

April 6, 1977

The Natural Resources Committee convened in room 437, on April 6, 1977, at 8:05 a.m., with Chairman Sheldon presiding and all members present (except Reps. Hirsch and Huennekens who were excused).

HJR 97 REP. JACK RAMIREZ, Dist. 64, said this concerns the decision of the Federal Power Commission which has limited the number of natural gas connections that can be made in the next two years. He said Billings used to average 1126 new connections and for 1977 they are permitted only 830 and those have already been spoken for. He gave the following figures to show other cities were also being squeezed: Glendive--average 215, for 1977, 158; Miles City--average 168, for 1977, 124; Wolf Point--average 69, for 1977, 45. He said these are quite severe limitations--should be imposed more gradually. He said if everyone were to switch to electrical heat that facility would not be able to take care of them.

REP. HOWARD C. PORTER, Dist. 65, a co-sponsor of the bill, said he concurs in everything Rep. Ramirez has said.

LES LOBLE, Montana-Dakota Utilities, said they naturally favor this legislation. He said residential customers use 165 MCF a year and industries .8 BCF--so the amount of gas we are concerned with is small in comparison. He said they had asked for this supportive legislation and the response has been gratifying.

ROD WILSON, Chamber of Commerce, Billings, spoke in support. He said they have 68,000 people in their vicinity and it had been estimated they would reach 95,700 by 1980--and this is quite an increase that will need to be serviced. He said the restriction causes delays in building and those delays means extra cost for the homeowners. He said he had talked to Montana Power and had learned all the prospective homeowners cannot go all electricity because they don't have the necessary hookups.

Rep. Ramirez said there were several amendments: page 1, line 12, strike "800" and insert "1220"; page 1, line 14, following "connect" insert "in Montana" and striking "1600" insert "an average of 1655"; and on page 1, line 15, following "made" insert "each year" and striking "1976" insert "1973 to 1975"; and on page 2, line 6, following "withdraw" to insert "or modify".

Chairman Sheldon asked Mr. Loble if limiting the industrial use would insure adequate gas to take care of residential customers. Mr. Loble said there would be until 1985. He said if they didn't acquire 30 BCF each year additional they won't be able to make any new customer connections. Chairman Sheldon asked if it is true that MDU has large acreages of potential gas under lease and if they were waiting for deregulation to develop this. Mr. Loble said they have large acreages and that MDU explores as much as it can within its budget. He said MDU will not be the entity that finds the gas--that will be the smaller exploration companies. He said as far as prices --they are regulated by the PSC so it doesn't do them any good to wait.

Rep. Harper moved the adoption of Rep. Ramirez's amendments and the motion carried unanimously with those present (absent Hirsch, Huennekens, Burnett). Rep. Kessler moved that HJR 97 as so amended do pass. Motion carried unanimously with those present (same absent).

SENATE BILL 175

Rep. Bengtson, chairman of the subcommittee which studied the solid waste bills, said the subcommittee did not accept the amendments as proposed by the Leagues of Towns and Counties. She went through these amendments (exhibit 1). She said the counties want grant funds instead of planning money. Rep. Curtiss said she was the minority that favored the amendments in the subcommittee and she felt the amendment would enable the local people to use this money for some positive disposal work. Rep. Bengtson moved amendment 1 of exhibit 1 be not adopted. Rep. Curtiss moved a substitute motion of be adopted. Question was called and the motion failed--voting yes were Reps. Cox, Kessler, Davis, Hurwitz, Curtiss, Burnett (absent were Reps. Hirsch and Huennekens). The vote was reversed for the former motion of do not adopt. This motion carried. Rep. Bengtson said amendments 2 through 4 of exhibit 1 were word changes if admendment 1 was adopted so wouldn't apply. She said amendment 5 of exhibit 1 was to delete lines 1-20 on page 14. Rep. Nathe moved to delete lines 7 through 11 on page 14. This motion lost on a vote of 9 no and 5 yes (Burnett, Curtiss, Ernst, Hurwitz, Nathe), 3 absent (Quilici, Hirsch, Huennekens).

Rep. Bengtson moved to concur with SB 175 with no amendments. Rep. Davis said he had a question on section 9. Rep. Cox moved to delete this section. Rep. Frates asked if this would destroy the effectiveness of the bill by taking indebtedness out. The motion carried with 8 yes and 5 no (Bengtson, Cooney, Curtiss, Frates, Metcalf), 4 absent (Burnett, Hirsch, Huennekens, Quilici).

Rep. Curtiss moved a substitute motion of Do No Concur As Amended. This motion carried with 8 yes, 7 no and 2 absent. The 7 no were Shedlen, Harper, Cooney, Bengtson, Kessler, Metcalf, Quilici. Rep. Quilici had left his vote with the chairman. Absent were Hirsch and Huennekens.

SENATE BILL 200

Rep. Bengtson said the subcommittee recommended this bill be concurred in as amended. The subcommittee's suggested amendments are exhibit 2 of the minutes. Rep. Cooney, member of the subcommittee, said he did not favor the 6th amendment which changes the civil penalty back to criminal--he said this basically guts the enforcement of this act. Rep. Harper moved that amendments 1 through 5 be adopted. Motion carried with Rep. Davis voting no (absent same). Rep. Curtiss moved the adoption of amendments 6 and 7. She said if we change the penalty we will be relinquishing local control for state control. Motion carried with 8 yes, 6 no (Shelden, Harper, Cooney, Frates, Kessler, Metcalf), 3 absent (Quilici, Hirsch, Huennekens).

