

MINUTES OF THE MEETING
NATURAL RESOURCES
STATE SENATE

January 22, 1979

The third 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 Etchart, Lockrem, Story and Thiessen. Senator Stan Stevens, majority leader of the Senate, sat in temporarily as a committee member.

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 118: Chairman Roskie introduced Senator Harold Nelson, District 7, to explain SB 118. Senator Nelson then introduced Jim Lear, Staff Attorney for the Natural Resources Committee, to explain SB 118 to the Committee. Staff Attorney Jim Lear, representing the Code Commissioner, commented on the changes being proposed by SB 118.

At this point Senator Thiessen and Senator Story arrived.

Chairman Roskie called for further proponents to SB 118. Hearing none, Chairman Roskie called for any opponents to SB 118. Hearing none, Chairman Roskie opened the hearing to questions from the Committee.

Don Allen, Montana Petroleum Association, asked Jim Lear, Staff Attorney, about the language in section 4, page 4, line 18, of SB 118 and the effect of the change upon rules adopted earlier by the board. A discussion ensued in which Senator Brown, Leo Berry, Department of State Lands, and Steve Williams, Anaconda Company, all responded to his question and offered further information verifying that the amendment would have no "grandfathering" effect.

DISPOSTION OF SB 118: Senator Lowe then moved that SB 118 receive a DO PASS recommendation and Senator Dover seconded the motion. Motion carried unanimously.

Senator Lowe moved that SB 118 be put on the consent calendar. Senator Dover seconded the motion. All senators with the exception of Senator Story voted to put SB 118 on the consent calendar. Because of the one declining vote, SB 118 will not go on the consent calendar.

CONSIDERATION OF SB 105: Chairman Roskie then closed the hearing on SB 118 and opened the hearing for SB 105. Chairman Roskie introduced Senator Steve Brown, District 15, to ex-

plain SB 105 to the Committee.

Senator Brown stated that SB 105 was requested by the Department of State Lands and proposes to amend the confidentiality section of the hard rock mining law. He then introduced Commissioner Leo Berry, Department of State Lands, to speak on SB 105 and to explain the provisions of the bill (see attachment). Mr. Berry offered to answer any questions the Committee might have.

Chairman Roskie asked for further proponents to SB 105. Mr. Frank Dunkle, Montana Mining Association, stated he endorsed the statement made by Mr. Berry. Mr. Kevin Keenan, Water Quality Bureau, Department of Health, also stated he supported SB 105.

Chairman Roskie asked for any further proponents to SB 105 and, hearing none, asked for any opponents. Hearing none, Chairman Roskie opened the hearing to questions from the Committee and a brief discussion ensued.

Senator Lowe moved that SB 105 be amended by striking the word "potential" on page 2, line 11, and inserting the word "possible". Senator Dover seconded the motion. Chairman Roskie asked if there was any discussion on the proposed amendment and extensive discussion followed. Senator Lowe asked if it was possible to amend his original motion. It was agreed that this was possible. Senator Dover then moved to amend the proposed amendment. Senator Brown suggested the Committee consider a separate motion rather than amend the proposed amendment, and the Committee decided to vote on the amendment proposed by Senator Lowe. The motion carried unanimously.

Senator Dover moved to amend SB 105 by inserting "after a field inspection" after "determines" on page 2, line 11, and further discussion occurred. Chairman Roskie then called for a vote on Senator Dover's amendment. The motion carried unanimously.

Senator Manley then moved to amend SB 105 by striking "may" and inserting "does" on page 2, line 12. Senator Jergeson questioned the cost of such an amendment and a discussion of the proposed amendment ensued.

Senator Dover asked Mr. Berry what he felt the effect of Senator Manley's amendment would be. He responded by stating that he felt it would negate the purpose of the bill. Mr. Berry then proposed to pass around pictures to the Committee of areas that would be affected by this bill. Mr. Frank Dunkle objected to the pictures being passed around to the Committee. Chairman Roskie asked Mr. Berry to hold his pictures, at least temporarily.

Senator Manley asked to have discussion closed on his amendment, and Chairman Roskie said he could. Senator Lowe asked if Senator Manley's amendment could say "does, in their opinion,". Senator Manley refused Senator Lowe's amendment, and stated that he felt you might as well take it all out if SB 105 is to be amended to read as Senator Lowe proposed.

Chairman Roskie called for a roll call vote on Senator Manley's amendment. Motion failed by a vote of 3 to 5 (see attachment).

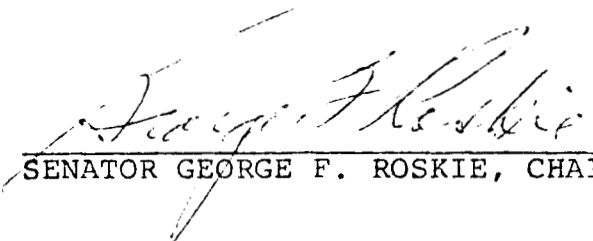
Chairman Roskie then stated that Torian Donohoe, Environmental Information Center, asked to be recorded in favor of SB 105 as she was unable to stay for the entire hearing. Further discussion occurred on SB 105, and then Chairman Roskie asked Senator Brown to close. Senator Brown made a closing statement and, with no further comments, Chairman Roskie closed the hearing on SB 105. Chairman Roskie asked the Committee to stay and excused the visitors and witnesses, if they so desired.

