8; House 98-2  
Third Reading Votes: Senate 40-7; House 96-1

**Failed**

**SB 201 Don Bianchi**

*Require Permit for Artificial Feeding Ground for Ungulate Wildlife*

An act requiring a permit to operate an artificial feeding ground for ungulate wildlife; providing that certain criteria be met before the Department of Fish, Wildlife and Parks may issue a permit; and providing for revocation and a penalty for violation of a permit.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

**SJR 21 Terry Klampe**

*Resolve that DSL Assess the Environmental Effect of Domestic Sheep on State Lands*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging the Department of State Lands to assess the environmental effects of granting a state grazing lease that would allow the grazing of domestic sheep in proximity to wild bighorn sheep if the potential for transmittal of disease or parasites between the domestic and wild sheep exists.

Committee Hearings: Senate Agriculture, Livestock and Irrigation

Tabled in Senate committee.

**HB 214 Marian Hanson**

*Limit Fee Title Holdings Under Wildlife Habitat Acquisition Program*

An act limiting the fee title holdings by the Department of Fish, Wildlife, and Parks of lands under the Wildlife Habitat Acquisition Program to lands acquired on or before June 1, 1993; requiring the Department to divest itself of an equal amount of acreage for property acquired after that date; including the fee title limitation as a policy consideration applied by the Fish, Wildlife and Parks Commission when the fee title acquisition of habitat lands is contemplated; and providing an effective date.

Amending sections 87-1-209 and 87-1-241, MCA.

Committee Hearings: House Fish and Game

Tabled in House committee.

**HB 498 Alvin Ellis Jr.**

*Allow Private Wildlife Enhancement Management areas, Provide Sunset Date*

An act providing for the establishment and operation of private wildlife enhancement and management areas; providing for permitting and review of private wildlife enhancement and management areas by the Fish, Wildlife, and Parks Commission and the Department of Fish, Wildlife, and Parks; providing for the issuance of hunting licenses in those areas; providing for revocation of area permits and licenses under certain conditions; providing penalties; and providing an immediate effective date and a termination date.

Committee Hearings: House Fish and Game

Tabled in House committee.

# Forest Management

## Passed \*

### **SB 105 \* Barry Stang**

#### *Eliminate Log Hauler Certification*

An act eliminating the class E motor carrier category and the regulations related to transporting logs.

Amending sections 69-12-101, 69-12-102, 69-12-201, 69-12-205, 69-12-301, 69-12-321, 69-12-322, 69-12-407, and 69-12-611, MCA; and repealing sections 69-12-315, 69-12-333, 69-12-334 and 69-12-335, MCA.

Committee Hearings;	Senate Highways and Transportation House Highways and Transportation
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Second Reading Votes:	Senate 35-11; House 55-42
Third Reading Votes:	Senate 42-8; House 66-33

### **SJR 24 \* Don Bianchi**

#### *Urge Development of Voluntary Wildlife Habitat Management Guidelines*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging the forestry office of the Montana Cooperative Extension Service of Montana State University to develop voluntary wildlife habitat management guidelines for the conduct of all Montana forestry practices.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 26-21; House 81-18
Third Reading Votes:	Senate 32-17; House 77-20

House amended, Senate concurred 32-17.

**HB 393 \* Douglas Wagner**

*Replacing Timber Stand Improvement Fees with a Forest Improvement Fee*

An act combining certain timber harvesting fees into one forest improvement fee; generally clarifying statutory language regarding timber sales and harvesting on state lands; and providing an effective date.

Amending section 77-5-204, MCA.

Committee Hearings: Senate Taxation  
House Natural Resources

Second Reading Votes: Senate 50-0; House 98-0  
Third Reading Votes: Senate 50-0; House 97-1

**HB 488 \* Ray Brandewie**

*Establishing a Salvage Timber Program*

An act directing the Department of State Lands to establish a salvage timber program.

Amending section 76-13-302, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 37-0; House 98-0  
Third Reading Votes: Senate 48-0; House 99-0

**HB 503 \* Bob Ream**

*Amend the Definition of Timber Sale in the SMZ Act*

An act revising the definition of timber sale in the streamside management zone laws.

Amending section 77-5-302, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes:  
Third Reading Votes:

Senate 37-9; House 94-4  
Senate 37-11; House 97-2

**HB 652 \* Don Larson**

*Allocate Amount of Income from State Land Timber Sales to DSL Timber Program*

An act increasing the amount of revenue returned to the school trust by allocating an amount of income received from the sale of timber from state trust lands to the Department of State Lands timber sale program to be used to increase activities that will result in additional timber sales; clarifying statutory references to deductions made for the development of state lands; eliminating the termination date on the timber sale provision; providing an appropriation; and providing an effective date and a termination date.

Amending sections 17-3-1003, 18-2-107, 20-25-422, 77-1-606, 77-1-607, and 77-1-608, MCA, and Section 6, Chapter 14, Special Laws of January 1992.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:  
Third Reading Votes:

Senate 43-2; House 90-9  
Senate 48-0; House 94-4

Senate amended, House concurred, 89-11

**HB 654 \* Roger Debruycker**

*Eliminate Youth Forest Camp Work Program*

An act removing the requirement that the Department of State Lands provide a Youth Forest Work Camp Program; and providing an effective date.

Repealing section 52-5-104, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:  
Third Reading Votes:

Senate 50-0; House 52-42  
Senate 34-12; House 57-43



# Land Use

## Eminent Domain

### Failed

#### **HB 345 Red Menahan**

*Revise Taking of Property by Mining*

An act revising the law of eminent domain for mining; extending the area presumed to be affected by exploration or mining operations outside of incorporated or urban areas; providing alternative compensation for affected property owners; providing for revocation of exploration or mining licenses and permits; and providing an applicability date.

Amending sections 82-2-221, 82-2-222, 82-2-223 and 82-2-224, MCA.

Committee Hearings: House Natural Resources

Tabled in House committee.

# Local Government Regulation

## Passed \*

### **SB 92 \* Terry Klampe**

#### *Revise County Park District Law*

An act revising the laws relating to county park districts; reducing the percentage of electors required to sign the petition to create a district; allowing a park district to encompass territory in more than one county; and revising the procedure for creating a park district.

Amending sections 7-16-2403, 7-16-2411, 7-16-2412, 7-16-2413, 7-16-2421, 7-16-2423, and 7-16-2431, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 41-3; House - placed on consent calendar, approved by voice vote

Third Reading Votes: Senate 45-5; House 91-5

### **SB 149 \* Jack Rea**

#### *Revise Duties of County Commissioners Re: Roads*

An act removing the requirement that a county commission establish, maintain, discontinue, or abandon a county road when petitioned by freeholders.

Amending section 7-14-2103, MCA.

Committee Hearing: Senate Local Government  
House Local Government

Second Reading Votes: Senate 47-0; House - placed on consent calendar, approved by voice vote

Third Reading Votes: Senate 50-0; House 97-1

**HB 109 \* Joe Barnett**

*County Commission Discretion in Road Development*

An act allowing county commissioners discretion in developing county roads.

Amending sections 7-14-2701, 7-14-2704, and 7-14-2710, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 35-11; House 95-2

Third Reading Votes: Senate 46-4; House 96-3

**HB 189 \* Norm Wallin**

*Clarify State Planning and Community Development Responsibility*

An act clarifying the Department of Commerce's responsibilities with respect to state planning and community development.

Amending sections 90-1-102 and 90-1-103, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 48-0; House - placed on consent calendar, approved by voice vote.

Third Reading Votes: Senate 48-0; House 93-3

**HB 344 \* Dave Brown**

*Generally Revise Airport Laws*

An act generally revising the laws relating to airports; redefining "governing body"; allowing a local government to designate an airport influence area at any time; allowing an airport authority to adopt rules for the disposal of property; and allowing an airport authority to create a reserve fund.

Amending sections 67-1-101, 67-4-201, 67-4-202, 67-4-313, 67-5-211, 67-11-232, and 67-11-304, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 37-0; House 96-0  
Third Reading Votes: Senate 48-0; House 98-1

**HB 375 \* Ray Brandewie**

*Create Presumption Re: Zoning Discrimination Against Manufactured Housing*

An act creating a presumption with respect to zoning regulations that discriminate between certain manufactured and site-built housing.

Amending sections 76-2-202 and 76-2-302, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 36-7; House 95-2  
Third Reading Votes: Senate 42-6; House 96-2

Senate amended, House concurred, 99-1.

**HB 408 \* Russell Fagg**

*Generally Revise the Montana Subdivision and Platting Act*

An act generally revising the Montana Subdivision and Platting Act; changing the definition of subdivision; removing the occasional sale exemption; removing the 20 acre limitation; modifying the family sale exemption; changing the criteria for local government subdivision review; and providing an immediate effective date and applicability dates.

Amending sections 76-3-102, 76-3-103, 76-3-104, 76-3-207, and 76-3-608, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 36-13; House 77-22  
Third Reading Votes: Senate 38-12; House 76-22

**HB 440 \* Norm Wallin**

*Define Water and Sewer District as Unit of Local Government*

An act defining a county water and sewer district as a unit of local government.

Amending section 7-13-2201, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 48-0; House 61-33

Third Reading Votes: Senate 48-0; House 86-11

**HB 563 \* Emily Swanson**

*Subdivision Review Fees -- Deposit and Disbursement*

An act establishing an account in the state special revenue fund into which subdivision review fees must be deposited; authorizing the Department of Health and Environmental Sciences to spend money from the account to pay costs of implementing the subdivision review program; and providing an effective date and an applicability date.

Amending section 76-4-105, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 28-18; House 80-19

Third Reading Votes: Senate 27-22; House 77-23

**HB 643 \* Bob Gilbert**

*Land Parcel Greater than or Equal to 20 Acres Must Be Mainly for Agriculture to be in Ag Tax Class*

An act requiring that parcels of land of 20 acres or more must be used primarily for raising agricultural products in order to be classified as agricultural land for property tax purposes; requiring that land produce a certain amount of gross income per acre in order to be eligible for taxation as agricultural land; taxing parcels of nonagricultural land

of 20 acres or more at seven times the rate for grazing land; providing for an appropriation; and providing effective dates and an applicability date.

Amending sections 15-6-133, 15-6-144 and 15-7-202, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 33-15; House 58-38  
Third Reading Votes: Senate 32-17; House 56-44

Senate amended, House not concurred, 95-5.  
Free conference committee vote: Senate 28-21; House 65-32.

## **Failed**

### **SB 49 Don Bianchi**

*Redefining a County Road.*

An act redefining a county road.

Amending sections 7-14-2101 and 60-1-201, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 27-21  
Third Reading Votes: Senate 27-20

Tabled in House committee.

### **SB 50 Don Bianchi**

*Generally Revising County Road Laws*

An act revising the laws relating to county roads; providing for a primitive county road; and requiring a county to offer certain roads to other public agencies before the roads may be abandoned.

Amending sections 7-14-2101 and 7-14-2603, MCA.

Committee Hearings: Senate Local Government

Adverse Senate Committee report adopted 34-14.

Motion failed to reconsider adoption of adverse committee report, 21-27.

**SB 261 Steve Doherty**

*Subdivision Revision*

An act revising the Montana Subdivision and Platting Act; and providing an immediate effective date.

Amending sections 76-3-103, 76-3-104, 76-3-207, and 76-3-609, MCA; and repealing section 76-3-505, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 28-21

Third Reading Votes: Senate 28-22

Tabled in House committee.

**SB 324 Harry Fritz**

*Revise Restrictions on Annexation*

An act narrowing the restrictions on annexation of property wholly surrounded by a city to allow a city to annex wholly surrounded property that is used for any purpose except agriculture; and providing an immediate effective date.

Amending section 7-2-4503, MCA.

Committee Hearings: Senate Local Government

Senate adverse committee report adopted 40-10.

**SB 343 Bernie Swift**

*Subdivision and Platting Act Revision*

An act generally revising the Subdivision and Platting Act; establishing a right to sue local governments for violation of the Act; redefining divisions of land; establishing additional requirements for instruments of transfer; modifying local government subdivision review criteria; and modifying parkland dedication requirements.