Rep. Harper moved as amended be concurred in. Rep. Curtiss made a substitute motion of do not concur as amended. She said the language in the bill is strong and will require strict control of local licensing. Rep. Frates said we must remember that it is the public health we are protecting with these bills. Question was called and the motion failed with 9 no, 6 yes (Burnett, Cox, Curtiss, Davis, Ernst, Hurwitz), 2 absent (Hirsch, Huennekens). Action was then taken on the motion to concur as amended and this motion carried with the vote being reversed.

Rep. Kessler moved that the committee reconsider its action on SB 175. The motion failed 7 to 7. The 7 nos were Cox, Curtiss, Davis, Ernst, Burnett, Bengtson, Nathe; and the 3 absent were Hirsch, Quilici, and Huennekens.

Rep. Hurwitz moved to reconsider the committee's action on SB 200. He said every community has a sanitarian and his job is to see that these conditions are met. This motion also failed on a similar 7 to 7 tie.

SENATE BILL 195

Rep. Harper, chairman of the subdivision subcommittee, said a summary sheet on all the subdivision bills had been prepared and passed to the committee (a copy is exhibit 3 of the minutes). He said amendments being presented on the different bills were agreed on by the Department of Community Affairs and the realtors. He said some were quite technical and the subcommittee had to rely on the expertise in these groups. He said the amendments tie up some of the loopholes. He said the subcommittee of five (Hurwitz, Metcalf, Ernst, Hirsch, Harper) had agreed unanimously on the amendments for the bills.

Rep. Harper moved the amendments for SB 195 (exhibit 4 of the minutes) be adopted and the bill as so amended be concurred in. Motion carried unanimously with those present (absent Hirsch, Huennekens, Quilici).

SENATE BILL 224

Rep. Harper said this would ensure legitimate exemptions are not taken away. He went through the subcommittee's suggested amendments (exhibit 5 of the minutes). Rep. Harper moved the bill as so amended be concurred in. Motion passed unanimously with those present (same absent).

SENATE BILL 225

Rep. Harper said this insures that land can't be sold until the preliminary plat is approved and the sale can't be completed until the final plat is approved. He said this allows the developer time to begin to sell the land (any money goes into escrow in the bank and the bank holds it until the plat is approved or for two years--if the plat is not approved in two years the money goes back to the purchasers. Rep. Harper moved the subcommittee's amendments, exhibit 6, and the bill as so amended be concurred in. Motion carried unanimously with the same absent.

SENATE BILL 227

Rep. Harper moved the subcommittee's amendments be adopted and SB 227 as so amended be concurred in. He said this bill is generally regarded as a clarification of existing law. Motion carried unanimously with the same absent.

SENATE BILLS 226 and 310

Rep. Harper said his subcommittee did not come to a decision on these two bills. He said SB 226 permits the responsibility for review of small subdivisions connecting to existing sewers to pass from the state to the local people. With the added responsibility will come a need for additional funding for the local people and the state health department could end up \$65,000 to \$75,000 short. Rep. Harper said this will have to be made up by increasing the fees or asking for more from the general fund. Rep. Harper recommended increasing the fee to \$40 as he said he could not foresee the Senate agreeing to an increase in the general budget. He said SB 310 is the companion bill that would increase the revenue.

Rep. Curtiss presented some amendments to SB 310 which had been prepared by Rep. Severson (exhibit 8). She said to strike amendment number 5. After discussion she moved the adoption of amendment number 6--which would increase the fee returned to the local people from \$10 to \$20. Motion carried with 8 yes, 5 no (Harper, Cooney, Ernst, Frates, Metcalf), 4 absent (Bengtson, Hirsch, Huennekens, Quilici). Rep. Harper said in reference to the other amendments that it does not make much sense to amend the bill without talking to the people who know. He expressed a wish that the amendments had been available to the subcommittee for study. Rep. Curtiss apologized saying she was unaware this bill was in his subcommittee. Rep. Hurwitz said he felt amendment 2 which strikes the need of monitoring should not be accepted. Rep. Davis agreed and moved it not be adopted. Rep. Curtiss withdrew this amendment. She moved amendments 1, 3 and 4 be adopted and this motion failed with 9 no, 5 yes (Burnett, Cox, Curtiss, Davis, Hurwitz), 3 absent (Hirsch, Huennekens, Quilici).

Rep. Harper moved the fee be placed at \$40 in SB 310. Motion carried with 9 yes, 5 no (Bengtson, Cox, Ernst, Hurwitz, Nathe), 3 absent (same).

Rep. Harper moved the bill as amended be concurred in. Motion carried with 10 yes, 4 no (Burnett, Davis, Bengtson, Nathe), 3 absent (same).

Rep. Harper then moved that SB 226 be concurred in. This motion carried unanimously with the same absent.

SENATE BILL 302

Rep. Meloy said this bill would assure that the agencies participating in the writing of an EIS do not go beyond their own specific statutory authority. He went through his suggested amendments, a copy of which is exhibit 9. Rep. Harper moved the adoption of the amendments.

Motion carried unanimously with those present (same absent). Rep. Bengtson moved the bill as amended be concurred in. Motion carried unanimously with those present (same absent).

SENATE BILL 226

Debbie Schmidt said there was a conflict in this bill with SB 2 which would take only a simple amendment to correct. This is to amend page 5, lines 1 and 2, following "specifications" to strike "~~of-the~~ for subdivisions" and insert "of the subdivision". Motion was made and carried that this should be done.

Meeting adjourned at 10:30 a.m.

Respectfully submitted,


ARTHUR H. SHELDEN, Chairman

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The Solid Waste Subcommittee's Minutes are attached to this set of minutes.