

**MINUTES**

**MONTANA  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Rep. Dick Knox, Chairman, on March 21, 1995,  
at 3:00 pm.

**ROLL CALL**

**Members Present:**

Rep. Dick Knox, Chairman (R)  
Rep. Bill Tash, Vice Chairman (Majority) (R)  
Rep. Bob Raney, Vice Chairman (Minority) (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Jon Ellingson (D)  
Rep. Daniel C. Fuchs (R)  
Rep. Hal Harper (D)  
Rep. Karl Ohs (R)  
Rep. Scott J. Orr (R)  
Rep. Paul Sliter (R)  
Rep. Robert R. Story, Jr. (R)  
Rep. Jay Stovall (R)  
Rep. Emily Swanson (D)  
Rep. Lila V. Taylor (R)  
Rep. Carley Tuss (D)  
Rep. Douglas T. Wagner (R)

**Members Excused:** Rep. David Ewer (D)  
Rep. Cliff Trexler (R)

**Members Absent:** None

**Staff Present:** Michael Kakuk, Environmental Quality Council  
Alyce Rice, Committee Secretary

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

**Committee Business Summary:**

Hearing: None  
Executive Action: SB 331 Be Concurred In As Amended  
SB 346 Be Concurred In As Amended  
SB 347 Be Concurred In As Amended  
SJR 15 Be Concurred In  
SB 349 Be Concurred In As Amended  
SB 371 Be Concurred In As Amended  
SB 330 Postponed Until 3-22-95

Tape 1, Side A

EXECUTIVE ACTION ON SB 331

Motion: REP. BILL TASH MOVED SB 331 BE CONCURRED IN.

Motion/Vote: REP. TASH MOVED TECHNICAL AMENDMENTS TO SB 331. EXHIBIT 1 Voice vote was taken. Motion carried unanimously.

Motion: REP. TASH MOVED SEN. BECK'S AMENDMENTS TO SB 331. EXHIBIT 2

Discussion:

Alan Joscelyn, Attorney, explained SEN. BECK'S amendments.

REP. TASH asked Mr. Joscelyn if any of the amendments change any of the assumptions on the fiscal note. Mr. Joscelyn said the assumptions related to the bill before it was amended in the Senate so they don't necessarily apply to the bill.

REP. HAL HARPER said if the committee passes the amendments it would be rewriting Montana's water quality laws. REP. HARPER said he wouldn't vote for the amendments or the bill. Montanans want their water protected. Water quality in the state is declining and SB 331 will hasten it.

REP. TASH said he respected REP. HARPER'S expertise in water quality but accepted the amendments because the Department of Health and Environmental Sciences (DHES) has worked very carefully to ensure SB 331 would provide the direction the department needs.

REP. BOB RANEY asked Abe Horpestad (DHES) to explain amendment no. 8. Mr. Horpestad said amendment no. 8 ensures that if EPA comes up with a drinking water standard more stringent than the risk level specified in SB 331, the department will adopt the stricter standard.

Vote: Voice vote was taken. Motion on SEN. BECK'S amendments carried 12 to 6. REP. RANEY, REP. HARPER, REP. CARLEY TUSS, REP. EMILY SWANSON, REP. JON ELLINGSON and REP. DAVID EWER voted no.

Motion: REP. TASH MOVED SB 331 BE CONCURRED IN AS AMENDED.

Discussion:

REP. TASH said SB 331 has had a lot of time and effort put into it. The bill offers industry reasonable and practical compliance rules it can work with and are stringent enough to protect the environment.

REP. RANEY said last session HB 401 was passed, which he protested, because the purpose of the bill was to lower water quality standards. There was a long session, with public involvement, in the writing of new rules. The rules that were

developed still didn't satisfy the industries that want to exploit Montana waters for the purpose of making money. That is why SB 330 and SB 331 were composed. The citizens of Montana won't profit from the bills, but industries will.

REP. HARPER agreed with REP. RANEY and said SB 330 and SB 331 aren't DHES bills, they are industry bills. In fact, the person who explained the amendments, represents industry. SB 331 will seriously weaken Montana's water quality in the near future and that impact will worsen as time goes on.

