

MINUTES OF THE MEETING
NATURAL RESOURCES
STATE SENATE

January 19, 1979

The second meeting of the Natural Resources Committee was called to order by Senator George F. Roskie, Chairman, at 1:35 P.M., on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call, all members were present with the exception of Senators Dover, Etchart, Lockrem, and Story.

Mr. Jim Lear, Staff Attorney of the Legislative Council, was also present. See attached visitors' register for the names of visitors present.

CONSIDERATION OF SB 103: An Act amending section 82-4-351, MCA, to clarify water and air quality requirements.

Chairman George F. Roskie introduced Senator Steve Brown, Senate District 15, to explain Senate Bill 103 to the Committee.

Senator Brown gave a brief resume of the bill and stated that the purpose of this bill was to update this portion of the law by making reference to Title 75, chapter 2, MCA, as amended, (Clean Air Act) and Title 75, chapter 5, MCA, as amended (Water Quality Act) instead of referring in general to state water and air purification standards. He pointed out that there are no standards mentioned in the statutory law but are located in the Administrative Rules of Montana.

Senator Brown informed the Committee that Brace Hayden and David Woodgerd were present from the Department of State Lands to explain why they had requested the bill and to answer any questions the Committee might have. He said he would also be happy to answer any questions the Committee may have.

Chairman Roskie called for any more proponents to the bill and, hearing none, called for the opponents. Hearing none, Chairman Roskie opened the hearing for questions from the Committee.

Senator Jergeson asked if it would be necessary to write a statement of intent to accompany the bill. Staff Attorney Jim Lear was called upon to comment on rule making authority, and, after some discussion, it was agreed that since it was not the intent of the bill to expand the rule making authority, a letter of intent would not be necessary.

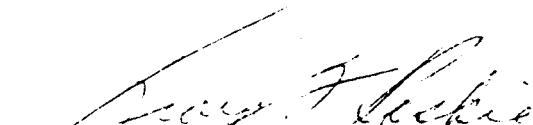
At this point Senator Story arrived.

Senator Story questioned the vagueness of line 16 and Senator Brown agreed it would be possible to delete that line. Senator Brown then moved that SB 103 be amended by striking on line 16

following "amended," the words, "any other laws pertaining to air or water quality," and inserting, "Title 75, chapter 6, MCA, as amended." After some discussion about the amendment, Chairman Roskie called on Brace Hayden from the Department of State Lands to explain why they had requested the bill. Mr. Hayden explained that the primary concern was to provide specific guidelines for denial of mining permits (see attachment).

DISPOSITION OF SB 103: There was further discussion on the bill and then Chairman Roskie asked the Committee to vote on the amendment moved by Senator Brown. The motion carried unanimously. Senator Thiessen then moved the bill DO PASS as amended. All Senators voted in favor of the bill passing as amended with the exception of Senators Manley and Lowe.

ADJOURNMENT: There being no further business, the meeting was adjourned at 2:10 P.M.


SENATOR GEORGE F. ROSKIE, CHAIRMAN

Date 1/19/79

ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

SENATE

STANDING COMMITTEE REPORT

January 19

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MR. President

We, your committee on Natural Resources

having had under consideration Senate Bill No. 103

Respectfully report as follows: That Senate Bill No. 103, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "amended,"

Strike: "any other laws pertaining to air or water quality,"

Insert: "Title 75, chapter 6, MCA, as amended,"

And, as so amended,

DO PASS

O.A.

SENATE COMMITTEE NATURAL RESOURCESDate January 19, 1979Bill No. 103Time 2:05 P.M.

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman	✓	
BROWN, Steve	✓	
ETCHART, Mark		
JERGESON, Greg	✓	
LOCKREM, Lloyd C., Jr.	✓	
LOWE, William R.		✓
MANLEY, John E.		✓
STORY, Pete	✓	
THIESSEN, Cornie R.	✓	

SHARON NASON
SecretaryGEORGE F. ROSKIE

Chairman

Motion: By Senator Cornie Thiessen that SB 103 DO PASS as
amended.

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

SENATE

SENATE Natural Resources COMMITTEE

BILL 103

VISITORS' REGISTER

DATE 4/19/79

Please note bill no.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: David Woodgerd DATE: 1-19-79

ADDRESS : _____

PHONE: _____

REPRESENTING WHOM? Dept. of State Lands

APPEARING ON WHICH PROPOSAL: SB 103

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: BRACE HAYDEN DATE: 1/19/29

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? Dept. of State Lands

APPEARING ON WHICH PROPOSAL: SB 103

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SUMMARY SB 103

This bill amends the provision of the Hard Rock Act concerning reasons for denial of a permit to conduct a mining operation. The current law provides that a permit may be denied if it conflicts with the state water and air purification standards. The reference to purification standards is outdated. The state of Montana has adopted other standards. It is therefore proposed that the reference be amended to specify Montana's Clean Air Act, Water Quality Act and rules adopted pursuant to these Acts.

This would not be a substantive change in the law since the intent of the original Hard Rock Act was to allow a permit to be denied if a conflict with the water or air quality standards existed. The amendment simply updates the reference to these standards.