

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Senator Lorents Grosfield, on January 21, 1997, at 5:03, in Room 325

ROLL CALL

Members Present:

Senators

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

House

Rep. Dick Knox, Chairman (R)
Rep. Bill Tash, Vice Chairman (Majority) (R)
Rep. Hal Harper, Vice Chairman (Minority) (D)
Rep. Haley Beaudry (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Doug Mood (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney
Rep. Trudi Schmidt (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)
Rep. Douglas T. Wagner (R)

Members Excused: Sen. Vivian M. Brooke (D)

Members Absent: none

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJR 10 Compliance and
Enforcement Study" Final
Report to the 55th Legislature
Executive Action: none

**INSTRUCTIONAL HEARING ON HJR 10 Compliance and Enforcement Study
Exhibit #1 (agenda) & Exhibit #2 (HJR 10 Final Report)**

Sen. Grosfield welcomed the House and Senate Natural Resources Committee and turned the opening statements over to Rep. Knox.
{Tape: 1; Side: a; Approx. Time Count: 0.1; Comments: none.}

Opening Statement: Rep. Knox opened with the purpose of the HJR 10 Committee and the logistics of the study.
{Tape: 1; Side: a; Approx. Time Count: 1.5; Comments: none.}

Rep. Knox introduced **Jerry Noble, Chairman of EQC** who gave a brief synopsis about the old EQC.

{Tape: 1; Side: a; Approx. Time Count: 5.0; Comments: none.}

Rep. Vicki Cocchiarella, HD 64 in Missoula, who was also involved in the HJR 10 Commission, thanked the 28 Departments. She stated that the Committee was formed to perform a monumental task and the information that the Committee received with the cooperation of the Departments gave them the ability to put this report together.

{Tape: 1; Side: a; Approx. Time Count: 9.5; Comments: none.}

Todd Everts, Legislative Environmental Analyst for EQC, introduced other EQC staff members Kathleen Williams, Resource Policy Analyst, Larry Mitchell Resource Policy Analyst and Martha Calhoun, Resource Policy Analyst. Mr. Everts introduces Kathleen Williams to give an overview of the study.

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

Kathleen Williams, staff member of EQC provides details of the study and outlines the final report manuals; lavender is the condensed version of the final report while the tan report provides the technical support which provides the technical details for the lavender final report. Copies of the report are available in Room 106.

{Tape: 1; Side: a; Approx. Time Count: 12.8; Comments: none.}

Kathleen Williams discusses further the 4 main topics the HJR 10 asked the Committee to study 1.) review and analyze the state's existing enforcement and compliance framework and how its implemented, 2.) review and analyze the constitutional and statutory goals of the various state Natural Resource agencies and whether these goals are consistent and appropriate and if the goals are being met, 3.) review and analyze the proper balance

among a variety of compliance and enforcement tools including education, technical assistance, penalties administrative orders etc. some were not as severe as others, 4.) look at other states and see how they are working to improve enforcement and compliance.

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

Kathleen briefly describes the process that occurred over 14 months, approximately 12 subcommittee meetings (consisting of 10 members); the process is outlined on pages 6 and 7 of the Final Report.

{Tape: 1; Side: a; Approx. Time Count: 14.8; Comments: none.}

The process consisted of 1.) getting set up which occurred in September of 1995, 2.) reviewing the state programs, tracking any issue when it was brought up 3.) drawing conclusions and making recommendations 4.) documentation: consists of the technical book and summary presentation of final report.

{Tape: 1; Side: a; Approx. Time Count: 18.1; Comments: none.}

Senator Grosfield, discusses the findings. First they developed the findings then they developed the actions and assessments then the recommendations. The complexity of each program made it very difficult to decide the best way to get the outcome that they were hoping to achieve, each Department made modifications as the HJR study progressed. Page 10 of the summary report outlines the method, timeliness, efficacy and efficiency; i.e. are they using appropriate tools, are they using statutory goals, etc. The Committee did not find any over zealous authority in any agency. Several of the agencies had been called to task already by audits and had been making efforts to address the deficiencies and overcome them.