Amending sections 7-16-2324, 76-3-102, 76-3-103, 76-3-105, 76-3-201, 76-3-207, 76-3-301, 76-3-302, 76-3-304, 76-3-401, 76-3-402, 76-3-403, 76-3-404, 76-3-405, 76-3-501, 76-3-504, 76-3-506, 76-3-507, 76-3-601, 76-3-603, 76-3-604, 76-3-605, 76-3-608, 76-3-609, 76-3-613, and 76-6-203, MCA; and repealing sections 76-3-104, 76-3-505, 76-3-606, and 76-3-607, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate committee.

**SB 364 David Rye**

*Restrict Certain Zoning Regulations*

An act prohibiting certain municipalities from enacting zoning provisions that regulate the number of persons who may reside in a dwelling based solely upon the relationship between the persons.

Amending section 76-2-303, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 34-16; House 54-42  
Third Reading Votes: Senate 29-19; House - failed, 35-64

Motion failed to reconsider previous action, 47-51.

**SB 437 Don Bianchi**

*Impose Tax on Certain Real Property Transfers and Provide Distribution*

An act imposing a tax on certain transfers of real property; providing for the distribution of the proceeds to counties and to incorporated areas to fund land use planning, zoning, and subdivision review functions of local governments and to the Department of Commerce for the promotion of the state as a place to retire; and providing an effective date.

Amending sections 15-7-301, 15-7-302, 15-7-303, 15-7-305, 15-7-306, 15-7-307, and 15-7-310, MCA; repealing section 15-7-311, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**HB 30 Jerry Driscoll**

*General Revision of Lakeshore Statutes*

An act generally revising the laws related to the management of lakeshores by local governments; authorizing jurisdiction over certain reservoirs; extending certain laws to include lakeshores; providing a civil penalty and remedy for violations of local lakeshore law; revising time periods for acting on a permit application; and providing for a lake advisory committee.

Amending sections 75-7-202, 75-7-203, 75-7-205, 75-7-211, 75-7-212, and 75-7-215, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: House 76-23  
Third Reading Votes: House 73-26

Tabled in Senate committee.

## **HB 218 Ray Brandewie**

### *Subdivision Reform*

An act generally revising the Montana Subdivision and Platting Act; increasing acreage to parcels containing less than 40 acres; providing for expedited review for minor subdivisions; revising dedicated land requirements; revising public interest criteria; and providing an immediate effective date and applicability dates.

Amending sections 76-3-103, 76-3-104, 76-3-207, 76-3-504, 76-3-605, 76-3-606, 76-3-608 and 76-3-609, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

## **HB 242 Emily Swanson**

### *Subdivision Revision*

An act generally revising the Montana Subdivision and Platting Act; eliminating the occasional sale exemption; limiting the immediate family exemption for agricultural producers; and providing an immediate effective date.

Amending sections 76-3-103, 76-3-104, and 76-3-207, MCA.

Committee Hearings: House Natural Resources

Tabled in House committee.

## **HB 280 Bob Gilbert**

### *Subdivision Revision*

An act generally revising the Montana Subdivision and Platting Act; clarifying the purpose of the act; redefining "subdivision" and certain other terms; removing the criminal penalty and instituting a civil penalty for violations; providing for actions against governing bodies; establishing clear guidelines for local government review of subdivisions; establishing criteria and a process for informational hearings; removing certain exemptions from subdivision review; and providing an immediate effective date and applicability dates.

Amending sections 7-16-2324, 76-3-102, 76-3-103, 76-3-105, 76-3-301, 76-3-501, 76-3-507, 76-3-601, 76-3-603, 76-3-608, 76-4-102, 76-4-125, and 76-6-203, MCA; repealing sections 76-3-104, 76-3-201, 76-3-202, 76-3-203, 76-3-204, 76-3-205, 76-3-206, 76-3-207, 76-3-208, 76-3-209, 76-3-210, 76-3-504, 76-3-505, 76-3-604, 76-3-605, 76-3-606, 76-3-607, 76-3-609, and 76-4-103, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: House 79-21  
Third Reading Votes: House 68-29

Tabled in Senate committee,  
Motion failed to take from table and place on second reading, 21-29.

### **HB 415 Dick Knox**

*Allow County Commissioners to Abandon Road by Resolution*

An act allowing a Board of County Commissioners to abandon a county road by resolution.

Amending sections 7-14-2103, 7-14-2601, 7-14-2603, and 7-14-2604, MCA.

Committee Hearings: House Local Government

Tabled in House Committee.

### **HB 589 Howard Toole**

*City to Pay Impact Fee to Fire District When Annexation Occurs*

An act requiring a municipality to reimburse a fire district for revenue lost as a result of annexation.

Committee Hearings: House Local Government

Tabled in House committee.

# Parks and Recreation

## Passed \*

### **SB 214 \* Jeff Weldon**

*Prohibit Vandalizing of Caves, Provide Penalty.*

An act prohibiting the vandalizing of caves; prohibiting the disturbance, destruction, or removal of cave materials, plant life, and animal life; prohibiting the sale of speleothems and speleogens; exempting a cave owner and the owner's authorized agents from certain liability connected with use of a cave; providing a penalty; and providing an immediate effective date.

Amending section 70-16-301, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 35-10; House 95-3  
Third Reading Votes: Senate 40-10; House 96-4

House amended, Senate concurred 41-0.

### **SB 355 \* Ethel Harding**

*Make Permanent the Boat Certificate Fee and Allocate Fee to the FWP for Boat Facilities*

An act making permanent the increase in fee for a motorboat certificate of number; allocating the fee increase to the Department of Fish, Wildlife and Parks to acquire and maintain marine sewage pumpout equipment and other boat facilities; and providing an effective date.

Amending section 23-2-512, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game

Second Reading Votes: Senate 41-5; House 62-36  
Third Reading Votes: Senate 44-5; House 56-40

**SJR 22 \* Bob Hockett**

*Resolution Urging Federal Support and Funding of Upper Missouri Visitor Center*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging continued federal support and funding of the visitor center of the Upper Missouri.

Committee Hearings: Senate State Administration  
House State Administration

Second Reading Votes: Senate 48-0; House 74-16  
Third Reading Votes: Senate 46-3; House 76-22

**SJR 27 \* Chris Christiaens**

*Urge Funding for Lewis and Clark Interpretive Center*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging Congress to fully fund completion of the Lewis and Clark National Historic Trail Interpretive Center near Great Falls, Montana.

Committee Hearings: Senate Business and Industry  
House State Administration

Second Reading Votes: Senate 48-0; House 87-11  
Third Reading Votes: Senate 45-4; House 70-26

**HB 281 \* Ed Grady**

*Generally Revise Snowmobile Laws*

An act generally revising the laws relating to snowmobiles; exempting racing snowmobiles from certification and registration requirements; providing for registration of a snowmobile owned and operated solely as a collector's item; and providing an immediate effective date.

Amending sections 23-2-602, 23-2-611, 23-2-615, 23-2-616, 23-2-619, 23-2-632, 23-2-634, 23-2-635, 23-2-641, 23-2-642 and 23-2-654, MCA.

Committee Hearings: Senate Highways and Transportation  
House Fish and Game

Second Reading Votes: Senate 48-0; House 54-44

Third Reading Votes: Senate 48-0; House 74-24

Senate amended, House concurred, 82-17.

**HB 314 \* Bob Raney**

*Montana Primitive Parks Act*

An act designating and establishing certain Montana state parks as primitive parks; limiting development in primitive parks, and eliminating user fees for Montana residents who visit primitive parks.

Committee Hearings: Senate Fish and Game  
House Fish and Game  
House Appropriations

Second Reading Votes: Senate 38-9; House 83-17

Third Reading Votes: Senate 41-7; House 74-25

**HB 337 \* Dave Brown**

*Create Nonresident Temporary Use Permit for Off-Highway Vehicles*

An act creating a nonresident temporary-use permit for off-highway vehicles; and providing for a fee.

Committee Hearings: Senate Highways and Transportation  
House Highways and Transportation

Second Reading Votes: Senate 36-6; House 93-6

Third Reading Votes: Senate 41-7; House 91-5

**HB 463 \* William Boharski**

*Allocate Percentage of Boat Fee in Lieu of Tax to MDFWP for Boat Facilities*

An act allocating a percentage of the boat fee in lieu of tax to the motorboat account in the state special revenue fund; requiring use of the fees by the Department of Fish, Wildlife and Parks for boating facilities under the control of the department; allowing use of the fees for matching available federal funds; creating the Boating Advisory Council and providing that costs associated with the Council be paid from the fees; providing that the members of the Council are not entitled to compensation or travel expenses; and providing an effective date and a termination date.

Amending section 23-2-518, MCA.

Committee Hearings:	Senate Local Government Senate Fish and Game House Local Government
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Second Reading Votes:	Senate 33-12; House 50-48
Third Reading Votes:	Senate 39-9; House 51-48

**HB 565 \* Diana Wyatt**

*Designate Charles M. Russell Trail*

An act establishing the Charles M. Russell Trail.

Committee Hearings:	Senate Highways and Transportation House Highways and Transportation
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Second Reading Votes:	Senate 48-0; House - placed on consent calendar, approved by voice vote
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Third Reading Votes:	Senate 48-0; House 96-3
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Senate amended, House concurred, 94-4.

**HB 679 \* Robert Clark**

*Revise Law Relating to Off-Highway Vehicle Use*

An act revising the law relating to off-highway vehicle use; allowing off-highway vehicles to cross public roads under certain conditions; establishing a standard of responsibility for off-highway vehicle operators; providing for off-highway vehicle safety training after 1994; and appropriating federal funds for off-highway vehicle safety training.

Amending sections 17-7-502, MCA.

Committee Hearings: Senate Highways and Transportation  
House Highways and Transportation

Second Reading Votes: Senate 49-0; House 91-8  
Third Reading Votes: Senate 44-5; House 87-11

Senate amended, House concurred, 90-8.

**HJR 16 \* Joe Quilici**

*Resolution Urging National Designation for Butte-Anaconda Area*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging the United States Congress and pertinent federal agencies to recognize the significant historic, mining, smelting, labor, and cultural resources of the Anaconda-Butte region of Montana through appropriate national designation.

Committee Hearings: Senate Business and Industry  
House Labor and Employee Relations

Second Reading Votes: Senate 40-0; House 94-3  
Third Reading Votes: Senate 48-0; House 93-4

**HJR 23 \* Floyd Gervais**

*Resolution Urging Glacier Park Inc. and the Park Service to Support Local Economy*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging the National Park Service of the United States Department of the Interior and Glacier Park Incorporated to support Glacier County's local economy.

Committee Hearings: Senate Business and Industry  
House State Administration

Second Reading Votes: Senate 42-0; House 96-3  
Third Reading Votes: Senate 48-0; House 95-3

## **Failed**

### **HB 326 Red Menahan**

#### *Recreational Land Property Tax*

An act defining "recreational land" for purposes of taxation; setting the tax rate applicable to recreational land at the rate generally applicable to property in class four; and providing an applicability date.

Amending sections 15-1-101, 15-6-134, 15-6-144, and 15-7-202, MCA.

Committee Hearings: House Taxation

Tabled in House committee.

### **HB 362 Francis Bardanouve**

#### *Pop Tax to Fund State Parks*

An act imposing a tax on the sale of soft drinks for the acquisition, development, operation, and maintenance of state parks; providing penalties; and providing effective dates.

Committee Hearings: House Taxation

Tabled in House committee.

**HB 480 Hal Harper**

*Establish State Parks Maintenance Trust with Percentage of RIT Fund Revenue*

An act allocating a portion of Resource Indemnity Trust Fund Revenue, once the \$100 million fund balance is reached, for acquisition and maintenance of state parks; establishing the state parks maintenance trust fund; allowing expenditure of trust fund interest income to the Department of Fish, Wildlife, and Parks for state parks acquisition and maintenance, subject to approval of a long-range comprehensive plan for Montana state parks and to legislative appropriation; and providing an immediate effective date.

Amending section 15-38-202, MCA.

Committee Hearings: House Appropriations

Second Reading Votes: House - failed, 46-54

Motion failed to put back on second reading, 45-54.

