

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 5, 1977

The twenty-fourth meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 9:30 a. m. on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present.

CONSIDERATION OF HB 254: An Act to prohibit the disposal in Montana of large quantity radioactive materials produced in other states; defining terms and providing a penalty.

Representative Mike Cooney, representing District 83 and Sponsor of this bill, stated that this bill involved an extremely large amount of work. He explained the bill section by section. He stated that this bill would make it illegal to dump nuclear wastes from other states in Montana. Letter from Montana Energy and MHD Research and Development Institute, Inc., was read to the Committee. (See Attachment 1.) He added that once water has been contaminated there is really no regulation that we could pass to cure the problem.

Dr. Irving Dayton, representing the Commission on Higher Education and a Nuclear Physicist, stated that he is an expert on this subject. He also was head of the Physics Department at Montana State University for five years. The wording of this bill is technically sound and the bill is carefully drawn to show that it is not a "back-door approach" to halting establishment of nuclear power plants in Montana. He said the voters had voiced their feelings against such a ban last November. As a private citizen, I endorse the goal of the bill. He said that in the debate in the House, the question came up of the effect of the bill on mining of uranium in Montana. The bill is such that it does not affect the mining operations one way or the other.

Jackie Hanson, representing the Montana Student Lobby, stated that the Montana Student Lobby with a membership of 26,000 does support HB 254.

Senator Galt asked, do you feel more definitive of what a large quantity is.

Dr. Dayton replied, the Federal regulations set different limits for different radioactive materials.

Senator Smith said, actually the whole intent of the bill is to see that Montana doesn't want to also be a dump for radioactive wastes from nuclear plants in other states.

Representative Cooney said, that is true.

Representative Cooney in closing said, I think this is a very responsible approach to a problem that we are just beginning to face. I don't think we should wait until trucks are ready to dump before we take action.

DISPOSITION OF HB 254: Motion was made by Senator Smith and seconded by Senator Dover that HB 254 BE CONCURRED IN. Motion carried unanimously.

RE-CONSIDERATION OF HJR 40: Motion was made by Senator Jergeson that the Committee reconsider its action of the previous meeting on HJR 40. Motion was seconded by Senator Galt and motion carried unanimously.

Senator Manley stated that the reason he made the motion that HJR 40 DO NOT PASS, was that we have this law. I think we ought to stand on it and back it and this I feel is deluding that. He stated that the Federal Government has accepted Wyomings, and it isn't as tough as ours.

Senator Jergeson said, I think that's what we are getting down to. I prefer that if they are going to have their fingers in it it is by statute.

Senator Smith said, the thing that concerns me is this could delude enforcement of the Strip Mining Act by the Federal Government. I can't see where this Resolution is going to assist us in any manner.

Senator Galt said, our law doesn't apply to Federal lands. I think there is some benefit in the Resolution myself.

Senator Manley added, this could be interpreted a half-a-dozen ways.

Senator Smith wondered, is the State Land Department getting soft and afraid that they can't enforce strip mining on Federal lands.

Senator Jergeson added, this probably strengthens it.

Senator Roskie said, the Resolution takes the wrong approach. He said the Legislature shouldn't simply be calling for federal legislation but should be seeking an agreement with the Federal Government, with or without a Federal law, to give the state power to impose its own reclamation laws on federal lands.

Senator Dover said, I think that we are a little hasty.

DISPOSITION OF HJR 40: Motion was made by Senator Jergeson and seconded by Senator Galt that HJR 40 BE CONCURRED IN. Upon roll call vote, 4 voting yes, and 4 voting no, HJR 40 was reported out WITHOUT RECOMMENDATION. (See attached roll call vote.)

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:30 a. m.



SENATOR ELMER FLYNN, CHAIRMAN

Date 3-5-77

[illegible]

BILL NB 254

SENATE

Natural Resource COMMITTEE

VISITORS' REGISTER

DATE 2/5/77

Please note bill no.

(check one)

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Ken Bonta	Self	HB 254	✓	
Dwight E. Dayton	Commissioner of Higher Ed	HB 254	✓	
Linda Caradine	Self	HB 254	✓	
James Foster	Self	HB 254	✓	
Sharon M. Von Loy	Tenneco	HB 254	✓	
Peter Jackson	Weta	HB 254	✓	
Don All	Marine Petrol	HB 254	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: Iving E. Dayton DATE: March 5, 1977

ADDRESS: 33 South East Chance Bulch, Helena

PHONE: 449-3024

REPRESENTING WHOM? Commissioner of Higher Education

APPEARING ON WHICH PROPOSAL: HB 254

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Bill technically sound & well aligned to
purpose

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____

DATE: _____

ADDRESS :

PHONE: _____

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mike Cooney DATE: 3-5-11

ADDRESS: 2929 Burke Lane Butte, MT

PHONE: 494-2089

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 254

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dave Cogley DATE: _____

ADDRESS: Hilene - Legislative Council

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

March 4

1977

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE JOINT RESOLUTION Bill No. 40

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 40,

WITHOUT RECOMMENDATION

~~XXXXXX~~

~~XXXXXX~~
Helena, Mont.

Elmer Flynn
SENATOR ELMER FLYNN

J. H.
Chairman.

SENATE COMMITTEE NATURAL RESOURCES

Date 3/5/77 Bill No. HJR 40 Time 10:30

NAME	YES	NO
Flynn, Elmer, Chairman	✓	
Roskie, George, Vice-Chairman		✓
Devine, John		✓
Dover, Harold		✓
Galt, Jack	✓	
Jergeson, Greg	✓	
Manley, John		✓
Smith, Ed	✓	

Beverly Braut
Secretary

Elmer Flynn
Chairman

Motion: Motion was made by Senator Jergeson and seconded by Senator Galt that HJR 40 BE CONCURRED IN. Upon roll call vote, 4 voting yes,
and 4 voting no, reported out of Committee WITHOUT RECOMMENDATION.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

.....~~January~~ March 5 19 77.....

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **254**

[Handwritten mark]

Respectfully report as follows: That **HOUSE** Bill No. **254,**

BE CONCURRED IN

~~DO PASS~~

[Handwritten mark]

energy

The Montana Energy and MHD Research and Development Institute, Inc.

Post Office Box 3809
Butte, Montana 59701
(406) 494-4569
FTS 585-2421

March 4, 1977

Representative Mike Cooney
Montana State Legislature
Capitol Station
Helena, Montana 59601

Dear Representative Cooney:

As I have stated on numerous occasions, my experience in energy research and development has convinced me that this nation cannot continue to act on energy problems without consideration of the long-term effects of our decisions and without a healthy skepticism for the assumption that future technology will always provide the answers.

The current dilemma over what to do with nuclear wastes is perhaps the best example of where this kind of thinking can lead.

It was assumed for many years that by the time nuclear waste became a problem, technology would be developed to convert it or dispose of it in a simple and acceptable manner. Yet, decades later the only solution available is to bury it or dump it at sea.

Not unexpectedly, people in the vicinity of these sites have become knowledgeable and concerned about what an accidental release of radioactive materials would mean to their health and environments. The concern has developed into outright opposition as accidents did occur, and the greater the number of people in an area, the greater the opposition.

With fewer people than most urban centers in the country, Montana and other western states have caught the attention of those charged with finding some way of getting rid of the waste; and we have been informed that Montana is being studied for this questionable distinction.

It appears, therefore, that not only is Montana being asked to contribute substantial resources to help this nation solve its energy problems, but is also being asked to assume the risk to **both** people and resources inherent in nuclear waste disposal.

I think we should let the nation know that Montana does not look with favor