

## MINUTES

### MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON NATURAL RESOURCES

Call to Order: By Lawrence Stimatz, on January 25, 1991, at 1:00 p.m.

#### ROLL CALL

##### Members Present:

Lawrence Stimatz, Chairman (D)  
Cecil Weeding, Vice Chairman (D)  
John Jr. Anderson (R)  
Esther Bengtson (D)  
Don Bianchi (D)  
Steve Doherty (D)  
Lorents Grosfield (R)  
Bob Hockett (D)  
Thomas Keating (R)  
John Jr. Kennedy (D)  
Larry Tveit (R)

Members Excused: None

Staff Present: Michael Kakuk (EQC).  
Roberta Opel, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

#### HEARING ON SB 139

##### Presentation and Opening Statement by Sponsor:

Senator Lorents Grosfield, District 41, presented Senate Bill 139 to the committee.

##### Proponents' Testimony:

Ray Beck, Department of Natural Resources and Conservation appeared before the committee in support of SB 139 stating that the bill would "clean up" Section 76-15-508 of the conservation district law and also assist the conservation districts in

properly administering their budgets.

Peggy Parmelee, Executive Vice President of the Montana Association of Conservation Districts, also appeared in support of SB 139. The Association, which Parmelee said represents the 59 conservation districts in Montana, supports SB 139. Parmelee concurred with Beck that the bill would assist the conservation districts in administering their budgets.

Opponents' Testimony:

There were no opponents.

Questions From Committee Members:

There were no questions from committee members.

Closing by Sponsor:

Senator Grosfield closed by asking the committee for their support in passing SB 139.

EXECUTIVE ACTION ON SB 139

Motion:

Senator Keating made a motion that SB 139 DO PASS.

Discussion:

There was no discussion on the motion.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion made by Senator Keating carried unanimously.

HEARING ON SJR 6

Presentation and Opening Statement by Sponsor:

Senator Bernie Swift, District 32, presented SJR 6 to the committee. The purpose of the bill, Swift said, is to appoint House and Senate delegates to the Western States Legislative

Forestry Task Force. Swift said there was a need for proper management of forested areas.

Proponents' Testimony:

Keith L. Olson, Montana Logging Association, told the committee that they offered support for SJR 6. The logging profession "is under the microscope" and subject to criticism by the public as consumer. Olson said adoption of this bill would hopefully foster understanding among those concerned with the health and management of western forests.

Opponents' Testimony:

There were no opponents to SJR 6.

Questions From Committee Members:

Senator Bengtson inquired about the reasons for the Task Force's existence. Senator Swift explained that the Western States Legislative Forestry Task Force would, essentially, find a balance between preserving a portion of western timbered land and maximizing use of this land.

Closing by Sponsor:

Senator Swift asked the Natural Resources Committee to look favorably on SJR 6.

EXECUTIVE ACTION ON SJR 6

Motion:

Senator Bengtson made a motion that SJR 6 DO PASS.

Discussion:

There was no discussion on the motion.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion made by Senator Bengtson carried unanimously.

HEARING ON SB 114Presentation and Opening Statement by Sponsor:

Senator Cecil Weeding, District 14, told the Natural Resources committee SB 114 would provide for a local referendum on the establishment of a megalandfill and that this referendum was common procedure for public participation. Weeding told committee members that a megalandfill is defined as 200,000 tons per year of waste. Weeding noted that Billings is the largest landfill site in the state and disposes of 110-120,000 tons per year.

Proponents' Testimony:

Representative Jessica Stickney, District 26, stated that she was pleased to support SB 114 noting that one of the major issues in her district this past year had been the proposed dumping of waste from Minnesota. The proposal, she said, has caused a great deal of distress among some and certainly raised interest among others. Stickney said she was particularly glad to see a bill that would allow for local vote because she knows her constituents are concerned about the long term affects on groundwater of a megalandfill. Stickney noted that over 1600 signatures had already appeared on petitions stating that garbage was not wanted in Custer County. Stickney said that although these signatures certainly express an opinion, the proper way to go about things through the law is to have a good referendum process which SB 114 proposes.

Tom Breitbach, a member of Northern Plains Resource Council, testified in favor of SB 114. Breitbach told the committee members that as the more populated cities in the United States run out of space for their garbage areas like Montana will be considered as dump-sites. The NPRC opposes importing waste to Montana, Breitbach said, and added that the final decision regarding megalandfills should be made by the communities.

Brenda Wahler, a Helena schoolteacher and former resident of Miles City, testified in support of SB 114. Wahler said she supports the bill because, as citizens of a democracy, input is needed. Garbage dumps could potentially be a source of contamination for future generations, Wahler said. Wahler also stated she was opposed to the idea of Montana becoming a dump-site for other states unwilling to deal with their own waste.