**HB 542 Richard Simpkins**

*Funding Mechanism for Lewis and Clark Interpretive Center*

An act authorizing the Department of Commerce to enter into a contract for funding the Lewis and Clark National Historic Trail interpretive center; providing contingencies to be contained in the contract; and providing an effective date.

Committee Hearings: House State Administration

Missed transmittal deadline.

# State and Public Lands

## Passed \*

### **SB 424 \* Chet Blaylock**

*Require Land Board to Attain Full Market Value on School Trust Land Leases*

An act requiring the Board of Land Commissioners to attain full market value for leases on state school trust lands; eliminating the recreational use license administrative surcharge; requiring the value of improvements to be based on actual costs; requiring the Board of Land Commissioners to comply with the Montana Administrative Procedure Act in setting rates and fees; establishing an Advisory Council to assist the Board of Land Commissioners in setting rates and fees; and providing an effective date and applicability dates.

Amending sections 77-1-208, 77-1-209, 77-1-802, 77-6-202, 77-6-205, 77-6-302, 77-6-305, 77-6-306, 77-6-502, 77-6-507, and 77-6-508, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 34-15; House 88-11  
Third Reading Votes: Senate 32-18; House 90-10

House amended, Senate concurred 39-0.

### **HB 197 \* Joe Quilici**

*Designate Silver Bow and Deer Lodge Counties as Cultural Heritage Area*

An act designating Silver Bow County and Deer Lodge County as a cultural heritage area; requiring the Department of Transportation, as funds become available, to erect and maintain signs identifying the cultural heritage area; and providing a statutory appropriation.

Amending section 17-7-502, MCA.

Committee Hearings: Senate Highways and Transportation  
House Highways and Transportation

Second Reading Votes: Senate 44-4; House 92-6  
Third Reading Votes: Senate 43-6; House 94-6

Senate amended, House concurred, 91-9.

**HB 266 \* Scott Orr**

*Eliminating the Sale of Alternate Lots at State Land Sales*

An act eliminating the requirement that subdivided state land be sold in alternate lots at regular land sales; generally clarifying statutory language; and providing an immediate effective date.

Amending section 77-2-312, MCA.

Committee Hearings: House State Administration  
Senate Natural Resources

Second Reading Votes: Senate 48-0; House 88-9  
Third Reading Votes: Senate 47-0; House 86-12

**HB 528 \* Carley Tuss**

*Community and Urban Forestry Act of 1993*

An act establishing a community and urban forestry program; and creating a special revenue account.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 43-4; House - placed on consent  
calendar, approved by voice vote  
Third Readings Votes: Senate 42-6; House 90-7

**HB 642 \* Bob Raney**

*Allocate Portion of "Bed Tax" for State Park Maintenance Projects*

An act diverting a portion of the proceeds from the lodging facility use tax to the Department of Fish, Wildlife and Parks for park maintenance; and providing an effective date.

Amending section 15-65-121, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 47-0; House 80-20  
Third Reading Votes: Senate 44-4; House 77-23

Senate amended, House concurred, 78-22.

**Failed**

**HB 183 William Endy**

*Require State Land Lessee to Mark Boundary of Lease; Department to Furnish Signs*

An act requiring state land lessees to mark the boundaries of certain leaseholds; requiring the Department of State Lands to provide appropriate signs; and allowing the department to include the cost of providing signs in new or renewal lease provisions on a one-time basis.

Amending section 77-1-203, MCA.

Committee Hearings: House Agriculture, Livestock and Irrigation

Tabled in House committee.

Motion failed to take from committee and place on second reading, 47-52.

**HB 205 Ed Dolezal**

*Eliminate Recreational Use License Required for Use of State Lands*

An act revising the law regarding recreational access to state lands by eliminating the recreational use license; and providing an immediate effective date.

Amending sections 77-1-808, 87-1-504 and 87-1-601, MCA; repealing sections 77-1-801 and 77-1-802, MCA.

Committee Hearings: House Natural Resources

Tabled in House committee.

**HB 352 Brad Molnar**

*Generally Revise State Land Leasing and Recreational Use Provisions*

An act generally revising the state lands leasing process and laws applicable to the recreational use of state lands; granting certain privileges and prohibiting certain activities applicable to recreational use of state land; eliminating the recreational license; clarifying the rulemaking authority of the Board of Land Commissioners and the Commissioner of State Lands with regard to state land closure; eliminating the bid preference on state land leases; and revising bid advertising provisions and setting a bid package cost.

Amending sections 17-7-502, 77-1-101, 77-1-203, 77-1-804, 77-6-116, 77-6-202, 77-6-205, 77-6-208, 77-6-212, 87-1-504 and 87-1-601, MCA; and repealing sections 77-1-801, 77-1-802, 77-1-806, 77-1-808, 77-1-809 and 77-1-810, MCA.

Committee Hearings: House Natural Resources

Tabled in House committee.

**HB 353 Dave Wanzenried**

*Provide for Recreational Leases for Certain School Trust Lands*

An act specifying the fee to be charged by the Department of State Lands for certain recreational leases.

Committee Hearings: House Taxation

Tabled in House committee.

**HB 354 Hal Harper**

*Revise State Park Policy Re: Significant Improvements or Development*

An act revising the state park and fishing access site development policy to specify what improvements or developments are considered to be significant changes requiring public involvement.

Amending section 23-1-110, MCA.

Committee Hearings: House Fish and Game

Tabled in House committee.

**HB 407 Ed Dolezal**

*Revise Definition of Recreational Use of State Land, Remove Fee, Require Posting*

An act revising the definition of general recreational use as applied to the recreational use of state lands; eliminating the recreational use license; and requiring the Department of State Lands to mark the boundaries of certain state land leaseholds.

Amending sections 77-1-101, 77-1-808, 87-1-504, and 87-1-601, MCA; and repealing sections 77-1-801 and 77-1-802, MCA..

Committee Hearings: House Natural Resources

Tabled in House committee.

Motion failed to take from committee and place on second reading, 46-53.

**HB 607 Jim Elliott**

*Allow Lease of State Land to FWP for Public Recreation Area or Campsite*

An act allowing the Department of State Lands to lease certain state lands to the Department of Fish, Wildlife, and Parks for public recreation areas or public campsite



## Land Use - Other

### Passed \*

#### **SB 189 \* Steve Doherty**

*Require Current Taxes to be Paid before Property Split or Combined*

An act requiring that current and delinquent taxes be paid before real property may be split or combined and before a division or merger of real property may be recorded; and eliminating the requirement that the Department of Revenue and the county treasurer keep records of the separation of the taxes between the portion of the property being sold and the remaining parcels.

Amending sections 7-4-2613, 15-8-702, and 76-3-207, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 49-0; House 97-3  
Third Reading Votes: Senate 50-0; House 91-7

House amended, Senate concurred 50-0.

### Failed

#### **SB 415 Harry Fritz**

*Prohibit Most Outdoor Advertising*

An act prohibiting the indiscriminate use of outdoor advertising along the highways on Montana; providing certain exemptions; providing compensation for owners of prohibited signs; and providing an immediate effective date.

Amending sections 60-5-514 and 60-5-522, MCA; repealing sections 75-15-101, 75-15-102, 75-15-103, 75-15-104, 75-15-105, 75-15-111, 75-15-112, 75-15-113, 75-15-121, 75-15-122, 75-15-123, 75-15-124, 75-15-132, 75-15-133 and 75-15-134, MCA.

Committee Hearings:

Senate Highways and Transportation

Tabled in Senate committee.

**HB 447 Emily Swanson**

*Taxation of Rural Residential Property*

An act taxing nonagricultural and nonforest rural residential property consisting of between 5 and 80 acres located outside a city or town at one-half the rate of class four property; providing that residential improvements and 1 acre of land under the residential improvements are not classified as rural residential property; increasing the minimum agricultural income for small acreages from \$1,500 to \$3,000 and requiring annual certification of that amount; providing that land must include at least 80 acres for it to be automatically classified as agricultural land; increasing the minimum acreage automatically qualifying as forest land from 15 to 80 acres; requiring at least \$3,000 of forest income for land totaling less than 80 acres to qualify as forest land; and providing an applicability date.

Amending sections 15-1-101, 15-6-134, 15-7-202, and 15-44-102, MCA.

Committee Hearings:

House Taxation

Tabled in House committee.

**HB 450 Linda Nelson**

*Clarify that Noncontiguous Land is Eligible for Agricultural Classification*

An act clarifying that noncontiguous parcels of land totalling less than 20 acres that are an integral part of an agricultural enterprise are eligible for taxation as agricultural land; and providing an applicability date.

Amending section 15-7-202, MCA.

Committee Hearings:

House Taxation

Tabled in House committee.

# Mineral Development

## Exploration, Operation, Reclamation

### Passed \*

#### **SB 104 \* Del Gage**

*Revise Oil and Gas Spacing and Pooling Laws*

An act revising the law governing the pooling and spacing of oil and gas wells; providing for temporary and permanent spacing or pooling; and providing for recovery of costs.

Amending sections 82-11-201 and 82-11-202, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 46-1; House 85-6  
Third Reading Votes: Senate 42-0; House 87-13

#### **SB 248 \* Bill Yellowtail**

*Remove Surface Owner Consent for Strip-Mining*

An act eliminating the requirement that a surface owner of property consent to commencement of strip-mining operations by the owner of the mineral estate in the property.

Repealing section 82-4-224, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 26-22; House 66-33  
Third Reading Votes: Senate 26-24; House 52-47

**SB 320 \* Henry McClernan**

*Metal Mine Act Revisions*

An act providing a time limit in which to challenge Board of Land Commissioners' Mining decisions; allowing the award of costs and attorney fees for challenges; extending the completeness review period for applications for new permits; defining and providing criteria for amendments to mine permits; and providing an immediate effective date.

Amending sections 82-4-303, 82-4-337 and 82-4-351, MCA.

Committee Hearings: Senate Natural Resources  
House Business and Economic Development

Second Reading Votes: Senate 50-0; House 64-34  
Third Reading Votes: Senate 44-4; House 64-36

House amended, Senate concurred, 27-22.

**SJR 28 \* Steve Doherty**

*Legislative Audit Request -- Hard Rock Bureau*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting the Legislative Auditor to conduct a performance audit of the Hard Rock Bureau, Reclamation Division, Department of State Lands; requesting the Legislative Auditor to include a detailed analysis of certain Bureau functions in the Auditor's scheduled biennial financial compliance audit of the Bureau; and requiring that a report of the results of both the performance and financial audits be submitted to the 54th Legislature.

Committee Hearings: Senate Natural Resources  
House State Administration

Second Reading Votes: Senate 49-0; House 92-4  
Third Reading Votes: Senate 40-9; House 86-13

**HB 171 \* Marian Hanson**

*Revision of the Montana Strip and Underground Mine Reclamation Act*

An act amending the Montana Strip and Underground Mine Reclamation Act to comply with federal law and regulations; amending the definition of "prospecting"; expanding the authority to deny a permit on federal land or based on current violations; and prohibiting coal mining on certain federal lands.

Amending sections 82-4-203, 82-4-226 and 82-4-227, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 91-6  
Third Reading Votes: Senate 47-0; House 86-10

**HB 288 \* Gary Feland**

*Revision of the Requirements for Oil and Gas Operations*

An act generally revising the requirements for oil and gas operations; requiring the filing of geological sample logs, mud logs, core descriptions, and ordinary core analysis, if any are made; clarifying that the entire bond may be forfeited; and providing an immediate effective date and for retroactive applicability.

Amending section 82-11-123, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 85-9  
Third Reading Votes: Senate 47-0; House 87-7

Senate amended, House concurred, 87-12.

**HB 442 \* Dick Knox**

*Generally Revising the Metal Mine Reclamation Act*

An act generally revising the Montana Metal Mine Reclamation laws; providing a process for amendment of operating permits; revising the initial review period for applications for operating permits; and strengthening enforcement and bonding mechanisms.

Amending sections 82-4-305, 82-4-331, 82-4-335, 82-4-337, 82-4-338, and 82-4-362, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 37-12; House 98-0  
Third Reading Votes: Senate 39-9; House 100-0

Senate amended, House not concurred, 80-19.  
Free conference committee report adopted: Senate 48-0; House 75-24.

