

MINUTES OF THE MEETING  
NATURAL RESOURCES COMMITTEE  
MONTANA STATE SENATE

March 20, 1987

The meeting of the Senate Natural Resources Committee was called to order by Chairman Thomas F. Keating on March 20, 1987, at 12:30 p.m. in Room 405 of the State Capitol.

ROLL CALL: All members were present with the exception of Senators Tveit and Lynch who were excused.

CONSIDERATION OF HB 718: Rep. Hal Harper, House District 44, introduced HB 718 which reallocates funds from the environmental contingency account to the environmental quality protection fund and specifies uses of the fund, to clean up hazardous waste sites. The bill dealt with RIT, and Rep. Harper said it's a tax on mineral production borne mostly by oil money that has gone mostly to agency budgets rather than original purposes. HB 718 will give Department of Health specific objectives what to do with the money. There is a site in every county, and Rep. Harper distributed list of sites. (Exhibit 1) Sites will be cleaned up on a priority basis. The bill was drafted to coordinate with the Governor's Bill last time, and Sen. Blaylock's bill this legislature. Rep. Harper distributed some proposed amendments. (Exhibit 2) With the amendments, HB 718 no longer will address the emergency account issue. HB 718 will go into effect in 1990 as an on-going program to continue mini-Superfund.

PROPOSERS: George Ochenski, Environmental Information Center stated that last session HB 766 was passed and the money that was appropriated had not been used. The special session reappropriated the money, but HB 718 gives specific instruction of how the money will be used-- it will merely clean up smaller sites that don't make the federal Superfund. Mr. Ochenski said there was no opposition in the House and he urged the committee to support the bill.

Jeanne-Marie Souvigney testified that HB 718 is an appropriate use of the RIT money for sites that would not otherwise be cleaned up.

OPPOSERS: None.

QUESTIONS (AND/OR DISCUSSION) FROM THE COMMITTEE: In Reply to Sen. Keating's question, Rep. Harper asked the committee to read over the amendments. Sen. Keating then asked the source of the idea, and Rep. Harper said it was Rep. Ream's bill during the 1985 session that set up a mini-Superfund Program.

There were conflicting statements and confusing and complicated discussion about RIT allocations and coordination between SB 373 and HBs 718 and 777. At that point, Larry Fasbender (DNRC) arrived at the meeting, and the Chairman asked him for an explanation. Mr. Fasbender's testimony follows:

Last Legislative Session when we were working on the legacy program, we put a percentage in there that would be 5% of the money of the RIT account that would go into the environmental quality contingency account. At the time that was done, it was anticipated that would be 5% of the projects that were authorized which amounted to \$200,000 going into that account. Since the legacy bill died, language was eventually inserted into HB 922 that said 5% of the money appropriated to DNRC would go into this emergency account, which raised the amount of money that was available to about \$450,000. The contention is made because of language that is and was in the statutes then that the money is to be used to set up a program to address non-CERCLA type sites. The Executive Branch (Administration) disagrees with that, but the case in point became moot in that when Legislature came into special session in June, they reduced the amount of money that was in that account from \$450,000 to \$175,000. At that time a decision was made by the Departments of Health and Administration (Governor's Office) that \$175,000 would be used strictly for emergency purposes. As such, no money was made available to hire anyone to begin assessing programs and to specifically look at non-CERCLA sites. There was not enough money or authorization to do that. We have put into the environmental contingency account \$175,000 from last biennium, approximately \$30,000 of that may go to fixing a well at Cut Bank and \$20,000 will be used to replace that. Therefore, there will be about \$165,000 in that account at the end of this biennium.

At the beginning of the next biennium, another \$175,000 will go into that account. It will continue to build if SB 373 passes as is until the account reaches \$750,000. What is being attempted in HB 718 is to change the scenerio, restricting the emergency portion of the contingency account to not exceed \$200,000 at any time. If it were to go into effect this year, that 4% would generate \$558,000. \$200,000 of that would come out and be available for emergency purposes and the other \$358,000 would be available for non-CERCLA type sites, and fund people and a program to make assessments, to prioritize and make recommendations on sites that should be dealt with. At the present time in HB 6 (RIT Legislation), there is \$1,170,000 that addresses

non-CERCLA type sites. The Administration is of the opinion because there are about 150 sites that are going to need to be addressed probably through the RIT Program, that they develop an on-going capability to do that--determine responsibility, prioritize them, find out exactly what is to be done, and then make recommendations to Legislature each time as to what should be funded as far as the sites are concerned. We do not agree with legislation that 4% of RIT should be set aside to do that. The argument can be made 4% is going to be allocated for certain type sites and argument can be made to restrict the amount of money that is available for those sites even below what is authorized in this session. DNRC has agreed to work out a program whereby money that is allocated this time (instead of doing it with strictly contract work) that we would hire people to go through the process of dealing with identification of abandoned oil refineries, of attempting to identify and make recommendations of how those sites should be mitigated by using the RIT funds this time, with the understanding that this is the two-year program.

Next Legislature we would have to justify the continuation of the program. In effect, what you are getting by accepting HB 718 is earmarking funds for continuing programs. The Administration has consistently gone on record as opposing earmarked revenues, and we don't think this is a particularly good idea to expand it. In some instances we have compromised that and there is some earmarked funding in RIT. There was a great deal of debate of whether that should be continued. That is a policy decision that legislators have to make. We support the idea of putting people in place on a continuing basis for the next two years to take a look at these sites, but we do not support the idea of earmarking 4% of RIT for it.

NOTE: Mr. Fasbender had no chance to read the amendments that were presented before his testimony.

CLOSING: Rep. Harper said that the point Mr. Fasbender made was a good one--any one project could eat up the whole 4%. Rep. Harper said the bill should be further amended to say "at least 4%, but not less than 4%." He reiterated that at least 4% is necessary. This is an earmarked fund that will directly benefit Montana citizens.

CONSIDERATION OF HOUSE BILL 453: Rep. Brandewie, House District 49, sponsored the bill, and he introduced it as an act to authorize the Department of Commerce to serve as an "ombudsman" for the tourist industry and recreationists in matters concerning the management of the level of Flathead Lake. Rep. Brandewie said HB 45 is simple. Recently there was a relicensing action that took place at Kerr Dam and there was some controversy between the county and the tribes. During the licensing process, there was compromise. Rep. Brandewie listed the agencies and individual groups interested in the level of the lake:

Corps of Engineers  
Bonneville Power Administration  
Fish, Wildlife and Parks Department  
Confederate Tribes  
Montana Power Company  
Federal Energy Regulatory Commission  
Bureau of Reclamation  
Congressional Delegation  
Farmers in the lower valley whose lands get flooded from underground.

During the last negotiations, Montana tourism and recreational industry were not represented to the fullest extent. The tribe was successful in getting an extra 1,700 cubic feet per second which brings their discharge into the lower river system 3,400 cubic feet per second. Last summer the lake dropped about a foot and marinas and dock owners couldn't function. As a result, much tourist business was lost. In negotiating during the licensing process, it was forgotten to account for irrigation water and lack of precipitation. Therefore, HB 453 was drafted which asked for Department of Commerce involvement at the infrequent meetings to act as ombusman. Flathead Lake creates a lot of money for the State of Montana, and Rep. Brandewie said that the integrity of the lake must be maintained.

PROPOSERS: Ethyl Harding, Senator from District 25, testified in support of HB 453, and she urged the committee to concur.

OPPOSERS: None.

QUESTIONS (AND/OR DISCUSSION) FROM THE COMMITTEE: Sen. Halligan wanted to know how the process would work and why there was not a fiscal note attached to the bill. Steve Huntington from the Department of Commerce said the department could handle the procedure with existing staff. Rep. Brandewie said that the organizations and

people he had mentioned previously get together, weigh and make decisions as how the lake is regulated. The farmers have a time when they want the lake down. The lake is within three feet of full pool by Memorial Day, and full pool by July 1. There is nothing that says they have to keep it in full pool; but traditionally it has been close to full pool through the Labor Day Weekend. Then it can be dropped slowly so that the farmers will not have too much sub-irrigation that would ruin their crops.

Sen. Severson stated that there was a multiple list of priorities on the lake and he wanted to know what the priorities are. Rep. Brandewie said that all of the priorities have worked out over the years, except the equation got out of balance because the Indians got double portion for the lower river. Rep. Brandewie said Indians are guaranteed more outflow than there is inflow. If there is adequate precipitation, this situation of low lake probably will not happen again. The next time the dam is licensed is 30 years from now.