Vote: Roll call vote was taken. Motion carried 12 to 6. REP. RANEY, REP. ELLINGSON, REP. EWER, REP. HARPER, REP. SWANSON and REP. TUSS voted no.

#### EXECUTIVE ACTION ON SB 346

Motion: REP. JAY STOVALL MOVED SB 346 BE CONCURRED IN.

Motion/Vote : REP. HAL HARPER MOVED AMENDMENTS TO SB 346.  
EXHIBIT 3 Voice vote was taken. Motion carried unanimously.

Motion: REP. STOVALL MOVED SB 346 BE CONCURRED IN AS AMENDED.

#### Discussion:

REP. BOB RANEY asked Abe Horpestad, DHES, if a permit was really needed to make a stream better. Mr. Horpestad said currently, when a permit is issued, water quality standards have to be met. In many cases that can't be done. SB 346 enables the department to write a temporary permit that can be complied with while the water is being cleaned up. REP. RANEY said as far as he was concerned, a permit that is issued for 20 years is not a temporary permit. Mr. Horpestad reminded REP. RANEY that the permit would be effective up to 20 years. There will also be a review every three years and if necessary, a public hearing will be held.

REP. BILL TASH said SB 346 is a solution bill that gives industry the opportunity to work within a reasonable, temporary permit allowance, to get the streams cleaned up.

REP. ROBERT STORY said SB 346 is the department's recognition of reality.

REP. HAL HARPER said he would put his faith in the department and support the bill.

Vote: Voice vote was taken. Motion carried unanimously.

EXECUTIVE ACTION ON SB 347

Motion: REP. PAUL SLITER MOVED SB 347 BE CONCURRED IN.

Motion/Vote: REP. BILL TASH MOVED AMENDMENTS TO SB 347. EXHIBIT 4 Voice vote was taken. Motion carried 17 to 1. REP. CLIFF TREXLER voted no.

Tape 1, Side B

Discussion:

REP. RANEY said he didn't think section 1, subsection 2 was needed in the bill. The language seems to discourage the Department of State Lands (DSL) from analyzing potential impacts of activities that may occur on private and federal lands that adjoin state lands.

REP. ROBERT STORY said it bothered him when state processes are used to control what someone does on their privately-owned land. The department has said that it will analyze potential impacts of activities if it believes it warrants it.

Motion: REP. STORY MOVED SB 347 BE CONCURRED IN AS AMENDED.

Discussion:

REP. SLITER said the bill is just a clarification of the department's current policy.

REP. HAL HARPER said any state action that may have a significant impact requires an analysis by the department. The department should not be discouraged from analyzing potential impacts.

Motion: REP. HARPER MOVED AN AMENDMENT TO SB 347 TO STRIKE THE WORDS "IS NOT REQUIRED TO ANALYZE OR" AND INSERT "MAY" ON PAGE 1, LINE 13.

Discussion:

REP. AUBYN CURTISS said she didn't agree with the amendment. Section 2 is primarily what the bill is about.

REP. TASH said he disagreed with the amendment because having to analyze potential impacts of activities on private and federal lands would complicate the department's procedure of granting access.

REP. RANEY gave an example of land in the Crazy Mountains that was privately-owned and was isolated with no access. The owner obtained a reciprocal agreement access and repaired the road so the Forest Service could get in. Then the owner turned it into a major development. The wonderful wilderness area suddenly became a developed site. REP. RANEY said in his opinion, the citizens

wouldn't have wanted reciprocal access granted to provide for the development of that land. The state should analyze what might happen on a section of land.

REP. LILA TAYLOR disagreed with the amendment because it would discourage reciprocal access agreements.

REP. SLITER said the language that REP. HARPER wants to strike is what protects the department from a lawsuit that would allege that it has an obligation to analyze potential impacts on adjoining land. It is because of the threat of lawsuits that the department is reluctant to grant reciprocal access agreements.

REP. HARPER said the Department of State Lands is not noted in the title of the bill. If it is the department's bill, it should have its name on the bill. Private land owners and the public have the right to know if potential impacts might occur.

Vote: Voice vote was taken. Motion on REP. HARPER's failed 12 to 6. REP. RANEY, REP. HARPER, REP. DAVID EWER, REP. CARLEY TUSS, REP. EMILY SWANSON and REP. JON ELLINGSON voted yes.