**Failed**

**SB 171 Mike Halligan**

*Clarify Confidential Mining Permit Application Material*

An act requiring the Department of State Lands to release information obtained from applications for mineral exploration licenses or from small miners unless the demands of individual privacy clearly exceed the merits of public disclosure; and providing an immediate effective date.

Amending section 82-4-306, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 30-15  
Third Reading Votes: Senate 38-11

Tabled in House committee.

**SB 413 Steve Doherty**

*Metal Mine Permits - Limits*

An act limiting the period for which a metal mine permit is valid; establishing a due diligence test for permit renewal or other permit modification; and providing an immediate effective date and an applicability provision.

Amending section 82-4-335, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee.

## Mineral Development/Other

**Passed \***

**SB 294 \* Tom Keating**

*Defining the Terms "Coal", "Gas", and "Oil", and Clarifying "Hydrocarbons"*

An act defining "coal", "gas", and "oil"; clarifying that the definition of "gas" in the act also applies to Title 15; and clarifying the nature of hydrocarbon gases found in coal formations.

Amending sections 15-1-101 and 82-11-101, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 48-0; House 92-8
Third Reading Votes:	Senate 50-0; House 92-7

# Solid Waste and Hazardous Materials Management

## Hazardous Materials Management

### Passed \*

#### **SB 196 \* Gerry Devlin**

##### *11,000 Gallon Underground Storage Tank Exemption*

An act exempting noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity from the closure requirements of the Montana Hazardous Waste and Underground Storage Tank Act; and providing an immediate effective date and a termination date.

Amending sections 75-11-209 and 75-11-212, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 35-15; House 66-33  
Third Reading Votes: Senate 40-10; House 66-33

#### **SB 228 \* Barry Stang**

##### *Assessing a Storage Tank Cleanup Fee for Petroleum Products*

An act expanding the categories of petroleum products for which a petroleum storage tank cleanup fee is assessed; defining the terms "aviation gasoline", "distributor", "export", "exporter", "heating oil", "import", and "special fuel"; and providing an effective date and an applicability date.

Amending sections 75-11-302 and 75-11-314, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 37-10; House 73-25  
Third Reading Votes: Senate 38-12; House 77-22

House amended, Senate concurred 50-0.

**SB 284 \* Jeff Weldon**

*Underground Tank Installer Permit*

An act extending permit authority of the Department of Health and Environmental Sciences to any person who installs, repairs, modifies, or closes an underground storage tank system; extending the permit obligation to the installation, repair, or modification of external leak detection devices and cathodic protection systems; clarifying the applicability of underground storage tank law to all parts of underground storage tank systems; clarifying the applicability of underground storage tank systems; and providing an immediate effective date and an applicability date.

Amending sections 75-11-202, 75-11-203, 75-11-204, 75-11-209, 75-11-210, 75-11-211, 75-11-212, 75-11-213, 75-11-217, 75-11-218, 75-11-220, and 75-11-224, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 24-23; House 84-11  
Third Reading Votes: Senate 30-19; House 81-19

**SB 334 \* Tom Beck**

*Establish Pesticide and Pesticide Container Disposal and Recycling Program*

An act increasing pesticide applicator and dealer license fees and designating the revenue to a waste pesticide and pesticide container collection, disposal, and recycling program; increasing farm pesticide applicator fees and allocating the revenue to educational and training programs; providing that the Department of Agriculture may establish standards for pesticide storage, pesticide mixing or loading sites, and bulk pesticide facilities; allowing the use of cancelled pesticides under certain conditions; changing farm applicator qualification standards to purchase and use restricted-use

pesticides; allowing for certain local government regulation of pesticides; and providing effective dates and a termination date.

Amending sections 80-8-105, 80-8-111, 80-8-201, 80-8-203, 80-8-205, 80-8-207, 80-8-209 and 80-8-213, MCA.

Committee Hearings: Senate Natural Resources  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 43-6; House 62-38  
Third Reading Votes: Senate 46-2; House 71-26

House amended, Senate concurred 50-0.

**SB 393 \* Harry Fritz**

*Model School Integrated Pest and Pesticide Management Safety Program Act*

An act adopting the Model School Integrated Pest and Pesticide Management Safety Program Act.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Adverse senate committee report adopted, 38-12.  
Reconsidered and placed on second reading, 49-0.

Second Reading Votes: Senate 49-0; House 87-11  
Third Reading Votes: Senate 47-1; House 88-10

**HB 401 \* Mike Kadas**

*A Loan Appropriation for the Clark Fork Natural Resource Damage Claim*

An act authorizing the issuance of a loan to the Department of Health and Environmental Sciences from the coal severance tax permanent fund to be appropriated for technical, legal, and administrative activities for the state of Montana natural resource damage litigation in the Clark Fork River Basin and other potential sites in the state; reauthorizing the 1992-93 biennium interentity loan from the general fund as a loan from the coal severance tax permanent fund; extending repayment of the loans through the 1995 biennium in accordance with section 17-2-107, MCA; requiring an

irrevocable agreement to repay the coal severance tax permanent fund from any amount recovered in the litigation; and providing an effective date.

Amending section 17-6-310, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 47-0; House 80-20  
Third Reading Votes: Senate 45-3; House 81-18

Senate amended, House concurred 78-21.

### **HB 417 \* Rolph Tunby**

#### *Authority for Administrative Penalties for Underground Storage Tank Violations*

An act providing for the assessment of administrative penalties under the Montana Hazardous Waste and Underground Storage Tank Act; providing rulemaking authority to adopt an administrative penalty schedule and a system for assessment of administrative penalties, notice, and appeals; providing for penalty funds to be paid into the state general fund; providing for appropriations from the Department of Health and Environmental Sciences' Underground Storage Tank Special Revenue Account for the purpose of supporting the department's administrative penalty program; and providing an immediate effective date and an applicability date.

Amending sections 75-10-405, 75-10-413 and 75-10-447, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 26-23; House 70-28  
Third Reading Votes: Senate 27-23; House 68-31

### **HB 423 \* Bob Gilbert**

#### *Clarifying the Petroleum Tank Release Board's Hearing Requirements*

An act clarifying the Petroleum Tank Release Compensation Board hearing requirements for reimbursement of eligible costs.

Amending section 75-11-309, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 97-0  
Third Reading Votes: Senate 45-3; House 98-2

**HB 512 \* Bob Gilbert**

*Financial Incentive for Installation of Double-Walled Petroleum Tanks*

An act requiring the Petroleum Tank Release Compensation Board to reimburse eligible expenses for accidental petroleum releases from properly installed double-walled tank systems at the rate of 100 percent; and providing an immediate effective date and an applicability date.

Amending sections 75-11-301, 75-11-302, 75-11-307, 75-11-308 and 75-11-309, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 100-0  
Third Reading Votes: Senate 45-3; House 99-0

**HB 666 \* David Wanzenried**

*Revise Statutory Appropriation for the Petroleum Tank Release Cleanup Fund*

An act eliminating the statutory appropriation for the petroleum tank release cleanup fund; and providing an effective date.

Amending sections 17-7-502 and 75-11-313, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 49-0; House 84-16  
Third Reading Votes: Senate 48-1; House 83-15

## **Failed**

### **SB 158 Jack Rea**

#### *Prohibition on Use of and Labeling Required for Certain Types of Cement*

An act prohibiting the purchase or use by state government of cement that contains hazardous waste or cement that is produced through a process that burns hazardous waste; requiring the labeling of such cement; and providing an immediate effective date.

Committee Hearings: Senate Natural Resources

Tabled in Senate committee.

### **HB 212 Fritz Daily**

#### *Immediate Response to Hazardous Release*

An act requiring immediate action to contain, remove, and abate a release of a hazardous or deleterious substance at certain sites to prevent aquifer contamination.

Amending sections 75-5-103, 75-5-601, 75-5-605, 75-10-704, 75-10-711, 75-10-712, 75-10-714 and 75-10-715, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

Motion failed to take from table and place on second reading, 47-48.



**HB 592 \* Duane Grimes**

*Hazardous Waste Management Permit Fees*

An act establishing hazardous waste management permit fees; establishing an account in the state special revenue fund; and providing an immediate effective date and a retroactive applicability date.

Amending section 75-10-405, MCA.

Committee Hearings: Senate Natural Resources  
House Taxation

Second Reading Votes: Senate 31-16; House 68-31  
Third Reading Votes: Senate 32-17; House 74-24

**HJR 11 \* Fritz Daily**

*Support for NEWTTEC in Butte*

A joint resolution of the Senate and the House of Representatives of the state of Montana recognizing and urging continued support for the National Environmental Waste Technology Center in Butte.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 42-0; House 96-3  
Third Reading Votes: Senate 48-0; House 96-2

**Failed**

**SB 338 Bill Yellowtail**

*Dangerous Waste Siting Act*

An act defining and establishing siting criteria for commercial dangerous waste incineration facilities; and providing an immediate effective date and an applicability date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 25-24  
Third Reading Votes: Senate 22-28

Senate reconsidered previous action and placed again on third reading.

Third Reading Votes: Senate 25-24

Died in House committee.

3/30 Motion failed to take from committee and place on second reading, 45-53.

4/01 Motion failed to take from committee and place on second reading, 45-53.

4/22 Motion failed to take from committee and place on second reading, 47-53.

### **SB 339 Cecil Weeding**

#### *Referendum on Licensing of Megalandfills/Certain Dangerous Waste Facilities*

An act providing for a local referendum on the licensing of a megalandfill or dangerous waste facility; and providing an immediate effective date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 30-19; House 65-34  
Third Reading Votes: Senate 31-18; House 71-28

House amended, Senate concurred 50-0.

Vetoed by Governor.

Veto override motion failed, 61-38.

# Solid Waste

## Passed \*

### **SB 67 \* Bill Yellowtail**

#### *Solid Waste Housekeeping Bill*

An act revising the laws related to the powers and duties of the department of health and environmental sciences and to the disposition of fees for solid waste management; and providing an effective date.

Amending sections 75-10-104, 75-10-105, 75-10-112, 75-10-116, and 75-10-117; and repealing section 75-10-218, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 31-18; House 80-18  
Third Reading Votes: Senate 32-17; House 83-13

Governor amended: Senate concurred 49-0; House concurred 92-7.

### **SB 319 \* Bob Hockett**

#### *Exempt Container Sites from Definition of Solid Waste Management System*

An act exempting container sites from the definition of a solid waste management system; and providing an effective date.

Amending sections 75-10-103, 75-10-112, and 75-10-203, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 48-0; House 90-3  
Third Reading Votes: Senate 50-0; House 94-5

**HB 64 \* Ed Grady**

*Require DHES to Establish a Fee on the Disposal of Out-of-state Waste*

An act delaying the effective date of the law establishing a solid waste management fee on waste generated out of state; requiring the Department of Health and Environmental Sciences to adopt rules to establish a fee on the disposal or incineration of solid waste generated outside Montana; limiting the length of time the fee is applicable to solid waste incinerators and certain solid waste disposal facilities; and providing an effective dates.

Amending sections 75-10-118, 75-10-204, and 75-10-206, MCA; and Section 8, Chapter 398, Laws of 1991.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 64-34  
Third Reading Votes: Senate 45-1; House 69-27

**HB 414 \* Vernon Keller**

*Amend Bonding Authority for Solid Waste Management Systems*

An act amending the bonding authority for solid waste management districts; and providing an effective date.

Amending sections 7-13-236 and 7-13-308, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 49-0; House 98-0  
Third Reading Votes: Senate 47-0; House 98-1

**HB 454 \* Randy Vogel**

*An Act Amending the Megalandfill Siting Act*

An act amending the Megalandfill Siting Act; and clarifying the definition of megalandfill.

Amending sections 75-10-903, 75-10-921 and 75-10-950, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 57-42  
Third Reading Votes: Senate 45-3; House 58-38

**HB 519 \* Beverly Barnhart**

*Clarify Tax Provisions on Recycled and Reclaimed Materials*

An act clarifying the definition of recycled material that is eligible for a deduction from taxable income; providing that a tax credit for deductible equipment used in reclaiming material may also be claimed for reclaiming certain material generated by the taxpayer; and providing a retroactive applicability date.