CLOSING: Rep. Brandewie said that HB 453 would give the Department of Commerce responsibility for representing recreationists and tourism in matters concerning the level of Flathead Lake, and he asked that the committee look favorably on the bill.

CONSIDERATION OF HOUSE BILL 746: Rep. Brandewie, House District 49 sponsored the bill and he introduced HB 746 as a simple bill that would authorize local licensing of on-site sewage treatment systems, authorize establishment of license application fees, and provide penalties for violation. Rep. Brandewie said that the licensing process is intended to ensure that on-site sewage treatment systems provide proper wastewater treatment on a long-term basis and that ineffective systems are replaced. Sewage discharge can be a problem to lakes and rivers. Rep. Brandewie said that HB 746 would give the counties an option to license septic tanks and sewage systems. Extensive amendments were made in the House and the licensing procedure would not be imposed on any county.

PROPOSERS: Rep. Ben Cohen, House District 3, supported HB 746. He said that counties' present rule-making authority is too broad that only two have ever tried to tackle the issue. Rep. Cohen said that HB 746 takes an empty shell of rule-making and supplies counties with a structure to use in regulating alternate sewage treatment, especially with lakes with developed shores. HB 746 allows

people to develop on-site sewage systems to stop sewage problems with something more sophisticated than a drain-field and a septic tank.

George Ochenski, EIC, supported the bill. He has spent much time around Georgetown Lake for the past 14 years, and he said he thought that the bill would help.

Steve Pilcher, DHES, testified that sewage systems are licensed only at initial installation, but the department would get involved if there were a problem. HB 746 would allow counties to investigate whether existing systems are adequately functioning.

Testimony was received from Spratt and Associates in support of HB 746. (Exhibit 3)

OPPONENTS: Bill Spilker, a Realtor from Helena, said he disliked the bill very much because it's a poor approach. He said that local boards of health already have broad rule-making authority to do what this bill does. Furthermore, HB 746 would allow the local board of health to collect fees, perhaps annually; and the bill does not provide for control or limit on those fees. Mr. Spilker thought that it could be feasible for the Lewis and Clark County to entirely fund the local health office through the use of the fees under the bill. Mr. Spilker said that license on a septic tank does not make sense--the bill licenses the tank and not the operator. Mr. Spilker stated that there already is a good check at installation. Health officers go out and inspect septic systems. The bill could impact a vast number of individuals living in rural areas, and Mr. Spilker said HB 746 is too big of a step to solve what is inherently a local problem at Flathead Lake.

QUESTIONS (AND/OR DISCUSSION) FROM THE COMMITTEE: Lengthy discussion followed. Sen. Severson wanted to know if the bill could go so far as to have licensure on existing septic tanks and Rep. Brandewie said "yes it could." Under current health laws, it is necessary to have one drainfield and an alternate because drainfields are designed to fail in 5-7 years. Rep. Brandewie said that the reason for licensing is that in Flathead and Lake Counties, there's a lot of gravel; and even in 25 years, drainfields don't appear to have failed by sending sewage to surface. However, the drainfields are failing downward and sewage is going into the aquifer from which people pump drinking water. Rep. Brandewie firmly stated that in Lake County and Flathead, systems should be inspected and licensed every five years.

Sen. Hofman was very much disturbed by HB 746 and he suggested that if it is a local problem in Lake County, perhaps the problem should be solved locally.

CLOSING: Rep. Brandewie said he has been on the Lake County Planning Board for 9 years and they had been trying to do something to clear up the situation around the lake. Everytime the local sanitarian tries to do something, an attorney says action cannot be taken for some reason or another and county is threatened with court action. County is too poor and the law is too vague at present to test the attorneys. Rep. Brandewie concluded his closing remarks by saying that water quality has to be maintained in the Flathead area as well as other areas in the state where there is a lot of ground pollution. Rep. Brandewie said that Sen. Harding had consented to carry the bill in the Senate.

CONSIDERATION OF HOUSE JOINT RESOLUTION 6: Rep. Schye, House District 18, sponsored HJR 6 and introduced the bill as being very important legislation to his area. He has been involved with the Land and Mineral Owners Association and also the Fort Peck Indian Association. Rep. Schye said that the Judith formation is in shallow water formation. In many areas it is 600 feet deep and gets deeper in the east. The formation is not an oil producing formation. On the reservations there are disposal wells that are pumping salt water back into the formation. There is a line (Scobey/Wolf Point Highway). On the east side of that, the water is considered by the EPA as a fresh water source.

There are 14 disposal wells in that area. The Indian tribes in the Fort Peck Indian Reservation did take the problem to the EPA asking for studies, asking for water quality, etc., and the Indians asked Rep. Schye for a bill that salt water is put back in a producing formation. Montana does not have control over EPA; therefore, the Resolution was written. Rep. Schye said that HJR 6 is requesting EPA to revise its policy concerning underground salt water injection into the Judith River formation on the Fort Peck Reservation and to establish a monitoring and data collection program.

PROPOSERS: None.

OPPOSERS: None.

In response to Sen. Halligan's question, Sen. Keating explained that it is a salt water disposal situation. The oil is separated, and there is not enough evaporation to take care of the salt water so there are two or three commercial places that inject salt water back into the deeper formations that are salt water formations. Sen. Keating said that apparently the production is shallower on the reservation.

During the discussion, it was said that there are arguments over jurisdiction between the Oil and Gas Commission and the Indians; but EPA does have jurisdiction.

CONSIDERATION OF HOUSE JOINT RESOLUTION 24: Rep. Bernie Swift, District 64, said passage of the resolution would send delegates to the Western States Legislative Forestry Task Force. Montana has been involved with five other states since 1974 in this Task Force. Rep. Swift distributed detailed information on the Task Force. (Exhibit 4) There are about four to five meetings a year, addressing such issues as forestry, mining, conservation, insect infestations, etc.

PROPOSERS: Keith Olson, Montana Logging Association, testified that it is imperative that Montana has a forum such as the Western States Legislative Forestry Task Force whereby issues can be addressed relating to forest resources, markets, management practices and concerns. (Exhibit 5)

Don Allen, Montana Wood Products Association, said that he has had the opportunity to follow some of the positive activities of the Task Force for the past few years. He said it is very fitting that various representatives of the western states get together and discuss common problems. It was Mr. Allen's opinion that HJR 24 should have a high priority.

Sen. Lybeck, District 4, said he agrees wholeheartedly with HJR 24.

Sen. Severson, District 32, testified that he had been on the Task Force for 8 years. He said they have worked intensely with British Columbia and he felt that some of the problems are being resolved as a result of Task Force activity. Sen. Severson stated that the Task Force is a good model for other areas, such as agriculture. Hopefully, more money will be put in the budget by the Appropriation Committee.



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Any questions that the committee had were covered by the handout that Rep. Swift distributed.

CLOSING: Rep. Swift closed by saying the task force is sunset every legislature. Also, he said the task force is "attached" to the Legislative Council for accounting purposes. The Task Force tries to rotate their meetings among the states. Rep. Swift concluded by saying that the Task Force has no staff and are frugal in their expenditures.

There being no further business before the committee, Sen. Keating adjourned the meeting at 2:45 P.M.

  
THOMAS F. KEATING, Chairman

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ROLL CALLNATURAL RESOURCES

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 20, 19

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Keating, Chairman	✓		
Sen. Cecil Weeding, Vice Chairman	✓		
Sen. John Anderson	✓		
Sen. Mike Halligan	✓		
Sen. Delwyn Gage	✓		
Sen. Lawrence Stimatz	✓		
Sen. Larry Tveit			✓
Sen. "J.D." Lynch			✓
Sen. Sam Hofman	✓		
Sen. William Yellowtail	✓		
Sen. Elmer Severson	✓		
Sen. Mike Walker			

Each day attach to minutes.

