

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on January 22, 1997, at
3:01 p.m., in Room 437

ROLL CALL

Members Present:

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

Members Excused: none

Members Absent: none

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 225, HB 219, HB 214
Executive Action: HB 120 DO PASS (18-0), HB 152
DO PASS (18-0), HB 162 DO PASS
(10-8)

HEARING ON HB 225

Sponsor: Rep. Sam Kitzenberg, HD #96

Opening Statement by Sponsor: Rep. Sam Kitzenberg introduced HB
225 and what it would provide

{Tape: 1; Side: a; Approx. Time Count: 1.9; Comments: act allowing installation of aboveground tanks in more smaller communities.}

Proponents:

Ronna Alexander, MT Petroleum Marketers Association
{Tape: 1; Side: a; Approx. Time Count: 4.3; Comments: none.}

Opponents: none

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 8.8; Comments: none.}

Rep. Knox asked Ronna Alexander to get the Committee hard data that would reveal what the cost is to build aboveground vs. belowground storage tanks. Asked that she provide the information before this Friday (1/24/97) so that the Committee could have the information and possibly take Executive Action on HB 225 on Friday.

{Tape: 1; Side: a; Approx. Time Count: 25.1; Comments: Ms. Alexander said she would get the information to the Committee Friday.}

Closing by Sponsor: Rep. Kitzenberg closed

HEARING ON HB 219

Sponsor: Rep. Wes Prouse, HD 15

Opening Statement by Sponsor: Rep. Wes Prouse, HD 15 opened and introduced an amendment to the HB 219 marked as Exhibit #1
{Tape: 1; Side: a; Approx. Time Count: 26.1; Comments: Exhibit #1.}

Proponents:

Wes Prouse, submitted 4 faxed letters as proponent testimony, marked as Exhibit #2, 3, 4 & 5

Mike Homme, Homebuilder submitted Exhibit #2

Bobbi Blain, Billings Mt submitted Exhibit #3

Raymond Erhuhe, Billings, MT submitted Exhibit #4

Gary Williams, Billings, MT submitted Exhibit #5

Clayton Fiscus, Fiscus Realty, homebuilder for 23 years, submitted Exhibit #6

{Tape: 1; Side: a; Approx. Time Count: 29.8; Comments: used tea bag as a visual aid to equate 1 1/2 oz. tea bag to equivalent amount of nitrate.}

{Tape: 1; Side: a; Approx. Time Count: 30.0, very end ; Comments: turned tape over at the very end of the tape.}

{Tape: 1; Side: b; Approx. Time Count: 0.1; Comments: Mr. Fiscus is still going through the information contained in Exhibit #6.}

Al Littler, Billings, MT

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

Opponents:

Vivian Draher, Lewis & Clark County Water District and Lewis & Clark County Health

{Tape: 1; Side: b; Approx. Time Count: 9.3; Comments: EPA limit of nitrates in water is 10 milligrams per Liter.}

Peter Nielsen, Acting Environmental Health Director, Missoula submitted Exhibit #7

{Tape: 1; Side: b; Approx. Time Count: 13.0; Comments: Exhibit #7.}

Jan Sensibaugh, Department of Environmental Quality

{Tape: 1; Side: b; Approx. Time Count: 21.2; Comments: none.}

Deborah Beaver, mom & represents Northern Plains Resource Council

{Tape: 1; Side: b; Approx. Time Count: 25.0; Comments: none.}

Anne Hedges, Montana Environmental Information Center

{Tape: 1; Side: b; Approx. Time Count: 25.7; Comments: none.}

Debbie Smith, MT Chapter of the Sierra Club

{Tape: 1; Side: b; Approx. Time Count: 28.5; Comments: none.}

Jim Richard, MT Wildlife Federation

{Tape: 1; Side: b; Approx. Time Count: 29.5; Comments: none.}

Richard Parks, Gardiner, MT; Bear Creek Council

{Tape: 1; Side: b; Approx. Time Count: 31.2; Comments: none.}

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

Questions From Committee Members and Responses:

{Tape: 2; Side: a; Approx. Time Count: 0.4; Comments: none.}

{Tape: 2; Side: a; Approx. Time Count: 29.9; Comments: Rep Knox requested that DEQ provide the Committee with the "rules" that DEQ is proposing to the "Board" with regards to individual

application for septic systems. Please get that information to the Committee Secretary tomorrow.