Amending sections 15-32-601 and 15-32-603, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 48-0; House 87-11  
Third Reading Votes: Senate 46-3; House 85-14

Senate amended, House concurred, 89-10.

**HB 532 \* Rolph Tunby**

*Provide Exceptions to the Moratorium on the Importation of Solid Waste*

An act providing exceptions to the moratorium on importation of solid waste; and providing an immediate effective date.

Amending section 75-10-209, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 65-33  
Third Reading Votes: Senate 46-2; House 69-29

Senate amended, House concurred 61-39.

## **Failed**

### **HB 385 Richard Simpkins**

#### *Business Selling Junk Car for Metal Recovery not Vehicle Wrecking Facility*

An act excluding a facility in the business of reselling junk vehicles exclusively for metal recovery from the licensing requirements for and definition of a motor vehicle wrecking facility.

Amending sections 75-10-501 and 75-10-511, MCA.

Committee Hearings: House Highways and Transportation  
Tabled in House committee.

### **HB 434 Tim Whalen**

#### *Extend Moratorium on Importation of Solid Waste*

An act extending the moratorium on the interstate transport of solid waste until the Board and Department of Health and Environmental Sciences have adopted rules implementing the Montana Megalandfill Siting Act; providing an exception to the moratorium; and providing an immediate effective date.

Amending section 75-10-209, MCA.

Committee Hearings: House Natural Resources

Missed transmittal deadline.

### **HB 457 Stella-Jean Hansen**

#### *Recycling of Lead Acid Batteries*

An act requiring the recycling of lead-acid batteries; prohibiting the land disposal of lead-acid batteries; establishing a \$10 deposit on the sale of a new lead-acid battery if a

used lead-acid battery is not returned; and requiring lead-acid battery retailers to display a notice.

Committee Hearings:

House Natural Resources

Tabled in House committee.

# Taxation of Minerals and Allocation of Mineral Revenues

## Coal Severance Tax Rates

### Failed

#### **HB 360 Bob Bachini**

*Constitutional Amendment to Cap Coal Severance Tax Trust Fund at \$500 Million for 10 Years*

An act submitting to the qualified electors of Montana an amendment to Article IX, Section 5, of the Constitution of the State of Montana to cap the coal severance tax trust fund in the amount of \$500 million for 10 years.

Committee Hearings: House Taxation

Tabled in House committee.

#### **HB 444 Bob Pavlovich**

*Constitutional Amendment to Reduce Coal Tax Trust Deposit to 25%, 25% to Schools and Building Maintenance*

An act submitting to the qualified electors of Montana an amendment to Article IX, Section 5, of the Montana Constitution to reduce the percentage of coal severance taxes that is required to be paid into the permanent trust fund from one-half to one-fourth and to require one-fourth of coal severance taxes to be dedicated to school finance and maintenance of state-owned buildings; and providing an effective date.

Committee Hearings: House Taxation

Tabled in House committee.





**SB 311 \* Greg Jergeson**

*Definition and Effect of Oil and Gas Division Order*

An act defining a division order for the distribution of oil or gas proceeds; establishing certain terms required to be in a division order; and providing that terms of a division order that conflict with the underlying lease are invalid.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 50-0; House 100-0

Third Reading Votes: Senate 50-0; House 99-0

House amended, Senate not concurred, 50-0.

Free conference committee report adopted: Senate 49-0; House 97-2.

**HB 382 \* Mike Foster**

*Establish Value of Limestone for Net Proceeds Taxes and RITT*

An act establishing the value of limestone mined for the production of quicklime for net proceeds property tax purposes and for Resource Indemnity Trust Tax purposes; establishing a specific Resource Indemnity Trust tax rate for limestone; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-6-131, 15-8-111, 15-23-103, 15-23-106, 15-23-115, 15-23-502, 15-23-503, 15-23-521, 15-38-103 and 15-38-104, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 33-11; House 95-0

Third Reading Votes: Senate 44-4; House 98-0

**HB 490 \* Scott Orr**

*State Gasoline Tax on All Gasoline Imported into State*

An act providing that the state gasoline tax is imposed upon all gasoline imported into Montana; and defining "importer".

Amending sections 15-70-201, 15-70-202, 15-70-204, 15-70-209 and 15-70-221, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 49-0; House 94-4  
Third Reading Votes: Senate 48-1; House 93-6

### **HB 688 \* Larry Hal Grinde**

*Extended Depth Auger Mining is Distinct Mining Method for Taxation Purposes*

An act providing that the extended depth auger method of mining coal is a distinct method of mining for purposes of taxation; defining the extended depth auger method of mining for taxation purposes; establishing severance tax rates for extended depth auger mining; and providing an effective date and a termination date.

Amending sections 15-35-102, and 15-35-103, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 47-1; House 69-31  
Third Reading Votes: Senate 45-3; House 65-33

Senate amended, House concurred, 70-28.

## **Failed**

### **SB 102 Del Gage**

*Uniform Dormant Mineral Interest Act*

An act adopting the Uniform Dormant Minerals Interests Act; providing for the termination of certain dormant mineral rights; and providing for a procedure for the protection and preservation of mineral rights.

Committee Hearings: Senate Natural Resources  
Tabled in Senate committee.

**SB 144 Del Gage**

*Exempt Oil and Gas from RITT, Impose Tax for Oil and Gas Damage Litigation*

An act exempting oil and gas production from the Resource Indemnity and Ground Water Assessment Tax; imposing a tax not to exceed 1/2 of 1 percent on the market value of oil and natural gas production; depositing the proceeds of the tax into the oil and gas production damage mitigation account; and providing a delayed effective date.

Amending sections 15-38-103, 15-38-105, 15-38-113, 15-38-121, 15-38-202, 82-11-132, 82-11-133, 82-11-135, and 82-11-161, MCA.

Committee Hearings: Senate Taxation

Adverse committee report adopted, 33-11.

**SB 148 Del Gage**

*Revise Allocation of Resource Indemnity Tax Proceeds*

An act requiring that 25 percent of the Resource Indemnity and Ground Water Assessment Tax be paid to the Oil and Gas Production Mitigation Account; deleting certain other income from the account; and providing an immediate effective date.

Amending sections 15-38-106, 15-38-202, and 82-11-161, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**SB 431 Gary Aklestad**

*Tax Liquefied Gas and Compressed Gas at Percentage of Gas Tax*

An act revising the taxation of liquefied petroleum gas and compressed natural gas for use in motor vehicles; imposing a tax on liquefied petroleum gas and compressed natural gas as sold for use in motor vehicles based on a percentage of the gasoline license tax; requiring licensure of liquefied petroleum gas dealers and compressed natural gas dealers; allowing owners or operators of certain motor vehicles to pay a license tax fee in lieu of the tax on liquified petroleum gas; allowing the Department of Transportation to appoint agents to sell license tax fee certificates; eliminating the

requirement that nonresidents operating vehicles powered by liquified petroleum gas purchase a temporary trip permit; and providing a delayed effective date.

Amending sections 15-70-104, 15-70-121, 15-70-301, 15-70-322, 15-71-101, and 61-12-206, MCA; repealing section 15-71-102, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 49-0  
Third Reading Votes: Senate 46-2

Tabled in House committee.

Motion failed to take from table and place on second reading, 50-42.

### **HB 322 Gary Feland**

#### *Exempt First 3 Barrels a Day of Stripper Oil from State Severance Tax*

An act exempting the first three barrels a day of stripper oil production from the state severance tax if the average price per barrel of oil received during a calendar quarter is less than \$25; and providing a delayed effective date and an applicability date.

Amending sections 15-36-101 and 15-36-121, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 34-15; House 56-37  
Third Reading Votes: Senate 39-10; House 64-35

Senate amended, House not concurred, 74-23.

Free conference committee appointed.

Died in process.



Second Reading Votes:  
Third Reading Votes:

Senate 46-2; House 60-38  
Senate 47-1; House 63-35

**HB 401 \* Mike Kadas**

*A Loan Appropriation for the Clark Fork Natural Resource Damage Claim*

An act authorizing the issuance of a loan to the Department of Health and Environmental Sciences from the coal severance tax permanent fund to be appropriated for technical, legal, and administrative activities for the state of Montana natural resource damage litigation in the Clark Fork River Basin and other potential sites in the state; reauthorizing the 1992-93 biennium interentity loan from the general fund from as a loan from the coal severance tax permanent fund; extending repayment of the loans through the 1995 biennium in accordance with section 17-2-107, MCA; requiring an irrevocable agreement to repay the coal severance tax permanent fund from any amount recovered in the litigation; and providing an effective date.

Amending section 17-6-310, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:  
Third Reading Votes:

Senate 47-0; House 80-20  
Senate 45-3; House 81-18

Senate amended, House concurred 78-21.

**HB 663 \* Hal Harper**

*Appropriation for Treasure State Endowment Projects*

An act appropriating money to the Department of Commerce and the Department of Natural Resources and Conservation for grants and loans under the Treasure State Endowment Program; authorizing grants and loans from the treasure state endowment special revenue account; placing conditions upon grants and loans; authorizing the issuance of treasure state endowment bonds to fund grants; authorizing the creation of a state debt; and providing an immediate effective date.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 45-0; House 88-6  
Third Reading Votes: Senate 47-0; House 92-6

Senate amended, House concurred, 77-22.

**HB 687 \* Jim Elliott**

*Allocate Percentage of Coal Tax to FWP for Certain State Park Use; Appropriation*

An act temporarily allocating a percentage of the coal severance tax to a special revenue account for use by the Department of Fish, Wildlife, and Parks for the stabilization and preservation of historic and cultural sites within the state park system; providing an appropriation; and providing an effective date and a termination date.

Amending section 15-35-108, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 36-13; House 65-34  
Third Reading Votes: Senate 35-14; House 66-33

Senate amended, House concurred, 69-30.

**Failed**

**SB 245 John Harp**

*Divert Coal Tax to General Fund*

An act diverting money that would otherwise be deposited in the Coal Severance Tax Permanent Fund to the General Fund; and providing an effective date.

Amending section 17-5-703, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**SB 382 Cecil Weeding**

*Allocating a Portion of Coal Severance Taxes to Eastern Coal Counties Tax Force*

An act allocating to the Coal Board, for the exclusive purpose of funding ongoing drug investigation activities conducted by the Department of Justice and the Eastern Coal Counties Task Force, a portion of the coal severance tax currently allocated to the local impact account; and providing an effective date.

Amending section 15-35-108, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate committee.

**SB 402 Tom Towe**

*Provide for Sale of Treasure Endowment Bonds*

An act authorizing the issuance of Treasure State Endowment bonds; establishing procedures for issuing the bonds and establishing terms and conditions for the bonds; providing for security for purchases of the bonds; and providing an immediate effective date.

Amending sections 17-5-703 and 90-6-701, MCA.

Committee Hearings: Senate Taxation  
House Appropriations

Second Reading Votes: Senate 47-0

Third Reading Votes: Senate 49-0

Tabled in House committee.

**HB 484 William Wiseman**

*Fund Science and Technology Projects with Coal Tax Trust Fund*

An act appropriating money to the Montana Board of Science and Technology Development from the permanent coal tax trust fund for science and technology development projects; and providing an effective date.

Amending section 17-6-308, MCA.

Committee Hearings:

House Appropriations

Tabled in House committee.

# Allocation of Other Mineral Tax Revenues

## Passed \*

### **HB 608 \* Ernest Bergsagel**

#### *Changing Interest Distribution from RIT Fund; Minimum Grant Funding Levels*

An act allocating a portion of the Resource Indemnity Tax proceeds; establishing minimum funding levels for grant programs; changing the distribution of interest earnings from the resource indemnity trust fund; combining the water development and renewable resource development programs to create the renewable resource grant and loan program; reinvesting the interest earnings of the water storage state special revenue account; and providing effective dates and a termination date.