Vote: Voice vote was taken. Motion that SB 347 Be Concurred In As Amended by REP. TASH's amendment carried 12 to 6. REP. RANEY, REP. HARPER, REP. EWER, REP. TUSS, REP. SWANSON and REP. ELLINGSON voted no.

#### EXECUTIVE ACTION ON SJR 15

Motion/Vote: REP. DANIEL FUCHS MOVED SJR 15 BE CONCURRED IN. Voice vote was taken. Motion carried 12 to 6. REP. BOB RANEY, REP. HAL HARPER, REP. DAVID EWER, REP. CARLEY TUSS, REP. EMILY SWANSON and REP. JON ELLINGSON voted no.

#### EXECUTIVE ACTION ON SB 349

Motion: REP. AUBYN CURTISS MOVED SB 349 BE CONCURRED IN.

Motion: REP. CARLEY TUSS MOVED AN AMENDMENT TO STRIKE "HEAVY METALS" THROUGHOUT THE BILL.

#### Discussion:

REP. TUSS said the reason for the amendment is that in incineration, heavy metals cannot be created.

REP. SCOTT ORR supported REP. TUSS's amendment.

REP. JON ELLINGSON said maybe heavy metals couldn't be created, but thought there was a possibility that during the incineration

process, heavy metals could be emitted from the stack because they are in the hazardous waste that is being burned.

**REP. BILL TASH** asked **Charles Homer, Department of Health and Environmental Sciences (DHES)** to comment on the amendment. **Mr. Homer** said it is somewhat of a misstatement to say that heavy metals can be created in the burning process. Care should be taken about where the references to heavy metals are stricken, because the intent of section 2 of the bill is that the pollutants listed are the constituents of emissions the department needs to analyze. It would be appropriate to remove the heavy metals wording on page 5, line 30 which refers to regulating plastics. The wording should remain in page 6, lines 5, 11 and 22, which refer to the lowest achievable emission rate.

**Substitute Motion:** **REP. TUSS MOVED REVISED AMENDMENTS TO SB 349.**

**Discussion:**

**REP. TUSS** said the amendments would strike "formation" and insert "emission" on page 5, line 22, strike "creation" and insert "emission" on line 29, and strike "heavy metals" on line 30. On page 6, line 10, following the word "including", insert "heavy metals and", and strike "heavy metals" on line 11.

**REP. DOUG WAGNER** said he wasn't sure about the amendments because **SEN. MIKE FOSTER** wasn't available for comment on the amendments to his bill.

**REP. JON ELLINGSON** said most of **REP. TUSS's** amendments just clean up the existing law.

**Vote:** Voice vote was taken. Motion carried 17 to 1. **REP. WAGNER** voted no.

**Motion:** **REP. ORR MOVED SB 349 NOT BE CONCURRED IN AS AMENDED.**

**Discussion:**

**REP. ORR** said SB 349 duplicates federal law for the most part, but there are things in the bill that will cause Ash Grove Cement Company some real problems. The department's permitting policy is incredibly stringent now. SB 349 will make it worse and is not needed.

Tape 2, Side A

**REP. RANEY** said he resisted **REP. ORR's** motion. Even if SB 349 does just one thing to protect public health, it is a good bill.

**REP. TASH** agreed with **REP. ORR's** motion.

**REP. HAL HARPER** said the residents of Montana City are extremely concerned that Ash Grove wants to burn hazardous waste. SB 349

offers them some protection. There were numerous proponents to the bill and only one opponent. People's lives and the health of their children are being threatened. Inversions can become trapped in the valley for two weeks. If the cement and smelting companies don't get an order to shut down, the pollution will continue to pour into the valley and become trapped until the air pushes it out. It is time to become cautious rather than throw caution to the wind. **REP. HARPER** urged the committee to support SB 349.

**REP. WAGNER** said it is being assumed that Ash Grove will get a permit to burn hazardous waste. It is also being assumed that the department's permitting process won't protect public health. Those are not correct assumptions. By the time the permitting process has been completed, all concerns will have been addressed.