DATE 2-20-87

COMMITTEE ON

## Natural Resources

## VISITORS' REGISTER

[illegible]

Priority -high, 2-medium, 3-low, 4-none, 5-RCRA

Type: M-mining, P-petroleum, D-penta/creosote dipper, O-other, I-Industrial

## SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE 3/20/87

BILL NO. HB 718

PRIORITY	SITE	COUNTY	TYPE	PA	SI	SIF	HRS	NPL
1	ACM Butte Operations, Butte	01	M				86	86
1	Anaconda Smelter, Anaconda	30	M	82	82		82	83
1	BNRR Somers Tie Plant, Somers	07	D	84	84		84	
1	Comet Oil, Billings	03	P	84	85	87	86	87
1	East Helena Site	05	M	81	83		83	83
1	Idaho Pole Co., Bozeman	06	D	84	84	86	84	86
1	Libby Groundwater Contamination, Libby	56	D	80	81		82	83
1	Milltown Reservoir Sediments, Missoula	04	M	82	82		82	83
1	Montana Pole & Treating Plant, Butte	01	D	84	85		86	87
1	Mouat Ind., Columbus	32	M	79	84		86	
1	Silver Bow Creek, Butte	01	M	83	79		82	83
1	St. Regis Paper, Libby (see Libby GW cont.)	56	D	84				
2	ACM Gt. Falls Refinery, Black Eagle	02	M	82			82	
2	Apex Mill, Bannack	18	M	83	84		84	
2	Arro Oil Refinery, Lewistown	08	P	84	84		85	
2	Bass Creek Post & Pole, Stevensville	13	D	87	88			
2	Beaver Wood Products, Columbia Falls	07	D	86	87			
2	Big Hole Post Plant, Dillon	18	D	87	87			
2	Big Horn Oil & Refining, Billings	03	P	86	87			
2	Big West Oil, Kevin	21	P	84	87			
2	Bitterroot Valley Landfill, Victor	13	L	85	87			
2	Central Pasland Treating Plant, Lewistown	08	D	87	88			
2	Coffman Lumber and Treatment Co., Billings	03	D	87	88			
2	Conrad Refining Co., Conrad	26	P	87	88			
2	Creston Post & Pole Yard, Kalispell	07	D	86	87			
2	Diamond Asphalt, Chinook	24	P	84	86		86	
2	Falls Chemical, Inc., Great Falls	02	O	84	86	86		
2	Hart Refineries, Missoula	04	P	85	85	86		
2	Havre Refinery	12	P	87	87			
2	J & N Post & Pole, Eval	04	D	87	88			
2	Jet Fuel Refinery, Mosley	50	P	86	88			
2	Kalispell Pole & Timber, Kalispell	07	D	85	87			
2	Kenison Pole Plant, Townsend	43	D	87	87			
2	Lake Co. Weed District, Ronan	15	O	85	85	87		
2	Larry's Post & Treating Co., Columbia Falls	07	D	87	88			
2	Laurel Oil & Refining Co., Butte	01	P	87	87			
2	Marble Creek Post Yard, Superior	54	D	87	87			

PA-Preliminary Assessment, SI-Site Investigation, SIF-Site Investigation Follow-up, HRS-Hazardous Ranking System,  
 NPL-National Priority List

Priority: 1-high, 2-medium, 3-low, 4-none, 5-RCRA  
 Type: M-mining, P-petroleum, D-penta/creosote dipper, O-other, I-industrial

PRIORITY	SITE	COUNTY	TYPE	PA	SI	SIF	HRS	NPL
2	Mercer Post Plant, Bozeman	06	D	87	87			
2	Midwest Refining Co., Conrad	26	P	87	87			
2	Milwaukee Roundhouse, Deer Lodge	28	P	87	87			
2	Mission Wye, Livingston	49	P	84	84	86	87	
2	North American Oil Ref., Kalispell	07	P	86	87			
2	Reliance Refining Co., Kalispell	07	P	86	86	86	87	
2	Russell Oil Co., Billings	03	P	86	88			
2	Russell Oil Co., Butte	01	P	86	88			
2	S & W Sawmill Inc., Darby	13	D	87	88			
2	Strong's Post Yard, Livingston	49	D	87	88			
2	Tale Creek Gas Plant/Crystal Oil, Poplar	17	P	86	87			
2	Treasure State Refining Co., Shelby	21	P	86	88			
2	Turner Post Treatment Co., Whitefish	07	D	87	88			
2	Weowna Oil Refinery, Winnett	55	P	86	88			
2	Yale Oil Corp., Kalispell	07	P	85	86	86	87	
2	Yale Oil of South Dakota, Billings	03	P	87	88			
3	Anaconda Aluminum, Col. Falls	07	M	84				
3	Asarco Inc. Troy Unit, Troy	56	M	84	88			
3	Billings Sanitary Landfill	03	L	84	88			
3	BN Derailment Site, Bainville	17	O	84				
3	BN Derailment Site, E. Bridger	10	O	84				
3	BN Derailment Site, Evaro	04	O	84				
3	BN Derailment Site, Garrison	28	O	85				
3	BN Derailment Site, Missoula	04	O	85				
3	BN Krezelak Pond, Havre	12	O	84	84	87		
3	BN Racetrack Pond, Havre	12	O	81				
3	Borden Inc., Missoula	04	O	84				
3	Bozeman Old City Landfill	06	L	83	83			
3	Carter Oil Refinery, Cut Bank	38	P	84	85			
3	Charles M. Russell Refuge, Turkey Joe Landing	08	O	86	86			
3	Chevron USA Inc., Browning	38	P	84				
3	Continental Oil Co., Lewistown	08	P	85				
3	Cooke City Arsenic Tailings	49	M	80				
3	Empire Sand and Gravel, Bozeman	03	O	84	84			
3	General Elec. Co., Billings	03	I	84				
3	Golden Messenger Mine, York	05	M	86				
3	Goldsel Mining Co., Marysville	05	M	86	87			

SENATE NATURAL RESOURCES  
 EXHIBIT NO. 1 (p.2)  
 DATE 3/20/87  
 BILL NO. HB 718

PRIORITY: high, 2-medium, 3-low, 4-none, 5-RCRA  
 Type: mining, P-petroleum, D-penta/creosote dipper, O-other, I-industrial

PRIORITY	SITE	COUNTY	TYPE	PA	SI	SIF	HRS	NPL
3	Helena Landfill	05	L	85				
3	High Ore Mine, Basin	51	M	86				
3	Hirschy Corrals, Jackson	18	O	84	84			
3	Ideal Basic Ind., Three Forks	06	I	85				
3	Jardine Arsenic Tailings, Jardine	49	M	80				
3	Kaiser Cement, Montana City	51	I	85				
3	Lohoff Gravel Pit, Billings	03	P	83	83	86		
3	Malta Airport, Malta	11	O	85	85			
3	McCulloch Purchase Station, Fairview	27	O	85				
3	Miles City Livestock Center	14	O	84	86			
3	Miles City Rail Yard	14	P	85	86	87		
3	Milwaukee Road Right of Way, St. Regis	54	O	85				
3	Missoula Landfill	04	L	84				
3	Montana Power Co.-Frank Bird, Billings	03	O	84				
3	Montana Power Co.-JE Corette, Billings	03	O	84				
3	Montana Radiation, Anaconda	30	O	84				
3	Montana State Chem Lab, Helena	05	O	84				
3	Montana Sulphur & Chem, Billings	03	O	86				
3	Motherlode Gold & Silver, East Helena	05	M	85	85	87		
3	Philipsburg Mining	46	M	80				
3	Plum Creek Evergreen, Kalispell	07	O	80				
3	Poisoned Oats Disposal, Browning	38	O	85	88			
3	Prairie View Recreational Park, Billings	03	O	86	88			
3	Real Log Homes Mfg. Site, Missoula	04	O	85				
3	Refinery Sumps, Billings	03	P	80	88			
3	Rocky Mountain Phosphate, Garrison	28	M	80		82		
3	Scott Feed Lot, Billings	03	Q	84	86			
3	Stauffer Chemical Co., Ramsey	01	M	84				
3	Summit-Dana Ind., Bozeman	06	O	84				
3	Texaco-Sunburst Works, Sunburst	21	P	84	85			
3	Thompson Falls Reservoir, Thompson Falls	35	M	86	86			
3	U.S. Antimony Corp., Thompson Falls	35	M	84	88			
3	Union Oil-Cut Bank Ref., Cut Bank	38	P	84	85			
3	Valley Garden Vat, Ennis	25	O	84	86			
3	Western By-Products, Great Falls	02	O	84	84	85		
3	Asbestos Mine (Karst), Bozeman	06	M	84				
3	BN Inc. Prop., Billings	03	O	84				