Amending sections 15-38-106, 15-38-202, 17-5-701, 17-5-702, 17-5-706, 85-1-102, 85-1-601, 85-1-602, 85-1-603, 85-1-604, 85-1-605, 85-1-606, 85-1-608, 85-1-609, 85-1-610, 85-1-611, 85-1-612, 85-1-613, 85-1-614, 85-1-615, 85-1-616, 85-1-617, 85-1-618, 85-1-619, 85-1-620, 85-1-621, 85-1-623, 85-1-631, 85-2-105, 90-2-1103, 90-2-1104, and 90-2-1105, MCA; repealing sections 85-1-607, 90-2-101, 90-2-102, 90-2-103, 90-2-104, 90-2-107, 90-2-108, 90-2-109, 90-2-110, 90-2-111, 90-2-112, 90-2-121, 90-2-122, 90-2-123, 90-2-124, 90-2-125, 90-2-126, 90-2-127 and 90-2-128, MCA.

Committee Hearings:

House Taxation  
Senate Finance and Claims

Second Reading Votes:

Senate 36-14; House 62-37

Third Reading Votes:

Senate 35-14; House 67-32

## Failed

### **SB 247 Tom Keating**

#### *Automatic Repeal of the RIT Tax when the RIT Fund Reaches \$100 Million*

An act repealing the Resource Indemnity Trust tax when the Resource Indemnity Trust fund reaches \$100 million; reallocating metalliferous mines license taxes; and providing effective dates and an applicability date.

Amending sections 15-37-117, 15-38-103, 15-38-202, 82-11-162, and 85-2-905, MCA; repealing sections 15-38-104, 15-38-105, 15-38-106, 15-38-107, 15-38-108, 15-38-109, 15-38-110, 15-38-111, 15-38-112, 15-38-113, 15-38-121, 15-38-125, 15-38-126, 15-38-127, and 15-38-136, MCA.

# Water

## Appropriation and Adjudication

### Passed \*

#### **SB 231 \* Bill Yellowtail**

##### *Water Use Law Permit Amendments*

An act revising and clarifying the burdens of proof and standards of proof under which applications for beneficial water use permits, change authorizations, and reservations are processed pursuant to Montana Water Use Laws; clarifying the process for extension of time for a water use permittee to complete permit conditions; clarifying the verification process for issuance of a permit; and providing an immediate effective date and a retroactive applicability date.

Amending sections 85-2-102, 85-2-302, 85-2-307, 85-2-308, 85-2-311, 85-2-312, 85-2-315, 85-2-316, 85-2-402, and 85-2-436, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 38-8; House 76-24  
Third Reading Votes: Senate 42-6; House 79-20

#### **SB 282 \* Chuck Swysgood**

##### *Basin Closure - Jefferson and Madison River Basins*

An act closing the Jefferson River Basin and Madison River Basin to further consumptive appropriations, except appropriations for ground water, certain storage projects, and domestic, municipal, and stock uses; and providing an immediate effective date and an applicability date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 50-0; House 96-0  
Third Reading Votes: Senate 48-0; House 96-3

**SB 310 \* Jack Rea**

*Provide for Procedures for Remission of and Filing of Water Right Claims*

An act providing for the conditional remission of certain claims to existing rights to the use of water determined by the Montana Supreme Court to have been forfeited pursuant to section 85-2-226, MCA; providing for the filing of late claims in the general water rights adjudication; providing for statewide notice of the right to file late claims; providing for a deadline for the acceptance of claims in remission; providing for conditions upon the adjudication of such late claims; directing the Water Policy Committee, in coordination with certain state agencies, to conduct an interim study regarding late claim issues; and providing an effective date.

Amending sections 85-2-102, 85-2-211, 85-2-213, 85-2-221, 85-2-225, 85-2-226, 85-2-234, 85-2-237 and 85-2-306, MCA.

Committee Hearings: Senate Judiciary  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 49-0; House 71-28  
Third Reading Votes: Senate 48-0; House 61-37

House amended, Senate not concurred 26-23.  
Free conference committee report adopted: Senate 45-4; House 84-16

**SB 383 \* Lorents Grosfield**

*Water Leasing Study Amendments*

An act modifying the annual report requirements for the water leasing study; increasing the number of eligible streams to 20 stream reaches; authorizing the use of river restoration funds for water leasing; and providing an effective date.

Amending sections 85-2-436, 85-2-437, 87-1-257 and 87-1-610, MCA.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 48-0; House 86-11  
Third Reading Votes: Senate 50-0; House 87-12

**HB 102 \* Ted Schye**

*Missouri River Reservations - Time Limit Extensions*

An act extending the time for the Board of Natural Resources and Conservation to act on applications for reservations of water in the Missouri River Basin below Fort Peck Dam and in the Little Missouri River Basin; and providing an immediate effective date.

Amending section 85-2-331, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 96-0  
Third Reading Votes: Senate 44-2; House 96-0

**HB 365 \* John Rose**

*Teton River Basin Closure*

An act closing the Teton River Basin to further consumptive appropriations, except appropriations for ground water, certain storage projects, and domestic, municipal, and stock uses; and providing an immediate effective date and an applicability date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 37-0; House 68-31  
Third Reading Votes: Senate 46-2; House 66-34

Senate amended, House concurred 88-10.

**HB 395 \* Mike Foster**

*Basin Closure -- Upper Missouri River*

An act temporarily closing the Upper Missouri River Basin to further appropriations, except appropriations for ground water, nonconsumptive water use, domestic, municipal, or stock use, and storage projects; and providing an immediate effective date and an applicability date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 36-1; House 86-9  
Third Reading Votes: Senate 45-3; House 88-11

Senate amended, House concurred 92-6.

**HB 692 \* David Wanzenried**

*U.S. Park Service -- Montana Water Rights Compact*

An act ratifying a reserved water rights compact between the United States National Park Service and the state of Montana; and establishing a statutory appropriation.

Amending section 17-7-502, MCA.

Committee Hearings: Senate Judiciary  
House Natural Resources

Second Reading Votes: Senate 46-3; House 79-21  
Third Reading Votes: Senate 41-6; House 81-19

**Failed**

**SB 128 Jim Burnett**

*Water Use Permit Objection Fees Limitation*

An act allowing the Board of Natural Resources and Conservation to charge a fee not to exceed \$15 for objections to applications for new water use permits or to changes to

water use permits; and providing an immediate effective date and a retroactive applicability date.

Amending section 85-2-113, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate Committee.

### **SB 346 Bill Yellowtail**

#### *Instream Flow*

An act allowing the change of previously appropriated water to and from instream uses; integrating instream use water rights into Montana's prior appropriation system; and providing an immediate effective date.

Amending section 85-2-102, 85-2-301, and 85-2-402, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 30-20

Third Reading Votes: Senate 29-19

Tabled in House committee.

Motion failed to take from committee and place on second reading, 45-55.

### **SB 363 Don Bianchi**

#### *Basin Closure - Statewide*

An act temporarily closing certain basins to further appropriations, except appropriations for ground water, domestic use, nonconsumptive water use, and storage projects; and providing an immediate effective date and an applicability date.

Committee Hearings: Senate Natural Resources

Tabled in Senate committee.

**HB 420 Hal Harper**

*Water Reservations -- Certain Conditions Prohibited*

An act preserving reservations of water to maintain a minimum flow, level, or quality of water in a source of supply when permit applications for any class or uses have been precluded; and providing an immediate effective date and a retroactive applicability date.

Amending section 85-2-316, MCA.

Committee Hearings: House Natural Resources

Adverse committee report adopted, 51-46.

## Development and Irrigation

### Passed \*

#### **SB 97 \* John Hertel**

##### *Canal Privatization Program Amendment*

An act amending the canal privatization program to include the Lewistown Ditch; and providing an immediate effective date.

Amending section 85-1-211, MCA.

Committee Hearings: Senate Natural Resources  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 46-0; House 94-2  
Third Reading Votes: Senate 47-0; House 96-3

#### **SB 279 \* Chuck Swysgood**

##### *Irrigation Districts - Survey Requirements and Liability Limits*

An act establishing additional survey requirements for surveys affecting irrigation districts; limiting the responsibility of irrigation districts for certain irrigation water distribution changes; and providing an immediate effective date.

Amending sections 76-3-401, 76-3-402, and 85-7-1922, MCA.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 49-0; House 99-1  
Third Reading Votes: Senate 50-0; House 98-0

**HB 6 \* Francis Bardanouve**

*Water Development Program Loans and Grants Applications*

An act appropriating money to the Department of Natural Resources and Conservation for loans and grants under the Water Development Program and the Renewable Resource Development Program; authorizing loans from water development bond proceeds, renewable resource development bond proceeds, and appropriate funds for debt service; reauthorizing grants and loans approved by the 52nd legislature; reallocating certain Resource Indemnity Trust account interest income for Water Development Program grants during the biennium ending June 30, 1995; approving the issuance of coal severance tax bonds to provide funds for loans to political subdivisions and local governments for certain approved water development projects; authorizing the creation of a state debt; appropriating coal severance tax income for debt service; placing conditions upon grants and loans; statutorily appropriating funds from the Renewable Resource Grant and Loan Program state special revenue account to the environmental science-water quality instructional programs at Northern Montana College; and providing effective dates.

Amending sections 15-38-202 and 17-7-502, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 45-2; House 93-6  
Third Reading Votes: Senate 47-1; House 83-15

Senate amended, House not concurred 98-0.  
Free conference committee report adopted: Senate 48-0; House 98-2.

**HB 12 \* Francis Bardanouve**

*Water Development Bonds, Loans, Appropriations*

An act appropriating money to the Department of Natural Resources and Conservation for loans under the Water Development Program; approving the issuance of coal severance tax bonds to provide funds for loans to political subdivisions and local governments for certain approved water development projects and to provide funds to pay a portion of the state's share of the costs of the Tongue River Dam rehabilitation project; reauthorizing coal severance tax bonds for certain projects approved by the 52nd Legislature; appropriating coal severance tax income for debt service; authorizing the creation of a state debt; authorizing the issuance of revenue bonds to refund

existing bonds; placing certain conditions upon loans; and providing an immediate effective date.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 50-0; House 89-11  
Third Reading Votes: Senate 48-1; House 84-16

**HB 39 \* David Ewer**

*Clarifying Election Requirement for Municipal Water and Sewer Bonds*

An act clarifying the election requirement for municipal water and sewer revenue bonds.

Amending section 7-7-4222, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: Senate 49-0; House 93-4  
Third Reading Votes: Senate 49-0; House 95-2

**HB 84 \* Russell Fagg**

*Dam Safety Act General Revision*

An act revising the Dam Safety Act; and revising the authority of the district court and county commissioners to consider dam safety complaints.

Amending sections 85-15-106, 85-15-107, 85-15-209, 85-15-211, 85-15-212, 85-15-213, and 85-15-216, MCA; and repealing sections 85-15-306, 85-15-307, 85-15-308, 85-15-309, 85-15-310, 85-15-311, 85-15-402, 85-15-403, 85-15-404, and 85-15-501, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 45-4; House 92-4  
Third Reading Votes: Senate 42-7; House 88-7

Senate amended, House concurred 54-44.

## **HB 121 \* Russell Fagg**

### *Dam Safety - Liability Revisions*

An act extending the liability standards to certain dams in addition to permitted dams; extending the liability negligence standards to nonfederal dams on federal property; establishing a penalty; and providing an applicability date.

Amending sections 85-15-107 and 85-15-305, MCA; and repealing section 85-15-501, MCA.

Committee Hearings: Senate Judiciary  
House Judiciary

Second Reading Votes: Senate 49-0; House 62-38  
Third Reading Votes: Senate 48-0; House 63-32

Senate amended, House not concurred, 78-20.  
Free conference committee report adopted: Senate 46-2; House 73-27.

## **Failed**

## **HB 192 Mike Foster**

### *High-Hazard Dam Inspections by DNRC Engineers*

An act allowing private engineers or engineers employed by the Department of Natural Resources and Conservation to inspect high-hazard dams; and requiring the department to recover the full costs of inspections conducted by department engineers.

Amending section 85-15-213, MCA.

Committee Hearings: House Natural Resources

Tabled in House committee.

# Stream Access

## Passed \*

### HB 503 \* Bob Ream

*Amend the Definition of Timber Sale in the SMZ Act*

An act revising the definition of timber sale in the streamside management zone laws.