**REP. ORR** said he agreed that there is concern among the residents of Montana City, but the people that the opponent represented are also extremely concerned. Their livelihoods depend on the fuel source for the cement plant to continue to operate and to responsibly dispose of hazardous waste. The employees live in Montana City, their children attend school there and they are just as concerned as anyone else. Their concerns have been answered by good science. They know that the permitting process will protect their health. Inversions are addressed in the permitting process, as well as other upsets.

**Vote:** **CHAIRMAN KNOX** reminded the committee that a vote to support **REP. ORR's** motion would be a Be Not Concurred In As Amended vote. Roll call vote was taken. **Motion failed 11 to 7.** **CHAIRMAN KNOX, REP. TASH, REP. CURTISS, REP. ORR, REP. STORY, REP. JAY STOVALL** and **REP. WAGNER** voted yes.

**Motion/Vote:** **REP. SLITER MOVED TO REVERSE THE VOTE TO REFLECT SB 349 BE CONCURRED IN AS AMENDED.** Voice vote was taken. **Motion carried 17 to 1.** **REP. ORR** voted no.

#### EXECUTIVE ACTION ON SB 371

**Motion:** **REP. BILL TASH MOVED SB 371 BE CONCURRED IN.**

**Motion:** **REP. ROBERT STORY MOVED AN AMENDMENT TO SB 371.**

#### Discussion:

**REP. STORY** said his amendment would insert "permitted under and" after "exploration" on page 10, line 24 of the bill. The amendment would put the exploration activities under some type of regulation.

REP. BOB RANEY said he had amendments to offer that SEN. GROSFIELD had approved that would strike subsection (p) on page 10, line 24 of the bill.

Vote: Voice vote was taken. Motion carried unanimously.

Motion: REP. RANEY MOVED AMENDMENTS TO SB 371.

Discussion:

REP. RANEY said at SEN. GROSFIELD'S request, the amendment would strike 75-3-303 and insert 75-5-303. on page 6, line 15 and page 9, line 10. Michael Kakuk, EQC, explained that 75-3-303 deals with radiation and nuclear exposures. 75-5-303 deals with water quality. There was a drafting error.

REP. RANEY said part of his amendment is reflected on no. 2 of his original set of amendments. SEN. GROSFIELD added the rest of the amendment for page 6, line 15, when REP. RANEY'S original amendments were submitted for approval.

Mr. Kakuk said the reason it wasn't added to REP. RANEY'S original amendments was because amendment no. 1 strikes the incorrect site and replaces it entirely.

REP. RANEY said SEN. GROSFIELD did not agree with amendment no. 1.

Vote: Voice vote was taken. Motion carried unanimously.

Motion: REP. RANEY MOVED NO. 3 TO HIS ORIGINAL AMENDMENT.  
EXHIBIT 5

Discussion:

REP. RANEY explained amendment no. 3.

REP. DOUG WAGNER, REP. STORY, REP. HAL HARPER and REP. SCOTT ORR disagreed with the amendment.

Vote: Voice vote was taken. Motion failed 12 to 6.

Motion/Vote: REP. HARPER MOVED AN AMENDMENT TO INSERT "BASED ON" BEFORE "PENDING" IN SUBSECTION (9), PAGE 6, LINE 15. Voice vote was taken. Motion carried 13 to 5.

Tape 2, Side B

Motion/Vote: REP. WAGNER MOVED AN AMENDMENT TO INSERT "HUNTING" FOLLOWING "HIKING" ON PAGE 10, LINE 14. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. PAUL SLITER MOVED SB 371 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried 12 to 6.

EXECUTIVE ACTION ON SB 330

Motion: REP. KARL OHS MOVED SB 330 BE CONCURRED IN.

Motion: REP. OHS MOVED AN AMENDMENT TO SB 330. EXHIBIT 6

Discussion:

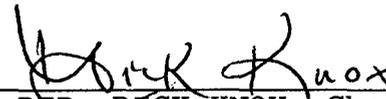
REP. OHS explained the amendment and asked Glenn Marx, Governor Racicot's Office, if he would comment. Mr. Marx said the Governor is in agreement with the amendment and it was written by him. Governor Racicot had parties with outfitter's licenses in mind as interested parties when he referenced licenses.

