

THE MINUTES OF THE MEETING OF THE NATURAL RESOURCES COMMITTEE
FEBRUARY 14, 1981

The meeting of the House Natural Resources Committee convened in Room 437 of the Capitol Building on Saturday, February 14, 1981, at 3:00 p.m. with CHAIRMAN DENNIS IVERSON, presiding, and fourteen members present (REP. ASAY was absent and REPS. BURNETT, ROTH, and QUILICI were excused).

EXECUTIVE SESSION HOUSE BILL 334 Motion on the bill by REP. KEEDY of DO NOT PASS. He said he did not believe the legislature should be in the business of determining when or under what circumstances air quality standards should happen.

The motion TIED with REPS. CURTISS, SALES, BROWN, IVERSON, COZZENS, ROTH, BURNETT, and QUILICI opposing. No further action was taken.

HOUSE JOINT RESOLUTION 13 REP. MUELLER moved DO NOT PASS. He said there were and still are some legitimate concerns of state people with the federal government regarding public lands. This resolution is not the path to take, serves no purpose, and solves no problems.

REP. BROWN supported that motion saying the Bureau of Land Management is the worst agency in the federal system, but the resolution does not take all things into consideration.

The motion of DO NOT PASS PASSED with REPS. IVERSON, BURNETT, CURTISS, SALES, ROTH, COZZENS, and ABRAMS opposing.

HOUSE JOINT RESOLUTION 22 REP. KEEDY moved DO PASS on three amendments. The first adds "existing" to "primary reduction plants". Two other amendments corrected dates. The motion PASSED.

REP. HUENNEKENS moved DO NOT PASS on the bill. He felt there is a proper procedure that could accomplish what is needed and it should be used. REP. KEEDY concurred by saying there is no demonstrated need for this resolution. The aluminum plant has been out of compliance for eleven years yet they have never petitioned the Board of Health nor have they gone out of business.

REP. BERTELSEN stated that if we take legislative action for this company's problem, we are putting ourselves in a poor position. The company should not be at the legislature but rather should go through proper channels.

REP. CURTISS said she felt the company wanted the board to establish some rules so they know what is expected. The company has been denied a hearing and it is trying to do the right thing. She then provided a substitute motion of DO PASS.

REP. SHELDEN said the present law is not going to shut the plant down. If the legislature is going to follow this type of issue, it will need an interim committee to handle it.

REP. HART felt the legislature is not in the business of deciding what the air quality standard should be. She felt the company should go through proper channels.

REP. NEUMAN felt the company had not exhausted the appeal system.

The motion of DO PASS AS AMENDED PASSED with REPS. NORDTVEDT, BERTELSEN, HUENNEKENS, KEEDY, SHELDEN, NEUMAN, and HART opposing.

HOUSE BILL 607 REP. HARP moved DO PASS on four amendments. REP. KEEDY asked to separate the amendments and to consider the first three which simply added "or the board" from the last amendment. Motion of DO PASS on the first three amendments PASSED.

REP. KEEDY moved DO NOT PASS on the fourth amendment. DEBBIE SCHMIDT, staff researcher, explained the amendment saying that according to the language in subsection 4 the applicant submits an amendment and the department makes its determination. If there is not a change in location or an impact on the environment, it is granted. If there is an impact or a location change, a hearing is required and the burden of proof is on the applicant.

REP. BROWN felt that would put the burden of proof on the applicant and on the company also.

REP. HARP said that at some point in time, the burden of proof must shift to the person complaining.

The motion of DO NOT PASS was withdrawn and amendment four PASSED.

REP. BROWN moved DO PASS AS AMENDED on the bill. PASSED unanimously.

HOUSE BILL 642 REP. HARP moved DO PASS.

REP. NEUMAN expressed his concern about the ability to monitor the trees in heavily timbered areas.

REP. KEEDY said that is a definite problem and if the state implements this bill we are talking about forage i.e. grazing areas and not wildlife and timber.

REP. BROWN mentioned that the Air Quality Bureau testified on behalf of the bill. REP. HUENNEKENS asked if that bureau is concerned with people or trees.

REP. HUENNEKENS further stated that ambient air samples are erratic. We are foreclosing development for ambient air testing.

REP. KEEDY said it is restrictive because it is designed to address cattle grazing problems.

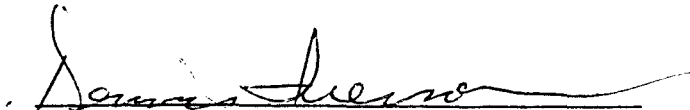
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The motion of DO PASS PASSED with REPS. HUENNEKENS, KEEDY, SHELDEN, and HART opposing.

REP. KEEDY then moved that a Statement of Intent be included with HB 642. The motion PASSED.

The meeting was adjourned at 4:10 p.m.

Respectfully submitted,


DENNIS IVERSON, CHAIRMAN

Ellen Engstedt, Secretary