Amending section 77-5-302, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 37-9; House 94-4  
Third Reading Votes: Senate 37-11; House 97-2

## Failed

### SB 297 Terry Klampe

*Clarify Smith River Access Rules, Permit System, and Group Size*

An act clarifying the rulemaking authority of the Fish, Wildlife, and Parks Commission to ensure that restrictions on access to the Smith River adequately address recreational and commercial uses; limiting group size; revising the permit system to include annual redrawing of authorized outfitters, nontransferability of individual launch permits, and transferability of outfitter permits and launches under certain conditions; and providing an immediate effective date.

Amending section 23-2-408, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

# Water Quality

## Passed \*

### **SB 196 \* Gerry Devlin**

#### *11,000 Gallon Underground Storage Tank Exemption*

An act exempting noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity from the closure requirements of the Montana Hazardous Waste and Underground Storage Tank Act; and providing an immediate effective date and a termination date.

Amending sections 75-11-209 and 75-11-212, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 35-15; House 66-33  
Third Reading Votes: Senate 40-10; House 66-33

### **SB 228 \* Barry Stang**

#### *Assessing a Storage Tank Cleanup Fee for Petroleum Products*

An act expanding the categories of petroleum products for which a petroleum storage tank cleanup fee is assessed; defining the terms "aviation gasoline", "distributor", "export", "exporter", "heating oil", "import", and "special fuel"; and providing an effective date and an applicability date.

Amending sections 75-11-302 and 75-11-314, MCA.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes: Senate 37-10; House 73-25  
Third Reading Votes: Senate 38-12; House 77-22

House amended, Senate concurred 50-0.

**SB 275 \* Jeff Weldon**

*Civil Penalty or Criminal Penalty for Unapproved Streambed Modification*

An act providing that a person who initiates a streambed modification project without consent is subject to a civil penalty or a criminal penalty;

Amending section 75-7-123, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 50-0; House 82-16  
Third Reading Votes: Senate 50-0; House 69-30

House amended, Senate concurred 41-0

**SB 280 \* Lorents Grosfield**

*State Water Plan -- Water Quality/Quantity*

An act implementing the 1992 State Water Plan; including water quality as a criterion for water permit, change authorization, controlled ground water area, and basin closure determinations; and providing a retroactive applicability date and an immediate effective date.

Amending sections 85-2-311, 85-2-319, 85-2-402, and 85-2-506, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 36-14; House 84-16  
Third Reading Votes: Senate 36-12; House 78-21

House amended, Senate concurred 50-0.

**SB 284 \* Jeff Weldon**

*Underground Tank Installer Permit*

An act extending permit authority of the Department of Health and Environmental Sciences to any person who installs, repairs, modifies, or closes an underground storage tank system; extending the permit obligation to the installation, repair, or modification of external leak detection devices and cathodic protection systems; clarifying the applicability of underground storage tank law to all parts of underground storage tank systems; clarifying the applicability of underground storage tank systems; and providing an immediate effective date and an applicability date.

Amending sections 75-11-202, 75-11-203, 75-11-204, 75-11-209, 75-11-210, 75-11-211, 75-11-212, 75-11-213, 75-11-217, 75-11-218, 75-11-220 and 75-11-224, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 25-22  
Third Reading Votes: Senate - failed 25-25

Reconsidered previous action and placed on second reading.

Second Reading Votes: Senate 24-23; House 84-11  
Third Reading Votes: Senate 30-19; House 81-19

**SB 320 \* Henry McClernan**

*Metal Mine Act Revisions*

An act providing a time limit in which to challenge Board of Land Commissioners' Mining decisions; allowing the award of costs and attorney fees for challenges; extending the completeness review period for applications for new permits; defining and providing criteria for amendments to mine permits; and providing an immediate effective date.

Amending sections 82-4-303, 82-4-337 and 82-4-351, MCA.

Committee Hearings: Senate Natural Resources  
House Business and Economic Development

Second Reading Votes: Senate 50-0; House 64-34  
Third Reading Votes: Senate 44-4; House 64-36

House amended, Senate concurred 27-22.

**SB 334 \* Tom Beck**

*Establish Pesticide and Pesticide Container Disposal and Recycling Program*

An act increasing pesticide applicator and dealer license fees and designating the revenue to a waste pesticide and pesticide container collection, disposal, and recycling program; increasing farm pesticide applicator fees and allocating the revenue to educational and training programs; providing that the Department of Agriculture may establish standards for pesticide storage, pesticide mixing or loading sites, and bulk pesticide facilities; allowing the use of cancelled pesticides under certain conditions; changing farm applicator qualification standards to purchase and use restricted-use pesticides; allowing for certain local government regulation of pesticides; and providing effective dates and a termination date.

Amending sections 80-8-105, 80-8-111, 80-8-201, 80-8-203, 80-8-205, 80-8-207, 80-8-209 and 80-8-213.

Committee Hearings: Senate Natural Resources  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 43-6; House 62-38

Third Reading Votes: Senate 46-2; House 71-26

House amended, Senate concurred, 50-0.

**SB 393 \* Harry Fritz**

*Model School Integrated Pest and Pesticide Management Safety Program Act*

An act adopting the Model School Integrated Pest and Pesticide Management Safety Program Act.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Adverse committee report adopted, 38-12.

Reconsidered and placed on second reading, 49-0.

Second Reading Votes: Senate 49-0; House 87-11

Third Reading Votes:

Senate 47-1; House 88-10

**SB 401 \* Henry McClernan**

*Water Quality Nondegradation - DHES*

An act amending the water quality laws; defining "degradation" and certain other terms; transferring authority from the Board of Health and Environmental Sciences to the Department of Health and Environmental Sciences to authorize degradation of state waters; allowing appeal of the Department's final decision to the Board; requiring the Board to adopt rules regarding mixing zones and the nondegradation policy; clarifying that it is unlawful to cause degradation of state waters without authorization; establishing fees; and providing an applicability date and an immediate effective date.

Amending sections 75-5-103, 75-5-301, 75-5-303, and 75-5-605, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 26-22; House 58-41

Third Reading Votes:

Senate 29-21; House 57-42

House amended, Senate concurred, 31-19.

**SJR 28 \* Steve Doherty**

*Legislative Audit Request -- Hard Rock Bureau*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting the Legislative Auditor to conduct a performance audit of the Hard Rock Bureau, Reclamation Division, Department of State Lands; requesting the Legislative Auditor to include a detailed analysis of certain Bureau functions in the Auditor's scheduled biennial financial compliance audit of the Bureau; and requiring that a report of the results of both the performance and financial audits be submitted to the 54th Legislature.

Committee Hearings:

Senate Natural Resources  
House State Administration

Second Reading Votes:

Senate 49-0; House 92-4

Third Reading Votes:

Senate 40-9; House 86-13

**SJR 29 \* Cecil Weeding**

*Joint Resolution for an Interim Study on Montana's Nondegradation*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting the Environmental Quality Council to study the nondegradation provisions of the Montana water quality laws and the Montana constitution and the implementation of those provisions and laws; and requiring the Environmental Quality Council to report its findings and recommendations to the 54th Legislature.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 32-18; House 84-15

Third Reading Votes:

Senate 37-13; House 86-14

House amended, Senate concurred, 38-10.

**SJR 34 \* Dorothy Eck**

*EQC Study of Hazardous Waste Management*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting the Environmental Quality Council to conduct an interim study of the management and disposal of hazardous waste in Montana and to report its findings to the 54th Legislature.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 33-16; House 80-19

Third Reading Votes:

Senate 34-15; House 84-16

**HB 171 \* Marian Hanson**

*Revision of the Montana Strip and Underground Mine Reclamation Act*

An act amending the Montana Strip and Underground Mine Reclamation Act to comply with federal law and regulations; amending the definition of "prospecting"; expanding the authority to deny a permit on federal land or based on current violations; and prohibiting coal mining on certain federal lands.

Amending sections 82-4-203, 82-4-226 and 82-4-227, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 91-6  
Third Reading Votes: Senate 47-0; House 86-10

**HB 374 \* David Ewer**

*Water Quality Administrative Penalty*

An act providing an administrative penalty in the Montana water quality laws.

Amending sections 75-5-201 and 75-5-611, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 31-15; House 94-5  
Third Reading Votes: Senate 31-17; House 89-9

Senate amended, House concurred 85-15.

**HB 388 \* Bob Raney**

*Water Quality Fees*

An act authorizing the Department of Health and Environmental Sciences to collect fees to offset water quality program costs for issuing permits and monitoring activity; requiring the department to provide notice of the fee assessment; providing an appeal

procedure for resolution of fee disputes; providing for the disposition of fees; and providing an applicability date.

Amending section 69-7-111, MCA.

Committee Hearings: Senate Natural Resources  
House Taxation

Second Reading Votes: Senate 27-22; House 50-45  
Third Reading Votes: Senate 32-17; House 64-36

**HB 401 \* Mike Kadas**

*A Loan Appropriation for the Clark Fork Natural Resource Damage Claim*

An act authorizing the issuance of a loan to the Department of Health and Environmental Sciences from the coal severance tax permanent fund to be appropriated for technical, legal, and administrative activities for the state of Montana natural resource damage litigation in the Clark Fork River Basin and other potential sites in the state; reauthorizing the 1992-93 biennium interentity loan from the general fund as a loan from the coal severance tax permanent fund; extending repayment of the loans through the 1995 biennium in accordance with section 17-2-107, MCA; requiring an irrevocable agreement to repay the coal severance tax permanent fund from any amount recovered in the litigation; and providing an effective date.

Amending section 17-6-310, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 47-0; House 80-20  
Third Reading Votes: Senate 45-3; House 81-18

Senate amended, House concurred 78-21.

**HB 417 \* Rolph Tunby**

*Authority for Administrative Penalties for Underground Tank Violations*

An act providing for the assessment of administrative penalties under the Montana Hazardous Waste and Underground Storage Tank Act; providing rulemaking authority

to adopt an administrative penalty schedule and a system for assessment of administrative penalties, notice, and appeals; providing for penalty funds to be paid into the state general fund; providing for appropriations from the Department of Health and Environmental Sciences' underground storage tank special revenue account for the purpose of supporting the department's administrative penalty program; and providing an immediate effective date and an applicability date.

Amending sections 75-10-405, 75-10-413 and 75-10-447, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 26-23; House 70-28

Third Reading Votes: Senate 27-23; House 68-31

**HB 419 \* Ed Grady**

*Hazardous Waste Administrative Penalty*

An act providing an administrative penalty in the Montana Hazardous Waste and Underground Storage Tank Act.

Amending section 75-10-405, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 28-18; House 95-0

Third Reading Votes: Senate 30-18; House 97-2

Senate amended, House concurred 91-9.

**HB 441 \* William Rehbein, Jr.**

*Revise Water Well Contractor Disciplinary Procedures*

An act modifying grounds, procedures, and actions in regard to discipline by the Board of Water Well Contractors; and providing an immediate effective date and an applicability date.

Amending section 37-43-202, 37-43-203, and 37-43-204, MCA; repealing section 37-43-311, MCA.

Committee Hearings: Senate Business and Industry  
House Business and Economic Development

Second Reading Votes: Senate 48-2; House 97-0  
Third Reading Votes: Senate 48-1; House 99-1

**HB 448 \* Scott Orr**

*Requiring Sewage Lagoon to be Sited Not Less than 500 Feet from a Water Well*

An act requiring a sewage lagoon to be sited and constructed not less than 500 feet from a water well.

Amending sections 75-5-103 and 75-5-605, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 99-0  
Third Reading Votes: Senate 46-2; House 100-0

**HB 512 \* Bob Gilbert**

*Financial Incentive for Installation of Double-Walled Petroleum Tanks*

An act requiring the Petroleum Tank Release Compensation Board to reimburse eligible expenses for accidental petroleum releases from properly installed double-walled tank systems at the rate of 100 percent; and providing an immediate effective date and an applicability date.