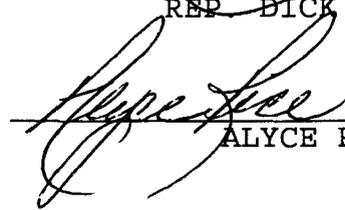
REP. BOB RANEY said a person with a fishing license, in his opinion, would have an economic stake in a stream.

REP. TASH said the purpose of SB 330 is to prove beneficial use of the state's waters and to do so in a way that doesn't entangle it with a lot of legal interpretations. REP. TASH suggested executive action on SB 330 be postponed until the committee can get some legal interpretations on the amendment. CHAIRMAN KNOX agreed and postponed executive action until March 22, 1995.

ADJOURNMENT

Adjournment: 5:10 pm

  
\_\_\_\_\_  
REP. DICK KNOX, Chairman

  
\_\_\_\_\_  
ALYCE RICE, Secretary

DK/ar

# HOUSE OF REPRESENTATIVES

## Natural Resources

ROLL CALL

DATE 3-21-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Knox, Chairman	✓		
Rep. Bill Tash, Vice Chairman, Majority	✓		
Rep. Bob Raney, Vice Chairman, Minority	✓		
Rep. Aubyn Curtiss	✓		
Rep. Jon Ellingson	✓		
Rep. David Ewer			✓
Rep. Daniel Fuchs	✓		
Rep. Hal Harper	✓		
Rep. Karl Ohs	✓		
Rep. Scott Orr	✓		
Rep. Paul Sliter	✓		
Rep. Robert Story	✓		
Rep. Jay Stovall	✓		
Rep. Emily Swanson	✓		
Rep. Lila Taylor	✓		
Rep. Cliff Trexler			✓
Rep. Carley Tuss	✓		
Rep. Doug Wagner	✓		



## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 331 (third reading copy -- blue) be concurred in as amended.

Signed:

  
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Tash

1. Page 4, line 14.  
Following: "life."  
Insert: "(1)"

2. Page 4, line 15.  
Following: "chapter"  
Insert: "and except as provided in subsection (2)"

3. Page 4.  
Following: line 20  
Insert: "(2) If the department, based upon its review of an application submitted under subsection (1) and sound scientific, technical, and available site-specific evidence, determines that the development of site-specific criteria in accordance with draft or final federal regulations, guidelines, or criteria would not be protective of beneficial uses, the department, within 90 days of the submission of an application under subsection (1), shall notify the applicant in writing of its determination and of all additional procedures that the applicant is required to comply with in the development of site-specific standards of water quality under this section. If there is a dispute between the department and the applicant as to the additional procedures, the board shall, on the request of

Committee Vote:  
Yes 12, No 6.

661015SC.Hdh

the department or the applicant, hear and determine the dispute. The board's decision must be based on sound scientific, technical, and available site-specific evidence."

4. Page 4, line 30.

Strike: "IF" through "USE"

5. Page 7, line 6.

Strike: "privately owned"

6. Page 7, lines 25 through 28.

Strike: "The" on line 25 through "AGENCY." on line 28

Insert: "When the department's review of a permit application submitted under another chapter or title is required or requested, the department shall coordinate the review under this chapter with the review conducted by the agency or unit under the other chapter, following the time schedule for that review."

7. Page 8, line 25.

Following: "(2)"

Insert: "(a)"

8. Page 8, line 28.

Following: "PREVENTION."

Insert: "(b)"

9. Page 8, line 30.

Strike: "(A)"

Insert: "(i)"

Strike: "MEASURING"

Strike: "IN SURFACE WATER"

10. Page 9, line 3.

Strike: "i"

Insert: ". However, if a standard established at a risk level of  $1 \times 10^{-3}$  for arsenic or  $1 \times 10^{-5}$  for other carcinogens violates the maximum contaminant level obtained from 40 CFR, part 141, then the maximum contaminant level must be adopted as the standard for that carcinogen."

11. Page 9, lines 4 through 6.

Strike: "(B)" on line 4 through "(C)" on line 6

Insert: "(ii)"

12. Page 9, lines 6 through 9.

Strike: "i" on line 6 through "ACT;" on line 9

Insert: "."

