

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
50TH LEGISLATURE

March 23, 1987

The meeting of the Natural Resources Committee was called to order by Chairman Tom Jones at 12:40 p.m. on Monday, March 23, 1987 in room 312B in the state capitol.

ROLL CALL: All members were present, except Representatives Al Meyers and John Harp who were absent. Also present was Hugh Zackheim of the Environmental Quality Council, and Deb Thompson, secretary.

SENATE BILL 66

Senator Gage introduced SB66 and discussed the net proceeds tax on new producing oil and gas wells. He said the bill redefines production and is effective after December 31, 1986.

PROPONENTS

Janelle Fallon, Montana Petroleum Association, said that this bill handled an unforeseen situation with SB390. She said that SB66 would be workable and suggested the committee pass the bill.

There were no opponents.

Representative Raney questioned whether this would be a clean up bill or would it actually provide more incentive. Senator Gage replied that more wells would qualify.

(060) Representative Simons asked whether it was a common occurrence to shut down a well and then go back into production. Ms. Fallon replied that this was determined by a geologist.

Representative Harper questioned if a vast number of drilled wells were capped waiting for the price of oil to rise. Ms. Fallon replied that when a well was drilled, it was 6 months before the data was on file with the Board of Oil and Gas.

Representative Asay asked Senator Gage to clarify the language on the new production of wells. Senator Gage replied that this was not directed to old wells but instead allowed new wells that have not produced in the last 5 years.

Senator Gage (131) mentioned that the fiscal note indicated some reduction and some increases. He said this would mainly be determined on a lease that below 7 percent royalty rate. He pointed out that this would allow people to drill and not be burdened with time and effort defending their production under the net proceeds tax law.

HJR44

Representative Pavlovich presented HJR44 and said that hazardous waste was a great concern. He presented an amendment that pertained to transportation of hazardous waste (Exhibit 1).

PROPOSERS

Glen Black, Montana Fire Chiefs Association, pointed out the quantity of trucks carrying hazardous wastes on the highway. He said the materials are there and increasing. He said that this needs to be addressed to determine who has responsibility. He recommended study of the problem over the next two years.

Ramona Pewey discussed the hazardous waste analysis that was done in 1985 for every county. She said that 100 percent of the counties have a hazardous waste problem. She pointed out that there is no one at the state level to deal with the problem. (Exhibit 2)

Buz Peterson, president of Montana Association of Disaster and Emergency Services in Anaconda and Deer Lodge Counties, said the coordinators would assist in the study of the problem. (Exhibit A)

James Hamilton, Mayor of Choteau, supported HJR44 along with the Teton County Commissioners (Exhibit 3).

Judy Doggett, Clerk and Recorder of Broadwater county, discussed the problem that developed concerning the accident of the hazardous material spill in Broadwater county and who was responsible. She said that Broadwater county was left "holding the bag" (Exhibit 4). The attorney general opinion along with a report of a sequence of events was presented (Exhibit 5).

Paul Spangler, Lewis and Clark disaster coordinator, spoke in support of HJR44. He said that the planning and responsibility for the project is important. He pointed out that one of every 4 trucks carries hazardous materials. Thirty thousand types of poisons are carried around the state. He said it is left to locals to respond. He recommended providing money for this needed study.

Gordon Morris, Montana Association of Counties, supports HJR44 and said they would work with the committee regarding the study.

Kari Lei Pinkerman, Butte Silver Bow Planning Department, spoke in support of the resolution. She pointed out the need for better coordination between all entities involved in emergency planning state-wide. She said few funds are available for local governments for equipment and manpower to handle emergency incidents. (Exhibit 6)

Henry Lohr, Montana State Volunteer Fire Fighters Association, said there was a serious need for a uniform program implemented statewide. He presented testimony from another volunteer fire fighter (Exhibit 7).

Allen Kadsey testified in support of HJR44. He said there was great consequences for the environment in the area of public health.

There were no opponents.

EXECUTIVE ACTION - HJR44, SB66

Representative Addy moved DO PASS on HJR44. Representative Addy moved to adopt the Pavlovich amendments. The motion to adopt the amendments passed unanimously. Representative Addy moved to DO PASS AS AMENDED HJR44. The motion PASSED unanimously.

Representative Addy moved SB66 BE CONCURRED IN. The motion CARRIED unanimously.

Hugh Zackheim distributed the draft committee resolution.

Representative Clyde Smith recommended that the resolution be drafted formally. Chairman Jones said the drafting was in progress.

SB184

Representative Cobb moved SB184, and then moved the amendments to SB184. He explained number 2 of the amendment that takes oil and gas out of MEPA until a programmatic environmental impact statement has been adopted. He said that number 3 lists what needs to be included in that statement (Exhibit 11). Representative Miles said she would support the amendment but that this was the wrong approach. She said the oil and gas people should have an alternate proposal first rather than calling for an exemption from MEPA. Representative Cobb clarified that the program review was

still under MEPA. Representative Simon questioned whether this amendment was reviewed by the oil and gas industry.

Representative Simon moved to hold on consideration of SB184 so the bill's sponsor can review the amendment. The motion PASSED unanimously.

SB329

Representative Simons moved TO CONCUR and moved to amend SB329 with the Blaylock amendments (Exhibit 10). The motion PASSED unanimously.

Representative Simon moved the second set of amendments. Representative Simon said amendment number 2 in intended to avoid the duplication of natural areas that are already protected as wilderness areas. He pointed out that number 5 provided multiple use in natural areas when compatible (Exhibit 9). He said the board was changed from 7 to 6 to be more equal representation. Representative Simon moved those amendments.

Representative Cobb asked to segregate the amendment. He did not think multiple use should be in the bill, because this was inconsistent. Representative Harper pointed out that there was no real concern or reason to keep people from going across a natural area. He said this was not a wilderness area and that as long as the use was compatible, people should not be locked out. The committee then approved Representative Simon's motion TO CONCUR AS AMENDED, with Representative Cobb voting NO. Representative Cobb withdrew his request to segregate the amendments. The committee adopted the second set of amendments.

SB373

Representative Harper moved to RECONSIDER action on SB373. The motion PASSED unanimously. Final action on the bill was set for Friday, March 27, because copies of the bill were not available.

ADJOURNMENT: The meeting was adjourned at 1:50 p.m. The next meeting was announced for Friday, March 27, in 312B of the state capitol.