Chairman Roskie briefly discussed SB 103 to clarify the amendment. He then stated he was impressed with the amount of interest in SB 105, both by outside groups and by the Committee, and felt it was important to have a respect for the right to know as well as an individual's privacy.

DISPOSITION OF SB 105: Senator Thiessen moved that SB 105 receive a DO NOT PASS recommendation and Senator Dover seconded the motion. Chairman Roskie asked if there was any further discussion and, hearing none, called for a roll call vote. Motion carried by a 5 to 3 vote (see attachment).

Senator Thiessen asked that the matter of excused senators being allowed to register a vote on the committee action be put before the Senate Rules Committee at their meeting that evening. A discussion followed without any action being taken on Senator Thiessen's suggestion.

ADJOURNMENT: At 3:00 P.M. the meeting adjourned as the Senate was going into session then.



SENATOR GEORGE F. ROSKIE, CHAIRMAN

ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

| NAME | PRESENT | ABSENT | EXCUSED |
|---------------------------------|---------|--------|---------|
| 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. | | ✓ | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

January 23

19 79

MR. President

We, your committee on Natural Resources

having had under consideration Senate Bill No. 105

Respectfully report as follows: That Senate Bill No. 105,
introduced bill, be amended as follows:

1. Page 2, line 11.
Following: "determines"
Insert: "after a field inspection"
Following: "a"
Strike: "potential"
Insert: "possible"

And, as so amended,

~~DO PASS~~

DO NOT PASS

P.A.

SENATE COMMITTEE NATURAL RESOURCES

Date January 22, 1979 Bill No. 105 Time 2:45 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
Secretary

GEORGE F. ROSKIE *GFR*
Chairman

Motion: By Senator Manley to amend SB 105 by striking the word "may" on page 2, line 12, and inserting the word "does".


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

SENATE COMMITTEE NATURAL RESOURCES

Date January 22, 1979 Bill No. 105 Time 2:55 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
Secretary

GEORGE F. ROSKIE 
Chairman

Motion: By Senator Cornie Thiessen that SB 105 receive a DO NOT
PASS recommendation.

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

SUMMARY SB 105

This bill would amend the confidentiality provision of the Hard Rock Mining Act. The Act currently requires that all information obtained from applications for exploration licenses and from small miners be kept confidential between the Board of Land Commissioners and the applicant. The information can only be released under certain conditions. Failure to comply with this provision is punishable by a fine of up to \$1,000.

The bill would amend this provision to allow the Department of State Lands to provide information to the Department of Health and Environmental Sciences when it determines that a potential violation of the air and water quality laws or rules may exist. The Department of Health and Environmental Sciences would be required to keep the information confidential under the same requirements as now apply to the Department of State Lands, unless a violation is determined. The information is also admissible in administrative hearings or other proceedings concerning the site.

The amendment is needed since under present law a mine inspector for the Department of State Lands cannot report potential violations to the Department of Health and Environmental Sciences. If inspectors are able to notify the water and air quality experts, potential problems can be solved before a violation occurs. Also, the air and water quality laws and rules can be enforced and administered more effectively and efficiently by the Department of Health and Environmental Sciences if information concerning mining activity is available to them.

Please note bill no. (check one)

| NAME | REPRESENTING | BILL # | SUPPORT | OPP |
|--------------------|----------------------|--------|-------------------------------------|--------------------------|
| Don J. Allen | Wash. Riv. Assoc. | SB 118 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Tommy Benson | EDC | | | |
| Bill Harboeck | EDC | | | |
| Dennis Barber | Assoc. of... | SB 105 | | |
| ... | ... | | | |
| ... | ... | | | |
| Steve Williams | ANACONHA Co. | SB 105 | | |
| John North | State Land Dept | SB 105 | | |
| KEVIN KEENAN | WATER QUALITY BUREAU | SB 105 | <input checked="" type="checkbox"/> | |
| ... | ... | | | |
| ... | ... | | | |
| Orion, Monahoe | ETC | SB 105 | | |
| Richard W. Pellbut | Self Legis Aide | | | |
| Peggy Christensen | Self | | | |
| ... | ... | | | |
| James H. Lear | Code Commissioner | SB 118 | <input checked="" type="checkbox"/> | |

NAME:

Leo BERRY

DATE:

1-22-79

ADDRESS:

PHONE:

REPRESENTING WHOM?

Dept of State lands

APPEARING ON WHICH PROPOSAL:

SB 105

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: FRANK DUNKLE DATE: 1-22-79

ADDRESS: 2030 11th Ave

PHONE: 443-7297

REPRESENTING WHOM? Mt. Union Assoc

APPEARING ON WHICH PROPOSAL: SB 105

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James H. Lear DATE: 1/22/79

ADDRESS: Clancy, Montana

PHONE: 449-3064

REPRESENTING WHOM? Code Commissioners

APPEARING ON WHICH PROPOSAL: SB 118

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.