{Tape: 1; Side: a; Approx. Time Count: 21.8; Comments: none.}

Senator Grosfield references p. 9 of the Summary Report, General Conclusions, and mentions that various agencies/programs that had well defined compliance and enforcement guidelines were operating more efficiently than some of the other departments.

{Tape: 1; Side: a; Approx. Time Count: 31.1; Comments: none.}

{Tape: 1; Side: a; Approx. Time Count: 32.6; Comments: flipped tape over.}

Senator Grosfield still addressing the overview.

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

Vicki Cocchiarella, compliments the staff; wouldn't have been able to do this without them. Wanted to identify that most of the problems that the Departments were having wasn't with the work or workers it dealt mainly with multijurisdictional issues, issue with privacy, EPA of the Federal Government versus State (when does the state step in), are the approaches consistent. There is

a Bill being introduced that addresses the consistency in approach, HB 266, which provides reports in a more consistent basis. Does the number of violations mean a program is doing good or that they are achieving their statutory goals? This can be difficult when the Legislature is constantly changing the laws, need to monitor the Legislature to make sure that they don't create problems for the Departments to carry out their goals. Page 16 outlines very effective programs.

{Tape: 1; Side: b; Approx. Time Count: 1.8; Comments: none.}

Rep. Knox opened the floor to questions.

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 8.0; Comments: none.}

Rep. Curtiss

{Tape: 1; Side: b; Approx. Time Count: 9.0; Comments: none.}

Sen. Tuss

{Tape: 1; Side: b; Approx. Time Count: 10.0; Comments: none.}

Sen. Van Valkenburg

{Tape: 1; Side: b; Approx. Time Count: 11.1; Comments: none.}

Rep. Knox

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

Rep. Cocchiarella

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

Sen. Van Valkenburg

{Tape: 1; Side: b; Approx. Time Count: 13.9; Comments: none.}

Sen. Grosfield

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

Rep. Knox

{Tape: 1; Side: b; Approx. Time Count: 18.5; Comments: none.}

Rep. Knox goes back to the body of the Final Report to discuss the recommendations, he started the discussion on page 19. Some of the recommendations that Rep. Knox mentioned were 1.) each agency should prepare a written enforcement and compliance manual, 2.) agencies should develop policies to monitor and track so that information is readily available, 3.) develop tools to enforce policies, 4.) record keeping and 5.) Legislative oversight.

{Tape: 1; Side: b; Approx. Time Count: 20.4; Comments: none.}

{Tape: 2; Side: a; Approx. Time Count: 0.1; Comments: put in new tape.}

Questions from Committee

Rep. Harper

{Tape: 2; Side: a; Approx. Time Count: 0.6; Comments: none.}

Vicki Cocchiarella

{Tape: 2; Side: a; Approx. Time Count: 4.0; Comments: none.}

Sen. Grosfield

{Tape: 2; Side: b; Approx. Time Count: 7.6; Comments: none.}

Chairman Noble

{Tape: 2; Side: b; Approx. Time Count: 10.8; Comments: none.}

Sen. Van Valkenburg

{Tape: 2; Side: a; Approx. Time Count: 16.6; Comments: none.}

Sen. Crismore

{Tape: 2; Side: a; Approx. Time Count: 17.7; Comments: none.}

Sen. Keating

{Tape: 2; Side: a; Approx. Time Count: 19.9; Comments: none.}

Rep. Knox

{Tape: 2; Side: a; Approx. Time Count: 21.0; Comments: none.}

Sen. Keating

{Tape: 2; Side: a; Approx. Time Count: 21.8; Comments: none.}

Rep. Knox, closed saying that the Committee studied "compliance and enforcement" not "permitting" which occurs after a permit has been issued. This study was very detailed and he feels that it will help the various Departments in their respective areas.

{Tape: 2; Side: a; Approx. Time Count: 23.0; Comments: none.}

Sen. Grosfield, adjourned the informational meeting for the "HJR 10 Compliance and Enforcement Study Final Report"

Closing by Sponsor:

ADJOURNMENT

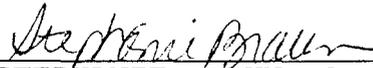
Adjournment: 6:36 p.m.



SEN. LORENTS GROSFIELD, Chairman



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB