

February 5, 1979

The House Natural Resources Committee convened in room 3 of the Capitol Annex on February 5, 1979 at 12:30 p.m., with Chairman Sheldon presiding and all members present for a hearing on the following bills:

HOUSE BILL 431

REP. WILLIAM M. DAY, the chief sponsor, said this was a simple bill dealing with water. It would require meters on only those wells in controlled groundwater areas. He had an amendment on page 1, line 19, to strike "only those" and insert "wells that produce over 100 GPM and." He said they don't want to delete metering of that type of well. He said he would be glad to answer any questions.

DON MACINTYRE, DNR&C, said initially they are opposed to this bill in this form. He said he thought the amendment closes up a problem they have. He suggested a further amendment so that metering could take place in proposed ground water areas. He said this would help them and the Bureau of Mines.

During questions, Rep. Curtiss asked how many proposed ground water areas they expect. Mr. MacIntyre said the Choteau area is one and he said there is a need to determine what other areas should be put into a controlled ground water area. He said they can't quantify now. Rep. Nathe asked how ground water areas are created. Mr. MacIntyre said a group of people within an area will come in and petition to set up a ground water area. Rep. Day said he had a well in the only controlled ground water area in the state. He said the DNR are monitoring that at this time. He said they had some drastic drops in water well pressure after Shell started withdrawing from that aquifer. Rep. Huennekens asked how the 100 gpm in the amendment was arrived at. Rep. Day said that is in present law, anything under that does not require a permit--requires only that you file. Rep. Thoft asked if the 100 gallons is use or potential. He said he would like it on use.

HOUSE BILL 434

REP. EARL C. LORY, the chief sponsor, said he would like to introduce Mr. Kenneth Read of the Board of Sanitarians.

MR. KENNETH E. READ, Board of Sanitarians, Missoula, explained the position of the Board of Sanitarians and a copy of his testimony is exhibit 1 and part of the minutes. He presented a suggested amendment and this is exhibit 2 and part of the minutes.

VERN SLOULIN, representing self and Department of Health and Environmental Sciences, from Helena, spoke next in support of the bill. He said he was the first sanitarian to be registered. He said the reason the bill was put in was to assure some basic qualifications of people working as sanitarians. He said sanitarians have a complicated job and they need a variety of knowledge

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to do the job and the main purpose of this is to protect public health. He urged the passage of the bill.

DONALD G. WILLEMS, Water Quality Board, Environmental Sciences Division, DHES, spoke next in support with suggested amendments. A copy of his testimony is exhibit 3 and part of the minutes.

LARRY WHITE, Occupational Health Bureau, DHES, said they support the concept of the bill but do have a problem with the same section as Mr. Willems did. He said they have some real conflicts in their Bureau as their people would be required to be registered under this act. He said their people are specialized and should be exempt. He did urge passage of the bill with Mr. Willems' amendments.

CHARLES L. STAHL, Sanitarian in the Missoula City-County Health Department, said he supports the proposed bill except for page 8, line 10 concerning job classification. He said the bill upgrades the specific title of the sanitarian and has a continuing education program. He did not agree with Mr. Willems' amendments for even though these specialists are dealing in a special field, they are in essence practicing sanitarians. He said even though we are in a local field we also have to be diversified and have knowledge in specific areas like subdivisions, food consumerism, water control, and on and on. As a registered sanitarian he felt all working in the field in whatever capacity should be required to be registered.

WILL SELSAR, Lewis and Clark City-County Health Department, a registered sanitarian, said he was in favor of the bill. He felt it should be kept in mind that anyone in the field of environmental health needs to possess a certain body of knowledge.

PETE FRAZIER, Mont. Env. Health Assoc., member of the Board of Directors, Board of Registered Sanitarians for over 8 years, said registered sanitarians change. He said he used to be more of a health inspector, but over the years the sanitarians responsibilities have changed and they need more special knowledge. Environmental health, he said, has become a very complex profession and to meet this continuing education is an important factor. HB 434, he said, addresses that. He felt water quality and air quality should not have to pass the generalistic test and the act provides for developing individual tests. He urged a do pass of the bill as originally presented by Mr. Read.

ROBERT STEVENSON, City-County Health Dept, Great Falls, said he supported the proposed change as these changes will help insure the quality of the peoples' work. He asked the committee not to weaken the act and reduce the services provided.

DARRRELL FURAN, Montana Environmental Association, said he had been a sanitarian for many years and had seen the profession

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evolve. He said the important decisions involve major subdivisions. He said regulations are becoming more and more complex and the profession must keep pace and have qualified personnel. Therefore, he said he supports the bill.

MICHAEL W. ARMON, Cascade County Health Dept., supported the bill. He said anyone who is involved in the health field should be required to come under the scrutiny of the board.

THOMAS L. DAWSON, representing self, a local sanitarian, was in favor of supporting and amending. He felt there should be a deletion of or a job classification with equivalent required qualifications as found on page 8, lines 10 and 11. Those practicing as a sanitarian need to have a certain quality of education in order to make appropriate judgements concerning public health.

H. S. HANSON, Design Profession, speaking as a neutral, said there are regulations for everything that applies to a human. He felt this was a little above and beyond the regular act.

MIKE ROACH, Air Quality Bureau, spoke as one in a neutral position. He said he supported the testimony of Don Willems. He said his problem with the bill was a management problem. He said they have specialists who refuse to become sanitarians. He said nothing has disrupted his department like this power play by the sanitarians to bring them under.

During questions from the committee, it was brought out that there is a squabble between the state and local health regulating people. The sanitarians felt it was only right that all people working in the field should be under the board of sanitarians. The state specialists do not want to belong. A representative of the sanitarians said if push came to shove, they would recommend that page 8, lines 8-13 should be ignored and the old law used. He felt the good parts of the bill are too important to jeopardize losing the whole bill. Rep. Curtiss asked how many people this would involve. Larry Lloyd, DHES, said this law as written with Mr. Read's amendment would be all encompassing. Mr. Lloyd had signed a statement supporting the bill providing the amendments proposed by Don Willems were adopted.

MR. READ closed for Rep. Lory, as he had to leave for another hearing. He said if page 8 causes a lot of trouble, his personal opinion is that it should be stricken.

Also signing was Randy Knight, Lewis and Clark, support with amendment, exhibit 4

Lawrence W. Waters, self, support

Eugene Regan, R.S., MSU, exhibit 5, support

James O. Lodge, MSU, support, exhibit 6

Clark A. Myers, Lewis & Clark Health Dept., support

Samuel R. Kalafat, City-County Health Dept., G.F., support

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HOUSE JOINT RESOLUTION 18

REPRESENTATIVE STEVE WALDRON, the chief sponsor, said this bill was co-sponsored by most of the Missoula delegation. He said Champion International Coop has been very cooperative with the state and has given them well over 1/2 million dollars worth of land for recreational use on Salmon and Placid Lakes. He said there was a very strong need for recreational facilities in these areas. He said Champion International has also been very cooperative in creating a Blackfoot River Plan. He said we are commending them for this spirit of cooperation in this resolution.

RON HOLLIDAY, Montana Dept. of Fish and Game, testified in support and a copy of his testimony is exhibit 7 and part of the minutes. Rep. Bertelson spoke up in support. He said the area was in his backyard.

In closing Rep. Waldron said he would like to make the point that they could have subdivided and got much more than they did get from a tax break.

EXECUTIVE SESSION

HOUSE JOINT RESOLUTION 18 Rep. Bertelson moved that it do pass. Motion carried unanimously with those present.

HOUSE BILL 434 Rep. Scully moved do not pass. Rep. Huennekens and Harper voted no. Rep. Kessler abstained. Motion carried.

Rep. Scully moved a committee bill be drafted to move the sunset audit on the sanitarian board up to the 1979 level. Motion carried unanimously.

HOUSE BILL 431 Rep. Thoft suggested the volume of water from a well be tied down to actual use and not potential. Rep. Scully questioned how you would know this without a meter on it. It might force the use of meters. Rep. Thoft proposed that the staff researcher come up with the proper wording for this.

Meeting adjourned at 2:00 p.m.

Respectfully submitted,


ARTHUR H. SHELDON, Chairman

Emelia Satre, Secretary