

MINUTES

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

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Dick Knox, on February 7, 1997, at
3:06 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: Rep. Ellingson

Members Absent: none

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 408, HB 414
Executive Action: HB 383 DO PASS (18-0), SB 1 DO
CONCUR (12-6), SB 72 DO CONCUR
(18-0), SB 131 DO CONCUR (18-
0)

HEARING ON HB 414

Opening Statement by Sponsor: Rep. Dan McGee, HD #21 opened
Exhibit #2 {Tape: 1; Side: a; Approx. Time Count: 3.5.; Exhibit2}

Proponents' Testimony:

? Loren Lendel, MT Association of Land Surveyors

{Tape: 1; Side: a; Approx. Time Count: 8.3; Comments: none.}

Dennis Applebury, MT Association of Land Surveys

{Tape: 1; Side: a; Approx. Time Count: 13.3; Comments: none.}

Larry Marshall, MARLS

{Tape: 1; Side: a; Approx. Time Count: 14.6; Comments: none.}

Dennis Lay, MARLS

{Tape: 1; Side: a; Approx. Time Count: 16.5; Comments: none.}

Opponents' Testimony:

Jim Walter, Department of Transportation

{Tape: 1; Side: a; Approx. Time Count: 17.8; Comments: none.}

Informational Testimony:

Pat Kein, Burlington Northern Sante Fe

{Tape: 1; Side: a; Approx. Time Count: 21.0; Comments: none.}

Russ Ritter, Montana Rail Link

{Tape: 1; Side: a; Approx. Time Count: 26.6; Comments: none.}

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 27.2; Comments: none.}

{Tape: 1; Side: a; Approx. Time Count: end; Comments: flipped tape at the end.}

{Tape: 1; Side: b; Approx. Time Count: 0.1; Comments: question from Committee continue.}

Closing by Sponsor: Rep. McGee closed

{Tape: 1; Side: b; Approx. Time Count: 41.1; Comments: none.}

HEARING ON HB 408

Opening Statement by Sponsor:

Rep. Cliff Trexler opened

Proponents' Testimony:

Don Miller, MARLS

{Tape: 2; Side: a; Approx. Time Count: 6.7; Comments: none.}

Dennis Applebury, MARLS

{Tape: 2; Side: a; Approx. Time Count: 12.4; Comments: none.}

Warren Spilker, MT Association of Realtors

{Tape: 2; Side: a; Approx. Time Count: 16.8; Comments: none.}

Dennis Lay, MARLS

{Tape: 2; Side: a; Approx. Time Count: 20.0; Comments: none.}

Larry Marshall, MARLS

{Tape: 2; Side: a; Approx. Time Count: 21.6; Comments: none.}

Steven Ries, land surveyor

{Tape: 2; Side: a; Approx. Time Count: 24.0; Comments: none.}

Opponents' Testimony:

David Plueddemann, Director of Environmental Health Services, Gallatin County submitted only written testimony, marked as Exhibit #1

Jan Sensibaugh, Department of Environmental Quality submitted Exhibit #4

{Tape: 2; Side: a; Approx. Time Count: 24.7; Comments: none.}

Jim Richard, MT Wildlife Federation

{Tape: 2; Side: a; Approx. Time Count: 27.1; Comments: none.}

Anne Hedges, Montana Environmental Information Center

{Tape: 2; Side: a; Approx. Time Count: 29.3; Comments: none.}

Ted Lange, Northern Plains Resource Council

{Tape: 2; Side: a; Approx. Time Count: 30.3; Comments: none.}

Exhibit #5 submitted by Chris Cerquone (only written testimony)

David Vittloff, MT Audubon

{Tape: 2; Side: a; Approx. Time Count: 30.9; Comments: none.}

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 30.9; Comments: none.}

Closing by Sponsor: Rep. Trexler closed

{Tape: 1; Side: a; Approx. Time Count: 32.1; Comments: none.}

EXECUTIVE ACTION ON SB 1

Motion: by Rep. Story, DO CONCUR

{Tape: 1; Side: a; Approx. Time Count: 37.3; Comments: none.}

Exhibit #3 (supplied by Patrick Judge of MEIC per the request of the Committee) was handed out

Amendments: none

Discussion: Rep. Harper began the discussion

{Tape: 2; Side: a; Approx. Time Count: 37.5; Comments: none.}

Motion/Vote: Question called for by Rep. Harper, motion carried (12-6) SB 1 to be concurred in (Rep. Harper, Rep. Ellingson, Rep. Raney, Rep. Schmidt, Rep. Swanson, Rep. Tuss voted "no")

Rep. Knox will carry SB 1 on the House floor

EXECUTIVE ACTION ON SB 72

Motion: by Rep. Orr, DO CONCUR
{Tape: 2; Side: a; Approx. Time Count: 41.5; Comments: none.}

Amendments: none

Discussion: none

Motion/Vote: Question was called, motion carries,
DO CONCUR (18-0)

EXECUTIVE ACTION ON SB 131

Motion: by Rep. Stovall, DO CONCUR
{Tape: 2; Side: a; Approx. Time Count: 42.2; Comments: none.}

Amendments: none

Discussion: none

Motion/Vote: Question was called; voice vote; motion carries, DO
CONCUR (18-0)

EXECUTIVE ACTION ON HB 383

Motion: by Rep. Knox; DO PASS

Amendments: none

Discussion: Rep. Tuss to Rep. Knox followed by clarification of
procedure and interpretation by John Arrigo of DEQ
{Tape: 2; Side: a; Approx. Time Count: 43.5; Comments: none.}

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

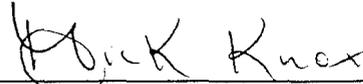
Rep. Raney voiced his concern in agreement with Rep. Tuss' concern that the remediation as it is written in sub section 2 line 26 and line 29, their interpretation is that it appears as if the violators ability to pay determines the penalty. Rep. Raney's other concern is leaving discretion up to the Department.
{Tape: 2; Side: b; Approx. Time Count: 3.2; Comments: none.}

Rep. Harper understands the hesitation to vote for a Bill that is so open-ended, but he takes the Department's word that they are stepping up to enforce and with equal treatment.
{Tape: 2; Side: b; Approx. Time Count: 4.8; Comments: none.}

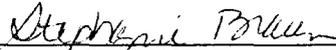
Motion/Vote: Question is called, voice vote, all in favor,
motion carries, HB 383 DO PASS (18-0)

ADJOURNMENT

Adjournment: 5:30 p.m.



REP. DICK KNOX, Chairman



STEPHANIE BRAUN, Secretary

DK/SB