13. Page 10, line 7.

Strike: "TO"

Insert: "of nitrate in"

Strike: "QUALITY"

14. Page 13.

Following: line 2

Insert: "(i) the discharge does not contain industrial waste,  
sewage, or other wastes;"

Renumber: subsequent subsections

15. Page 13, line 4.

Strike: "OR"

Insert: "and"

16. Page 13, line 8.

Strike: "may"

Insert: "must"

17. Page 17, line 29.

Strike: "AND" through "CONSIDER"

18. Page, 19

Following: line 13

Insert: "NEW SECTION. Section 17. Coordination instruction. If  
Senate Bill No. 330 is passed and approved and if it  
includes a section that amends the definition of  
"degradation" contained in 75-5-103, then the definition of  
degradation provided in [section 3 of this act], amending  
75-5-103, is effective and the definition provided in Senate  
Bill No. 330 is void."

Renumber: subsequent sections

19. Page 19, lines 15 and 16.

Strike: "SECTION" through "ACT]."

Insert: "[This act] does not apply to civil or administrative  
actions commenced prior to [the effective date of this act]  
or to claims made in those actions, except that compliance  
plans resulting from those actions must reflect changes made  
by [this act]."

-END-



## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 346 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Knox*  
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Knox

1. Page 4, line 20.  
Following: "(5)"  
Insert: "(a)"

2. Page 4.  
Following: line 22  
Insert: "(b) During the period of the temporary modification, the board may not allow a discharge that will cause water quality to become worse than the quality of the water body or segment prior to the discharge."

-END-

Committee Vote:  
Yes 8, No 0.

661018SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 347 (third reading copy -- blue) be concurred in as amended.

Signed: \_\_\_\_\_

*Dick Knox*  
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Sliter

1. Title, line 6.

Following: "i"

Insert: "ALLOWING THE BOARD TO WAIVE SURVEY REQUIREMENTS; "

2. Page 1, line 12.

Following: "easements."

Insert: "For an easement granted pursuant to this subsection, the board may waive all or a portion of the survey requirements of 77-2-102, subject to any conditions that the board may impose."

-END-

Committee Vote:  
Yes 12, No 6

661021SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that **Senate Joint Resolution 15** (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

*Dick Knox*  
Dick Knox, Chair

Carried by: Rep. Wagner

Committee Vote:  
Yes 12, No 6.

661027SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 349 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Knox*  
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Grimes

1. Page 5, line 22.  
Strike: "formation"  
Insert: "emission"
2. Page 5, line 29.  
Strike: "creation"  
Insert: "emission"
3. Page 5, line 30.  
Strike: "heavy metals,"
4. Page 6, line 10.  
Following: "including"  
Insert: "heavy metals and"
5. Page 6, line 11.  
Strike: "heavy metals,"

-END-

Committee Vote:  
Yes 10, No 7.

661023SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 371 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Knox*  
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Curtiss

1. Page 6, line 15.  
Strike: "75-3-303"  
Insert: "75-5-303 based on"
2. Page 9, line 10.  
Strike: "75-3-303"  
Insert: "75-5-303"
3. Page 10, line 14.  
Following: "hiking,"  
Insert: "hunting,"
4. Page 10, line 24.  
Following: "EXPLORATION"  
Insert: "permitted under and"

-END-

Committee Vote:  
Yes 2, No 6.

661026SC.Hdh

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Natural Resources

DATE 3-21-95 BILL NO. SB.331 NUMBER \_\_\_\_\_

MOTION: BE CONCURRED IN AS AMENDED

NAME	AYE	NO
Rep. Dick Knox, Chairman	✓	
Rep. Bill Tash, Vice Chairman, Majority	✓	
Rep. Bob Raney, Vice Chairman, Minority		✓
Rep. Aubyn Curtiss	✓	
Rep. Jon Ellingson		✓
Rep. David Ewer		✓
Rep. Daniel Fuchs	✓	
Rep. Hal Harper		✓
Rep. Karl Ohs	✓	
Rep. Scott Orr	✓	
Rep. Paul Sliter	✓	
Rep. Robert Story	✓	
Rep. Jay Stovall	✓	
Rep. Emily Swanson		✓
Rep. Lila Taylor	✓	
Rep. Cliff Trexler	✓	
Rep. Carley Tuss		✓
Rep. Doug Wagner	✓	

# HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 3-31-94

I request to be excused from the Not Res.  
Committee meeting this date because of other commitments. I desire  
to leave my proxy vote with \_\_\_\_\_.