REP. TOM JONES, Chairman

DAILY ROLL CALL

NATURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-23-87

NAME	PRESENT	ABSENT	EXCUSED
TOM JONES, CHAIRMAN	✓		
CLYDE SMITH, VICE CHAIRMAN	✓		
KELLY ADDY	✓		
TOM ASAY	✓		
JOHN COBB	✓		
BEN COHEN	✓		
ED GRADY	✓		
JOHN HARP		✓	
HAL HARPER	✓		
MIKE KADAS	✓		
AL MEYERS		✓	
JOAN MILES	✓		
MARY LOU PETERSON	✓		
BOB RANEY	✓		
RANDE ROTH	✓		
ANGELA ROSS	✓		
BRUCE SIMS	✓		
BILL STRIZICH	✓		
STAFF: EQC HUGH ZACKHEIM	✓		

STANDING COMMITTEE REPORT

MARCH 23

19 37

Mr. Speaker: We, the committee on NATURAL RESOURCES

report HJR 44

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

TOM JONES

Chairman

1. Page 1.

Following: line 13.

Insert: "WHEREAS, the transportation of hazardous materials poses particularly difficult problems for local government because, while regulation of transportation is primarily a federal responsibility, local governments are responsible for emergency response to hazardous materials transportation incidents; and"

2. Page 2, line 11.


Following: "risks"

Insert: ", including risks posed by the transportation of hazardous materials through Montana communities,"

3. Page 2, line 12.

Following: "incidents"

Insert: ", including incidents involving transportation of hazardous materials"


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STANDING COMMITTEE REPORT

MARCH 23

19 37

NATURAL RESOURCES

Mr. Speaker: We, the committee on

report SB 66

☐ do pass
☐ do not pass

☒ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

TOM JONES

Chairman


THIRD

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STANDING COMMITTEE REPORT

MARCH 23

1937

Mr. Speaker: We, the committee on NATURAL RESOURCES

report SB 329

☐ do pass

☐ do not pass

☒ be concurred in

☐ be not concurred in

☒ as amended

☐ statement of intent attached

TOM JONES

Chairman

AMENDMENTS AS FOLLOWS:

1) Title, line 4 through 4
Strike: "NATURAL RESOURCES" on line 4 through "COUNCIL" on line 8
Insert: "GENERALLY REVISING THE MONTANA NATURAL AREAS ACT
OF 1974"

2) Title, line 8
Following: "SOLUTIONS"
Insert: "11-7-503"

3) Page 2, lines 10 and 11

Strike: "future"

Following: "should"

Strike: "may" on line 10 through "previously" on line 11

Insert: "first consider"

Strike: "thereafter" on line 11

Insert: "thereafter"

4) Page 3, line 13

Strike: "and"

Insert: "and" should read application of these features

5) Page 3, line 17

Strike: "and potential"

6) Page 4, line 5

Strike: "and"

7) Page 4, line 12

Following: "are"

Insert: "; (5) provide that designated natural areas on state lands are available for multiple uses, including but not limited to grazing, recreation, and snowmobiling, if such uses are consistent with the state's obligations under the Enabling Act and do not interfere with the management or integrity of the natural area; and

(6) provide that the management of natural areas on state lands include provisions for weed control consistent with 7-12-151"

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~~4~~ Page 6, line 15

Striker: "seven"

Insert: "six"

~~4~~ Page 6, line 17

Striker: "four"

Insert: "three"

~~2~~ Page 6, line 18

Striker: "and"

~~3~~ Page 6, lines 19 and 20

Striker: "each"

Following: "agriculture"

Striker: "1," on line 19 through "respectively" on line 20

Insert: "; (c) one member engaged in ranching; and
(d) one member representing industry"

~~2~~ Page 6, lines 21 and 22

Striker: "The" on line 21 through "members." on line 22

~~4~~ Page 6, line 23

Striker: "four"

Insert: "three"

~~4~~ Page 7, line 5

Following: "members"

Insert: ", except that compensation and reimbursement are
subject to the availability of funds"

~~2~~ Page 7, line 23

Following: "organizations"

Insert: ", organizations representing Montana's basic
resource industries,"

~~2~~ Page 7

Following: line 25

Insert: "NEW SECTION. Section 9. Natural areas account."

(1) There is a natural areas special revenue account
within the state special revenue fund established in
17-2-101.

(2) The natural areas account may receive funds from
any source or gifts.

(3) The department may spend funds accepted as gifts
in accordance with this purpose of this part, includ-
ing administration of a natural areas program. These
funds are statutorily appropriated as provided in
17-2-501.

Section 10. Section 17-7-501, MCA, is amended to read:

17-7-501. Statutory appropriations -- Definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations:

- (a) 2-9-202;
- (b) 2-17-105;
- (c) 2-18-812;
- (d) 10-3-203;
- (e) 10-3-312;
- (f) 16-3-314;
- (g) 16-4-101;
- (h) 13-37-304;
- (i) 15-31-702;
- (j) 15-36-112;
- (k) 15-70-101;
- (l) 16-1-404;
- (m) 16-1-410;
- (n) 16-1-411;
- (o) 17-3-212;
- (p) 17-5-404;
- (q) 17-5-424;
- (r) 17-5-804;
- (s) 19-8-504;
- (t) 19-9-702;
- (u) 19-9-1007;
- (v) 19-10-125;
- (w) 19-10-305;
- (x) 19-10-506;
- (y) 19-11-512;
- (z) 19-11-513;
- (aa) 19-11-606;
- (bb) 19-11-301;
- (cc) 19-13-604;

(dd) 20-6-400;
 (ee) 20-8-111;
 (ff) 23-3-512;
 (gg) 37-51-501;
 (hh) 53-34-206;
 (ii) 75-1-1101;
 (jj) 75-7-309;
 (kk) 80-2-103;
 (ll) 82-2-229;
 (mm) 90-3-301;
 (nn) 90-3-302;
 (oo) 90-15-103;
 (pp) Sec. 11, SS 261, L. 1985, and
 (qq) [section 3].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments."

Renumber subsequent sections —

2) Page 6, line 11

Strike: "10"

Insert: "9"

3) Page 6, line 14

Strike: "10"

Insert: "9"

4) Page 6

Following: line 16

Insert: **NEW SECTION. Section 2. Termination. Sections 6 and 7 terminate on June 30, 1993.**

15

Proposed amendments to HJR 44, introduced bill
Representative Pavlovich

1. Page 1, line 19.
Following: line 18
Insert: "WHEREAS, the transportation of hazardous materials poses particularly difficult problems for local governments because while regulation of transportation is primarily a federal responsibility, local governments are responsible for emergency response to hazardous materials transportation incidents; and"
2. Page 2, line 11.
Following: "risks"
Insert: ", including risks posed by the transportation of hazardous materials through Montana's communities,"
3. Page 2, line 12.
Following: "incidents"
Insert: ", including incidents involving transportation of hazardous materials"

HAZARD RANKING AMONG
3,286 LOCAL JURISDICTIONS

Rank	Hazard	Jurisdictions Viewing Hazard as Significant Threat		
		No. (1)	% of 3,286 (2)	Population (3)
1	Nuclear Attack	(All jurisdictions are vulnerable to attack)		
2	HAZMAT - Highway	2,959	90.0	196,064,389
3	Severe Winter Storm	2,719	82.7	161,263,981
4	Flood	2,373	72.2	167,301,193
5	HAZMAT - Rail	2,315	70.5	178,852,195
6	Tornado	2,287	69.6	138,383,798
7	Power Failure	2,280	69.4	147,364,679
8	HAZMAT - Stationary	2,154	65.6	172,259,836
9	Urban Fire	2,003	61.0	155,231,733
10	Wildfire	1,618	49.2	85,829,928
11	HAZMAT - Pipeline	1,596	48.6	137,049,166
12	Agricultural Drought	1,509	45.9	79,071,796
13	Air Transportation	1,440	43.8	148,852,193
14	Dam Failure	1,261	38.4	96,495,437
15	Rail Transportation	1,037	31.6	109,719,723
16	Earthquake	1,001	30.5	78,693,413
17	Urban Drought	968	29.5	68,328,860
18	Hurricane/Tropical Storm	894	27.2	74,245,798
19	Civil Disorder	852	25.9	101,902,107
20	HAZMAT - River	617	18.8	70,340,325
21	Fixed Nuclear Facility	410	12.5	44,052,093
22	Subsidence	312	9.5	27,271,212
23	Landslide	280	8.5	23,345,488
24	Tsunami	93	2.8	7,828,788
25	Volcano	88	2.7	6,660,644
26	Avalanche	55	1.7	3,770,616

- (1) No. of jurisdictions viewing hazard as significant threat (base = 3,286)
 (2) Percent of jurisdictions viewing hazard as significant threat
 (3) Total population of jurisdictions viewing hazard as significant threat

SOURCE: Federal Emergency Management Agency's Hazard Identification, Capability Assessment, and Multi-Year Development Plan data base, updated Winter 1985.

RISK TO HAZARDOUS MATERIALS INCIDENTS
(No. of Jurisdictions, Population Affected, Frequency)

(1) Type of HAZMAT Incident	(2) No. of Juris- dictions	(3) % of Population Affected	(4) Frequency (% Distribution)						
			<u>1</u>	<u>5</u>	<u>10</u>	<u>50</u>	<u>100</u>	<u>100+</u>	Not Occ
Highway	2,959	32.7	38.6	23.5	8.9	1.7	.2	.4	25.5
Rail	2,315	30.0	16.9	26.3	16.3	4.4	.5	.3	33.5
Stationary	2,154	35.2	28.1	23.6	13.5	2.5	.6	.5	30.4
Pipeline	1,596	24.0	10.3	15.4	16.5	8.6	.8	1.1	45.6
River	617	29.4	16.9	20.4	17.0	6.2	1.0	.6	36.6

(2) No. of jurisdictions viewing hazard as significant threat (base = 3,286)

(3) Percent of total jurisdiction population potentially affected seriously by worst-case incident

(4) Frequency of major incident occurring (1 = once or more a year; 5 = once every 5 years, etc.; Not Occ = has not occurred; NA = no answer)

SOURCE: Federal Emergency Management Agency's Hazard Identification, Capability Assessment, and Multi-Year Development Plan (HICA/MYDP), updated Winter 1985.

NUMBER OF JURISDICTIONS VIEWING HAZARDOUS MATERIALS AS SIGNIFICANT HAZARD (by State)

STATE	TOTAL NO.	HWY NO.	HWY POPULATION	RAIL NO.	RAIL POPULATION	STAT NO.	STATIONARY POPULATION	PIPELINE NO.	PIPELINE POPULATION	RIVER NO.	RIVER POPULATION
Alaska	8	8	279,960	3	250,887	8	279,980	4	251,981	5	203,628
Alabama	66	63	3,731,043	57	3,631,192	42	2,904,956	40	2,845,145	22	1,302,477
Arkansas	77	74	2,169,737	59	1,908,465	52	1,822,425	38	1,268,884	19	849,352
American Samoa	1										
Arizona	15	14	2,684,189	9	2,424,532	8	2,395,322	5	768,207	2	90,554
California	136	126	20,440,195	99	19,464,541	101	19,531,271	69	16,970,864	20	2,730,661
Northern Mariana Is.	1		16,780			1	16,780				
Colorado	71	66	2,551,080	40	2,444,592	47	2,446,361	21	1,412,116	10	432,159
Connecticut	54	43	1,519,362	27	1,108,825	28	1,171,387	13	480,856	9	335,722
District of Columbia	1	1	638,333	1	638,333	1	638,333	1	638,333	1	638,333
Delaware	5	4	496,334	4	496,334	4	496,334	2	400,892	3	471,087
Florida	67	60	9,614,593	52	9,335,416	47	9,243,624	27	6,088,651	23	5,305,682
Georgia	108	96	4,493,531	86	4,325,250	51	3,448,458	38	2,138,245	2	227,721
Guam	1	1	105,979			1	105,979	1	105,979	1	105,979
Hawaii	4	1	92,053			1	762,565				
Iowa	65	54	1,888,561	42	1,592,328	48	1,711,673	48	1,745,262	14	650,541
Idaho	41	37	887,646	25	789,780	31	850,696	12	545,449	1	59,770
Illinois	195	172	9,520,511	163	9,419,964	122	8,324,953	99	4,477,900	40	2,185,345
Indiana	83	76	4,651,729	70	4,499,033	57	4,091,015	52	3,816,376	23	1,233,931
Kansas	60	53	1,938,513	47	1,885,812	38	1,702,620	41	1,180,135	7	387,011
Kentucky	119	109	3,387,981	78	3,017,848	83	2,843,252	74	2,469,887	33	1,455,908
Louisiana	62	59	3,955,016	53	3,849,832	36	3,434,913	50	3,304,927	33	2,753,276
Massachusetts	78	73	3,404,912	50	2,685,614	54	2,728,996	27	1,816,876	11	1,112,165
Maryland	25	21	3,970,241	15	3,213,555	16	3,579,204	12	2,297,756	7	2,073,773
Maine	117	75	907,159	52	813,552	50	715,101	10	295,973	5	180,536
Michigan	132	120	9,067,741	104	8,471,286	90	6,922,898	73	6,641,021	29	3,341,208
Minnesota	134	119	3,787,240	100	3,424,372	82	2,853,452	61	2,533,705	20	1,507,005
Missouri	110	105	3,517,477	86	3,306,570	71	3,076,784	48	1,710,287	25	2,339,635
Mississippi	41	35	1,483,132	32	1,449,864	22	1,114,230	29	1,316,990	13	625,680
Montana	57	53	756,507	44	716,165	34	542,495	22	467,128	1	76,016
North Carolina	92	86	5,493,450	68	4,957,985	71	5,194,968	38	3,238,185	9	424,842
North Dakota	55	50	601,053	35	526,133	41	557,119	37	540,226	3	35,719
Nebraska	35	30	1,109,838	26	1,114,872	29	1,075,868	16	814,617	2	483,053
New Hampshire	34	27	396,144	13	235,103	22	354,355	7	105,089	2	48,631
New Jersey	109	90	6,188,521	57	5,495,811	71	6,115,426	46	4,097,447	32	3,686,947
New Mexico	18	17	813,981	15	843,984	9	738,636	12	644,996	1	5,617
Nevada	21	17	741,150	8	513,282	6	531,737	5	499,539	2	225,645
New York	62	61	17,173,192	51	15,997,863	48	16,393,516	37	14,646,509	26	11,886,693
Ohio	52	47	8,698,069	40	8,254,027	37	6,968,764	32	6,738,562	11	2,829,949
Oklahoma	43	39	2,445,511	34	2,353,402	31	2,243,733	28	2,249,082	8	704,983
Oregon	21	21	2,210,969	17	2,025,976	17	2,074,928	9	1,327,512	10	1,111,995
Pennsylvania	75	73	11,814,682	60	10,618,776	48	9,931,519	53	9,576,634	14	5,232,067
Puerto Rico	77	74	3,113,521			73	3,120,753	15	1,496,562		
Rhode Island	39	29	866,181	16	659,916	22	699,194	8	369,485	10	354,501
South Carolina	46	38	2,842,708	38	2,815,238	29	2,428,410	25	1,971,508	8	630,963
South Dakota	48	47	608,065	25	460,569	43	583,726	15	290,925		
Tennessee	58	55	3,816,171	51	3,718,189	45	3,200,559	34	2,640,928	15	1,860,368
Texas	191	183	9,859,386	155	9,432,288	102	8,184,845	115	7,572,776	24	2,166,971
Utah	16	15	1,299,970	8	1,120,321	5	579,101	3	798,016		
Virginia	88	83	3,993,190	67	3,521,235	42	2,290,570	39	2,286,809	13	870,821
Vermont	9	9	114,702	8	104,512	9	114,702	2	14,398		
Washington	33	33	3,893,389	24	3,571,486	28	3,781,109	19	2,808,188	16	2,638,043
Wisconsin	82	70	4,263,877	63	3,706,733	65	4,013,735	54	3,471,722	22	1,772,719
West Virginia	25	24	1,291,052	21	1,236,828	15	976,963	11	669,952	8	581,682
Wyoming	23	22	460,202	17	401,730	16	349,543	17	390,056	2	113,579

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	BEAVERHEAD CO DES	8,186	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	5 YEARS 10 YEARS 5 YEARS
	BIG HORN CO. D.E.S.	11,096	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	1 YEAR 100 YEARS 50 YEARS
	BLAINE CO DES	6,999	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	5 YEARS 5 YEARS HAS NOT OCCURRED
	BROADWATER CO DES	3,267	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED 10 YEARS
	CARBON CO DES	8,099	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED NO DATA NO DATA
	CARTER CO CIVIL DEFENSE	1,799	HWY HAZ MAT INCIDENT	5 YEARS
	CASCADE CO DES	23,971	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	1 YEAR 1 YEAR HAS NOT OCCURRED
	CHOUTEAU CO CD	6,092	HWY HAZ MAT INCIDENT	5 YEARS
	CUSTER CO DES	13,109	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED 5 YEARS HAS NOT OCCURRED

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
	DANIELS CO DES	2,835	HWY HAZ MAT INCIDENT HAZ MAT INC (STATNRY)	5 YEARS 1 YEAR
	DAWSON CO CIVIL DEFENSE	11,805	RAIL HAZ MAT INCIDENT	HAS NOT OCCURRED
	DEER LODGE CO DES	12,518	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	10 YEARS 10 YEARS
	FALLON CO CIVIL DEFENSE	3,783	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY) PIPE HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED 5 YEARS 5 YEARS
	FERGUS CO DES	13,078	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	10 YEARS HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	FLATHEAD CO CIVIL DEFENS E	51,966	HWY HAZ MAT INCIDENT	NO DATA
			RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY)	NO DATA NO DATA
	GALLATIN CO CIVIL DEFENS E	42,865	HWY HAZ MAT INCIDENT	1 YEAR
			RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY) PIPE HAZ MAT INCIDENT	5 YEARS 1 YEAR HAS NOT OCCURRED
	GARFIELD CO CIVIL DEFENS E	1,658	HWY HAZ MAT INCIDENT	HAS NOT OCCURRED
			HAZ MAT INC (STATNRY)	5 YEARS
	GLACIER CO DES	10,628	HWY HAZ MAT INCIDENT	1 YEAR

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	LEWIS + CLARK CO DES	43,039	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ MAT INCIDENT	10 YEARS 5 YEARS 10 YEARS 10 YEARS
	LIBERTY CO DES	2,329	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	50 YEARS HAS NOT OCCURRED
	LINCOLN CO CIVIL DEFENSE	17,752	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	10 YEARS 10 YEARS
	MADISON CO DES	5,448	HWY HAZ MAT INCIDENT	5 YEARS
	MCCONE CO CIVIL DEFENSE	2,702	HWY HAZ MAT INCIDENT HAZ MAT INC (STAINRY	1 YEAR HAS NOT OCCURRED
	MEAGHER CO CIVIL DEFENSE	2,154	HWY HAZ MAT INCIDENT	HAS NOT OCCURRED
	MINERAL CO CIVIL DEFENSE	3,675	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY	10 YEARS 10 YEARS 10 YEARS
	MISSOULA CO CIVIL DEFENS E	76,016	HWY HAZ MAT INCIDENT	5 YEARS
			RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ MAT INCIDENT RIVER HAZ MAT INCIDENT	5 YEARS 5 YEARS 5 YEARS 5 YEARS
	MUSSELSHELL CO CD	4,428	HWY HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED HAS NOT OCCURRED

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
	PARK CO DES	12,869	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	1 YEAR 1 YEAR 1 YEAR
	PHILLIPS CO CIVIL DEFENS E	5,367	HWY HAZ MAT INCIDENT	10 YEARS
			RAIL HAZ MAT INCIDENT	10 YEARS
	PONDERA CO DES	6,731	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY PIPE HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	POWDER RIVER CO. D.E.S.	2,520	HWY HAZ MAT INCIDENT	HAS NOT OCCURRED
	POWELL COUNTY C D	6,958	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY	10 YEARS 5 YEARS HAS NOT OCCURRED
	PRAIRIE CO CD	1,836	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	RAVALLI CO DES	22,493	HWY HAZ MAT INCIDENT	10 YEARS
	RICHLAND COUNTY CD	12,243	HAZ MAT INC (STATNRY	1 YEAR
	ROOSEVELT CO D.E.S.	10,467	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY	1 YEAR 1 YEAR 1 YEAR
	ROSEBUD CO DES	9,899	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STATNRY	5 YEARS HAS NOT OCCURRED 10 YEARS

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	SANDERS CO C D	8,675	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	5 YEARS 5 YEARS
	SHERIDAN CO DES	5,414	HAZ MAT INC (STAINRY)	50 YEARS
	SILVER BOW CO DES	38,092	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	1 YEAR 1 YEAR 10 YEARS
	STILLWATER CO C D	5,598	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	1 YEAR HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	SWEET GRASS CO C D.	3,216	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	5 YEARS HAS NOT OCCURRED
	TETON CO DES	6,491	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY)	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	TOOLE CO DES	5,559	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT PIPE HAZ MAT INCIDENT	10 YEARS 10 YEARS HAS NOT OCCURRED
	TREASURE COUNTY DES	981	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	NO DATA HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED
	WHEATLAND CO DES	2,359	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY) PIPE HAZ MAT INCIDENT	HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED HAS NOT OCCURRED

SIGNIFICANT HAZMAT THREATS
(BY REPORTING JURISDICTION)

STATE	AGENCY	POPULATION	HAZARD DESCRIPTION	FREQUENCY
Montana	WIBAUX CO CIVIL DEFENSE	1,476	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT	10 YEARS 10 YEARS
	YELLOWSTONE CO DES	108,035	HWY HAZ MAT INCIDENT RAIL HAZ MAT INCIDENT HAZ MAT INC (STAINRY PIPE HAZ MAT INCIDENT	5 YEARS 5 YEARS 50 YEARS HAS NOT OCCURRED

Exh.b. + 1

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main
Anaconda, Montana 59711
Telephone (406) 563-8421



March 23, 1987

Montana House of Representatives
Natural Resources Committee
State Capitol
Helena, Montana 59620

Re: Joint Resolution No. 44, Hazardous Materials

Ladies & Gentlemen:

Anaconda-Deer Lodge County supports the intent and adoption of Joint Resolution No. 44 calling for the appointment of an interim committee to address concerns regarding the control of hazardous materials incidents. With the increasing number of transports on our railroads and highways carrying hazardous materials, the question becomes when we will have a serious incident, not if we will have a serious incident.

Local government generally, and Anaconda-Deer Lodge County specifically, is ill prepared to handle a hazardous waste and/or material incident. The nature of the risk is incredibly broad as each type of hazardous material requires a carefully selected response. The requisite research to determine the appropriate response is itself a significant task; the capital outlay for appropriate equipment and material and the training for personnel combine to define this issue as one best addressed by the State government.

The interim committee could appropriately define the issues for the Legislature's attention during the next regular session. We endorse and support Resolution No. 44 to that end.

Sincerely,

R. Ben Bifoss
City-County Manager

RBB:cg

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

WITNESS STATEMENT

Exhibit 3

NAME James A. Hamilton BILL NO. 44

ADDRESS 1000 1st St. N. Teton, WY 83422

WHOM DO YOU REPRESENT? Chateau, city - Teton County

SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS: As Mayor of the City of Chateau, with the
Support of Teton County Commissioners I wish
To give our Support To Bill # 44

James A. Hamilton

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Exhibit 4

County Clerk and Recorder

BROADWATER COUNTY

P. O. BOX 489

TOWNSEND, MONTANA 59644

March 23, 1987

RE: House Joint Resolution No. 44

Broadwater County rises in support of House Joint Resolution No. 44. I have prepared information for you to review concerning a problem that arose in Broadwater County on September 10, 1985 which concerned a truck carrying sulphuric acid.

I would like to give you a short summary of the problems that have come up due to this accident.

The local DES Coordinator was notified of a hazardous material spill at 3:36 a.m. and the State DES was notified of the spill at 3:37. The Board of Health was also notified. The documentation that I have given you shows the sequence of events that happened during this time from the beginning of the spill to the end of the clean-up. It also shows all of the agencies involved in this event and the critique and summary. I will not go into this in detail because of the information that I have supplied.

I would like to inform you of the problems that have arose since that time.

On October 1, 1985 I notified the trucking company that a bill would be forthcoming on the accident and on November 20, 1985 I sent a copy of all of the documentation and a bill to the company. On February 4, 1986 I wrote another letter to the trucking company stating that I had not heard from them or their insurance company and stated that I thought I would have to refer the matter of the claim to the county attorney. On February 20, 1986 I received a letter from the insurance company stating that they needed additional time so that their office could collect information so that they could properly arrive at a damage decision. I referred all of this correspondence to the county attorney and a deadline of June 7, 1986 was given the insurance company of Broadwater County would undertake to file a suit on behalf of the county to collect. On June 3, 1986 I sent a letter to the Department of Health stating that it had been brought to the attention of the county that perhaps the responsibility of the clean-up operation should be with the Department of Health and a follow up letter was sent again on June 30, 1986. The Department of Health notified the county that there were no funds available for the Department for use under Title 75, Chapter 10.

An Attorney General's Opinion was requested and I have enclosed a copy of that for your information.

To date, the insurance company wants to settle with Broadwater County for \$30,873.55. The Department of Health still feels that it is not their responsibility and Broadwater County is left "holding the bag".

This is just a summary of some of the problems that have arose. In the information that I have submitted to you for review, other problems have been addressed which includes responsibility of departments.

Judith R. Doggett

BROADWATER COUNTY SULPHURIC ACID SPILL

The following is a report on the sequence of events which occurred near Townsend on September 10, 1985. This report includes a time scenario, units involved, and a summary of problems. Hopefully, this report will awaken all DES personnel to the complexity and magnitude of activities inherent in any hazardous material spill. DATE: September 10, 1985

A tanker truck and trailer loaded with sulphuric acid traveling south on Highway 12/287 left the right side of the road and overturned in the barrow pit. The tanker began leaking sulphuric acid. The accident was located 1.9 miles North of Townsend.

- DAY 1 0220 - Sheriff's Dispatch notified of accident. Deputy responded to the scene.
- 0224 - Montana Highway Patrol notified.
- 0336 - DES Coordinator notified.
- 0337 - State DES Notified
- 0424 - Continental Lime notified.
- 0459 - Commissioners notified.
- 5000 - 2 wreckers arrived at the scene.
- 0701 - Fire Department notified.
- 0811 - Doctor contacted for information on toxicity.
- 0815 - Pup trailer removed to side-road.
- 0837 - Requested positive breathing apparatus from Helena. Helena Fire Department furnished filled air bottles for fireman -- Relay was set up for bottles between Helena and accident.
- 0845 - Wrecker unable to upright the truck.
- 0956 - EOC radios used. Sheriff's dispatch has problems with their radios.
- 11:39 - Traffic control established at Missouri River Bridge. Houses near site being checked for exposure to toxic cloud. Railroad shut down.
- 11:55 Notified schools in Townsend to keep children inside school buildings.

- 1304 - Called for 60 ton crane.
- 1331 - Sheriff's radios removed. All dispatch radio communications through EOC radios.
- 1525 - Crane began working on wreck.
- 2045 - Tanker removed to Continental Lime plant yard.

DAY 2 September 11, 1985

- 0740 - Began working spill site to neutralize acid.
- 1700 - Car wreck on railroad crossing on detour used around acid spill.
- 2025 - Car accident on Missouri River Bridge. 2 kids racing. Ran into Highway Department Truck working on acid spill.
- 2035 - Highway opened for traffic.
- 2220 - One(1) man posted at spill site for night.

DAY 3 September 12, 1985

Continued to clean-up

DAY 4 September 13, 1985

Completed the clean-up.

COST OF CLEAN-UP

Lime \$9,000.00

Pump off acid \$2,040.76

Fire Truck Pump \$2,897.00

Trucking \$8,988.20

Telephone Cable \$3,000.00

Crane \$1,500.00

Labor, Equipment, Miscellaneous -- \$15,980.43

TOTAL: \$43,406.39

These costs were submitted to the Insurance Company for reimbursement. They include public and private costs involved in the clean-up of the spill.

PUBLIC & PRIVATE UNITS INVOLVED

PUBLIC UNITS:

Broadwater County Commission
Broadwater County DES Coordinator
Broadwater County Sheriff's Department
Broadwater County Road Department
Broadwater County Fire Department
Broadwater County Ambulance Service
Broadwater County Hospital

Townsend, City of:

Public Works
Fire Department
School District

Lewis & Clark County:

Sheriff's Department
Fire Department

STATE OF MONTANA

Disaster & Emergency Services
Highway Patrol
Department of Highways
Department of Health &
Environmental Sciences

PRIVATE UNITS:

Niefer White Company
Headwaters Ag. Inc.
Berglinds Dept. Store
Ray's Horseshoe Cafe
Road & Ranch Supply
MW GMC
Co-op Supply
Coast-to-Coast
Burlington Northern RR

Dick Irvin Trucking
Lundy's Market
John Belt, M.D.
Francisco Pharmacy
Mountain Bell
E.G. Perry, Inc.
Continental Lime, Inc.
Townsend Contracting
Al Rose Wrecking

CRITIQUE & SUMMARY

The truck accident would have presented no major problem if there had not been hazardous material on board.

The removal of the truck and trailer from the accident scene would have been accomplished easily and quickly if the wrecker company had been capable. The failure to call for equipment large enough to perform the task resulted in an extreme delay for crews to clean-up the acid spill. Each hour of delay increased the chance of injury to emergency responders.

Even with the delay, the truck was removed before the end of the first day. The clean-up of the spill required three(3) more days. The length of time necessary to remove the danger in a hazardous material spill is a key element which requires detailed planning prior to such an accident.

Three(3) glaring deficiencies were evident in the response to this incident:

a) No Incident Commander.

During the entire incident, there was no designated person or group of persons who retained control of all of the actions both on-site and throughout the affected area. If the chief of one department had directed all response activities, the time for truck removal and clean-up could have been reduced considerably. Decisions could have been made quickly and response actions would have been conducted in a safer manner. Suitable resources and equipment could have been ordered to attack the situation immediately with much less delay.

b) No Responsible Jurisdiction Identified.

Broadwater County accepted responsibility for the truck removal and acid clean-up. However, many questions of where jurisdictional responsibility for both of these actions really lies. State Law seems to conflict in this area. The State Highway Department is charged with control of State and Federal Highway Right-of-Ways. The Highway Department is the only one who can close these highways for any purpose. Law enforcement can close these highways temporarily for a traffic hazard, but this authority ends when the Highway Department arrives. This law would seem to leave the overall control of a hazardous material incident on a state or federal highway to the Highway Department. This did not happen in Townsend.

Another law charges the State Health and Environmental Sciences Department with responsibility for all hazardous material clean-up anywhere in the state. Although Health Department personnel provided advice, their role was not one of command during the incident. Again the major burden of the clean-up fell to county personnel.

STATE
OF
MONTANA

ATTORNEY GENERAL

PHILIP L. LEE

JUSTICE BUILDING, 215 N. SANDERS, HELENA, MONTANA 59620
TELEPHONE (406) 444-2026

5 November 1986

John T. Flynn
Associate County Attorney
Broadwater County Courthouse
Townsend MT 59644

Dear Mr. Flynn:

You have requested my opinion on questions which I have phrased as follows:

1. Who is responsible for the cleanup of a hazardous waste spill on a state or federal highway?
2. What is the role of a Department of Health official at the scene of an accident involving hazardous materials?
3. Who is responsible for pursuing claims for damages resulting from an accident involving the release of hazardous materials?

Sections 75-10-701 to 715, MCA, were enacted by the 1985 Montana Legislature to authorize the Department of Health and Environmental Sciences (the Department) to "take remedial action to prevent or alleviate release of hazardous or deleterious substances into the environment." 1985 Mont. Laws, ch. 711. "Remedial action" includes investigation, monitoring, cleanup, restoration, abatement, removal, replacement, and other actions necessary to respond to a release. § 75-10-701(5), MCA.

Your first question may be answered by reference to the statutes. The Department may take remedial action when it determines that there has been a release and "the appropriate remedial action will not be done properly and expeditiously by the owner or operator of the vessel, vehicle, or facility from which the release emanates or by any other responsible party." § 75-10-711(1), MCA. Section 75-10-711(3), MCA, provides:

Any person responsible for the release must take immediate action to contain, remove, and abate the release. Except as provided in

c) Site Security.

Throughout the incident, there were many examples of breach of site security. No law enforcement agency provided solid security on the site during the entire phase of operations. The State Highway Patrol believed its responsibility ended when the wrecked truck was removed from the site.

The County Sheriff's Department did not have the manpower to secure the site and continue normal duties throughout the rest of the county during the four (4) days of clean-up activity. Highway Department personnel and local county personnel performed flagman duties and traffic control on the detour. There was no security at the site during the clean-up operations. Personnel from various agencies wandered in and out of the area without restriction. No effort was made to identify personnel entering the site. Incidents occurred at the site and at flagman positions which could have endangered lives. The presence of law enforcement personnel could have prevented these incidents from occurring.

CONCLUSIONS:

The jurisdictional responsibility for Hazardous Material Incidents on State and Federal Highways must be more clearly defined in State Law.

The establishment of an inter-agency incident management system at the State level with authority to command and direct operations is imperative.

Law enforcement must be charged with the responsibility for site security. The Montana Highway Patrol and local law enforcement must work together to provide the manpower to provide traffic control and site security.

The individuals who did respond performed admirably in the absence of an organizational structure and limited resources. There was excellent cooperation between private companies and public responders.

75-10-712, the department is authorized to draw upon the fund in order to take action under subsections (1) and (2) if it has made diligent good faith efforts to determine the identity of the party or parties responsible for the release or threatened release and:

(a) is unable to determine the identity of the responsible party or parties in a manner consistent with the need to take timely remedial action; or

(b) the party or parties determined by the department to be responsible for the release or threatened release have been informed in writing of the department's determination and have been requested by the department to take appropriate remedial action but are unable or unwilling to take such action in a timely manner.

Thus, the persons or parties responsible for the release are primarily responsible for the cleanup. If the Department is unable to determine the identity of the responsible parties, or if the responsible parties are unwilling or unable to take appropriate remedial action following the requisite written notice by the Department, then the Department is authorized to proceed with the cleanup. Note, however, that under certain circumstances the Department may take emergency remedial action without giving the prior written notification required by the statutes. § 75-10-712, MCA.

Your next question concerns the role of a Department official at the scene of an accident involving hazardous or deleterious materials. Specifically, you inquire whether the official serves in an advisory capacity only, or whether he or she is in charge of the cleanup action. Obviously, if the Department takes remedial action, then Department officials at the scene are in charge of the cleanup. As you have pointed out in your letter, however, any cleanup action will necessarily require cooperation between state and local officials.

Your final question may also be answered by reference to statutes. Section 75-10-713, MCA, provides:

(1) Subject only to the defenses set forth in subsection (3), a party responsible for a release is liable for:

(a) all costs of remedial action taken by the department pursuant to this part; and

(b) damages for injury to, destruction of, or loss of natural resources caused by the release or threatened release.

(2) If the responsible party fails, without sufficient cause, to properly provide remedial action upon notification by the department pursuant to 75-10-711(3)(b), the responsible party may be liable for punitive damages in an amount not to exceed two times the amount of any costs incurred by the department pursuant to this section.

(3) The department may initiate civil proceedings in district court to recover costs, damages, or penalties under subsections (1) and (2). Venue for any action to recover costs, damages, or penalties lies in the county where the release occurred or where the responsible party resides or has its principal place of business or in the district court of the first judicial district.

(4) No party is liable under subsection (1) or (2) if that party can establish by a preponderance of the evidence that:

(a) the department failed to follow the notice provisions of 75-10-711 when required; or

(b) the release did not emanate from any vessel, vehicle, or facility over which the party had any authority or control and was not caused by any action or omission of the party; or

(c) in the case of assessment of punitive damages, that factors beyond the control of the responsible party prevented the party from taking timely remedial action.

(5) (a) Costs of remedial action recovered pursuant to subsection (1)(a) must be deposited in the fund.

(b) Damages and penalties recovered pursuant to subsections (1)(b) and (2) must be

John T. Flynn
Page 4
5 November 1986

deposited in the environmental contingency account within the state special revenue fund established pursuant to 75-1-1101.

Thus, the Department is authorized to pursue claims for damages for "injury to, destruction of, or loss of natural resources caused by the release." Other parties, however, are not precluded by this statute from seeking recovery for damages resulting from injuries other than to "natural resources."

Very truly yours,



MIKE GREELY
Attorney General

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

Exhibit 6

WITNESS STATEMENT

NAME MARILEI PINKERMAN BILL NO. Joint Res. 44

ADDRESS 3825 GREEN LANE #2 BUTTE, MT 59701

WHOM DO YOU REPRESENT? BUTTE SILVERBOW Planning Dept.

SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS: _____

We support the Resolution because we have found a need for better coordination between all entities involved in emergency planning, State wide.

For many responsibilities that are the local governments, there are few funds for equipment and manpower to handle many emergency incidents.

We hope you will consider this bill so that the problems with emergency response may be looked at in depth and some practical and workable solutions may come about.

Thank - you

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Exhibit 7 3-23

Exhibit 7 3-23

COMMENTS: _____

It would be nice to have a uniform program implemented statewide. I believe with a study of the problems, as mentioned in this resolution, a workable program could be put in to use.

Form CS-34
Rev. 1985

50th Legislature

HOUSE JOINT RESOLUTION NO. ____

INTRODUCED BY _____

BY REQUEST OF THE HOUSE NATURAL RESOURCES COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE ENVIRONMENTAL QUALITY COUNCIL CONDUCT AN INTERIM STUDY ON THE RELATIONSHIP BETWEEN FOREST MANAGEMENT AND WATERSHED EFFECTS AND ON THE USE OF BEST MANAGEMENT PRACTICES FOR FORESTRY PRACTICES IN MONTANA; REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 51ST LEGISLATURE.

[1] WHEREAS, the forest products industry is a mainstay of the Montana economy; and

[2] WHEREAS, the forest watersheds of Montana provide an irreplaceable supply of clean water for domestic use, agriculture, recreation, and industry; and

[3] WHEREAS, the harvest of timber may affect the quality and quantity of water from forest watersheds; and

[4] WHEREAS, there is a need to assess available information on the relationship between timber harvesting and watershed effects in Montana to reach informed judgments about the management relationship of these crucial natural resources; and

[5] WHEREAS, the timber industry has demonstrated a working commitment to best management practices through efforts such as the cumulative watershed effects cooperative administered by the Department of State Lands, the tree farm program conducted by private forest landowners, and utilization of soil and streambed conservation techniques developed by local conservation districts; and

[6] WHEREAS, use of best management practices may offer a range of benefits in relation to water quality, sustained yield timber harvest, long-term employment opportunities, and resource conservation; and

[7] WHEREAS, recent initiatives in Washington and Idaho have shown innovative ways to reach a consensus among interest groups on how to attain timber and watershed objectives while meeting the needs of forest landowners, timber operators, and citizens relying on forest watersheds; and

[8] WHEREAS, it is desirable to draw together relevant information to assess whether administrative or legislative direction is necessary to further the use of best management practices for forestry in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Environmental Quality Council be assigned to study:

- (1) how current forest management practices are affecting watersheds in Montana;
- (2) the range of management practices that have proven effective in conserving watersheds while maintaining the economic viability of timber harvest operations;
- (3) the existing administrative framework, including regulatory and voluntary efforts, promoting the use of best management practices in Montana and other states; and
- (4) if areas for potential improvement are indicated, the actions that would be most conducive to achieving both watershed and timber goals.