Chris Kaufman, Montana Environmental Information Center, told the committee that they also stand in support of SB 114. Kaufman said the referendum was important to give people a voice in the decision. Kaufman noted that a statewide vote was required for nuclear facilities to be built in Montana and wondered if this was not an option for a megalandfill site, as well.

#### Opponents' Testimony:

John Fitzpatrick, Director of Community and Governmental Affairs for Pegasus Gold Corporation, told the committee that although his company was not involved in the landfill business, he opposed SB 114 because it felt it was "simply bad public policy." Fitzpatrick stated that he was sensitive to the proponents' of the bill but added that the concern about local control is never consistently applied. The battle over territory for the spotted owl in western Oregon is such an example, said Fitzpatrick. Fitzpatrick cited a number of instances where local control would not have made a substantial difference in the outcome. Planning and zoning, Fitzpatrick said, would be a better mechanism to help with the citing of facilities such as megalandfills.

#### Questions From Committee Members:

Senator Keating asked Senator Weeding if the citing of a megalandfill would be a major action of government or a minor action. Senator Weeding replied that megalandfill would be considered a major action of government and that an environmental impact statement would be required.

Senator Bengtson wondered what level of public scrutiny would be allowed in this type of bill. Senator Weeding stated that a public hearing would be required and that socio-economic and environmental considerations would have to be made.

Senator Keating asked Tom Breitbach if a person wanted to use his private property for a landfill, would he first have to go to the people of the county to receive permission? Breitbach stated the bill notes only an option for a referendum if 15% of the eligible voters sign the petition. In essence, Breitbach said, if the project was absolutely safe there probably would not be a petition for referendum.

#### Closing by Sponsor:

Senator Weeding suggested to the committee that almost every legislative session there are issues that need to be offered to the public for decision. Weeding stated that he felt the public needed the opportunity to vote on issues. By allowing for a referendum, Weeding said, the Department of Health (as well as others) could be saved a lot of time and money early in the decision making process.

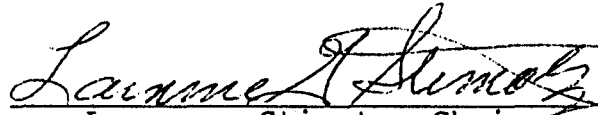
SENATE NATURAL RESOURCES COMMITTEE

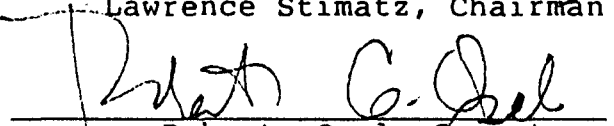
January 25, 1991

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ADJOURNMENT

Adjournment At: 2:10 pm

  
Lawrence Stimatz, Chairman

  
Roberta Opel, Secretary

LS/ro

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 29, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Joint Resolution No. 6 (first reading copy - white), respectfully report that Senate Joint Resolution No. 6 do pass.

Signed: *Lawrence G. Stimat*  
Lawrence G. Stimat, Chairman

*MA 1-29-91*  
And. Coord.

*SB 1-29-91*  
Sec. of Senate

DATE

1-25-91

COMMITTEE ON

Natural Resources

## VISITORS' REGISTER

SB 114 § 139

NAME

REPRESENTING

BILL #

Check One

Support

Oppose

Tom Breithach

NPRC

114

✓

Brenda Wahler

Self

114

✓

Peggy Pannuello

MIT Assoc of Cons Dir

139

✓

Ray Beck

DNRC

139

✓

Steve Schmitz

DNRC

139

✓

John Fitzpatrick

Pegasus Gold Corp

114

✓

Janice Stebbins

H.E. 26

114

✓

Ed Brunner

DNRC

139

✓

Mick Mook

Chamberlay

1

Chris Kuntz

METC

114

✓

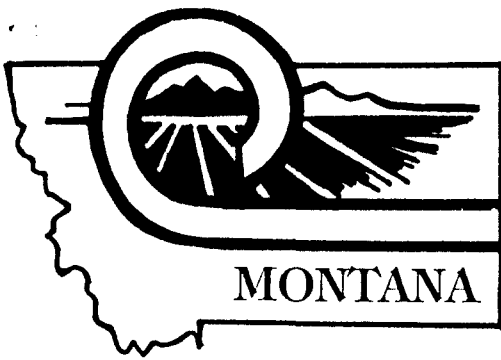
A.R. Pruitt

MACO

114



PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



SENATE NATURAL RESOURCES  
EXHIBIT NO. I  
DATE 1-25-91  
BILL NO. SB 139

**MONTANA**

**Association of Conservation Districts**

501 North Sanders  
Helena, MT 59601

(406) 443-5711

SB 139  
January 25, 1991

The Montana Association of Conservation Districts, which is an organizations representing the 59 conservation districts in Montana, supports SB 139.

As Ray Beck said, this will clean up Section 76-15-508 of the conservation district law and make it current, but it will also assist the conservation districts in properly administering their budgets.

We ask for your support in passing this bill.

Thank you.

Peggy L. Parmelee  
Executive Vice President

WITNESS STATEMENT

NAME KEITH L. OLSON BILL NO. SB 6  
ADDRESS Box 1716 - Kalispell DATE 1-25-91  
WHOM DO YOU REPRESENT? MT. LOGGING ASSN.  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This profession we call logging is under the microscope... and subject to criticism by the same public which demands the products of our labor and consumes

WE RISE IN support of HJ 6... in the hopes that it will continue to foster understanding between the diversity of interests who are concerned about the health and management of western forests.

The forests of Montana are also the forests of Idaho and Canada... yet the forest is oblivious to state and international boundaries.

Therefore, it is essential that the people who legislate forest management continue to share their expertise, their concerns, and their diplomacy.

# Northern Plains Resource Council

SENATE NATURAL RESOURCES

EXHIBIT NO. 3

DATE 1-25-91

BILL NO. SB 114

JANUARY 25, 1991

## TESTIMONY ON SB 114

### TO THE SENATE NATURAL RESOURCES COMMITTEE

My name is Tom Breitbach. I live and farm in McCone County near Circle, Montana. I am a member of Northern Plains Resource Council and am testifying in that capacity. I would like to thank the committee for the opportunity to testify on SB 114 which our organization strongly supports.

Having participated in the legislative process and the question of siting major energy facilities for a number of years, I feel that I am qualified to speak for the adoption of SB 114. It is high time that citizens are given a voice in the major decisions made about their communities and I commend Senator Weeding for carrying this legislation.

I had the privilege of visiting Western Europe recently. We saw what I thought was a mountain west of Munich, it turned out to be a mountain of garbage about 1,000 feet high and a mile wide. The Dutch people are worried about their sealed dumps, not for this century, but for the next. They are disposing of some wastes by using it as sound barriers on expressways.

The countries of Europe are running out of space, just as the more populated cities of the United States are. Those areas are looking towards states like Montana because of our wide-open spaces. If we allow those areas to ship their waste out-of-sight and out-of-mind to Montana, they will never learn to deal with the need to reduce, reuse and recycle until Montana too has to line its highways with garbage. NPRC opposes importing waste to

Montana for that reason and because these dumps will be economic and environmental burdens on our state. For example, nearly 200 garbage dumps have been declared Superfund sites.

I was pleased when I told someone in Europe I was from Montana and they said "why is it called the Big Sky Country?" As proud Montanans we prefer the "Big Sky" over the "Big Dump" and the "Treasure State" over the "Trash State." Shouldn't we let communities decide which type of slogan they want to put on their Chamber of Commerce sign? That's what this bill does.

All too often these types of decisions are left up to state boards, such as the Board of Health, and the opinions of local communities are not well enough considered. The amount of time and money invested in the preconstruction and feasibility studies have a huge impact on the final decision made - which is almost inevitably in favor of the developer rather than those who have to live in the community and deal with water and air contamination.

I understand there is an informal proposal for a 1 million ton a year dump in my county for ash from an incinerator in Minnesota. The problem is getting close to home and I, for one, want a say in the future of my community!

I feel the proposed legislation would give the people of an area a voice in the process and if voted down by the people would minimize the cost of environmental studies. If approved by the people, it would not force the Board of Health to site the landfill, if the site was found to be poor. It is a simple and straight forward bill.

I would rather Montana continue to be called "Big Sky Country" rather than "Big Dump." The only comment we hear about Montana may soon be "that is where some of my best garbage has gone!" At least that's a decision that communities should be able to make.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 25 day of January, 1991.

Name: Brenda Wahler

Address: 108 11<sup>th</sup> Ave.

Helena 59601

Telephone Number: 442-4723

Representing whom?

Private Citizen

Appearing on which proposal?

SB 114

Do you: Support? X Amend?        Oppose?       

Comments:

As citizens in a democracy, we need input when a decision could potentially damage (or change) a community for generations to come.

A citizen referendum can improve the honesty & integrity of megadump proponents, as well as give citizens, who best know local conditions, a chance to express their desires & informed opinions.

In Mpls City, since the Minnesota mega-dump was proposed, there has been consistent pressure for a public vote on the issue.

Citizens are capable of making an informed decision and ought to be granted this tool for democratic participation on the local level.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 4DATE 1-25-91BILL NO. SB 114WITNESS STATEMENT

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Address: 108 11<sup>th</sup> Ave.

Helena 59601

Telephone Number: 442-4723

Representing whom?

Private Citizen

Appearing on which proposal?

SB 114

Do you: Support? X

Amend?       

Oppose?       

Comments:

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