Indicate Bill Number and your vote Aye or No. If there are  
amendments, list them by name and number under the bill and  
indicate a separate vote for each amendment.

<del>HOUSE</del> <i>Senate</i> BILL/AMENDMENT	AYE	NO
SB 371 - <i>Stony</i> Amend.	✓	
SB 371 - <i>Raney #2</i> Amend.	✓	
SB 371 - <i>Raney #3</i>		✓
SB 371 - <i>Harper</i>	✓	
SB 371 - <i>Wagner</i>	✓	
SB 371	✓	
SB 330 <sup>(Gov)</sup> - <i>Ohs</i> Amend.		

SENATE BILL/AMENDMENT	AYE	NO
331 - <i>tech.</i> amendments	✓	
331 - <i>Beck</i> amendments	✓	
SB 331	✓	
346 - <i>Harper</i> Amend.	✓	
SB 346	✓	
SB 347 - <i>Amendment?</i>		✓
SB 347 - <i>Harper</i> Amend		✓
SB 347	✓	
SJR	✓	
SB 349 - <i>Tues</i> Amend.	✓	
SB 349 - <i>Or</i> Amend.		✓

SB 349 ✓

Rep. Cliff Drucker  
(Signature)

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Natural Resources

DATE 3-21-95 BILL NO. SB349 NUMBER \_\_\_\_\_

MOTION: NOT BE CONCURRED IN

NAME	AYE	NO
Rep. Dick Knox, Chairman	✓	
Rep. Bill Tash, Vice Chairman, Majority	✓	
Rep. Bob Raney, Vice Chairman, Minority		✓
Rep. Aubyn Curtiss	✓	
Rep. Jon Ellingson		✓
Rep. David Ewer		✓
Rep. Daniel Fuchs		✓
Rep. Hal Harper		✓
Rep. Karl Ohs		✓
Rep. Scott Orr	✓	
Rep. Paul Sliter		✓
Rep. Robert Story	✓	
Rep. Jay Stovall	✓	
Rep. Emily Swanson		✓
Rep. Lila Taylor		✓
Rep. Cliff Trexler		✓
Rep. Carley Tuss		✓
Rep. Doug Wagner	✓	

Amendments to Senate Bill No. 331  
Third Reading Copy

For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
March 7, 1995

1. Page 8, line 25.

Following: "(2)"

Insert: "(a)"

2. Page 8, line 28.

Following: "PREVENTION."

Insert: "(b)"

3. Page 8, line 30.

Strike: "(A)"

Insert: "(i)"

4. Page 9, line 4.

Strike: "(B)"

Insert: "(ii)"

5. Page 9, line 6.

Strike: "(C)"

Insert: "(iii)"

6. Page 9, line 8.

Strike: "(D)"

Insert: "(iv)"

7. Page 9, line 9.

Strike: ";"

Insert: "."

8. Page 13, line 8.

Strike: "may"

Insert: "must"

Requested by Sen. Beck  
For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
March 16, 1995

1. Page 4, line 14.  
Following: "life."  
Insert: "(1)"

2. Page 4, line 15.  
Following: "chapter"  
Insert: "and except as provided in subsection (2)"

3. Page 4.  
Following: line 20  
Insert: "(2) If the department, based upon its review of an application submitted under subsection (1) and sound scientific, technical, and available site-specific evidence, determines that the development of site-specific criteria in accordance with draft or final federal regulations, guidelines, or criteria would not be protective of beneficial uses, the department, within 90 days of the submission of an application under subsection (1), shall notify the applicant in writing of its determination and of all additional procedures that the applicant is required to comply with in the development of site-specific standards of water quality under this section. If there is a dispute between the department and the applicant as to the additional procedures, the board shall, on the request of the department or the applicant, hear and determine the dispute. The board's decision must be based on sound scientific, technical, and available site-specific evidence."