BE IT FURTHER RESOLVED, that the Council work closely with persons and organizations with technical expertise in timber harvest techniques and effects throughout the study.

BE IT FURTHER RESOLVED, that the Council report the findings of the study to the 51st Legislature and, if necessary, draft legislation to implement its recommendations.

Amendments to SB 329
Senator Blaylock

1. Title, lines 1 through 8.
Strike: "AUTHORIZING" on line 1 through "COUNCIL" on line 8
Insert: "GENERALLY REVISING THE MONTANA NATURAL AREAS ACT OF 1974"
2. Page 7.
Following: line 25
Insert: "NEW SECTION. Section 9. Natural areas account. (1)
There is a natural areas special revenue account within the state special revenue fund established in 17-2-102.
(2) The natural areas account may receive funds from any source as gifts.
(3) The department may spend funds accepted as gifts in accordance with this purposes of this part, including administration of a natural areas program. These funds are statutorily appropriated as provided in 17-7-502.

Section 10. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition --
requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations:

- (a) 2-9-202;
- (b) 2-17-105;
- (c) 2-18-812;
- (d) 10-3-203;
- (e) 10-3-312;
- (f) 10-3-314;
- (g) 10-4-301;

(j) 15-36-112;
(k) 15-70-101;
(l) 16-1-404;
(m) 16-1-410;
(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-424;
(r) 17-5-804;
(s) 19-8-504;
(t) 19-9-702;
(u) 19-9-1007;
(v) 19-10-205;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
(aa) 19-11-606;
(bb) 19-12-301;
(cc) 19-13-604;
(dd) 20-6-406;
(ee) 20-8-111;
(ff) 23-5-612;
(gg) 37-51-501;
(hh) 53-24-206;
(ii) 75-1-1101;
(jj) 75-7-305;
(kk) 80-2-103;
(ll) 80-2-228;
(mm) 90-3-301;
(nn) 90-3-302;
(oo) 90-15-103; and
(pp) Sec. 13, HB 861, L. 1985; and
(qq) [section 9].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments." "

PROPOSED AMENDMENTS TO SB 184

1. Title, line 8.

Following: "ACT"

Insert: "UNTIL A PROGRAMMATIC ENVIRONMENTAL STATEMENT IS ADOPTED;"

2. Page 4, line 4.

Following: "(3)"

Strike: "The"

Insert: "Until the board of oil and gas conservation adopts a programmatic environmental statement, but no later than June 30, 1989, the"

3. Page 4, line 6.

Following: "(1) (b) (iii)."

Insert: "The board of oil and gas conservation shall adopt a programmatic statement by June 30, 1989 that must include but not be limited to:

(a) the typical environmental impacts associated with the drilling for and production of oil and gas in the major producing basins and ecosystems in Montana;

(b) methods of accomplishing the drilling and production that avoid permanent impairment of the environment or that mitigate long term impacts so that the environment and renewable resources of the ecosystem may either be returned to conditions similar to those existing before drilling or production occurs or conditions that reflect a natural progression of environmental change;

(c) the process that will be employed by the board of oil and gas conservation to evaluate the environmental impacts of individual drilling proposals;

(d) an appropriate method for incorporating any environmental review into the board's rules and drill permitting process and for accomplishing the review in an expedient manner;

(e) the time periods that will be required to complete the drill permitting process, including any environmental review; and

(f) a record of information and analysis for the board of oil and gas conservation to rely upon in responding to public and private concerns about drilling and production."

1. Page 2, lines 10 and 11.
Strike: "future"
Following: "should"
Strike: "avoid" on line 10 through "previously" on line 11
Insert: "first consider"
Strike: "resources of" on line 11
Insert: "features in"
2. Page 2, line 13.
Following: "wilderness areas"
Insert: ", and should avoid duplication of these features"
3. Page 3, line 17.
Strike: "and potential"
4. Page 4, line 8.
Strike: "and"
5. Page 4, line 12.
Following: "areas"
Insert: "; (5) provide that designated natural areas on state lands are available for multiple uses, ~~available for multiple uses~~ including but not limited to grazing, recreation, and snowmobiling, if such uses are consistent with the state's obligations under the Enabling Act and do not interfere with the management or integrity of the natural area; and (6) provide that the management of natural areas on state lands include provisions for weed control consistent with 7-22-2151"
6. Page 6, line 15.
Strike: "seven"
Insert: "six"
7. Page 6, line 17.
Strike: "four"
Insert: "three"
8. Page 6, line 18.
Strike: "and"
9. Page 6, lines 19 and 20.
Strike: "each"
Following: "agriculture"
Strike: ", " on line 19 through "respectively" on line 20.
Insert: "; (c) one member engaged in ranching; and (d) one member representing industry"
10. Page 6, lines 21 and 22.
Strike: "The" on line 21 through "members." on line 22

11. Page 6, line 23.
Strike: "four"
Insert: "three"
12. Page 7, line 5.
Following: "members"
Insert: ", except that compensation and reimbursement are subject
to the availability of funds"
13. Page 7, line 23.
Following: "organizations"
Insert: ", organizations representing Montana's basic resource
industries,"
14. Page 8.
Following: line 16
Insert: "NEW SECTION. Section 13. Termination. Sections 6 and 7
terminate on June 30, 1993."

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

WITNESS STATEMENT

NAME

Eric "Randy" Peterson

BILL NO.

See #44

ADDRESS

500 N. Main

WHOM DO YOU REPRESENT?

Idaho Power Labor Council

SUPPORT

☒

OPPOSE

☐

AMEND

☐

COMMENTS:

I fully support this bill for
an interim study committee.

I am president of the Montana Association
of Disaster and Emergency Services Coordinators,
representing 56 counties who are in
full favor of the interim study committee
to be established and study hazardous
material incidents

Eric Peterson

3-23-87

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Natural Resources

BILL(S) HJR 44

DATE MARCH 23, 1987

SPONSOR (S)

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR VISITOR'S STATEMENT
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.

VISITOR'S REGISTER

NATURAL RESOURCES

COMMITTEE

BILL(S) SB 66DATE MARCH 23, 1987

SPONSOR(S) _____

NAME	REPRESENTING	BILL NO.	SUP-PORT	OP-POSE
Jagelle Fuller	of Petroleum	566	X	
John Anderson	Shell Station E & P	566	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR VISITOR'S STATEMENT.
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.