SENATE NATURAL RESOURCES  
 EXHIBIT NO. 1 (p.3)  
 DATE 3/20/87  
 BILL NO. HB 318

Priority: 1-high, 2-medium, 3-low, 4-none, 5-RCRA  
 Type: M-mining, P-petroleum, D-penta/creosote dipper, O-other, I-industrial

PRIORITY	SITE	COUNTY	TYPE	PA	SI	SIF	HRS	NPL
4	Developmental Technology, Bozeman	06	O	84				
4	Ermont Mill-Mill Tailings, Argenta (Fed.)	18	M					
4	Sluice Gulch Leaking Mine, Philipsburg (Fed.)	46	M					
4	Thorium City Waste Dump, Grant (Fed.)	18	M					
4	Tungsten Mill-Mill Tailings, Glen (Fed.)	25	M					
5	Conoco Billings Refinery	03	P					
5	Conoco Landfarm, Billings	03	P					
5	Exxon Refinery, Billings	03	P					
5	Farmers Union/Cenex, Laurel	03	P	80				
5	Great Falls Refinery	03	P					
5	Malmstrom Air Force Base, Great Falls	02	P	79				
5	Paradise Tie Treatment, Paradise	02	O					
5	Union Tank Car Co., Laurel	35	D	80				
5	Wolf Point Refinery	03	I	84				
5		17	P					

SENATE NATURAL RESOURCES  
 EXHIBIT NO. 1 (p. 7)  
 DATE 3/24/87  
 BILL NO. HB 718

Amendments to House Bill 718  
Representative Harper  
Senate Natural Resources Committee  
March 20, 1987

2

SENATE NATURAL RESOURCES  
EXHIBIT NO. 2  
DATE 3/30/87  
BILL NO. HB 718

1. Title, line 4.  
Strike: "REALLOCATING"  
Insert: "ALLOCATING"
2. Title, line 5.  
Strike: "ENVIRONMENTAL CONTINGENCY ACCOUNT"  
Insert: "INTEREST INCOME OF THE RESOURCE INDEMNITY TRUST FUND"
3. Title, line 8.  
Strike: "75-1-1101, 75-1-1102"  
Insert: "15-38-202"
4. Page 1, line 12, through line 8 on page 4.  
Strike: sections 1 and 2 in their entirety  
Insert:

" Section 1. Section 15-38-202, MCA, is amended to read:  
"15-38-202. Investment of resource indemnity trust fund -- expenditure -- minimum balance. (1) All moneys paid into the resource indemnity trust fund shall be invested at the discretion of the board of investments. All the net earnings accruing to the resource indemnity trust fund shall annually be added thereto until it has reached the sum of \$10 million. Thereafter, only the net earnings may be appropriated and expended until the fund reaches \$100 million. Thereafter, all net earnings and all receipts shall be appropriated by the legislature and expended, provided that the balance in the fund may never be less than \$100 million.

(2) Beginning in fiscal year 1982, provided the amount in the resource indemnity trust fund is greater than \$10 million, 30% of the interest income of the resource indemnity trust fund must be allocated to the water development state special revenue account created by 85-1-604.

(3) Beginning in fiscal year 1986, 6% of the interest income of the resource indemnity trust fund must be allocated to the department of health and environmental sciences to be used to implement the Montana Hazardous Waste Act and the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with Title 75, chapter 10, part 6. The allocation in this subsection must be appropriated for each full biennium as necessary to obtain matching federal funds for the biennium.

(4) Beginning in fiscal year 1990, 4% of the interest income of the resource indemnity trust fund must be allocated to the environmental quality protection fund, provided for in 75-10-704."

Renumber: subsequent sections



SENATE NATURAL RESOURCES

EXHIBIT NO. 2 (p.2)

DATE 3/20/87

BILL NO. HB 713

5. Page 4, line 16.  
Following: "may"  
Insert: "only"
6. Page 4, line 19 through line 2 on page 5.  
Strike: "-" on page 4, line 19 through "conduct" on  
line 2, page 5  
Insert: ". Fund uses must include the conduct of the hazardous  
waste site remedial action program, which is"
7. Page 5, line 3.  
Strike: "(i)"  
Insert: "(a)"
- ✓ 8. Page 5, line <sup>4</sup>~~3~~.  
Strike: "(ii)"  
Insert: "(b)"
- ✓ 9. Page 5, line 13.  
Strike: "(2) (b)"  
Insert: "(2)"
10. Page 6.  
Following: line 3  
Insert: "interest income of the"
11. Page 6, line 4.  
Strike: "interest account"  
Insert: "fund"
12. Page 6, line 5.  
Strike: "75-1-1101"  
Insert: "15-38-202"
13. Page 6, line 10.  
Following: "~~75-1-1101~~:"  
Insert: "(5) Whenever the amount of money in the fund is  
insufficient to carry out remedial action, the department may apply to  
the governor for a grant from the environmental contingency account  
established pursuant to 75-1-1101."
14. Page 8.  
Following: line 6  
Insert:  
" NEW SECTION. Section 5. Coordination instruction.  
If Senate Bill No. 373, including the section of that bill  
amending 15-38-202, is passed and approved, section 18 of  
Senate Bill No. 373 must read:  
"NEW SECTION. Section 18. Coordination instruction.  
~~If House Bill No. 777, including the section of that bill~~  
~~amending 15-38-202, is passed and approved:~~  
~~(1) the bracketed material in section 12(2)(d) of~~  
~~this act allocating funds to the reclamation and~~  
~~development grants account must read "50%", and~~

~~(2) the bracketed material in section 6 is void.~~

(1) If House Bill No. 777, including the section of that bill amending 15-38-202, is passed and approved, and if House Bill No. 718, including the section of that bill amending 15-38-202, is passed and approved, the bracketed material in section 12 must read "46%".

(2) If House Bill No. 777, including the section of that bill amending 15-38-202, is passed and approved, and if House Bill No. 718, including the section amending 15-38-202, is not passed and approved, the bracketed material in section 12 must read "50%".

(3) If House Bill No. 777, including the section amending 15-38-202 is not passed and approved, and if House Bill No. 718, including the section amending 15-38-202, is passed and approved, the bracketed material in section 12 must read "52%"."

SENATE NATURAL RESOURCES

EXHIBIT NO. 2 (p.3)

DATE 3/20/87

BILL NO. HB 718

LINDA BRANDER  
PROJECT DIRECTOR

CARD OF DIRECTIONS

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PAUL SCHLESINGER  
DIRECTOR  
HIS & CLARK LIBRARY

*Sally Nadin  
McCurdy  
405*

TO : Honorable Thomas F. Keating, Chairman Senate Natural Res. Comm.  
(Sponsor/Chairperson/Your Legislator/Committee)

MWF 1:00  
Rm 405

FROM : Marc M. Spratt  
(Individual Sender/ Group)

REGARDING : HB 746  
(Bill Number/ Issue / Budget Item)

DATE : 3-19-87  
(Date Sent to Legislature)

DATE TO BE SUBMITTED TO

LEGISLATURE : 3-20-87

RECEIVER: PLEASE DELIVER THIS

As soon as possible  
(As Soon As Possible/ Next Morning)

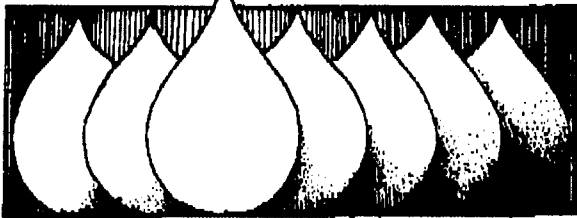
SENATE NATURAL RESOURCES

EXHIBIT NO. 3 (COVER)

DATE 3/20/87

BILL NO. HB 746

# SPRATT & ASSOCIATES / CONSULTING HYDROGEOLOGY



Suite 1500 / 2nd WEST CENTRE  
22 Second Avenue West  
P.O. BOX 1579  
KALISPELL, MT 59903  
406-752-3516

The Honorable Thomas F. Keating  
Chairman, Senate Committee on Natural Resources  
State Senate  
State Capitol  
Helena, Montana 59601

March 19, 1987

Re: HB 746

SENATE NATURAL RESOURCES  
EXHIBIT NO. 3 (p.1)  
DATE 3/20/87  
BILL NO. HB 746

Senator Keating and Committee members,

House Bill 746 represents the result of much discussion by various citizen groups and professionals, both public and private, on appropriate management practices for on-site waste disposal systems. I have spent much of the past 14 years studying the impact of land disposal systems on surface and ground waters. For the past five years, I have been designing and installing waste treatment systems. I have conducted research for the University of Montana, National Science Foundation and the Flathead Drainage 208 Project. I sat as a member of the Steering Committee of the Flathead River Basin Environmental Impact Study for two years. During that time it became clear that better management of septic systems is needed in western Montana.

This Bill in its present form is a local option bill much needed in the western part of the state. The majority of the population uses some form of on-site waste treatment system with virtually no control of the operation of the system after installation. Further, many homeowners do not know where their system is located, how big it is or when it was last maintained. This bill provides a means to maintain an up-to-date record of each system in use and its characteristics.

As a general rule, the only maintenance a system requires is pumping once every 3-5 years. Yet the majority of failures are due to the lack of maintenance - these failures could be avoided if the systems were pumped regularly. The need for maintenance is dependant on use therefore, this bill provides for variable maintenance schedules.

Many studies have been completed by various entities, i.e. Flathead River Basin Environmental Impact Study, Montana

State University, University of Montana Biological Station, Flathead Drainage 208 Project, Flathead Conservation District, and U.S. EPA, that demonstrate the impact of inadequate septic systems on surface and ground water in the Flathead and Clark Fork valley's. This bill responds to the results of those studies and compliments other steps that have or are being taken to limit contamination of waters in western Montana.

I encourage you to pass this bill and provide those areas of the state that have a need for more intensive septic system management a needed tool to oversee the operation of on-site waste treatment sytems.

Thank you

Marc M. Spratt, CPGS, PH, CGWP

*Marc M Spratt*

SENATE NATURAL RESOURCES

EXHIBIT NO. 3(p.2)

DATE 3/20/87

BILL NO. HB 746

# WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE

Established 1974

## REPORT TO LEGISLATIVE LEADERSHIP

SUBMITTED BY THE MEMBERS OF THE

WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE

- 1985 -

CHAIRMAN

Senator Elmer Severson

VICE CHAIRMAN

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Senator Walt Brown  
Representative Bob Brogoitti  
Representative Bernie AgronsWASHINGTONSenator Lowell Peterson  
Senator Scott Barr  
Representative Doug Sayan  
Representative Homer LundquistEXECUTIVE DIRECTOR

James B. Corlett

BACKGROUND

The Task Force was organized on July 12 & 13, 1974, in San Francisco. Senator Randy Collier, California, was elected Chairman and Senator Ted Hallock, Oregon, Vice Chairman. Five states were represented at the first meeting: California, Oregon, Washington, Idaho and Montana. Alaska joined the task force in 1978. Two of the founding delegates are still Task Force members; Senator Barry Keene of California, and Senator Lowell Peterson of Washington.

The Task Force consists of two Senators and two Representatives (Assemblymen) from each of six Western states. These delegates are appointed, respectively, by the President of the Senate and Speaker of the House (Assembly) of each state.

GOVERNMENT/OPERATIONS

The Task Force is governed under a set of By Laws which are reviewed periodically. The Chair and Vice Chair are required to be from different states and are elected for one year terms. No person can serve more than one year in either office. Officers are rotated among the member states.

MEETINGS

Four or five meetings are normally held each year; these are rotated among the member states, except that, one meeting each year is generally held in Washington, D.C. Meetings are in the form of public hearings with knowledgeable persons and organizations invited to testify on current forestry issues which have regional interest or significance. The public is invited.

POLICIES

Task Force policies are determined by vote of the membership, following issue review at one or more meetings. Decisions of the Task Force do not necessarily bind either the legislatures or state governments of the member states.

1985 MEETINGS

The Task Force held four public meetings in 1985. A brief description of each meeting follows:

FIRST MEETING, SPOKANE, WASHINGTON

Held at the Sheraton Hotel, March 9 & 10, 1985. Forty-three persons participated. New Task Force members attending their first meeting were introduced. These were: Representative Homer Lundquist, Washington, Representative Bernie Swift, Montana, Representative John Sund, Alaska, Senator Walt Brown, Oregon, and Representative Bernie Agrons, Oregon.

ISSUES DISCUSSED

1. TIMBER SALE PROBLEMS AND PROCEDURES WITHIN THE WASHINGTON DEPARTMENT OF NATURAL RESOURCES; AND THE 1985 FARM BILL IN CONGRESS AS IT RELATES TO PROPOSED FORESTRY SOLUTIONS TO SOIL EROSION, REDUCTION OF FARM DEBT AND HABITAT ENHANCEMENT.

Art Stearns, Supervisor, Washington Department of Natural Resources.

2. CANADIAN LUMBER TRADE WITH THE USA.

T.M. Mike Apsey, President and CEO, Council of Forest Industries of British Columbia, Vancouver, B.C.

Honorable Larry E. Craig, Congressman from Idaho.

Tom Richards, President, Idaho Forest Industries, Coeur d'Alene, Idaho.

Bill Brauner, President Brauner Lumber Co., Kettle Falls, Washington.

## 3. NATIONAL FOREST PLANNING IMPACTS.

Mike Sullivan, Vice President, Industry Forestry Association, Portland, Oregon.

Jim O'Donnell, Executive Vice President, N.W. Pine Association, Spokane, Washington.

Joe Hinson, Executive Vice President, Idaho Forest Industry Council, Coeur d'Alene, Idaho.

Allan Lampi, Director of Planning, Region 6, U.S. Forest Service, Portland, Oregon.

## 4. ENVIRONMENTAL IMPACTS.

Morey Haggin, Spokane, Washington.

## 5. BELOW COST TIMBER SALE IMPACTS.

Dick Reid, Executive Vice President, Inland Forest Resources Council, Missoula, Montana.

## 6. REPORT FROM WASHINGTON D.C. - U.S. FOREST SERVICE. 1986 F.Y. PRESIDENT'S BUDGET, FEDERAL PROPOSAL TO CHANGE THE 25% TIMBER SALES PAYMENTS TO STATES AND COUNTRIES, AND PROPOSED BLM/U.S. FOREST SERVICE LAND EXCHANGE.

Allan J. West, Associate Deputy Chief, USFS Washington, D.C.

## 7. REPORT FROM NATIONAL ASSOCIATION OF COUNTIES.

Commissioner Jerry Routson, Chairman, Hood River County Commission, Oregon; First Vice President, Association of Oregon Counties.

## 8. PROPOSED WILDLIFE RESEARCH PROGRAM.

Jack N. Thomas, Project Leader, Forest and Range Sciences Laboratory, USFS, La Grande, Oregon.

## 9. RECENT LITIGATION RE: NATIONAL WILDLIFE FEDERATION VS. U.S. FOREST SERVICE.

Larry Blasing, Director, Public Timber Programs, Inland Forest Resources Council, Missoula, Montana.



RESOLUTIONS ADOPTED

1. REQUESTING CONGRESS TO AMEND SECTION 14(i) OF 1976 NATIONAL FOREST MANAGEMENT ACT.

Comment: Would enable small business firms in Alaska to avail themselves of the same option available in all other states, to request the U.S. Forest Service to construct access roads under certain timber sale proposals.

2. SUPPORT OF ELK, GRAZING AND FORESTRY RESEARCH

Comment: Support of the concept of a very large elk/deer enclosure on the Starkey Experimental Forest in Northeastern Oregon to carry out important research programs dealing with compatibility of cattle grazing, wildlife management and timber management.

3. SUPPORT OF USDA, FOREST SERVICE, STATE AND PRIVATE FORESTRY PROGRAMS.

Comment: Support of Congressional funding of these programs at FY 1985 levels to minimize further adverse effects on the forest economy and forest land productivity.

4. SUPPORT OF CONTINUED NATIONAL WEATHER SERVICE FIRE WEATHER FORECASTING PROGRAMS.

Comment: This is a vital program to forest protection from fire in the Western States. It is also basic for use of prescribed fire as a forest management tool and for administration of smoke management programs required under the Federal Clean Air Act.

SECOND MEETING, VICTORIA, BRITISH COLUMBIA

Held at the Harbour Towers Hotel, and included a field trip, June 20 & 21, 1985. Sixty-seven persons participated. New Task Force members attending their first meeting were introduced. These were Representative Mike Davis, Alaska, and Representative Bill Hand, Montana. A special introduction and expression of thanks was conveyed to the Honorable Tom Waterland, Minister of Forests, British Columbia, who graciously hosted the meeting, by Task Force Chairman, Senator Elmer Severson.

ISSUES DISCUSSED

1. FORESTRY ORGANIZATION AND PROGRAMS IN ALASKA, WASHINGTON, YUKON TERRITORY AND BRITISH COLUMBIA.

Robert D. Arnold, Deputy Commissioner, Alaska Department of National Resources, Juneau, Alaska.

Brian J. Boyle, Commissioner of Public Lands, Olympia, Washington.

Bill Klassan, Acting Deputy Minister, Department of Renewable Resources, Whitehorse, Yukon.

Honorable Tom Waterland, Minister of Forests, Victoria, B.C.

2. COMPARISON OF U.S. FOREST SERVICE (ALASKA) AND BRITISH COLUMBIA FOREST SERVICE, FOREST POLICIES, PRACTICES AND LOG DELIVERY COSTS.

Mike Barton, Regional Forester, U.S. Forest Service, Juneau, Alaska.

3. COOPERATIVE FORESTRY RESEARCH FOR THE HIGH LATITUDES (NATIONS AROUND THE NORTH POLE).

Dr. James V. Drew, Dean of the school of Agriculture and Land Resource Management, and Director, Alaska Agriculture and Forestry Experiment Station, University of Alaska, Fairbanks, Alaska.

4. WALKING TOUR OF THE BRITISH COLUMBIA PARLIAMENT BUILDING.

Hosted by Honorable Tom Waterland, Minister of Forests.

5. OPPORTUNITIES FOR PACIFIC RIM FOREST PRODUCTS TRADE: U.S.A. - B.C. MUTUAL INTERESTS AND POTENTIAL.

Dr. Thomas R. Waggener, Director, Center for International Trade in Forest Products, College of Forest Resources, University of Washington, Seattle, Washington.

6. B.C./YUKON - U.S.A. FOREST PROTECTION COOPERATION.

H.G. (Hank) Doerksen, Director, Protection Branch, B.C. Forest Service, Victoria, B.C.

7. REPORT FROM U.S. FOREST SERVICE, WASHINGTON, D.C.

Allan J. West, Associate Deputy Chief, U.S. Forest Service, Washington, D.C..

8. BRITISH COLUMBIA/YUKON - U.S.A. COOPERATION IN FOREST RESEARCH.

Calvin F. Bay, Project Leader, U.S. Forest Service, Forestry Sciences Laboratory, Juneau, Alaska.

Keith Illingworth, Acting Director, Research Branch, B.C. Ministry of Forests, Victoria, B.C.

Bill Klassen, Acting Deputy Minister, Department of Renewable Resources, Whitehorse, Yukon.

9. BRITISH COLUMBIA - U.S.A. LUMBER TRADE.

T.M. (Mike) Apsey, President and Chief Executive Officer, Council of Forest Industries of B.C., and Principle Coordinator, International Trade, Canadian Forest Industries Council.

10. FIELD TRIP TOUR OF A FOREST NURSERY, SEED ORCHARD AND FOREST RESEARCH FACILITY.

Hosted by the Ministry of Forests.

THIRD MEETING, HAYDEN LAKE, IDAHO

Held on October 4-6, 1985, with sixty-nine persons participating. One focus of the meeting was a comparison of British Columbia and U.S. Forest timber sale appraisal systems through the use of a common timber sale prospectus. This prospectus included the tree species, terrain, weather conditions, and other natural factors generally common to Southeastern British Columbia, Northeastern Washington, Northern Idaho and Northwestern Montana.

ISSUES DISCUSSED

1. WELCOME AND REPORT ON A JOINT U.S. - CANADIAN TASK FORCE ON TRADE.

Honorable John Evans, Governor of Idaho, and Cochair, with B.C. Premier Bill Bennett, of the National Governor's Association Joint U.S. - Canadian Task Force On Trade.

2. COMPARISON OF BRITISH COLUMBIA AND U.S. FOREST SERVICE (REGION 1) STUMPAGE APPRAISAL SYSTEMS.

A.C. MacPherson, Deputy Minister of Forests, Victoria, B.C.

H. (Hans) Waelti, Director, Valuation Branch, B.C. Forest Service, Victoria, B.C.

John A. Combes, Assistant Director, Timber Management, U.S. Forest Service (Region 1) Missoula, Montana.

3. CRITIQUE OF B.C. APPRAISAL.

Tom Richards, President, Idaho Forest Industries, Coeur d'Alene, Idaho.

4. CRITIQUE OF U.S. APPRAISAL

Julius Juhasz, Director, Timber Management Branch, B.C. Forest Service, Victoria, B.C.

John G. Murray, Vice President Woodland, Crestbrook Forest Industries, Cranbrook, B.C.

5. THE 1985 DISASTROUS WILD LAND FIRE SEASON IN WESTERN NORTH AMERICA.

Jack F. Wilson, Director, Office of Aircraft Services, Office of the Secretary, U.S. Department of the Interior.

6. RECOMMENDATIONS FOR JOINT BRITISH COLUMBIA/WESTERN STATES FOREST PRODUCTS MARKETING WITHIN THE PACIFIC BASIN, AND OPPORTUNITIES FOR IMPROVED COOPERATION.

Honorable Tom Waterland, Minister of Forests, Province of British Columbia, Victoria.

Brian J. Boyle, Commissioner of Public Lands, State of Washington, Olympia, Washington.

Harold R. Walt, Chairman, California State Board of Forestry, Sacramento, California.

7. CURRENT NORTH AMERICAN FOREST PRODUCTS MARKETING PROGRAMS WITHIN THE PACIFIC BASIS.

W. Michael Robson, Forest Industry Consultant Vancouver, B.C.

Vernon Harness, Director, Forest Products Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C.

8. CURRENT NATIONAL FORESTRY ISSUES.

Allan J. West, Associate Deputy Chief, U.S. Forest Service, Washington, D.C.

Edmond C. Packee, Assistant Professor, School of Agriculture and Natural Resource Management, University of Alaska, Fairbanks, Alaska.

10. RESULTS OF THE 1985 GYPSY MOTH WAR IN OREGON

Tom Lane, Deputy State Forester, Oregon Department of Forestry, Salem, Oregon.

FOURTH MEETING, SAN FRANCISCO, CALIFORNIA

SENATE NATURAL RESO

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DATE 3/20/87

BILL NO. HJR 2

Held at the Travelodge at the Wharf, December 7 & 8, 1985. Forty-seven persons participated. A visitor, Senator Vernon Lannen, Idaho was introduced. He attended at the request of Senator Kermit Kiebert of Idaho.

ISSUES DISCUSSED

1. CALIFORNIA FORESTRY IN THE YEAR 2000 (RESULTS FROM CENTENNIAL II).

Harold R. Walt, Chairman, California State Board of Forestry.

2. WILDERNESS SOCIETY GOALS REGARDING U.S. FOREST SERVICE PLANNING.

Pete Emerson, Vice President, Resources and Planning, The Wilderness Society, Washington, D.C.

3. CONSERVATIONISTS CAMPAIGN TO REFORM THE U.S. FOREST SERVICE BUDGET.

Bruce Hamilton, Director, Conservation Services, The Sierra Club, San Francisco, California.

4. FEDERAL TAX REFORM PROPOSAL...TIMBER TAXES.

Ryan Hamilton, Analyst - Economics/taxation, California Forest Protective Association, Sacramento, California.

5. FACTORS EFFECTING THE LONG TERM TIMBER SUPPLY, AND ECONOMIC CONSEQUENCES TO CALIFORNIA.

Bill Dennison, Executive Vice President, Western Timber Association, Sacramento, California.

Bill Coates, Chairman, Plumas County Commission; Vice President California Rural Counties Association, Quincy, California.

Zane Smith, regional Forester, U.S. Forest Service, San Francisco, California.

6. COMPARISON OF FORESTRY PROBLEMS BETWEEN GERMANY AND THE U.S.A.

Professor Richard Plochmann Ph.D., Chairman, Department of Forestry, University of Munich, Bavaria, Germany.

7. FOREST PLANNING IMPACTS IN THE PACIFIC NORTHWEST REGION, U.S. FOREST SERVICE.

Jim Geisinger, Vice President operations, Western Timber Industries Association, Portland, Oregon.

8. THE EXTRAORDINARY 1985 CALIFORNIA FIRE SEASON

Donald Peterson, Deputy Director, California Department of Forestry, Sacramento, California.

Richard Montague, Director Aviation and Fire Management, U.S. Forest Service, San Francisco, California.

9. CONGRESSIONAL AND FOREST INDUSTRY VIEWS OF CANADIAN LUMBER IMPORTS; U.S. TARIFFS ON CANADIAN FOREST PRODUCTS.

David Stahl, President, National Forest Products Association Washington, D.C.

10. REPORT ON COOPERATIVE TRADE EFFORTS IN ALASKA.

John Sturgeon, State Forester, Alaska Department of Natural Resources, Anchorage, Alaska.

11. NEED FOR A NEW APPROACH TO FINANCING WESTERN INSECT OUTBREAKS.

Larry Freeman Jr., Director, Forest Pest Management, U.S. Forest Service, San Francisco, California.

RESOLUTIONS ADOPTED

1. OPPOSITION TO CONGRESSIONAL TAX PROPOSALS THAT DEAL WITH CAPITAL GAINS TREATMENT OF THE FOREST INDUSTRY AND CAPITALIZATION OF FOREST MANAGEMENT EXPENSES.
2. SUPPORT ALLOCATION OF FUNDS FROM THE U.S. FOREST SERVICE TO ASSIST IN THE DEVELOPMENT OF ALASKA STATE FORESTS.
3. SUPPORT OF THE "GIBBONS BILL", HR-2451, AND THE "BACUS BILL", S-1292, THAT DEFINE PRICING NATURAL RESOURCES AT THEIR FAIR MARKET VALUE AS A SUBSIDY SUBJECT TO PREVAILING COUNTERVAILING DUTY LAW.

4. OPPOSE EXPANSION OF HELLS CANYON NATIONAL RECREATION AREA AS CURRENTLY PROPOSED.
5. OPPOSE ADDITIONAL BUFFER AREAS OR PROTECTIVE STRIPS AROUND YELLOWSTONE NATIONAL PARK AT THE EXPENSE OF BLM AND U.S. FOREST SERVICE MULTIPLE USE MANAGEMENT.
6. SUPPORT APPROPRIATE LOCAL, STATE, FEDERAL AND PROVINCIAL FUNDING OF COST-EFFECTIVE WILD FIRE CONTROL PROGRAMS.
7. SUPPORT ESTABLISHING FOREST PEST CONTROL CONTINGENCY FUNDING.
8. SUPPORT COOPERATION WITH BRITISH COLUMBIA ON DEVELOPMENT OF INTERNATIONAL WOOD PRODUCTS MARKET DEVELOPMENT.
9. SUPPORT U.S. FOREST SERVICE CALIFORNIA FOREST PLANS THAT WILL PERMIT CONGRESSIONALLY DIRECTED TIMBER SALES OF 2.1 BILLION BOARD FEET.

LOOKING AHEAD IN 1986

The Task Force looks forward to addressing new forestry issues as well as acting further on continuing issues. These include:

1. U.S. FOREST SERVICE PLANNING IMPACTS ON THE WESTERN STATES, COUNTIES AND LOCAL GOVERNMENTS.
2. GRAMM - RUDMAN - HOLLINGS IMPACTS ON WESTERN FORESTS AND STATES.
3. TIMBER SALE VOLUMES FROM FEDERAL AND STATE LANDS.
4. ACID PRECIPITATION IMPACTS ON NATIONAL AND ON WESTERN FORESTS.
5. CANADIAN - U.S.A. FOREST PRODUCTS TRADE RELATIONS.
6. U.S. FOREST SERVICE BUDGET REDUCTION IMPACTS ON THE WEST.
7. OMB PROPOSAL TO REDUCE THE 25% TIMBER RECEIPTS PAID TO STATES AND COUNTIES IN LIEU OF TAXES FROM FEDERAL FORESTS.
8. BUREAU OF LAND MANAGEMENT (BLM) AND U.S. FOREST SERVICE LAND SWAP PROPOSALS.

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9. WILDLIFE - FORESTRY CONFLICTS.
10. REVISION IN FEDERAL TIMBER AND FOREST LAND TAXATION POLICIES.
11. GRAZING FEES ON WESTERN PUBLIC FOREST LANDS.
12. INCREASING FOREST INSECT INFESTATIONS IN WESTERN FORESTS.
13. SUPPORT ENVIRONMENTAL QUALITY COMMISSION EFFORTS TO RESOLVE THE "WORST CASE" ISSUE.
14. CONTINUE WESTERN STATE COOPERATION WITH BRITISH COLUMBIA ON FOREST MANAGEMENT, FOREST RESEARCH, AND FOREST FIRE CONTROL.
15. PESTICIDE USE FOR FOREST INSECT AND DISEASE CONTROL.
16. CLEAN AIR ACT AND CLEAN WATER ACT AMENDMENTS.
17. THE CONTINUED USE OF PRESCRIBED FIRE IN FOREST MANAGEMENT.
18. UTILIZATION OF WOOD INCLUDING USE OF BIOMASS.
19. FOREST RESEARCH.
20. WATER SUPPLIES FROM FOREST LANDS.



## WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE

May, 1986

DUES STRUCTURE

Task Force dues are determined through a formula adopted at Spokane, Washington, November 21, 1976. This formula is based on each states' volume of standing commercial timber, plus its ability to pay based on its financial aggregates. ✓

CURRENT ANNUAL DUES ✓

ALASKA	\$ 3,500.00	
CALIFORNIA	\$22,000.00	
IDAHO	\$ 2,750.00	
MONTANA	\$ 2,750.00	* Annual (Bent)
OREGON	\$10,115.50	*
WASHINGTON	\$ 9,000.00	*
Annual Total	\$50,115.50	

\* Dues are paid on a biennial basis

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## LISTING OF MEETINGS

<u>Meeting #</u>	<u>Date</u>	<u>Location</u>
1	July 12 & 13, 1974	Fairmont Hotel, San Francisco, CA
2	September 16, 1974	Hayden Lake, Idaho
3	November 18, 1974	Benson Hotel, Portland, OR
4	December 12 & 13, 1974	State Office Bldg., San Francisco, CA
5	February 23, 1975	State Capitol, Helena, Montana
6	April 26, 1975	Benson Hotel, Portland, OR
7	July 28, 1975	Edgewater Hotel, Seattle, WA
8	January 24 & 25, 1976	Hilton Hotel, Portland, OR
9	May 7 & 8, 1976	State Capitol Bldg., Sacramento, CA
10	March 22 & 23, 1976	Statler Hilton Hotel, Washington, D.C.
11	August 7 & 8, 1976	Rodeway Inn, Boise, Idaho
12	November 21, 1976	Davenport Hotel, Spokane, WA
13	January 29, 1977	Ramada Inn, Boise, Idaho
14	March 26 & 27, 1977	Portland, OR
15	June 4 & 5, 1977	Hyatt House, Burlingame, CA
16	August 6 & 7, 1977	Spokane, WA
17	October 28, 1977	Missoula, Montana
18	December 16, 1977	Olympia, WA
19	February 11 & 12, 1978	Newport Beach, CA
20	April 15 & 16, 1978	Edgewater Inn, Seattle, WA
21	July 8 & 9, 1978	Sheffield House, Sitka, Alaska
22	September 22 & 23, 1978	North Shore Hotel, Coeur d'Alene, Idaho
23	December 8 & 9, 1978	Red Lion Motel, Portland, OR
24	February 3 & 4, 1979	Capitol Bldg., Sacramento, CA
25	March 24 - 27, 1979	Sheraton Carlton Hotel, Washington, D.C.
26	August 1 & 2, 1979	Trails End Motel, Sheridan, Wyoming
27	October 27 & 28, 1979	Red Lion Sea-Tac, Seattle, WA
28	January 18 & 19, 1980	State Capitol, Salem, OR
29	March 29 - 30, 1980	Travelodge at the Wharf, San Francisco
30	July 17 - 19, 1980	Marine View Hotel, Ketchikan, Alaska
31	October 10 - 12, 1980	The Outlaw Inn, Kalispell, Montana
32	February 28 - March 1, 1981	State Capitol Bldg., Boise, Idaho
33	May 2 - 7, 1981	The Quality Inn, Washington, D.C.
34	August 1 & 2, 1981	Jackson Hole, Wyoming
35	Oct. 31 & Nov. 1, 1981	Holiday Inn at the Wharf, San Francisco, CA
36	February 12 - 14, 1982	Red Lion Motor Inn, Portland, OR
37	May 1 - 4, 1982	Quality Inn, Washington, D.C.
38	August 21 & 22, 1982	She-Atika, Sitka, Alaska
39	November 19 & 20, 1982	Red Lion Sea-Tac, Seattle, WA
40	February 18 - 20, 1983	State Capitol, Sacramento, CA
41	May 1 - 3, 1983	Bellevue Hotel, Washington, D.C.
42	July 7 - 9, 1983	Big Sky, Montana
43	October 20 & 21, 1983	Red Lion Inn at the Quay, Vancouver, WA
44	February 24 - 26, 1984	Mansion Inn, Sacramento, CA
45	March 24, 1984	Airport Sheraton Hotel, Portland, OR
46	May 13 - 15, 1984	Bellevue Hotel, Washington, D. C.
47	Aug. 31 - Sept. 2, 1984	Ingersoll Hotel, Ketchikan, Alaska

SENATE NATURAL RESOURCES

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BILL NO. HJR24

48 Nov. 30 - Dec. 2, 1984  
 49 March 9 & 10, 1985  
 50 June 20 & 21, 1985  
 51 October 5 & 6, 1985  
 52 December 7 & 8, 1985  
 53 April 5 - 9, 1986  
 54 July 11 84  
 55 Oct 6 84  
 56 Dec 5 84

Travelodge at the Wharf, San Francisco, CA  
 Sheraton Hotel, Spokane, WA  
 Harbour Towers Hotel, Victoria, B. C.  
 Hayden Lake, Idaho  
 Travelodge at the Wharf, San Francisco, CA  
 Bellevue Hotel and U.S. Capitol, Washington D.C.

*Alaska*

*Vancouver*

*SAN FRANCISCO*

## BYLAWS

WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE  
(As Revised April 6, 1986)

## PREAMBLE

The Western States Legislative Forestry Task Force is a group of designated state legislators, whose decisions do not necessarily bind either the legislatures or state governments of their respective states, representing Alaska, California, Idaho, Montana, Oregon, Washington, and British Columbia which shall be an associate member. Each state, by appropriate leadership, will dispatch appointed delegates to this Task Force; two delegates from its Senate and two from its House of Representatives or Assembly, plus contribution of some prorated share of funding necessary for essential actions of the Task Force and for the concomitant travel expenses of delegates.

The life and work of this Task Force are considered infinite; that is, there neither can nor should be a termination of its deliberations as long as the assurance of an adequate forest base to the West remains an issue within our nation. Individual members may come and go, as their terms of office or legislative considerations dictate, but the Task Force job of continuing contributions of public and private forests to the betterment of our country and the world must continue.

Specifically, this Task Force is charged with monitoring, on behalf of its member states, decisions of national and state executive administrations; decisions -- pending and past -- of state legislatures and of the Congress; decisions of state and federal agencies; and attitudes of all segments of society affecting the maintenance and utilization of forest lands, public and private, primarily in the West, whose fiber yield is essential to human survival, while recognizing the need to preserve and utilize a reasonable amount of our timbered land base to meet other multifaceted needs of Americans.

Finally, this Task Force is obligated to join all elements of American Society and government in actions to meet those challenges which would erode the nation's timber base for any seemingly expedient reason; to make certain that the United States will have for centuries beyond our view the productive forests to sustain its internal ecological balance, meet its recreational need, and fill its wood products demand.

## 1. Chair; Vice-Chair

- a. The Chair shall be elected annually to serve for a full calendar year, or until a successor is duly elected, and has such duties as the task force may authorize. Elections shall be held at the first meeting after the first of the year following state legislative elections. The Chair shall be rotated annually among the member states.

- b. The Vice-Chair shall be elected annually to serve for a full calendar year, or until a successor is duly elected, and has such duties as the Task Force may authorize or the Chair direct. The Vice-Chair shall be rotated annually among the member states.
- c. In the event that the Chair is no longer a Task Force member, the Vice-Chair shall serve until the next regular election.
- d. In the event that both the Chair and Vice-Chair are no longer Task Force members, a special provisional meeting of the quorum will be held to elect a new group of officers.
- e. The Chair and Vice-Chair shall not be representatives of the same state, nor shall either be able to succeed him or her self.
- f. The Chair or the Vice-Chair of the Task Force may be removed for just cause by unanimous vote of at least 12 members of the Task Force, with each state represented by at least one member.

## 2. Quorum

A quorum shall consist of 25% of the membership. The determination of a quorum may be challenged by any member within ten (10) days of such determination by filing such challenge in writing with the Chair of the Policy Committee. Upon such filing, the Policy Committee shall review and determine if the challenge shall be upheld. If the challenge is not upheld by the Policy Committee within ten (10) days of the filing of same, the determination of quorum present shall stand.

## 3. Voting

Voting shall be by an individual member but no action on a roll call vote shall be taken unless the determination of a quorum has been made and a majority of those present vote affirmatively. Written proxies may be exercised by another member from the same state. Before any final determinative vote is taken on a resolution, any member may request, and upon such request, the resolution concerned shall be reduced to a writing. Associate membership shall not possess voting privilege.

## 4. Meeting Notice

Notice of all meetings of the Task Force shall be sent at least 21 days in advance of the meeting.

## 5. Executive Director

The Executive Director shall be appointed by the Task Force from those names submitted with recommendations by the members. The

Director shall serve as Secretary of the Task Force and shall perform such duties as the Chair of the Task Force may direct. The nature of the employment will remain on an independent contractor-contractee basis. The salary and its provisions are negotiable.

#### 6. Frequency of Meetings

Meetings shall be called at the pleasure of the Chair but the Task Force shall be convened within 21 days of the demand of a majority of the member states.

#### 7. Fiscal

Dues and contributions from member states shall be deposited in a bank account in the name of the Task Force. The dues will be established by the formula adopted at Spokane, Washington. The Executive Director, with the concurrence of the chair shall disburse monies therefrom for necessary expenses of the Task Force. All disbursements are to be made by check with the signature of both the Chair, or Vice Chair, and the Executive Director.

Dues or contributions from associate members shall be established by negotiation with the Task Force, and shall be handled in the same manner as all other dues and contributions.

All fiscal records of the Task Force shall be annually reviewed by a certified public accountant chosen by the Chair with a concurrence of a majority of the members. A copy of all the records shall be sent to the appropriate legislative oversight committees at the end of the fiscal year, as directed by each state delegation or associate member.

#### 8. Policy Committee

- a. The Policy Committee shall consist of a legislator from each member state designated by the delegates from each state. The Chair shall represent his/her state on the Policy Committee.
- b. The Chair of the Task Force shall be the Chair of the Policy Committee.
- c. The action of the Policy Committee shall be limited to preparing policy statements consistent with established policy positions of the Task Force in response to issues and situations requiring action in such short time as to make a full Task Force meeting impossible. The Policy Committee may direct the Executive Director to take action in name of the entire Task Force.
- d. The Policy Committee may act by mail or phone when considered necessary by the Chair of the committee, but no action shall be taken unless four members vote affirmatively.

#### 9. Members Attendance

Should a member miss three consecutive meetings the leadership of the appropriate state House (assembly), or Senate, will be asked either to excuse the member officially or to appoint a substitute.

NAME:

JEITH OLSON

DATE: 3-20-87

ADDRESS:

P.O. Box 1716 Kalispell

PHONE:

755-3185

SENATE NATURAL RESOURCES

EXHIBIT NO. 5

DATE

3/20/87

REPRESENTING WHOM?

MT. Logging Assn

BILL NO.

HJR 24

APPEARING ON WHICH PROPOSAL:

HJR 24

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS:

~~THE~~ FOREST of MT is also <sup>The</sup> Forest of BC and <sup>The forest of our</sup> surrounding states

~~THE~~ Waters, wildlife and resources of that single Forest ~~are obvious to~~  
state & international boundaries... As is ~~the market place~~ in which we compete.

~~Other~~ national ~~states~~ management practices effects these  
mutual resources

~~And~~ the natural destructive elements which prey on our  
single Forest ~~is~~ <sup>are also</sup> a mutual concern. ~~It is not of us.~~

For these reasons Mr. Chairman  
~~it is~~ imperative that we have a forum such as  
the West States Leg. For Task Force whereby we can  
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  
address our mutual <sup>FOREST</sup> resources, <sup>markets, management</sup> ~~practices~~ and  
concerns.

The MLA strongly urges your support for HJR 24.