4. Page 4, line 30.  
Strike: "IF" through "USE"

5. Page 7, line 6.  
Strike: "privately owned"

6. Page 7, lines 25 through 28.  
Strike: "The" on line 25 through "AGENCY." on line 28  
Insert: "When the department's review of a permit application submitted under another chapter or title is required or requested, the department shall coordinate the review under this chapter with the review conducted by the agency or unit under the other chapter, following the time schedule for that review."

7. Page 8, line 30.  
Strike: "MEASURING"

Strike: "IN SURFACE WATER"

8. Page 9, line 3.

Strike: "i"

Insert: ". However, if a standard established at a risk level of 1 x 10<sup>-3</sup> for arsenic or 1 x 10<sup>-5</sup> for other carcinogens violates the maximum contaminant level obtained from 40 CFR, part 141, then the maximum contaminant level must be adopted as the standard for that carcinogen."

9. Page 9, lines 4 and 5.

Strike: subsection (B) in its entirety

Renumber: subsequent subsections

10. Page 9, lines 7 through 9.

Strike: "AND" on line 7 through "ACT1;" on line 9

11. Page 10, line 7.

Strike: "TO"

Insert: "of nitrate in"

Strike: "QUALITY"

12. Page 13.

Following: line 2

Insert: "(i) the discharge does not contain industrial waste, sewage, or other wastes;"

Renumber: subsequent subsections

13. Page 13, line 4.

Strike: "OR"

Insert: "and"

14. Page 17, line 29.

Strike: "AND" through "CONSIDER"

15. Page, 19

Following: line 13

Insert: "NEW SECTION. Section 17. Coordination instruction. If Senate Bill No. 330 is passed and approved and if it includes a section that amends the definition of "degradation" contained in 75-5-103, then the definition of degradation provided in [section 3 of this act] is effective and the definition provided in Senate Bill No. 330 is void."

Renumber: subsequent sections

16. Page 19, lines 15 and 16.

Strike: "SECTION" through "ACT1."

Insert: "[This act] does not apply to civil or administrative actions commenced prior to [the effective date of this act] or to claims made in those actions, except that compliance plans resulting from those actions must reflect changes made by [this act]."

EXHIBIT 3  
DATE 3-21-95  
SB 346

Amendments to Senate Bill No. 346  
Third Reading Copy

Requested by Rep. Harper  
For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
March 21, 1995

1. Page 4, line 20.  
Following: "(5)"  
Insert: "(a)"

2. Page 4.  
Following: line 22  
Insert: "(b) During the period of the temporary modification,  
the board may not allow a discharge that will cause water  
quality to become worse than the quality of the water body  
or segment prior to the discharge."

EXHIBIT 4  
DATE 3-21-95  
SB 347

Amendments to Senate Bill No. 347  
Third Reading Copy

Requested by the Department of State Lands  
For the Committee on Natural Resources

Prepared by Martha Colhoun  
March 21, 1995

1. Title, line 6.

Following: ";"

Insert: "ALLOWING THE BOARD TO WAIVE SURVEY REQUIREMENTS; "

2. Page 1, line 12.

Following: "easements."

Insert: "For an easement granted pursuant to this subsection, the board may waive all or a portion of the survey requirements of 77-2-102, subject to any conditions that the board may impose."

Amendments to Senate Bill No. 371  
Third Reading Copy

Requested by Rep. Raney  
For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
March 21, 1995

1. Page 6, lines 14 through 18.  
Strike: subsection (9) in its entirety  
Insert: "(9) The board may not take into account:  
(a) a pending outstanding resource water petition  
when it reviews an authorization to degrade for those  
waters; or  
(b) a request for an authorization to degrade when  
it reviews an outstanding resource water petition for  
those waters."
2. Page 9, line 10.  
Strike: "75-3-303"  
Insert: "75-5-303"
3. Page 10, lines 24 and 25.  
Strike: subsection (2)(p) in its entirety  
Renumber: subsequent subsections

EXHIBIT 6  
DATE 3-21-95  
SB 330

Amendments to Senate Bill No. 330  
Third Reading Copy

Requested by Rep. Ohs  
For the Committee on Natural Resources

Prepared by Martha Colhoun  
March 21, 1995

1. Page 3, line 1.

Following: "interest"

Insert: ", which includes a permit, license, easement, or water  
right,"