Amending sections 75-11-301, 75-11-302, 75-11-307, 75-11-308 and 75-11-309, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 100-0  
Third Reading Votes: Senate 45-3; House 99-0

**HB 571 \* Dave Brown**

*Allowing Short-term Exemptions from the Water Quality Standards*

An act clarifying the term "pollution"; and authorizing short-term exemptions from the water quality standards.

Amending section 75-5-103, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 97-3  
Third Reading Votes: Senate 46-2; House 95-4

**HB 592 \* Duane Grimes**

*Hazardous Waste Management Permit Fees*

An act establishing hazardous waste management permit fees; establishing an account in the state special revenue fund; and providing an immediate effective date and a retroactive applicability date.

Amending section 75-10-405, MCA.

Committee Hearings: Senate Natural Resources  
House Taxation

Second Reading Votes: Senate 31-16; House 68-31  
Third Reading Votes: Senate 32-17; House 74-24

**HB 655 \* Bruce Simon**

*Appropriate \$200,000 of Dingell-Johnson Money in River Restoration Account*

An act appropriating \$200,000 of federal Dingell-Johnson money for the river restoration program.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 50-0; House 94-4  
Third Reading Votes: Senate 49-0; House 96-4

Senate amended, House concurred 89-8.

**HJR 20 \* Dick Knox**

*Joint Resolution Urging the Cleanup of the Berkeley Pit*

A joint resolution of the Senate and the House of Representatives of the state of Montana strongly urging the United States Environmental Protection Agency and the United States Congress to give highest priority to cleanup of the Berkeley Pit and to protection of the alluvial aquifers underlying the Silver Bow Creek superfund site.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 42-0; House 99-0  
Third Reading Votes: Senate 45-3; House 99-0

**Failed**

**SB 172 Gerry Devlin**

*Revising the Exceptions to the Ground Water Permit Requirements*

An act revising the exceptions to ground water permit requirements under the Montana water use laws; and providing an effective date.

Amending section 85-2-306, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House - concur motion failed  
36-62  
Third Reading Votes: Senate 50-0

**SB 296 Lorents Grosfield**

*State Water Plan - Well Driller Rules*

An act implementing the 1992 State Water Plan requiring water well drillers under certain circumstances to give prior notification of drilling.

Amending section 37-43-202, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 27-20; House - concur motion failed  
29-69

Third Reading Votes: Senate 29-19

**SB 338 Bill Yellowtail**

*Dangerous Waste Siting Act*

An act defining and establishing siting criteria for commercial dangerous waste incineration facilities; and providing an immediate effective date and an applicability date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 25-24

Third Reading Votes: Senate failed 22-28

Senate reconsidered previous action and placed again on third reading.

Third Reading Votes: Senate 25-24

Died in House committee.

3/30 Motion failed to take from committee and place on second reading, 45-53.

4/01 Motion failed to take from committee and place on second reading, 45-53.

4/22 Motion failed to take from committee and place on second reading, 47-53.

**SB 356 Steve Doherty**

*Bad Actor Bill*

An act requiring an applicant to prepare an environmental and worker safety law violation disclosure statement before being issued certain state permits; prohibiting state and local governments from contracting with certain persons who have recently violated environmental or worker safety laws; defining environmental laws; requiring a compliance audit for environmental or worker safety law violators; imposing additional requirements on the issuance, transfer, modification, and renewal of certain permits; and increasing the penalties for repeated violations of certain laws.

Amending sections 7-5-4302, 18-4-301, 18-4-313, 75-2-211, 75-3-202, 75-5-303, 75-5-401, 75-6-112, 75-7-207, 75-10-221, 75-10-406, 75-10-993, 75-10-1006, 75-20-201, 82-4-121, 82-4-221, 82-4-226, 82-4-331, 82-4-442, and 82-11-134, MCA.

Committee Hearings: Senate Judiciary

Tabled in Senate committee.

**SB 388 Chuck Swysgood**

*Water Quality Nondegradation - General Revision*

An act clarifying the water quality nondegradation policy; defining "degradation" and certain other terms; allowing the use of mixing zones; and requiring the Board of Health and Environmental Sciences to adopt rules governing the use of mixing zones and nondegradation policy implementation.

Amending sections 75-5-103, 75-5-202, 75-5-301, and 75-5-303, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate committee.

**HB 30 Jerry Driscoll**

*General Revision of Lakeshore Statutes*

An act generally revising the laws related to the management of lakeshores by local governments; authorizing jurisdiction over certain reservoirs; extending certain laws to include lakeshores; providing a civil penalty and remedy for violations of local lakeshore

law; revising time periods for acting on a permit application; and providing for a lake advisory committee.

Amending sections 75-7-202, 75-7-203, 75-7-205, 75-7-211, 75-7-212, and 75-7-215, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: House 76-23  
Third Reading Votes: House 73-26

Tabled in Senate committee.

### **HB 212 Fritz Daily**

#### *Immediate Response to Hazardous Release*

An act requiring immediate action to contain, remove, and abate a release of a hazardous or deleterious substance at certain sites to prevent aquifer contamination.

Amending sections 75-5-103, 75-5-601, 75-5-605, 75-10-704, 75-10-711, 75-10-712, 75-10-714 and 75-10-715, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.  
Motion failed to take from committee and place on second reading, 47-48.

### **HB 263 John Cobb**

#### *Defining the Term "Permit" as it Pertains to Water Quality Laws*

An act defining the term "permit" as it pertains to water quality laws.

Amending section 75-5-103, MCA.

Committee Hearings: House Natural Resources

Second Reading Votes: House - failed 78-17

**HB 379 Ed Grady**

*Water Quality Standards -- Criteria*

An act establishing criteria and limits for water quality standards; and providing an applicability provision.

Amending section 75-5-301, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 584 Vivian Brooke**

*Extending Time Period to Protest Against a Water Quality District and Requiring an Annual Report*

An act extending the time period in which a person may protest against a proposed water quality district and the fees proposed to be charged; requiring the board of directors of a local water quality district to file an annual report; and requiring county commissioners to review and solicit public comment on the board's annual report.

Amending sections 7-13-4509, 7-13-4517 and 7-13-4518, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: House - placed on consent  
calendar, approved by voice vote

Third Reading Votes: House 89-7

Tabled in Senate committee.

**HB 661 Mary Lou Peterson**

*Contingent Elimination of Flathead Basin Commission*

An act eliminating the Flathead Basin Commission, and providing a contingent effective date.

Amending section 5-11-210, MCA; repealing sections 2-15-213, 2-15-214, 2-15-215, 75-7-301, 75-7-302, 75-7-303, 75-7-304, 75-7-305, 75-7-306, 75-7-307 and 75-7-308, MCA.

Missed transmittal deadline.

# Weather Modification

## Passed

### **SB 72 \* Gerry Devlin**

*Revise Atmospheric Weather Modification Application and Permit Process*

An act amending the atmospheric water weather modification law by including in the application review process requirements for certain environmental information and a public meeting; revising the permit issuance process to include payment of costs, criteria for determining what constitutes the general welfare and public good and public hearing procedures; providing a statement of policy; suspending action by the Board of Natural Resources and Conservation on applications for weather modification activity if the primary benefit of the weather modification activity is outside Montana; requiring the Department of Natural Resources and Conservation to submit to the legislative Water Policy Committee a report on any suspended applications; and providing an immediate effective date and a retroactive applicability date.

Amending sections 85-3-202 and 85-3-206, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 47-1; House 93-5  
Third Reading Votes: Senate 50-0; House 89-8

House amended, Senate not concurred, 46-1.  
Conference committee report adopted: Senate 39-0; House 95-4.

## Failed

### **SB 60 Gerry Devlin**

*Prohibit Weather Modification and Control; Provide Penalty*

An act prohibiting weather modification and control; providing a penalty; and providing an immediate effective date.

Repealing sections 85-3-101, 85-3-102, 85-3-103, 85-3-104, 85-3-105, 85-3-201, 85-2-202, 85-3-203, 85-3-204, 85-3-205, 85-3-206, 85-3-207, 85-3-208, 85-3-209, 85-3-210, 85-3-211, 85-3-212, 85-3-213, 85-3-214, 85-3-301, 85-3-302, 85-3-303, 85-3-401, 85-3-411, 85-3-412, 85-3-413, 85-3-414, 85-3-415, 85-3-416, 85-3-417, 85-3-421, 85-3-422, 85-3-423, and 85-3-424, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate committee.

# Weed and Pest Control

**Passed \***

**SB 369 \* Jack Rea**

*Allow Sale of Certain Pesticides for Six Years from Termination of Distribution*

An act allowing the sale and use of certain pesticides for up to 6 years from the date that distribution from the registrant, manufacturer, formulator, or distributor is terminated; and providing an immediate effective date.

Amending section 80-8-201, MCA.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 48-0; House 93-5  
Third Reading Votes: Senate 49-1; House 78-22

**SB 334 \* Tom Beck**

*Establish Pesticide and Pesticide Container Disposal and Recycling Program*

An act increasing pesticide applicator and dealer license fees and designating the revenue to a waste pesticide and pesticide container collection, disposal, and recycling program; increasing farm pesticide applicator fees and allocating the revenue to educational and training programs; providing that the Department of Agriculture may establish standards for pesticide storage, pesticide mixing or loading sites, and bulk pesticide facilities; allowing the use of cancelled pesticides under certain conditions; changing farm applicator qualification standards to purchase and use restricted-use pesticides; allowing for certain local government regulation of pesticides; and providing effective dates and a termination date.

Amending sections 80-8-105, 80-8-111, 80-8-201, 80-8-203, 80-8-205, 80-8-207, 80-8-209 and 80-8-213, MCA.

Committee Hearings: Senate Natural Resources  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 43-6; House 62-38  
Third Reading Votes: Senate 46-2; House 71-26

House amended, Senate concurred 50-0.

**HB 163 \* Jack Herron**

*Revise Montana Mint Law*

An act allowing the Montana Mint Committee to establish an Integrated Pest Management Program by rule rather than by statute; reducing the minimum mint oil assessment; and providing an effective date.

Amending sections 80-11-403, and 80-11-412, MCA.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 47-0; House 96-1  
Third Reading Votes: Senate 49-1; House 96-1

**HB 167 \* Ray Brandewie**

*Generally Revise Nursery Laws*

An act generally revising the nursery laws; increasing the nursery license fee; making it unlawful to sell noxious weeds; providing civil penalties; establishing quarantines by department rule; setting nursery stock certification standards by department rule; establishing a special revenue account; and providing a delayed effective date.

Amending sections 80-7-104, 80-7-114, and 80-7-133, MCA; Repealing sections 80-7-101, 80-7-102, 80-7-103, 80-7-111, 80-7-112, 80-7-113, 80-7-115, 80-7-116, 80-7-117, 80-7-118, 80-7-119, 80-7-120, 80-7-131, 80-7-134, 80-7-201, 80-7-203, 80-7-204, 80-7-205, 80-7-206, 80-7-207, 80-7-208, 80-7-209, 80-7-210, 80-7-301, 80-7-302, 80-7-303, and 80-7-304, MCA.

Committee Hearings: Senate Taxation  
Senate Agriculture, Livestock and Irrigation

House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 28-10; House 97-1  
Third Reading Votes: Senate 37-11; House 97-3

Senate amended, House concurred, 94-4.

**HB 170 \* Bob Gilbert**

*Revise the Membership of the Board of Aeronautics*

An act replacing the representative of the general public with a member of the Association of Montana Aerial Applicators on the Board of Aeronautics.

Amending section 2-15-2506, MCA.

Committee Hearings: Senate Highways and Transportation  
House Business and Economic Development

Second Reading Votes: Senate 49-0; House 83-17  
Third Reading Votes: Senate 49-1; House 81-16

Senate amended, House concurred, 95-3.

**HB 366 \* John Rose**

*Repeal of Surcharge on Field Rodenticides*

An act repealing the surcharge on retail sale of field rodenticides; and providing an immediate effective date.

Amending section 80-7-1105, MCA; repealing section 80-7-1106, MCA.

Committee Hearings: Senate Agriculture, Livestock and Irrigation  
House Agriculture, Livestock and Irrigation

Second Reading Votes: Senate 39-5; House 94-5  
Third Reading Votes: Senate 48-0; House 94-5

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