{Tape: 2; Side: a; Approx. Time Count:30.0, very end ; Comments: flipped tape at the very end.}

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

Closing by Sponsor: Rep. Wes Prouse closed, he was unaware of the special rules or circumstances that DEQ could impose/intercede when an "individual" submits a request for an individual septic system and the parameters that bind DEQ when they evaluate/oversee "individual" requests. He would also like to see the proposed categories/rules that Jan Sensibaugh of DEQ read to the Committee which will be heard in a public hearing sometime in February.

{Tape: 2; Side: b; Approx. Time Count: 12.3; Comments: none.}

HEARING ON HB 214

Opening Statement by Sponsor: Rep. Ed Grady, HD 55

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

Proponents' Testimony:

Jean Riley, Executive Director of the Petroleum Release Compensation Board (DTRCB)

{Tape: 2; Side: b; Approx. Time Count: 19.8; Comments: none.}

Denise Mills, Remediation Coordinator, Department of Environmental Quality

{Tape: 2; Side: b; Approx. Time Count: 25.6; Comments: none.}

Ronna Alexander, Montana Petroleum Marketers Association submitted Exhibit #8

{Tape: 2; Side: b; Approx. Time Count: 26.4; Comments: none.}

{Tape: 2; Side: b; Approx. Time Count: ; Comments: flipped tape at the very end.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 3; Side: a; Approx. Time Count: 0.2; Comments: none.}

Closing by Sponsor: Rep. Ed Grady, HD #55

{Tape: 3; Side: a; Approx. Time Count: 14.0; Comments: none.}

EXECUTIVE ACTION ON HB 120

Motion: By Rep. Trexler, DO PASS

{Tape: 3; Side: a; Approx. Time Count: 14.9; Comments: none.}

Amendments: Rep. Story moves to amend

Discussion: Kathleen Williams (Committee Staffer) explains the amendment to the Committee

{Tape: 3; Side: a; Approx. Time Count: 19.1; Comments: none.}

Motion/Vote: Amendment is voted on by a voice vote, 18-0 the amendment passes unanimously; Rep. Knox states that this is an extraordinary basis not a precedent

{Tape: 3; Side: a; Approx. Time Count: 20.0; Comments: none.}

Vote: on HB 120 as amended, 18-0, DO PASS unanimously

EXECUTIVE ACTION ON HB 152

Motion: By Rep. Ohs, DO PASS

Amendments: Rep. Knox introduces an amendment and has Kathleen Williams (Committee Staffer) explain the amendment to HB 152

{Tape: 3; Side: a; Approx. Time Count: 22.2; Comments: none.}

Discussion: Rep. Harper moved to amend; no discussion

Motion/Vote: voice vote on amendment, 18-0 passes; back to the body of the Bill with attached amendment; discussion of Bill as amended, Rep. Curtiss question regarding civil penalties regarding p. 7, section 12

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

Vote: 18-0, Bill passes as amended

EXECUTIVE ACTION ON HB 162

Motion: By Rep. Harper, DO PASS

{Tape: 3; Side: b; Approx. Time Count: 3.9; Comments: none.}

Discussion: Rep. Orr, speak against the Bill, its earmarking, Department is using money from various fees, feel the Department should request funds and use funds from the General Fund and have to compete with the rest of the Departments, its a good program that can always use more money but not in this way; Rep. Harper, just sees that have to make some exceptions for fees that are earmarked and this is one of them

{Tape: 3; Side: b; Approx. Time Count: 4.1; Comments: none.}

Motion/Vote: all in favor voice vote, need to show hands, 8 with a vote of no

Vote: passes 10-8
{Tape: 3; Side: b; Approx. Time Count: 6.4; Comments: vote 10-8
on HB 162.}

ADJOURNMENT

Adjournment: 5:40 p.m.



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB