

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on February 11, 1991, at 3:04 p.m.

ROLL CALL

Members Present:

Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
James Burnett (R)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
David Rye (R)
Thomas Towe (D)

Members Excused: None

Staff Present: Tom Gomez (Legislative Council).

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

Announcements/Discussion: None.

HEARING ON SENATE BILL 205

Presentation and Opening Statement by Sponsor:

Senator Eck turned the chair over to Senator Eve Franklin.

Senator Eck opened on Senate Bill 205 by stating that this bill requires a cooperative agreement for children's services among a number of state agencies. The bill also provides for the agreement to establish local inter-agency staffing groups. This issue speaks to long-time interests. During the late 1960's she had a Master's level project to ascertain which local and state agencies were working on youth issues. There are many more now and more of a demand for cooperation among those agencies. During the last few years, after the Department of Family Services was established, the legislation established advisory committees at the state and area level. She said the committee has heard testimony from many groups at the local level.

They have a real concern about focusing energies on getting the most services for the money, which will allow us to provide services to as many children as possible and provide those services effectively. Last year after looking at the costs of services and at the added costs of youth with mental illnesses we noted that the costs have risen dramatically. The youths are sent to costly facilities that may not be appropriate to their needs. This has been done primarily because the services have not been available at the local level. She said she thinks the administration has worked diligently at coming up with answers. She said the state needs an agreement among the state agencies. This bill is focused primarily at the Department of Family Services (DFS), Department of Health (DH), Department of Institutions (DI) and the Department of Social and Rehabilitation Services (SRS) and the Office of the Superintendent of Public Instruction (OPI). The agreement would focus on how the agencies would cooperate at the state level and how it would impact the local level. She said she has talked to representatives of Gallatin County where they do have an inter-agency task force on youth that meets once a month. They discuss ways to coordinate services. There are more and more opportunities to acquire private and federal monies. One of the big demands is for coordination.

Senator Eck reviewed certain sections of the bill. She said she would like to add to the bill representation of school districts, youth probation offices and other public agencies serving youth.

She continued reviewing the bill and said the bill designates the DFS as the lead agency, but it is generally assumed that as far as any case management goes, the duties will be assigned to whichever agency is most appropriate.

Proponents' Testimony:

The first witness to testify was Hank Hudson, Aging Coordinator for the Governor's Office. He said he speaks as a proponent for the bill from a unique perspective. He said he recently served as acting director of DFS during a time in which the role and future of the department was being charted and was subject to intense scrutiny throughout the state. He said the plans and programs made at that time regarding children's services were made because of the inter-agency cooperation and coordination expressed in the bill. He said he is a member of the subcabinet. They support the ideas in the bill and he said they are currently working in a cooperative spirit. Some technical aspects need to be considered carefully. He said there is a necessity in working in a team approach when dealing with children's services because they cross many lines.

The second witness was Julia Robinson, executive director of SRS. See Exhibit #1 for a copy of her testimony.

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The third witness to testify was Tom Olsen, executive director of DFS. He said he is in favor of the legislation but has some technical concerns. He said he comes from a state where they instituted a multi-agency/local level system approximately 2 years ago. Texas is a large, rural state like Montana. One of the benefits was an understanding from the local groups on how the state system works and what services are provided through the system. They were getting a completely new understanding of what was available through agencies or private sector resources. From that aspect the system worked quite well. One of the problems that arose was a lack of funding for the services. There is some congressional funding that may be available to selected states for multi-agency coordination. He said he thinks they need to include the Department of Justice in any local agreement because of the local probation officers, they are crucial to the function of DFS. A representative from the local school district would enhance the concept because many of the children they work with have special education needs. Overall, he said he is in support of the bill. He said he is pleased at how well cooperation is done at the state level by the Governor's subcabinet.

The fourth witness was Cris Volinkaty, lobbyist for the Developmental Disabled Providers and Consumers. She said they support the bill in concept although they would like to ask the committee to amend out the developmentally disabled. She said she is a child and family specialist with a regional provider. The model being proposed is an inter-disciplinary team approach to providing services to children. They have been doing this for ten years. This model would work well in other fields. She said they have limited resources and is concerned about people from other fields coming in to allocate their resources.

The fifth witness was Janice Frisch, representing SRS. She said she is speaking to the developmental disabilities section. She said they are currently serving over a thousand children. They have a local planning process that works with families. She said it would be difficult to superimpose another program on to the existing one.

The sixth witness was Paulette Kohman, representing the Maternal and Child Health Council. She said they supported the bill.

The seventh witness was Kate Cholewa from the Montana Women's Lobby. She said they support the bill.

Opponents' Testimony:

None.

Questions From Committee Members:

The chairman recognized Senator Hager who asked Tom Olsen if all the children's services were handled through DFS.

Mr. Olsen said the intent of DFS is to move toward serving all children in the state. Currently they are taking over more and more responsibility. It is the intent of the Governor's proposal that DFS solidify it's mission prior to taking on other areas of children's services. DFS is moving toward being a single state agency for children.

Senator Towe asked Mr. Olsen why they wanted to include the Department of Justice.

Mr. Olsen said it is a difficult way to handle it because the juvenile probation departments are independent, responding only to their own counties and their own courts. However, the Board of Crime Control within the Department of Justice and they work closely with the probation departments. They could act as a liaison with those departments.

Senator Burnett said he had witnessed irregularities in the care of foster children. He said a family had three foster children and purchased three bicycles for them and took them on vacation. He said one of their own handicapped children received a three-wheel bicycle that was purchased by DFS. He thought the family should have purchased the bicycle for their own child.

Mr. Olsen said the mission of DFS is to attempt to make foster children feel as much a part of the community and as much a part of the family as possible. DFS does not have the money in its budget to provide these types of purchases for children unless it is provided for under a special contract. However, many foster parents choose to use the funds they receive to purchase certain items for their children that will make them feel more like a part of the community and part of the school and family.

Senator Towe asked Senator Eck about the bill providing for cooperative agreements with regard to state agencies. It does not specifically authorize or state that local agencies, private or public, should be a part of that. On page 3 there are at least two references to local agencies and he wondered if it was her intent to include local agencies.

Senator Eck said one of the functions of the inter-agency state agreement would be to establish local inter-agency staffing. She thought it would not be wise to spell out what the responsibilities of the local groups would be. Those will include the local representatives of the state agencies involved. She said she was not too concerned about providing specific direction in the bill for the local agencies. She said it would be up to the local agencies.

Closing by Sponsor:

Senator Eck said she appreciated the comments from the departments' and said the technical amendments should be included in the bill. The matter of duplication of services is one that does not need to be included in the bill. She said there is probably more of that at the local level. She thanked the committee for a good hearing.

HEARING ON SENATE BILL 259

Presentation and Opening Statement by Sponsor:

Senator Franklin said she is in the company of a variety of nurse experts from all over the state that are here to testify on SB 259. She said she has some professional interest in the bill. She is a practicing nurse. The significance of the bill is powerful for the health of the state and for what nursing has met to the Great Falls community. The tradition of public health is strongly planted in nursing functions. She grew up in the era of nurse education when Lillian Wald, who operated the Henry Street settlement, was her heroine. What she did was bring attention to basic preventive public health needs. In 1987, due to unfortunate budgetary circumstances the history of public health nursing was compromised within the Department of Health. At that time the department discontinued the public health nursing component. She said they are anxious to re-institute and clarify the role of public health nurses within the Department. She is particularly concerned because of the rural nature of so much of the state and the very acute needs that nurses have always addressed in these areas.

Proponents' Testimony:

The first witness to testify was Barbara Booker, executive director, Montana Nurses Association. See Exhibit #2 for a copy of her testimony.

The second witness to testify was Jackie Stonnell, Human Services Director, Gallatin County Health Department. See Exhibit #3 for a copy of her testimony.

The third witness to testify was Kathleen Manion, representing the Montana Nurses Association. See Exhibit #4 for a copy of her testimony.

The fourth witness to testify was Yvonne Bradford, representing the Missoula County Health Department. See Exhibit #5 for a copy of her testimony.

The fifth witness to testify was Paulette Kohman, representing the Montana Council of Maternal and Child Health Care. She urged passage of SB 259.

The sixth witness to testify was Mike Stephen, representing the Montana Nurses Association. See Exhibit #6 for a copy of testimony he presented.

The seventh witness was Judy Gerrity, representing the Montana Childrens Alliance. She said SB 259 had been placed on the Montana Children's Agenda for 1991. There are 47 organizations that endorsed the agenda. She urged passage.

The eighth witness to testify was Mary Ellen Schnur, a community health nurse from Townsend, Montana. See Exhibit #7 for a copy of her testimony.

Opponents' Testimony:

None.

Questions From Committee Members:

The chairman recognized Senator Jacobson who asked Senator Franklin about the costs of service and the effective date.

Senator Franklin said the last fiscal note calculated approximately \$180,000 over a biennium. Several years has gone by and the figure should be significantly higher. It covers the costs of 2 FTE's. She said she would retrieve the information about the effective date and share it with the committee.

Senator Towe asked Senator Franklin about the appropriation.

Senator Franklin said they had spoken with members of the Appropriations Committee about using general fund monies.

Senator Burnett asked if county health nurses are mandatory.

The chairman recognized Mary Schnur who said each county has the option to establish a health department. Three counties in Montana do not have such a function. They are eligible to receive maternal child health funds and provide health services through some other means.

Senator Franklin said nursing consultation is mandated in the statutes.

The chairman asked Maxine Ferguson from the Department of Health, about mandated consultation.

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Ms. Ferguson said the law was not changed but the funding was deleted for mandated consultation. In 1987 she was chief of the nursing bureau which was dissolved through legislative action. The functions have not been provided because of lack of funds.

Senator Jacobson asked about using maternal child health funds.

Senator Franklin said that has not been formally discussed. It may have been an independent interest by Gallatin County.

Closing by Sponsor:

Senator Franklin closed by saying nurses have always done informal networking. The reality is that the true availability of services is nonexistent. Setting up an immunization program, ambulatory center or a medication clinic and responding to health needs is an on-going issue for every rural public health nurse. This type of nursing is very different than other types practiced. It responds to the most unusual and broad variety of health problems. The telephone rings and a crisis arises. There is no structure. The nature of consultation is essential. The problem solving needs to be expert and be supported. She urged serious consideration of this measure by the committee.

HEARING ON SENATE BILL 209

Presentation and Opening Statement by Sponsor:

Senator Yellowtail opened by saying the Environmental Quality Council (EQC) studied the solid waste management issue in the interim. This was timely in light of two major developments. First, the implementation of subtitle D, of the EPA regulations. They are eminent. The state needs to work to retain state primacy in the management of solid waste under the new regulations. This has caused much consternation on the part of local governments. The state needs to be able to offer the types of technical assistance that is required to adapt to the new scope of solid waste management regulations. We will probably see considerable closure of small, local solid waste management facilities. Probably a movement toward consolidation and development of larger facilities. Secondly, we are witnessing a relative boom in importation of waste from out-of-state sources. We need to get a system in place to manage this type of development. The council adopted a task force approach to identify the options and develop a solid waste management advisory council which was chaired by Senator Beck. The council examined the scope of the issue and identified a menu of alternatives. Hearings included input from local governments, private industry and other interested parties. SB 209 comes to the committee as one of several bills regarding solid waste management. This bill represents the funding aspect of the package.

Senator Yellowtail continued by saying funding for solid waste regulation and assistance to local governments has been declining while the federal requirements have been increasing. Montana currently has less than 3.5 FTE and additional staff will certainly be needed to adopt a federally approved subtitle D program that will allow us to maintain state primacy. In addressing the funding needs, the direction provided by the advisory committee was that any new source of revenue ought to come from those that receive the service. To that end, the EQC determined that a new funding system should reflect these types of priorities. It should address the volume of solid waste, the cost to the state of reviewing applications and reviewing the annual licensing program, some incentive for waste reduction and some incentive for consolidating small systems. The fee system recommended by the EQC and contained in this bill reflects the following recommendations: (1) a solid waste program should be funded by a combination of continued support from the general fund as well as user fees. These should be collected through an operating license from the Department of Health; (2) an annual license fee should include a base rate component, another based upon the volume of waste being disposed and a fee for review of new license applications; (3) the recommended annual funding level for FY '92 and '93 solid waste program is \$614,000, reflecting a total staff at full implementation of 13 FTE's.

Senator Yellowtail read from the bill the portions which described how the program would work.

Proponents' Testimony:

The chairman recognized Representative Bob Gilbert, chairman of the EQC. He said there has been lots of crying and screaming about the costs of garbage. He said Montana is not used to lots of garbage. He said we are not raising taxes but funding the next century of solid waste management in Montana. We have to do this. If we do nothing the federal government will come down with subtitle D and gain primacy on this issue. The costs will double or triple what has been discussed today. This funding is not just a method of raising money. It funds three important bills: HB 377, HB 160 and HB 239. The majority of the hazardous material in this state is not generated by industries spewing smoke stacks but produced by the consumers. We are the people causing the majority of the futures problems. This is an educational process which must be funded. He endorsed the program. He said he would rather fund a few dollars now on a state program than more dollars later on a federal program.

The second witness was Dave Fuller, president-elect of the Montana Association of Counties. He said they are not happy when the state imposes costs at the county level. He said they do recognize the problem at the Department of Health. They have not been funded sufficiently to service local governments. In spite of their concern about the fees, they support the funding structure.

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Fuller continued by saying the fee is down to .31 cents versus the original .71 cents per ton. This is perhaps the beginning of a partnership. It might be safe to say that relations between counties and the Solid and Hazardous Waste Bureau has not been the best. He suggested that this is a way that relationship will improve. He closed by saying the fiscal note showed a statement regarding the landfill operating and training. As a part of the whole package the annual training of landfill operators is required. As a part of selling this to the Montana Association of Counties and if the money could be run through this organization the counties throughout the state would feel a little more comfortable.

The third witness was Tony Grover, Solid Waste Program Manager for the Department of Health and Environmental Sciences. See Exhibit #8 for a copy of his testimony. He also passed out testimony for Jim Carlson, Director of Environmental Health in the Missoula City/County Health Department. See Exhibit #9 for a copy of his testimony.

The fourth witness to testify was Jim Leiter, representing BFI of Montana. See Exhibit #10 for a copy of his testimony.

The fifth witness to testify was Pete Frazier, representing the City/County Health Department in Great Falls. See Exhibit #11 for a copy of his testimony.

The sixth witness to testify was Erling Tufte, Director of Public Works for the City of Great Falls. See Exhibit #12 for a copy of his testimony.

The seventh witness to testify was Chris Kaufmann, representing the Montana Environmental Information Center. See Exhibit #13 for a copy of his testimony.

The eighth witness to testify was Dave Pruitt, representing the Montana Association of Counties. He said they supported the bill.

The ninth witness was Janet Ellis, representing the Montana Audubon Legislative Fund. She said people used to manage garbage by saying out of sight out of mind. We have learned that is not realistic because garbage has a real impact. Garbage dumps can become superfund sites and pollute the groundwater. She urged passage.

The tenth witness to testify was Richard Parks, vice-chairman of Northern Plains Resource Council. See Exhibit #14 for a copy of his testimony.

The eleventh witness to testify was Dick Kountz, representing Three Rivers Disposal and Waste Management Partners of Bozeman. He urged passage. He said they are in the process of developing a landfill and he said they know they need inspections.

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The twelfth witness was Sue Weingartner, Executive Director of the Montana Solid Waste Association. See Exhibit #15 for a copy of her testimony. She said waste management was a growth industry. Since 1960 the population in the United States has increased by 34 percent and the amount of garbage produced has increased by 80 percent. The Association recognizes the increased demands from the Solid and Hazardous Waste Bureau and recognize there is a price tag to retain primacy over the state program. She urged passage.

The thirteenth witness was Bill Price, waste manager of Great Falls. He urged passage.

Opponents' Testimony:

The first witness to testify in opposition to SB 209 was Jim Tillotson, city attorney from Billings. He said he opposed the bill as presently drafted. He said they have no quarrel with the environmental sections of the legislative package. He said they oppose this bill because, in the case of Billings, the sole effect and purpose of the legislation would be to generate revenue at city expense to fund a function performed by a state agency that would provide no benefit to the residents of Billings or Yellowstone county. Billings owns and operates a major landfill, about 140,000 tons per year. It serves all of Yellowstone county and several surrounding counties and towns. He said they use professional well trained staff and consulting engineers. Thousands of dollars are spent annually monitoring the operation to ensure that existing environmental regulations are all fully complied with. This has been accomplished at a reasonable cost with no rate increase for over 10 years. This bill as drafted would impose an additional \$47,000 in costs for Billings. They would only receive one state inspection annually. Obviously, most of the money will be used to subsidize a state bureaucracy which will be performing services for other areas of the state. He said they would not oppose this bill if it was amended to allow an existing major facility which would receive only a single annual inspection by the state should be required to pay only the flat permit fee of \$3,500 annually. Secondly, such facilities should be exempted from paying the annual volume charge which is unrelated to the services provided by the state.

The second opponent was Bob Ellers from Minneapolis, MN. See Exhibit #16 for a copy of his hand-out. He is involved in the proposed landfill in Miles City, Montana.

The third opponent was Jack Lynch, chief executive officer of Butte/Silver Bow government. He stated the bill was opposed not so much in principal but because of the funding mechanism. He said they would have to ask for a 15 percent increase in fees if the bill passed as currently written.

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The fourth opponent was Jim Johnstone, Director of Public Works, Butte/Silver Bow government. He said the cost for the first year would be about \$29,000, over the biennium it would cost about \$50,000 in fees.

The fifth opponent was Dick Nesbitt, Director of Public Works, City of Helena. He said they do not oppose the legislation. Their concern is the method of financing. It would cost the City of Helena and the scratch gravel district about \$16,000 in annual fees.

The sixth opponent was Don Chance, representing the Beaverhead County Commission. The commission opposes the bill primarily because of the principal of the precedent. Local governments have been repeatedly hammered in recent years with a constant change in the federal and state initiated requirements. No funding is ever attached to help finance the obligations of meeting the new requirements. The revenue source that this legislation is proposing to utilize for expansion of the state function is essentially the same revenue source local government has available to it to finance compliance with the new regulations.

Questions From Committee Members:

The chairman recognized Senator Pipinich who asked about a \$5.00 fee that could be included in the bill. He asked why the out-of-state sources don't pay the bill.

Senator Yellowtail said he had no objection to that. He said that was a subject for another bill. The application fee in this bill is \$10,000.

Senator Pipinich addressed his question to Jim Leiter with BFI. He asked about fee increases in certain cities.

Mr. Leiter said his testimony was based upon his experience with the regulatory program of the State of Montana. He worked there for 12 years. During his tenure with the department he said Anaconda was one of the few that had a license revocation. After the time of revocation the community raised their fees. Prior to that time it was about \$6.00 per family per year. The fees were raised, a new contractor was hired and the operation improved. It does not negate the environmental impact from the old operation which has manifested in some groundwater contamination. He said \$6.00 per year per family cannot provide adequate environmental regulation for a landfill disposal facility, neither can dumping garbage for free.

Senator Towe asked about the placing of the authority of fixing the fees and placing the suggested fee in the statement of intent. He said he thought they did not want to be locked into those particular fees but yet did not want much flexibility to charge another fee.

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Senator Yellowtail responded by saying there may be a need for a fee adjustment over time. The mechanism is in place to allow flexibility so that the legislature does not have to change those every session. Secondly, the EQC went to great lengths to do research as to what works nationally and what might work for our purposes. They arrived at those fees.

Senator Towe said certain authority can be delegated under certain guidelines. A volume fee is a little different situation. How can we do that by delegation of authority.

Senator Yellowtail said as to the .31 cents per ton, the EQC went to great lengths to research and examine that very question and it is not merely an arbitrary fee that we arrived at that is met to discourage the generation of garbage. We worked with what other states have done. Part of the target year was to provide adequate funding on what the Department needs to meet the state primacy requirements under subtitle D.

The chairman recognized Gene Huntington, representing the EQC. He said the rate was fit. The per ton fee has been used to match the budget. That was the flexible part that was adjusted..

Chairman Eck said the license application is suppose to pay for the cost of reviewing a new plan. The annual fee reflects the cost related to the annual inspection. What about the volume based fee. What is it's purpose.

Mr. Huntington said it has some of the local regulatory aspects but it also covers the public health function. It provides for the activities that cannot be tracked to one landfill or one inspection but have to do with the overall program.

Chairman Eck said she had followed the Department of Health budget for a long time and said they never ask for as much money as they need and they never hire as many people as they need. Does this budget reflect the appropriate staffing and salary levels you will need.

The chairman recognized Tony Grover from the Department of Health who said he had been in state government less than a year and a half. Prior to this he was a consultant and took a tremendous pay cut to work for the State of Montana. He said he was not certain he could attract good people based upon the wages in the budget. There is a place for everyone in the program and said he would be happy to discuss each position.

Chairman Eck asked Mr. Leiter if salary had anything to do with his leaving the employ of the state.

Mr. Leiter said it most certainly did. He said he worked for the State of Montana for 12 years and when he left he was making about \$28,000 a year. By going to work in private industry he was able to increase his salary dramatically.

Senator Towe said Mr. Tillotson and other opponents raised the point that one inspection is costing \$47,000 per year.

Mr. Grover said it is a misconception. The annual fee for Billings will work out to \$38,000 per year not \$47,000 per year. He said the Department will be doing infinitely more than just dropping by once a year to see how their landfill is operating. Groundwater monitoring rules are up for review. They will take effect sometime this summer. This will take much time working with existing facilities that have groundwater contamination problems like Billings. They can come into compliance without breaking their budget. Subtitle D will not be a trivial process. There will have to be a new recordkeeping system established, a methane monitoring system, leachate collection systems and they all have to be installed and reviewed by someone. Some individuals feel the state is not the appropriate party to perform the review. We feel that is what we have been told to do. That is our program mission.

The chairman recognized Jim Tillotson, city attorney from Billings who said Billings is the largest landfill but not the biggest problem. He said they are used to living with federal regulations. For example, they operate a transit system. They have the ability and the resources to bring their operations into compliance with federal law. The question they have is why they should devote those resources to a state bureaucracy to tell them how to comply with the federal regulations. He said they can do that themselves. He said if the implication of primacy is not complying with the federal regulations on landfill, that is untrue. He said they are accustomed to dealing with the federal government in a regulatory sense and said they can do a very good job of that. He said there are no guarantees that the state is going to be able to interpret and administer the federal regulations in a fashion that is going to satisfy the federal government. Billings can hire consultants and have the staff on board to deal with these issues. He said they do not need the state to develop training programs or train their operators on how to comply with the federal regulations.

The chairman recognized Senator Burnett who asked if the county was equipped through its board of health to monitor these problems.

Mr. Tillotson said there is the city/county health department. He said they do not monitor the landfill.

The chairman recognized Senator Rye who said assuming the \$38,000 figure is correct, Billings recently rejected a mill levy. He said he is worried about things like the library which is closed more than it is open. He wanted to know how the city would raise the \$38,000.

Mr. Tillotson said they would fund through user fees, passed directly upon the users of the landfill.

Closing by Sponsor:

Senator Yellowtail thanked the committee for a good hearing and said he hoped the committee would pursue their questions with the resource persons available. He said this is not a simple matter. He said he credited Billings for using its resources to benefit its own situation but the problem is to come up with a system that will work statewide to provide the services to large and small municipalities in an equitable fashion. This is the best effort to accomplish that. One critic brought in the road budget. He said it is hard for him to draw the connection between the road budget and the garbage fee unless the county wishes to raise garbage fees to pay for the road. In any case this is a user fee and appropriately so. There has to be a long range incentive for waste reduction. He closed by saying they would be available for questions and assistance.

EXECUTIVE ACTION ON SENATE BILL 174Motion:

Senator Towe moved adoption of the amendments in Exhibit #17.

Discussion:

The chairman called upon Tom Gomez who explained the amendments.

Senator Towe asked about the rules being adopted in Section 3.

Mr. Gomez said it was referenced in Section 3, page 3, lines 19 to 22, adopting rules. He said the five-member board is self-executing, that is why there is an applicability provision specifying those changes from a three year to five year term apply to only new appointments.

The chairman called upon Steve Shapiro, attorney for the Department of Commerce. He said there are already staggered terms denoted by the existing organic statute. There is no other language necessary. In the first year, two members are appointed, in the second year two members and in the third year one member.

Amendments, Discussion, and Votes:

There being no objection the motion carried to adopt the amendments.

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Senator Jacobson said there was testimony given in the public hearing that it was going to be a problem for the state employees that were psychologists.

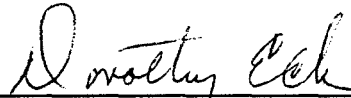
Senator Franklin said she discussed this with the concerned parties and said there are issues in terms of reimbursement and about general job and salary issues. She said this was a vehicle through which they could express their concern. Franklin said Terry Minnow seemed to feel satisfied that their issues were heard.

Recommendation and Vote:

Senator Pipinich moved to pass the bill as amended. There being no objection the bill passed as amended.

ADJOURNMENT

Adjournment At: 5:38 p.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL

PUBLIC HEALTH, WELFARE
AND SAFETY

COMMITTEE

Date 02/11/91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	X		
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

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MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 174 (first reading copy - white), respectfully report that Senate Bill No. 174 be amended and as so amended do pass:

1. Title, line 9.

Following: "PSYCHOLOGISTS;"

Insert: "REQUIRING 2 YEARS OF SUPERVISED EXPERIENCE PRIOR TO APPLICATION FOR LICENSURE AS A PSYCHOLOGIST;"

2. Title, lines 10 and 11.

Strike: "AN IMMEDIATE EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

3. Page 6, line 24 through page 7, line 3.

Strike: sections 8 and 9 in their entirety

Insert: "NEW SECTION. Section 8. Applicability. [Section 2] applies to new appointments to the board of psychologists made after July 1, 1991.

NEW SECTION. Section 9. Effective dates. (1) [Sections 2, 3, 7, 8, and this section] are effective July 1, 1991, except rules adopted by the board of psychologists may not be implemented until January 1, 1992.

(2) [Sections 1 and 4 through 6] are effective January 1, 1992."

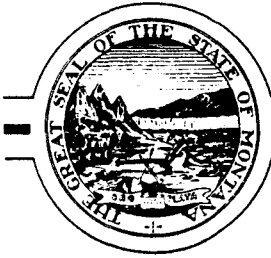
Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

Handwritten: 2-12-91
And. Coord.

Handwritten: SP 2-12 9:25
Sec. of Senate

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES



STAN STEPHENS
GOVERNOR

JULIA E. ROBINSON
DIRECTOR

STATE OF MONTANA

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 2-11-91

BILL NO. SB 205

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HELENA, MONTANA 59604-4210
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FAX (406) 444-1970

February 11, 1991

Senator Dorothy Eck
Public Health, Welfare & Safety Committee Chair
Capitol Station
Helena, MT

Dear Senator Eck:

I am sure that the intent of SB205 is to improve services to children. However after reviewing the bill with the staff of the developmental disabilities division I am concerned that the bill may in fact create the very duplication and confusion of responsibility for developmental disabilities that the bill is intended to eliminate.

Because of this concern, the Department of Social and Rehabilitation Services, Developmental Disabilities Division requests to be excluded from SB205. I support this request. This is an act to require state agencies to enter into a cooperative agreement regarding the provision of children's services, to specify requirements for a cooperative agreement between state agencies; to require establishment of local interagency staffing groups; to designate the Department of Family Services as the lead agency in coordinating and planning services to children.

Since 1975, the DD Division has developed a well-defined service system for individuals with developmental disabilities. Through local non-profit agencies, services are contracted for children with developmental disabilities or at risk of developmental disabilities. Currently the Division contracts for services to 1040 children under the age of 18. These services include family training and support, respite, specialized family care, supplemental training and support services, intensive group homes, evaluation and diagnosis, adaptive equipment and summer day program. Within available resources, any services which a child or the child's family needs to support, maintain and help the child to develop are provided.

Within the community based developmental disabilities service system, state inter-agency planning processes and agreements

already exist based on legislative mandates or permissive language allowing service delivery to targeted populations. These agreements have been developed as needed or required to provide direct services. These agreements based on need for service delivery by two or more agencies have been functional.

At the local level, extensive planning occurs for each child. Through contract, the service agencies are required to develop an Individual Family Service Plan (IFSP) or Individual Habilitation Plan (IHP) for each child. Each planning team involves the persons critical to each child. For a young child living with parents, this would include the parents, the family service specialist from the contracted agency, and others, if involved, such as a physical or speech therapist, or a nurse. Two important variables for families are 1). to allow them maximum control over their lives and 2). to limit the number of professionals with whom they must interact.

In addition, local schools have mandated Individual Education Plans (IEP) for children in special education. The goal of the community based service system is to integrate these two plans whenever feasible for the involved child and family. The addition of another planning process which is not directly involved with this family or child would increase the number of professionals with which a family would have to deal.

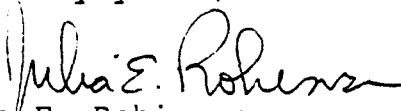
The Division is continuing to work with other agencies to further refine planning processes for the service delivery system, to coordinate services for children and their families and to designate which agency is responsible for which activity as needed by a child, a family or the service system.

Presently, mandated inter-agency agreements and well-defined planning processes are not the primary source of problems for children and their families. A lack of funds to purchase or provide necessary services creates the most difficulty for families.

It is our view that an additional planning process would further reduce the resources available to families by requiring more time to be expended in duplicated administrative activities.

Thank you for the opportunity to comment.

Sincerely yours,


Julia E. Robinson
Director

cc: Tom Olsen
Marilyn Miller

WITNESS STATEMENT

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

Dated this 11 day of Feb, 1991.

Name: T. L. O'Brien

Address: 822 MADISON
Helena MT 59601

Telephone Number: 444 5900

Representing whom?

DFS

Appearing on which proposal?

SB 205

Do you: Support? ☒ Amend? ☒ Oppose? ☐

Comments:

add Dept of Justice for juvenile
More carefully listen children's/heir
agency needs?
add local School representation

WITNESS STATEMENT

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

Dated this 11 day of Feb, 1991.

Name: Paulette Kohnman

Address: 2039 11th Ave SE 10
Helena 59601

Telephone Number: 443-1674

Representing whom?

Representing whom?
MT Council for Maternal & Child Health

Appearing on which proposal?

5B-205

Do you: Support? ✓ Amend? Oppose?

Comments:

[illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



Barbara

Montana Nurses' Association

P.O. Box 5718 • Helena, Montana 59604 • 442-6710

SB 259 Clarify Duty of DHES to provide
Consultation Services for Public
Health & School Nurses

HEALTH & WELFARE
EXHIBIT NO. 2
DATE 2/11/91
BILL NO. SB 259

HISTORY

The dissolution of the Nursing Bureau by the 1987 legislature eliminated several critical DHES functions which have not been able to be assumed by any entity in State government. The loss of these consultative functions directly affects approximately 350-400 nurses who are employed in public health and school nursing throughout Montana.

ISSUE

Nurses who work in public health and school nursing function as "small businesses" in their own right--they are responsible for program development, budgeting, marketing, billing and collecting fees for services (when applicable), evaluating services, maintaining their own professional expertise, all while meeting the nursing needs of a diverse client population. Depending on the educational preparation, many of these nurses have not had any public health education in their curriculum.

Public health and school nurses are locally employed by county governments and school districts and, with the exception of large, full time health departments these nurses typically work in "professional isolation." Nurses in virtually every other employment setting have other professionals available who either provide consultation about or do the functions of program planning, continuing education, and budgeting, to name a few.

PROPOSAL

Reestablish several functions formerly provided by the Nursing Bureau by employing 1-3 FTE who are Master's Prepared Public Health Nurse(s) to provide:

1. technical assistance in program development implementation and evaluation.
2. professional consultation regarding public health and health care delivery.
3. continuing education for local professionals.

— Exhibit # 2
2-11-91 SB 259

FAX 4426738

The Public Health Nurses in Montana need your support of
Senate Bill 259 for consultation and direction in nursing and health
care. Eastern Montana nurses have the greatest need.


Mary Alice Rehbein,
Administrator
Richland County Health Dept.
Sidney, Mt.

Exhibit #2
2-11-91 SB 259

FAX 4426738

The Public Health Nurses in Montana need your support of
Senate Bill 259 for consultation and direction in nursing and health
care. Eastern Montana nurses have the greatest need.

Karen Ziegler, RN
Richland Co. Health Dept.
Sidney, MT


- Exhibit # 2
2-11-91 SB 259

FAX 4426738

The Public Health Nurses in Montana need your support of
Senate Bill 259 for consultation and direction in nursing and health
care. Eastern Montana nurses have the greatest need.

Carol Lee
Richland Co. Health Dept.
Sidney, MT

- Exhibit # 2
2-11-91 SB 259

FAX 4426738

The Public Health Nurses in Montana need your support of
Senate Bill 259 for consultation and direction in nursing and health
care. Eastern Montana nurses have the greatest need.

Nina Verhasselt
Richland Co. Health Dept.
Sidney, MT 59270

Senate Bill 259

Fax # 44-267-38

Exhibit #2
2-11-91 SB 259

The public health nurses
in MT need your support
of Senate bill 259 for providing
consultation & direction in
health care.

The public health
nurses of eastern Montana
especially are in need of
their services

Marek Chudemsky
Public Health Nurse
Wibaux County
Wibaux MT

WITNESS STATEMENT

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

Dated this 11th day of Feb, 1991.

Name: Leticia Honnelt

Address: P.O. Box 217 Bosman

Telephone Number: 585-1445 (office)

Representing whom?

Gallatin County Health - Montana Public Health Ass.

Appearing on which proposal?

IB 259

Do you: Support? ✓ Amend? _____ Oppose? _____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

I am Jackie Stonnell, Human Services Director from Gallatin city/county Health Dept. I have been employed in CHN in Montana for 25 years. I graduated from a diploma school of nursing in Louisiana, rec a BSN from MSU and a Masters in Public Health from the University of Washington.

I am here to support SB 259.

I shared my educational and community health background with you because I have practiced nursing in Montana both with and without nursing consultation and feel an urgency for the legislature to support adding nursing consulting positions in the State Health Department. If the legislature is to support this bill, you must provide the funding, not only for salaries, but for travel and training.

We do not expect new graduates in any program to have much more than a basic understanding in their chosen field, and the ability to identify educational needs. All teachers have consultants in the Supt of Schools position, colleagues who teach in the next room and many specialist at DPI. Larger health departments have directors such as I to provide leadership and guidance. This does not apply in most community health nursing. Because of the sparse population and lack of funds, a nurse may be hired because she is the only RN in the county. Current nursing school curriculums intergrate community health into all of the classes, but unfortunately, to most fledgling nurses, it is very cleverly disguised and when they are chosen to do CHN they flounder, have problems setting priorities and knowing the scope of practice as they are poorly prepared to be independent practitioners. Several times a week we get phone calls or letters of inquiry from nurses who do not know exactly what they should be doing or how to set up programs and need support from me or my staff. I hear this same story from all directors of larger departments. This is most critical when physicians are pulling out of smaller communities, many counties do not have formalized health departments and the cost of delivering service is growing. Our department admitted 83 new cases in November, most of these families were employed at minimum wage and could not afford medical services. With one of the highest ratios of physician to patient we still had that many people seeking service from GCHD. This number did not include those who were new to the immunization clinics. Imagine the need in communities with limited medical services.

In order to provide high quality health services in rural Montana we need nurse consultants to :

1. Provide technical assistance in developing programs, implementing these programs and evaluating these programs.

2. Provide professional nursing consultation regarding health care delivery and the role of the nurse in the health of the public and

3. Offer continuing education programs for all local health professionals.

Next week, Gallatin County Health Dept. is offering workshops in Prevention of Child Abuse with a focus on identifying, documentation as well as prevention. We are also presenting a workshop on lactation. The desire for workshops such as these is encouraging, but we have heard from some nurses who say that they have little need to document what they have seen as that is the role of a social worker. WRONG, WRONG, WRONG!! Community Health Nurses have to be well prepared in all areas, especially documentation. Incidentally, it is expensive for our department to take on this task, but our staff nurses need this, too, and we are using MCH funds to do this program. This should be offered by the State Health Dept.

I urge your support of funding this bill with money other than Maternal Child Health funds which should still be available to local health departments for direct services.
Thank you

Respectfully submitted,

Julie Storrer MPH, RN

WITNESS STATEMENT

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

Dated this 11 day of Feb, 1991.

Name: Kathleen Manion

Address: 2513 Gold Rush
Helena, MT 59601

Telephone Number: 442-2887

Representing whom?

Montana Association of School Nurses

Appearing on which proposal?

SB 259

Do you: Support? X Amend? _____ Oppose? _____

Comments:

testimony submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Testimony on Senate Bill 259**Submitted by:****Kathleen Manion RN****Certified School Nurse****Helena Public Schools**

I speak to you today on behalf of the Montana Association of School Nurses, in favor of this piece of legislation. I have been a school nurse in the Helena area for ten years and for the last two years have served on the Board of Directors for the National Association of School Nurses. I am pleased to be here today, as I am one of your constituents whom this bill directly affects. I have pertinent information that I hope you will find helpful.

School nurses work in the Public Health arena and until four years ago relied on the nursing consultation services provided through the State Health Department. The cliché "you don't know what you have until you've lost it" could not be more appropriate at this time. I am going to have a hard time sharing with you how strongly we school nurses feel about having this or a similar position reinstated. The nurses in more rural areas have been especially impacted. I am lucky, as I have six school nurse colleagues in the Helena District but those nurses who are by themselves in rural school districts have truly struggled the most.

Our job as school nurses is to promote the health of all the children we serve. School nurses love children. They are what make our jobs wonderful. Bobby was a 5 year old I met in 1980, the first year I was a school nurse. He was bright and loved school. One day he came with a dark bruise on his face and it became obvious to us that he had been hit there. It was the first child abuse case I had encountered in my new position and I was unsure of myself. I called Maxine Ferguson at the State Nursing Bureau and she not only provided me with helpful guidance but boosted my confidence. I've dealt with many abuse cases since then, unfortunately, but I'll never forget the help Maxine provided me when I needed it the most. She was always there to give me advice, whether about a specific situation, a programmatic question, or to provide a pertinent continuing education course.

School nurses do more than bandaids. Not only do we deal extensively with child abuse, we also screen children for potential health problems such as vision, hearing, scoliosis and dental problems. We teach health education as a resource person. We maintain health records, especially immunization records, to comply with state law. We make home visits, develop health programs for children with special concerns such as asthma, diabetes, epilepsy, genetic disorders, emotional problems, those needing medications in school; the list goes on. We make independent nursing decisions every day, and are the only health care person on site. Most recently and importantly, the disease of AIDS has made our jobs in the schools more crucial than ever. Educating our children about this disease has far reaching implications.

We need a nursing consultant on the state level. We need technical assistance in the development of programs, and continuing education opportunities specific to school nursing. It is vital to school nursing programs statewide, but mostly vital to the children we serve.

We school nurses have discussed the importance of this position many times, at our biannual meetings. Quite frankly, we have felt a sense of abandonment by our State Health Department. Somewhere in our state, at this moment, a five year old Bobby may also be feeling abandoned. Let's not allow this to happen. Please vote Do Pass on Senate Bill 259.

I will be glad to answer any questions you may have.
Thank you.

Respectfully,

Kathleen Manion

Kathleen Manion RN CSN

WITNESS STATEMENT

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

Dated this 11 day of Feb, 1991.

Name: Yvonne Bradford

Address: 1900 Ronald
Missouri

Telephone Number: 544-2087

Representing whom?

Missouri C. C. Health Dept.

Appearing on which proposal?

SB 259

Do you: Support? ✓ Amend? Oppose?

Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SENATE HEALTH & WELFARE

EXHIBIT NO. 5

DATE 2/11/91

BILL NO. SB 259

/11/91

Senator Eck and members of the Public Health committee, my name is Yvonne Bradford. I am here to speak in support of SB 259.

The role of the community health nurse (CHN) focuses on prevention of illness and promotion of health. CHNs work in diversified settings including homes, clinics, schools or community groups. Their responsibilities include primary nursing care, health teaching, resource finding and development of community health standards and policies. Attached to your copy of this testimony is a document which describes nursing roles. In order to meet the CHN's broad range of professional responsibilities and to be able to practice independently, a support system which provides access to current information and guidance or coordination with other community health professionals is essential.

Senate Bill 259 will benefit local health departments by providing them with the services of two nursing consultants located within the State Department of Health and Environmental Sciences. The consultants will provide

1. technical assistance in the development, implementation and evaluation of health programs,
2. professional consultation regarding public health and health care delivery, and
3. continuing education programs.

Rural counties are often served by a single community health nurse. A significant need exists for consultation to these individuals who provide a unique variety of health services. Currently, these nurses access support through their urban public health neighbors. This is not an effective response to their needs, and is often little more than crises intervention. Urban departments are not sufficiently staffed for regional system management or support. In addition, as an urban health department nursing director, I am faced with the cost of seeking continuing education for nursing staff out of state. This bill would provide continuing education offerings as part of the nursing consultants' responsibilities.

I urge your support of SB 259.

WITNESS STATEMENT

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

Dated this 11 day of Feb, 1991.

Name: Paulette Kohman

Address: 2030 11th Ave Ste 10
Helena 59601

Telephone Number: 443-1674

Representing whom?

Mt Council Mat & Ch. Hlth

Appearing on which proposal?

SB 259

Do you: Support? X Amend? Oppose?

Comments:

This will keep rural counties deliver
State-of-the-art public health
care at a very reasonable cost.

*Mike Stephen***TETON COUNTY**

Choteau, Montana 59422

466-2562

Feb. 7, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 6DATE 2/11/91BILL NO. SB 259

Public Health Nurse
P.O. Box 835
Choteau, MT 59422

Dorothy Eck
Chairman
Senate Public Health Committee
Capital
Helena, MT 59620

Dear Chairman Eck:

I am writing this letter regarding S.B. 259. I have been Teton County's Public Health Nurse of eleven years. I work full time and have a part time secretary. As Public Health Nurse I wear many hats, I'm the nursing administer, the staff nurse, the school nurse, the program planner, the WIC director and any thing else the department needs. There are many nurses in rural Montana in the same situation.

I do all I have to do with no professional supervision. I have no one to discuss concerns with; no one to help me develop protocols and procedures; no one to contact when a problem arises in the community; no one to review and evaluate my programs. Can you imagine other tax supported programs having to function this way?

Please support S.B. 259 to re-instate the funding and function of the nursing bureau. This will provide rural Public Health Nurses, such as myself, a resource we desperately need.

Sincerely,



Lora Wier R.N.

TESTIMONY IN FAVOR OF SB 259

DATE 2/11/91BILL NO. SB 259

Madam Chairman, ladies and gentlemen of the committee:

I am Mary Ellen Schnur, Meagher County's community health nurse. As you know, Meagher County is one of the state's least populated counties. The county seat, White Sulphur Springs, is centrally isolated 80-90 miles from Bozeman, Helena, and Great Falls, and 150 miles from Billings. The tax base is agricultural. Most paychecks are from agriculture, timber, tourism, the local hospital, the local school district, and social security/retirement. In these regards, Meagher County has a lot in common with many of Montana's small counties.

When the county commission decided six years ago to initiate a community health nurse position, their concerns were for the health of young children and their mothers, and for the growing proportion of elderly folks in the population. They formulated a budget relying on MCH grant funds and Community Service Block Grant funds, allowing two days of nursing service per week. They solicited the help of two nursing consultants from DHES in interviewing applicants for the position. When I was hired for the position, Department nursing consultants assisted us in setting up programs and protocols to meet the county's needs. Public health nursing, like most modern public functions, runs on paper. The Department had all kinds of forms, informational material, graphs, and charts that our new office would need. The orientation program and continuing education programs provided to community health and school nurses updated me and gave me a link with other nurses to share experience, knowledge, and tricks of the trade.

People wonder what a community health nurse does. I provide all the immunizations in the county. I conduct well child clinics and teach early pregnancy classes. I have a certified Lamaze instructor teach childbirth education classes two or three times per year. I have conducted health screenings at the schools, have initiated the fluoride mouthrinse program at school, and have guest taught health and home ec classes. I have organized community education days on nutrition and agricultural safety. I supervise the Senior Companion Program and cooperate with the home health agency, senior center, and local physician in monitoring the health of elderly citizens. I have conducted communicable disease investigations, from cases of fleas, pertussis, sexually transmitted diseases, to chickenpox. I work with schools and agencies involved in the education and care of families with children with handicapping conditions.

~~Five~~ ^{Four} years ago, the Department of Health & Environmental Sciences ceased to fund the nursing bureau, leaving nurses in the field strictly on their own. I wonder how many times these past ~~five~~ years each of us have re-invented the wheel. For example, the immunizations program has just asked us for information on how many health departments are using computer systems to record immunization records, and what these systems are. None of us know what each other is doing. We're each doing our own thing, and we've spent countless hours developing computer records systems; hours that could have been saved if consultants had been available to provide advice and coordination. A highly competent newly hired nurse asked me last year what she could do with her county's grant monies. Without having the benefits of a structured orientation program, she was left to wonder what the restrictions and benefits of the grants were, and had no idea who to ask.

The world of health and medicine is changing faster than we can comprehend, and

public health is no exception. The individual small-county community health nurse has neither adequate time nor fiscal resources to keep a-breast of all this change. A nursing consultant could sift through all the new knowledge and provide an efficient, economical way for community health nurses to provide optimal services to the public through continuing education and individual consultation.

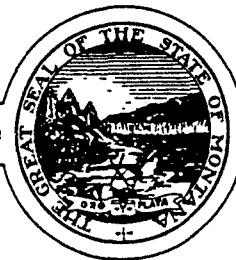
I respectfully request that you adopt Senator Franklin's SB259. I realize that expense is a serious consideration for state government, as it is for all of us in our own households and businesses. Sometimes we have to make a determination whether we are spending money, or investing it. In the instance of SB259, I believe the state of Montana will be making an excellent investment. Montana's counties will be able to provide better coordinated, more efficient, and more modern preventive health services when the state can assist with the services described in section 2 of this bill.

Thank you for the opportunity to comment,

Mary Ellen Schuur

Long Leaves

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES



STAN STEPHENS, GOVERNOR

FAX #(406) 444-1499

STATE OF MONTANA

OFFICE 836 Front Street
LOCATION: Helena, Montana

MAILING Cogswell Building
ADDRESS: Helena, MT 59620

Solid and Hazardous Waste Bureau
(406) 444-1430

February 8, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 8

DATE 2-11-91

BILL NO. SB 209

DHES TESTIMONY ON SB 209
SOLID WASTE FEE BILL

DHES supports the adoption of a solid waste fee system to fund increased state solid waste management efforts in Montana. Five significant issues are driving the need for additional staff and resources at the state level now:

- 1) Importation - Montana must regulate the disposal of out-of-state generated wastes in essentially the same manner as in-state generated solid wastes are regulated. Several informal proposals for landfilling or incineration of large quantities of imported special and solid wastes are under consideration across the state. Other states that have attempted to regulate imported solid wastes more stringently than in-state wastes have had their regulatory programs declared unconstitutional.
- 2) State Primacy in Solid Waste - New Federal rules (commonly known as Subtitle-D) for landfill siting, operation, monitoring and recordkeeping are pending. For Montana to retain Primacy in Solid Waste the state must have a system of laws, regulations, and adequate staff and funding to receive a Determination of Adequacy by the Federal EPA.
- 3) Increase in Number and Complexity of License Applications - DHES is now processing 8 solid waste management system license applications. At least 16 other license applications will be filed within the next year. At present there are several landfill license applications under review by program staff that include designs for liners, covers, and leachate collection systems. Several of the pending applications will include similar design components as well as methane monitoring and collection systems. Currently there are no licensed landfills in Montana with either liners or leachate collection systems.
- 4) Broadening Scope of Solid Waste Program Responsibilities - Public interest, changing regulations and emerging technologies are causing the solid waste program to broaden the scope of program activities to include: waste reduction, recycling, incineration, composting, and baling. Also new technologies are required to license the management of special wastes such as: infectious waste, medical waste, used oil, household hazardous wastes, conditionally exempt small quantities of hazardous wastes, tires, and batteries.

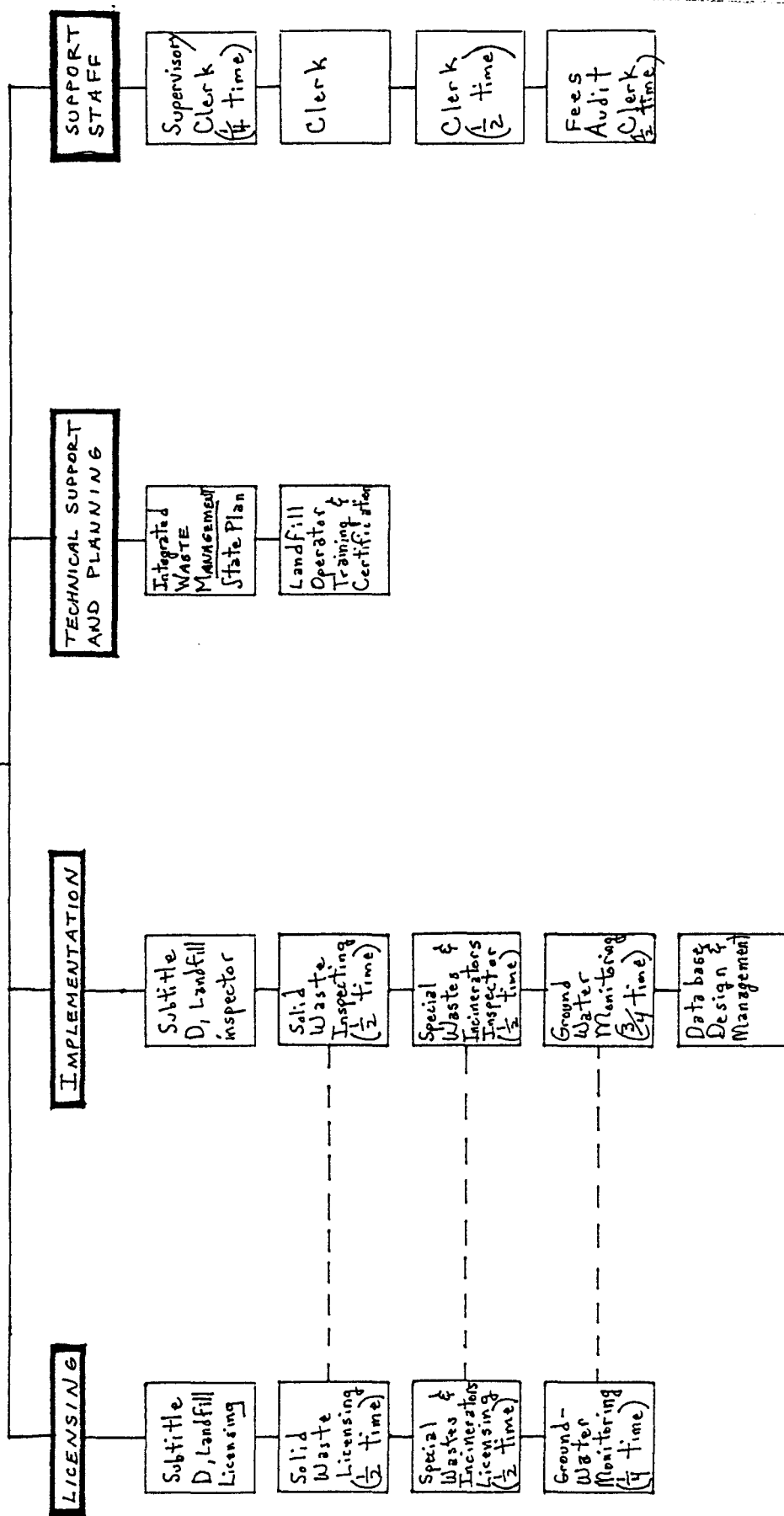
SENATE HEALTH & WELFARE

Bureau and Section Level (3/4)

EXHIBIT NO. 8B
DATE 2-11-91
BILL NO. SB209

Attorney

PROGRAM
MANAGER



AUG 11/13/90

MISSOULA
COUNTY

CITY-COUNTY HEALTH DEPARTMENT

301 W. ALDER

MISSOULA, MONTANA 59802

(406) 721-5700

**Testimony Concerning Senate Bill 209
Before the Senate Public Health Committee
Monday, February 11, 1991**

SENATE HEALTH & WELFARE

EXHIBIT NO. 7DATE 2/11/91BILL NO. SB 209

Chairman Eck, Honorable Committee Members,

My name is Jim Carlson. I am the Director of the Environmental Health Division of the Missoula City-County Health Department. The Missoula City-County Health Department supports the passage of Senate Bill 209. For many years the State of Montana has been sorely lacking in an adequate program for the review and regulation of landfills throughout the State of Montana. For the last ten years or so, the State of Montana has had only one person to regulate, inspect, approve applications and respond to concerns about all of the landfills located in this wonderful State. To the best of my knowledge, over the past ten years, the state solid waste program has only been able to inspect Missoula County landfill sites twice. Three years ago the City of Missoula applied for a Class III Landfill Permit for a very small site on the north side of Missoula. After their application had been at the State for over 8 months, the State informed us that they didn't have time to process the application because of the lack of manpower.

Montana needs adequate staff to administer its' solid waste program. It is appropriate that we end free permitting of landfill sites in the State of Montana and that we require that those landfill sites pay their fair share of the administration cost for solid waste management. We feel that the fees proposed in this Bill are fair and appropriate and request that you support the passage of this Bill.

Sincerely,

Jim Carlson, Director
Environmental Health



BROWNING-FERRIS INDUSTRIES

Missoula District

Recycled paper

SENATE HEALTH & WELFARE

EXHIBIT NO. 10

DATE 4/11/91

BILL NO. SB 209

Testimony of:

James E. Leiter, Browning-Ferris Industries of Montana, Inc.
P.O. Box 8449
Missoula, MT 59807
728-9572

In support of:

Sound Solid Waste Regulatory Funding

Mr. Chairman, members of the committee, I am Jim Leiter, Landfill Manager of the BFI landfill in Missoula, Montana. For those of you not familiar with me personally, until I went to work for BFI in May of last year, I spent the previous twelve years as solid waste program manager for the Department of Health and Environmental Sciences. For those of you not familiar with our company, BFI operates a municipal solid waste landfill in Missoula and three solid waste hauling companies in Missoula, Billings, and Miles City, Montana. We are the second largest waste hauling and disposal firm in the United States, operating 110 landfills 350 hauling companies and over 350 curbside recycling programs. My employment with a private solid waste firm is indicative of my feeling that private enterprise better addresses environmental protection issues in solid waste management than has either the State of Montana or local governments. I am proud that this industry does so well, but I am disappointed that the same level of environmental protection is not required of our state and local government agencies.

Due to environmental liabilities associated with operating solid waste disposal sites, our firm has stringent, corporate standards which each of our landfills must meet, including, among other things, comprehensive groundwater monitoring systems, methane gas monitoring systems, special asbestos disposal certifications, special evaluation procedures for disposal of special wastes other than household garbage, and many other built in environmental systems designed to meet our corporations goal, best expressed by our CEO, William Ruckelshaus, who speaks of having an "obsession with compliance".

Sadly, we find it extremely difficult to compete economically in a state like Montana which has had inadequate state laws

provide environmentally safe sites, employ local individuals at good jobs and pay valuable taxes to those communities we serve, IF we are allowed to compete on a level playing field.

If, however, the environment is sacrificed to hold down reasonable disposal fees, the entire state will lose.

The nearly 100 employees of BFI encourage your support of this legislation.

WITNESS STATEMENT

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

Dated this 11 day of February, 1991.

Name: Pete Frazier

Address: 3305 17 Ave S - 67 Falls - home
1130 17 Ave S - 67 Falls - work

Telephone Number: 761-3808 - home 761-1190 work

Representing whom?

City. Co. Health Dept - 67 Falls

Appearing on which proposal?

SB 209

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

TESTIMONY ON SB 209

MR. CHAIRMAN AND COMMITTEE MEMBERS. MY NAME IS PETE FRAZIER, DIRECTOR OF ENVIRONMENTAL HEALTH WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY. IN ADDITION I HAVE SERVED AS THE DIRECTOR OF THE CASCADE COUNTY SOLID WASTE DISPOSAL DISTRICT SINCE ITS CREATION 20 YEARS AGO.

WE SUPPORT SB 209 WITH RESERVATIONS. WE AGREE THAT FOR MANY YEARS THE SOLID AND HAZARDOUS WASTE BUREAU'S LANDFILL PROGRAM HAS BEEN SERIOUSLY UNDER FUNDED AND UNDER STAFFED. IT IS MY UNDERSTANDING THAT CURRENT STAFFING IS AT 2.5 FTE'S WHICH IS FUNDED FROM STATE GENERAL FUNDS. THESE FEW STAFF ARE REQUIRED TO MAKE ROUTINE INSPECTIONS OF APPROXIMATELY 50 OPERATING LANDFILLS THROUGHOUT THE STATE, INSPECT NUMEROUS OTHER LANDFILLS WHICH ARE CURRENTLY CLOSING DUE TO THE UPCOMING FEDERAL SUBTITLE D REGULATIONS, REVIEW SEVERAL NEW LANDFILL LICENSE APPLICATIONS FOR LARGER REGIONAL LANDFILLS, RESPOND TO CITIZEN'S COMPLAINTS AND PROVIDE TECHNICAL ASSISTANCE, ETC. OBVIOUSLY 2.5 PEOPLE CAN NOT PERFORM ALL OF THIS WORK. THERE IS NO QUESTION THAT THE SOLID WASTE BUREAU NEEDS INCREASED FUNDING AND STAFFING IN ITS LANDFILL PROGRAM. IT IS MY UNDERSTANDING THAT THE EQC'S INTERIM SOLID WASTE ADVISORY COMMITTEE, AFTER CONSIDERABLE DISCUSSION AND WORK RECOMMENDED THAT THE BUREAU'S STAFFING BE INCREASED TO ABOUT 8.5 FTE'S. IT WAS FELT THAT THIS STAFFING LEVEL WOULD MEET WITH EPA'S APPROVAL FOR THE STATE TO OBTAIN PRIMACY FOR ENFORCING THE UPCOMING EPA SUB-TITLE D REGULATIONS AND PROVIDE THE SOLID WASTE BUREAU TO CONDUCT THE FUNCTIONS REQUIRED IN A TIMELY FASHION. IT IS IMPORTANT, IN OUR OPINION THAT THE STATE SOLID WASTE BUREAU OBTAIN AND MAINTAIN PRIMACY FOR THE SUB-TITLE D REGULATION ENFORCEMENT, SINCE, ACCORDING TO AN EPA OFFICIAL, STATES WITH PRIMACY HAVE THE AUTHORITY TO PROVIDE VARIANCES FROM CERTAIN AREAS OF THE SUB-TITLE D REGULATIONS, SUCH AS LINERS, GROUNDWATER MONITORING AT SMALL LANDFILLS, ETC., AS LONG AS ADEQUATE EVIDENCE IS PROVIDED THAT NO PUBLIC HEALTH OR ENVIRONMENTAL PROBLEMS WILL EXIST IF SUCH A VARIANCE IS PROVIDED. IF THE STATE DOES NOT OBTAIN PRIMACY FROM EPA,

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NO FLEXIBILITY WITHIN THE RULES WILL BE AVAILABLE AND NO VARIANCES WILL BE AUTHORIZED. HOWEVER, IT IS OUR UNDERSTANDING THAT THE CURRENT BUDGET REQUEST IS FOR 13 FTE'S AND APPROXIMATELY \$576,000 IN FEES - ALL COMING FROM SOLID WASTE MANAGEMENT FACILITIES TO FUND THE STATE PROGRAM. THE BILL INDICATES THAT THE "FEES ARE INTENDED TO REFLECT A MINIMAL BASE FEE RELATED TO THE FIXED COSTS OF AN ANNUAL INSPECTION AND PERMIT RENEWAL, AND A VOLUME FEE RELATED TO THE ESTIMATED AMOUNT OF SOLID WASTE TO BE DISPOSED OF EACH YEAR." UNDER THE CURRENT FUNDING PROPOSAL OUR COUNTY LANDFILL AT ULM, WHICH DISPOSES ABOUT 16 TONS PER DAY, WILL PAY \$3,000 FOR AN ANNUAL LICENSE PLUS \$2,700 IN ANNUAL VOLUME FEES. FOR THIS WE WILL RECEIVE AN ANNUAL INSPECTION, WHICH WE ARE TOLD WILL TAKE ONE DAY OR LESS AND TECHNICAL ASSISTANCE, IF WE NEED IT. IT IS DIFFICULT TO UNDERSTAND HOW THESE SERVICES WILL ACTUALLY COST THE STATE \$5,700. THE CITY OF GREAT FALLS WOULD PAY APPROXIMATELY \$14,500 ANNUALLY, FOR SIMILAR SERVICES. THERE APPEARS TO BE AN IMBALANCE BETWEEN STATE FUNDING AND LOCAL FEE SUPPORT FOR THE STATE PROGRAM. MUCH OF THE WORK TO BE CONDUCTED BY THE STATE PROGRAM, SUCH AS WRITING THE STATE PLAN, DEVELOPING A DATA BASE, INTEGRATED WASTE MANAGEMENT INFORMATION, WRITING OF NEW RULES, ETC. ARE STATEWIDE FUNCTIONS AND SHOULD BE FUNDED BY THE STATE.

WE URGE YOU TO LOOK CLOSELY AT THE FEE AUTHORIZATION STRUCTURE, STAFFING LEVELS, AND FUNDING PROPOSAL IN ORDER TO PROVIDE AN EQUITABLE BALANCE BETWEEN STATE AND LOCAL FUNDING SOURCES TO FUND THIS IMPORTANT PROGRAM.

THANK YOU.

— Exhibit #11
2-11-91 SB 209

TESTIMONY ON SB 209

SENATE HEALTH & WELFARE
EXHIBIT NO. 12
DATE 2/11/91
BILL NO. SB 209

Mr. Chairman and Committee members. My name is Erling Tufte, Director of Public Works for the City of Great Falls. In addition, I served as a member of the SJR 19 Advisory Committee to the EQC on solid waste management issues.

We agree with the general intent of SB 209 to adequately fund the DHES Solid Waste Program.

Our views are as follows:

1. We recognize that regulations and public interest demand increasing attention to solid waste management.
2. We support state vs. EPA primacy in enforcing federal regulations.
3. We believe that the current state program is underfunded.
4. We believe that a combination of general tax revenues and consumer fees is the appropriate means of funding the state solid waste program.
5. We suggest that the program be closely monitored so that it's cost does not escalate beyond the public's ability to pay. A specific limitation on cost is recommended.

Our support of the specific fee structure and level of fees proposed in SB 209 is qualified. As we require at the local government level, we recommend that the proposal be thoroughly presented and justified. The public should be clearly informed on the total cost, revenue structure, proposed level of service and possible alternatives.

Finally, we wish to express our concern for, and commitment to, responsible solid waste management. We recognize that much of what we do is likely to be in response to federal or state regulations. We hope that the Federal and State governments will be partners in education, solutions and funding; not simply vehicles to author and pass along regulations. New government demands without accompanying funding have become an increasing burden to local government.



The Montana Environmental Information Center Action Fund

• P.O. Box 1184, Helena, Montana 59624

(406)443-2520

Testimony in support of SB 209

By Chris Kaufmann of the Montana Environmental Information Center

You have before you the most important solid waste bill of the session. This bill will give the state primacy for solid waste management. Without this bill, the EPA will become the regulators of landfills in Montana. How responsive do you suppose EPA will be to the specific problems of Montana communities? How responsive do you suppose EPA will be to the concerns of a community such as Billings who's landfill is less than a quarter mile from the Yellowstone River and only 50 feet above the groundwater?-- A landfill which is on the state's superfund list. --A landfill at which the EPA has already found elevated levels of heavy metals in monitoring wells and indiscriminate dumping of materials containing PCBs and DDT.

The new federal regulations called Subtitle D will require landfills to comply with strict daily operational criteria, to submit an approved closure plan to minimize leachate, to conduct regular groundwater monitoring for contaminants, and to continue monitoring for a minimum of 30 years after closure. Montana landfill are going to have a difficult time complying with these new rules. The EPA requires states to have an approved program in order to continue as the regulatory authority. An approved state program will have the flexibility to grant some variances from certain requirements in accordance with site specific conditions. Do we want this kind of flexibility or not?

This bill will set fees on landfill. The fees will be passed on to those who generate the waste. No one is trying to hide this fact. It is appropriate for persons who generate waste to pay the full costs of disposal. It is part of the cost of being a consumer in this society. It is time to move into the new era of solid waste management. The world is changing. According to the Billings Gazette, the city of Billings is proud that they have not raised their rates in 13 years. What that tells me is that they are in the dark ages when it comes to waste management and, for at least a decade, they have hidden the true costs of waste disposal. City officials in Billings can cover this new fee by raising their rates by 4 cents per person per month.

This bill is the result of a two-year EQC process with plenty of opportunity for public input. There has already been a great deal of compromise with the counties and cities on the fees. The per ton recommendation from the EQC was 71 cents. Now the fee is down to 31 cents. The opposition by Billings is "garbage" and they should be taxed at 31 cents a word for their statements. The EQC process has identified the need for a shift in the state's program toward an integrated approach to waste management which includes recycling, reduction, public education, and composting. At the same time, regulation of disposal cannot be ignored. This bill puts into place the kind of state program that can implement this new emphasis. It brings Montana into the new age of waste management. MEIC urges a do pass recommendation.

SENATE HEALTH & WELFARE

EXHIBIT NO. 13

DATE 2/11/91

Northern Plains Resource Council

Testimony on SB 209 to Senate Public Health Committee
Presented by Richard Parks, vice-chair of the Northern Plains
Resource Council

SENATE HEALTH & WELFARE

EXHIBIT NO. 14

DATE 2/11/91

BILL NO. SB 209

My name is Richard Parks and I am vice-chair of the Northern Plains Resource Council. NPRC is a membership based organization with 14 community groups. I am here today to urge you to strongly support SB 209. NPRC applauds Senator Yellowtail for carrying this bill.

As proposals have sprung up to import garbage from other states into Montana for disposal, NPRC members have become keenly aware of the lack of resources currently allocated to the regulation of solid waste in Montana. It is high time that Montana's landfills, source reduction and recycling programs are propelled into the 20th century. Only five states in the country have fewer state employees dedicated to solid waste management than Montana.

I would like to quote to you from the study published by the Enviromental Quality Council: "Due to lack of staff, legitimate regulatory control of landfills and other solid waste management systems is effectively non-existent. Reported violations of environmental standards go uninvestigated; unlicensed landfills remain open; and annual inspections occur only every couple years. Further, the department has not been able to process the growing number of applications for solid waste licenses for the new facilities, just when prompt service is essential due to the impending Subtitle D regulations."

The funding mechanisms proposed in SB 209 are fair. Too often in this society we do not take responsibility for our actions and we leave the costs for future generations to pay. Despite assurances to the contrary, landfills leak. In a careful study conducted for the U.S. Environmental Protection Agency 43 out of 50 landfills studied were confirmed as the source of groundwater contamination. In Montana, only 12 of our nearly 90 class 2 landfills are monitored for groundwater contamination. Of these contamination has been detected at 9 sites. I am submitting for your review a factsheet on groundwater contamination from landfills.

This bill is part of a carefully constructed package of legislation designed to move Montana toward the goal of waste reduction and to improve environmental protection. We urge that this committee recommends a "do pass" on this bill.

Solid Waste, Landfills and Groundwater Contamination

A Northern Plains Resource Council Factsheet

January 1991

GARBAGE IS CATCHING UP

Americans are fast approaching the 21st century full of optimism and enthusiasm for a cleaner and brighter world. But, the affluent, fast paced and disposable American culture is producing garbage at a stupendous rate. U.S. garbage generation grew 80%, from 1960 to 1986, rising from 87.5 million tons to 157.7 million tons. It is expected to increase 22% by the year 2000 (Time Magazine, 9/5/88, "Garbage, Garbage, Everywhere").

Each U.S. citizen generates roughly 1,600 pounds of garbage each year. Montanans collectively generate 600,000 tons each year. Urban as well as rural areas are simply running out of options for disposing of their waste, most of which is now hauled away to landfills, dumped in the ocean or incinerated. This factsheet examines the consequences of burying garbage in landfills.

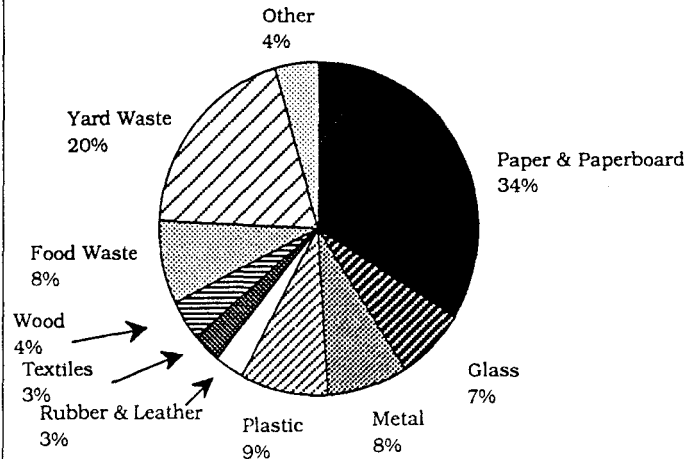
The Environmental Protection Agency (EPA) is issuing new regulations that recognize the hazards of solid waste and the problems with disposal in landfills. These regulations make siting and monitoring of landfills strict and consequently very expensive. The result has been that small, older landfills are closing and fewer larger landfills are being developed. Further, many urban areas are looking to sparsely populated states to take care of their waste.

IT'S JUST HOUSEHOLD GARBAGE...

The total amount of solid waste sent to our landfills each year amounts to approximately 150 million tons (Utne Reader Nov/Dec 1990). The municipal solid waste produced in this country in just one day fills roughly 63,000 garbage trucks which, lined up end, to end would stretch the distance from San Francisco to Los Angeles (Scientific American December 1988 Vol. 259 No. 6 "Managing Solid Waste").

Figure 1 shows the average "profile" of U.S. garbage.

Figure 1.



Sources: The U.S. Postal Service; Environmental Defense Fund; and Franklin Associates Ltd.

Household garbage contains a whole host of products and chemicals that when mixed together create a toxic situation. Paint, paint thinner, fertilizer, pesticides and cleansers are household items that end up being hauled to the city dump or buried on private property. Additionally, one thousand new chemicals are invented each year, making it virtually impossible to predict all the possible combinations of chemicals that will be created inside a landfill. According to a study conducted by Geraghty and Miller of Port Washington, New York, under contract to EPA, wastes that are deposited in landfills continue to weather and leach for years. Chemical interactions within a landfill do not cease when dumping stops.

BUILDING LANDFILLS, A LEAKY SCIENCE

All landfills leak. According to several studies, most notably the one by Geraghty and Miller, even the most modern and up-to-date landfill technologies cannot prevent leakage after a relatively short period of time. EPA discovered that 86% of the landfills studied had contaminated underground water supplies beyond the boundaries of the landfill.

WITNESS STATEMENT

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

Dated this 11 day of Feb., 1991.

Name:

Duke Koenig

Address:

8600 Hoffman Lane

Bozeman Montana.

Telephone Number:

406-586-0606 off

Representing whom?

Three River Disposal & WMPartners of Bozeman

Appearing on which proposal?

#209

Do you: Support? ☒

Amend? ☐

Oppose? ☐

Comments:

SPECIAL REPORT:



Montana Solid Waste Contractors, Inc
36 South Last Chance Gulch
Suite A
Helena, MT 59601

Sue Weingartner
Executive Director

406-443-1160

Public Attitudes Toward Garbage Disposal

November 15, 1989

SENATE HEALTH & WELFARE

EXHIBIT NO. 15

DATE 2/11/91

BILL NO. SB 209

pg. 1 of 16

Despite deepening public concern over a number of environmental problems facing our nation, Americans in 1989 are exhibiting greater acceptance of options for managing and disposing of solid waste than they did a year or two ago. While still concerned about ensuring adequate waste disposal capacity and about the locations and possible environmental effects of various options, the public shows the following attitude shifts:

- more people actively participating in recycling activities;
- increased acceptance of waste-to-energy, with more people favoring it than opposing it as a local option; and
- less opposition to siting local landfills.

National Solid Wastes Management Association
1730 Rhode Island Avenue, NW
Suite 1000
Washington, DC 20036
(202) 659-4613

NSWMA

SAFER, CHEAPER, BETTER WASTE DISPOSAL: LANDFILLS

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SENATE HEALTH & WELFARE
EXHIBIT NO. 16
DATE 2/11/91
BILL NO. SB 209

“...With the right conditions, resources and professional engineering, safe landfills are perfectly possible”

Landfilling municipal solid waste (MSW) can be safe, efficient and economical to both the waste generators and landfill host communities. Sited in suitable soils, with favorable arid climate, in areas of sparse population, with cheap transportation available, and built and operated with new technology — western landfills may be “the right thing to do.”

This article explodes some popular waste disposal shibboleths and demonstrates how western landfills can be win/win propositions environmentally and economically for waste generators and host communities alike.

WHAT ABOUT LANDFILLS?

There are no safe landfills... We're rapidly running out of landfill space... Landfill operators can no longer avoid their true costs... Waste generators remain liable for (landfill) problems wherever and whenever they occur... Not in my back yard!... Incineration, composting and recycling are environmentally sound ways to extend the life of landfills and conserve resources.

One slogan can stop analysis for fifty years and several now block critical thinking about how best to dispose of wastes. These popularized “truths” have led us to alternatives that cost vastly more, are significantly more sophisticated and pose their own hazards. These include incinerators, refuse derived fuel (RDF) plants, composting plants, and expensive recycling systems. Let's examine these “truths.”

“There are no safe landfills.” This is true for landfills built largely in unfit places, such as ravines, marshes, with no thought for the environment. Many leak and contaminate ground and surface waters. It is particularly difficult to site landfills in areas of loose glacial drift, acidic soils, abundant and sometimes acidic precipitation, high water tables and important aquifers, such as Minnesota. However, with the right conditions, sufficient resources and professional, careful engineering, safe landfills are perfectly possible, as described over the next several pages.

Types of Landfills. There are two types of safe landfills not always distinguished in literature.

A wet facility encourages decomposition by percolating moisture through the bio-mass, reducing the volume of organic material by 90 percent within several years. Managed right, decomposition then stops and the organic material becomes mostly inert ash. During rapid decomposition, leachates must be collected, stored, analyzed and tested so that no pollutants enter groundwater. Also, gases must be gathered and flared or sold.

A dry landfill discourages bacterial decomposition by denying moisture and air to the organic material. When the available air and moisture are depleted, decomposition stops and the mass becomes "mummified," producing little if any leachate or volatiles. Such a landfill might be reactivated by introducing moisture, air and perhaps bacterial seeding to recover volatile gases.

Dry landfills are most appropriate in arid climates, especially where the soils are alkaline bentonite clay, which prevents precipitation from entering the bio-mass. Because the wastes do not decompose, or produce leachates, such landfills are particularly safe.

Characterized by a very deep water table protected by impermeable geologic formations, and/or abundant, consolidated, unglaciated, tight, alkaline, bentonite clay soil; 12 inches of

***"...Montana is
ideal for safe
storage of
wastes."***

precipitation annually, a very high evaporation rate; and tens of millions of acres of sparsely populated, cheap land, Montana is ideal for safe storage of wastes.

***"...There are
hundreds of
millions of acres
of suitable land."***

Bentonite, a special self-sealant clay, is used to seal sewage stabilization ponds and other reservoirs which operate with over six feet of hydrostatic head: under proposed U.S. Environmental Protection Agency (E.P.A.) regulations, new landfills must operate under less than one foot of head. An alkaline soil, used as daily cover and as a bottom sealant, bentonite will bind to heavy metals keeping them from the environment.

With low precipitation and very high evaporation rate, there will be little if any leachate. Nevertheless, such landfills must be built to drain leachates, if any, into leakproof pits for storage, analysis, treatment and safe disposal. Operated correctly, assured of a proper closure and continuous monitoring, protected by a huge indemnification fund, this type of landfill would be safe. Certainly safer than incineration or composting.

Running Out of Landfills. While we may be running out of landfill capacity, we are not, as some argue, running out of land suitable for landfills. The problem is that of permitting. There are hundreds of millions of acres of suitable land in the west, including Montana, where, with sufficient economic inducements, vast areas of land can become available for landfilling.

The True Cost of Landfill Disposal. Allegedly, landfill tipping fees do not cover environmental protection or cleanup costs, and, therefore, do not

reflect the true cost of landfilling. When environmental costs are calculated, some argue that the expense of landfilling would equal that of incineration, RDF disposal or composting.

Indeed, when the cost of environmental protection is taken into account, tipping fees may triple or quadruple, to about \$15 a ton. Expensive, but still only a fourth of the cost of alternatives. For that matter, we do not know the true environmental costs of incineration or composting.

LIABILITY, AND 'TAKING CARE OF OUR OWN'

Some communities resist combining their wastes for disposal because they fear the liability posed by unknowns in their neighbor's refuse. However, the cost of going it alone may far exceed the cost of any liability that might arise from a regional landfill.

The cost of taking care of our own. Waste generators must guard against paying more for disposal than the cost of liability for even the most costly environmental damage, however remote. For example, were a community to dispose of

community would waste an excess \$30,000 a day, \$11 million a year, or \$220 million in 20 years.

Invest this money at eight percent, compounded quarterly, the future value would be \$530 million

"The future value would be \$530 million over 20 years"

over 20 years. Reinvested for another 20 years after landfill closure, the cost, including lost investment, builds to \$2.3 billion, an exorbitant sum to protect against liability for events likely never to happen.

The Lesser Cost of Effective Indemnification. Were \$1 per ton of landfill tipping fees set into an indemnification trust fund and invested at eight percent, compounded quarterly, the fund would grow to \$17.7 million in 20 years and to \$68.6 million 20 years after closure, a savings of more than \$2.5 billion, more than enough to cover any conceivable contingency.

RECYCLING

No one argues against conservation and recycling of resources whenever it is economical. But when separating, sorting, processing, and retrieving material consumes more resources than the energy and resources recovered, the result is itself a waste. Obviously, spending \$135/ton of waste to recover material worth \$25 is uneconomic.

Advocates argue that recycling reduces our dependence on landfills, but as previously

"...Waste-to-energy plants are very expensive, and consume inordinate amounts of resources and energy..."

1,000 tons per day (TPD) using a method that costs \$30/ton more than a regional landfill, the

observed, we are not running out of suitable land. With a dry landfill, materials for which there is little use now can be safely conserved for future retrieval. Landfilling may be the most economical, safest way in which to conserve resources.

WASTE-TO-ENERGY PLANTS

Designers assert that waste-to-energy cogeneration plants are viable, economic means with which to extract energy from waste and reduce the demand for landfills, with steam and/or electricity revenues offsetting disposal costs.

Revenue. Revenue from waste: the idea appears irresistible. But close examination often shows that the resources spent cost more than the energy recovered.

Energy Required. Waste-to-energy plants are very expensive to build, operate and support, consume inordinate amounts of resources and energy, especially critical fossil fuels. To the energy required to manufacture steel, cement and

“Economically and environmentally it's the right thing for the host community to do”

other materials to erect an incinerator (costing more than \$300,000 per ton of daily capacity) must be added the fuel costs to transport wastes to remote transfer stations, to incinerators, and to move ash and reject material to separate landfills.

Economics. Under the Public Utilities Regulatory Practices Act, utilities must purchase electricity so generated at the utilities' avoided cost, essentially avoided fuel costs. Rarely [except

by legislation or regulatory edict] does this rate include capital investment and operating costs. True avoided cost is typically 1 to 1½ cents per kilowatt hour (Kwh). Required to pay more, electric customers are simply mandated to subsidize and camouflage the true cost of waste reduction.

Waste-to-energy plants, although small units, as generating plants go, require disproportionately large investment per kilowatt capacity because of the low heat value of waste. They also require extensive pollution control equipment (and large amounts of station energy) producing little electrical energy at great cost. The net cost of disposal can be profound. One analysis of a proposed 100-ton/day plant found that, even allowing a 10 cent/Kwh (retail) price for electricity, the net cost of tipping a ton of waste would be over \$100.

Advocates argue that burning reduces waste volume by 80 to 90 percent, thereby reducing the demand on diminishing landfill capacity. Were land the problem, this might be a valid argument. However, there is a surfeit of suitable land, if not near waste generators, then in Eastern Montana where space, soils, population, climate, geology and transportation offer an environmental and economic opportunity for both the landfill and waste-generating communities.

COMPOSTING

Composting allegedly offers a safer, if not lower cost waste disposal solution, reducing the demand for landfill capacity, but we have already exposed the false claim of insufficient land.

Composting costs between \$75 to \$80 per ton, compared to the Montana landfilling cost of less than \$50 per ton which includes transportation, financing a large indemnification fund, and host fees. The \$30 per ton difference will cost over \$11 million per year for each 1,000 tons per day. The composting capital cost alone is some \$75 million compared to \$5.8 million for a landfill of comparable capacity.

Conceptually innocuous, composting may in fact pose danger and significant liabilities to waste generators from pollutants leaching into ground

water or entering the food chain.

Composting requires large amounts of resources and energy: to pump large quantities of air through rotting compost refuse piles; to turn, haul and spread residue regularly; to monitor, sort, manage, and dispose of the waste. It is claimed that Class I compost — which everyone proposes to produce — can be sold to offset production costs.

However, there is now virtually no market, and should production become widespread, the economics would disappear entirely.

Siting composting facilities is not easy: they are odorous, unattractive and greatly increase local vehicle traffic. While composting may reduce dependence on local landfills, that issue would be rendered moot by siting a safe landfill in the vastness of Montana.

ABOUT MONTANA

It is difficult to fully appreciate the vast emptiness of the western plains referred to by early explorers and map makers as "The Great Desert." The Treasure State alone has almost 100 million acres of land, mostly in Eastern Montana.

The fourth largest state in the union, it is one of the least populated with most of its 800,000 citizens mostly in Western Montana. Eastern Montana ranches are hundreds of sections in size, with 50 acres or more needed to support one cow. Devoting one thousand acres (one one-hundred thousandths of the state), in thirty acre increments, to a landfill puts the concept into perspective when compared to total acreage (much available for less than \$50/acre), especially when the economics are considered.

Opponents may incite fear of waste importation by casting doubts on the character of refuse brought in, by citing the size of the landfill, by saying that Montana would become the 'Refuse Capital,' and characterizing host fees as a 'sellout.' Montana, especially Western Montana, is noted for the exploitation of its resources, economic mainstays which have brought tailing dumps, denuded mountain sides and large mills. By comparison, the landfill would open thirty acres at a time well away from the public view. At the same time, the economic benefit could be far more

rewarding and with far less harm to the environment. Montana will not have assumed a pollution problem, it will have solved one, and some of its own economic problems.

"...Everybody wins. It's the right thing to do!"

MONTANA COMMUNITIES

Montana communities often have poor waste disposal systems. As in other parts of the country, old landfills were sited in unsuitable places and many leak into surface and subsurface waters. E.P.A. rules, expected to become final soon, will make these landfills illegal by mandating that landfills be bottom sealed, provide leachate collection and treatment, peripheral monitoring, gas venting and financial responsibility for future contingencies. Prohibitive for small landfills, the cost of these requirements will be entirely manageable for a large, regional landfill also available for local use. Montana's environment will be spared damage from hosts of small, non-complying operations.

THE MINNESOTA CONNECTION

Minnesota, Land Of 10,000 Lakes, and other Midwestern areas characterized by high water tables, large aquifers and waterways traversing state lines, unconsolidated glacial drift, acidic soils, plentiful and sometimes acidic precipitation, and dense population, are said to be unsuitable for landfills.

These conditions have forced the use of high tech, high cost, capital intensive incineration and composting which cost over \$75 per ton, and up to \$110 per ton for recycling.

There is no more economic or moral imperative to "take care of our own" waste than there is that every state produce all of its food or fuel, especially if others are willing to do so better, safer and cheaper.

Waste can be safely shipped to and landfilled in Montana for less than \$50/ton, \$30/ton less than alternatives. For each 1,000 tons per day, the extra cost is \$30,000, or \$10,950,000 per year.

By shipping 1.6 million tons per year as proposed (about 30 per cent of Minnesota's waste) the direct annual saving would be \$48 million. Applying an 8 percent discount rate, compounded quarterly over 20 years, the excess cost, including the lost investment opportunity, would be \$2.3 billion. Computing excess cost another 20 years after closure, the economic loss amounts to over \$9 billion dollars, a very high price "to take care of our own."

THE RIGHT THING TO DO

Many say that local communities should build and operate their own waste facilities regardless of site conditions, population densities, climate and costs. Some assume that shipping wastes out of state simply transfers their problem. It does not.

The global environment is threatened from all sides by carbon dioxide, dioxins, heavy metals and acid rain crossing national borders. Safe landfills built in abundant alkaline bentonite soils of Montana, sited well away from populations, in a climate of low precipitation, deep water tables, and, hopefully using now empty coal trains, eliminates a waste disposal problem. It is the environmentally right thing to do.

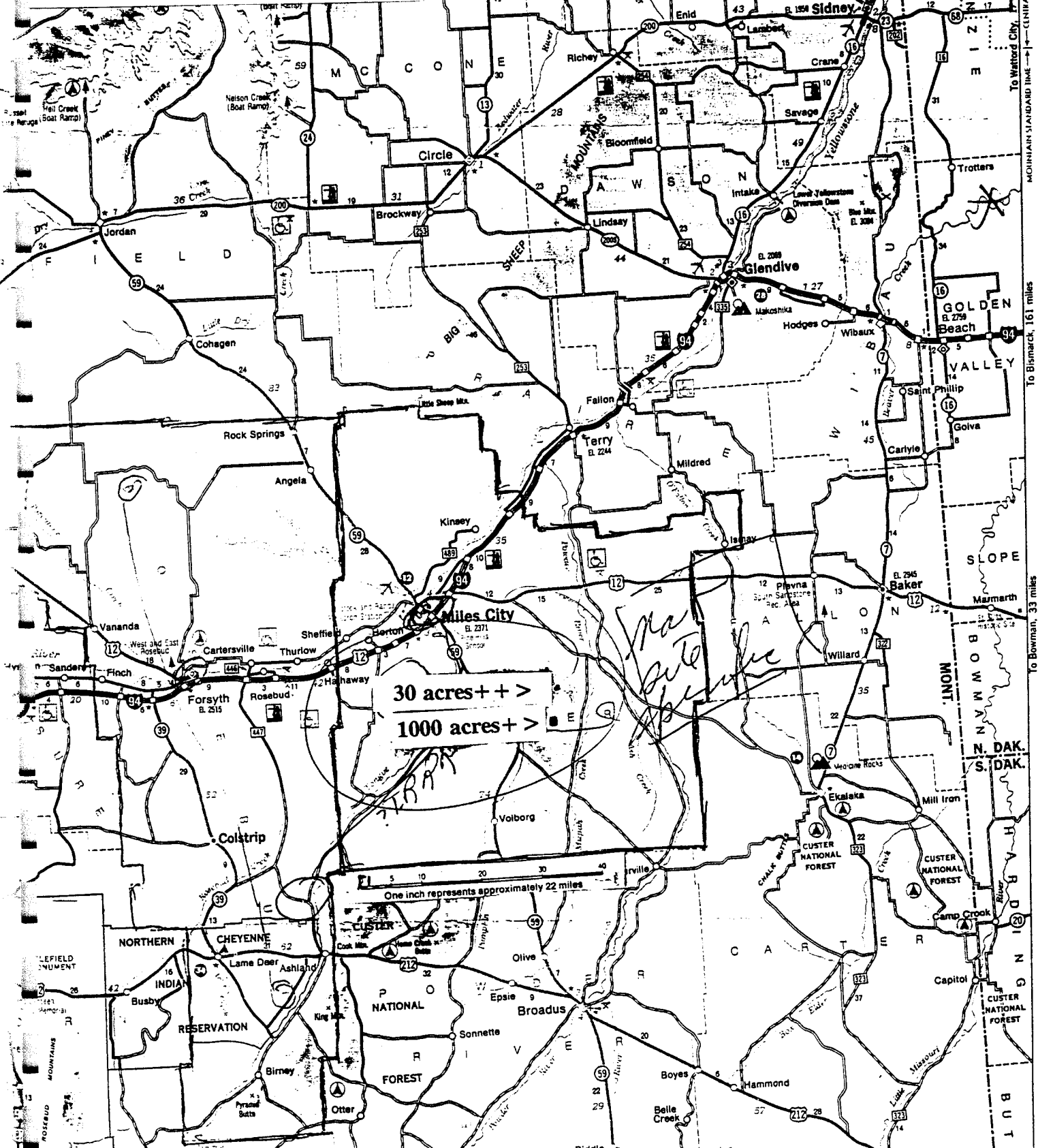
It is economically right for the host community which will directly benefit from host fees, a greater tax base, the payroll and related economic activity. An entire new industry would return important capital to capital-poor Montana.

***"...Montana will
have solved a
pollution problem
and some of it's
own economic
problems"***

It is the right thing for Midwesterners whose disposal costs would be greatly reduced.

To the extent that use could be made of now empty back hauls of coal cars, the new revenues could reduce coal freight rates and benefit customers of utilities using Montana coal. Montana might market, and tax, greater coal deliveries. The back haul itself would conserve important resources.

Thus, landfilling in Montana does not transfer a problem, it resolves a now intractable waste disposal and environmental problem while providing economic benefits to both Montana and the Midwest. Everybody wins. It's the right thing to do!



— What we need to know about a regional landfill

TO THE CITIZENS OF CUSTER COUNTY

Dear friends and neighbors,

The matter of importation and landfilling of out-of-state wastes requires that you have full and accurate information: It's our objective to present the facts as fully and carefully as possible. It is a very important issue and we ask you to carefully consider the critical issues:

- Safety of the landfill
- Minimal adverse effect on the environment
- Direct new employment and payroll
- Consequential new employment
- Direct revenues from host fees
- Addition to the property tax base

It is important to know that, even with local approval, there will remain substantial risks, not to the county, but to those who have invested and will invest time and funds to put all of the elements together. We would still need to find a suitable site, get approval from appropriate state agencies, seek customers and large funding. A corporation has been formed but presently there is only one stockholder. Our local members do not expect to become shareholders until there is local approval, until there is a project.

Our present, continuing and overriding interest is that of revitalizing the community, in stemming its economic decline. But it is fair to say that, if you agree,

we then stand ready to risk our time, effort and money to bring about one of the most important developments in our community. We hope the enterprise will be profitable, but we will continue to live among you and as friends and neighbors when this is resolved, up or down. Thank you for listening.

SENATE HEALTH & WELFARE
EXHIBIT NO. 16

Sincerely,

DATE 2/11/91

Jim Lucas

Doug Bengtson

Bert Boughton

Larry Campodonico

BILL NO. SB 209

Dick Mitchell Jr.

Bill Oftedal

Mark Richardson

The Win, Win:

Most successful enterprises are those where everyone wins. In this case Custer County, its residents and taxpayers stand to gain millions in direct revenues, employment and a payroll and consequential economic development.

"...Custer County stands to gain millions in direct revenues, employment, and consequential economic development..."

WITNESS STATEMENT

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

Dated this 11th day of Feb, 1991.

Name: Jacob J. Smith

Address: 1911 Ashburn - Butte, MT

Telephone Number: 723-8262

Representing whom?

Butte - Silver Bow County

Appearing on which proposal?

SB 209

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

Ex. 166
2-11-91
SB 209

WITNESS STATEMENT

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

Dated this 11th day of Feb, 1991.

Name: James E. Johnston

Address: 813 W. Silvan St
Butte, Mont.

Telephone Number: 723-8262 - Ext 341

Representing whom?

Butte / Silvan Bldg Govt

Appearing on which proposal?

S-B 209

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

Oppose the way the bill is to be
funded

Amendments to Senate Bill No. 174
First Reading Copy

Requested by Senator Eve Franklin
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 11, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 17

DATE 2/11/91

BILL NO. SB 174

1. Title, line 9.

Following: "PSYCHOLOGISTS;"

Insert: "REQUIRING 2 YEARS OF SUPERVISED EXPERIENCE PRIOR TO
APPLICATION FOR LICENSURE AS A PSYCHOLOGIST;"

2. Title, lines 10 and 11.

Strike: "AN IMMEDIATE EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

3. Page 6, line 24 through page 7, line 3.

Strike: sections 8 and 9 in their entirety

Insert: "NEW SECTION. Section 8. Applicability. [Section 2]
applies to new appointments to the board of psychologists
made after July 1, 1991.

NEW SECTION. Section 9. Effective dates. (1) [Sections
2, 3, 7, 8, and this section] are effective July 1, 1991, except
rules adopted by the board of psychologists may not be
implemented until January 1, 1992.

(2) [Sections 1 and 4 through 6] are effective January 1,
1992."

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 11, 1991 Senate Bill No. 174 Time 5:30 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments

listed in Exhibit # 17. There being no objection the
amendments were adopted.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 11, 1991 Senate Bill No. 174 Time 5:35 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved to pass the bill as amended.

There being no objection the motion carried unanimously.

p. 1 of 2

DATE February 11, 1991

COMMITTEE ON Public Health, Safety & WelfareSB 205 - ECK SB 259 - Franko
SB 209 - Yellow Tail

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jim Leiter	BFI of Montana	# 205	✓	
Jack Kead	WMP. Bazemore	# 209	✓	
Barb Roper	MT Nurses Assoc.	259	✓	
Margaret Schumacher	Morgan & Keith Nurse-MHA	259	✓	
Geo. OCHENSKI	WMM	209		
Bill Price	Waste Mgt. Gt. Falls	209	✓	
Marie Stover	Frederick County Health	259	✓	
Pat Frazier	City of Health Dept 1130 17 Ave S - Gt Falls	209	✓	
Richard Nisbet	City of Helena	209		✓
Thris Kaufmann	MEIC	209	✓	
Paulette Kohman	MT Council Mat/Ch Hth	259	✓	
Brian McNeil	MEIC	209	✓	
Don CHANCE	BEAVERHEAD COUNTY	209		✓
Old Kensington	MT Solid Waste Contractors	209	✓	
Paulette Kohman	MT Council Mat/Ch Hth	205	✓	
Lita Cholewa	MT Women's Lobby	205	✓	
Kathleen Manner	MT Assoc of School Nurses	259	✓	
Jack Lumb	Butte Educ. Bd.	209		✓
Jim Johnson	"	209		✓
Richard Parks	NRC	209	✓	
Mike Stroh	MT Nurses Assoc	259	X	
Janet Ellis	MT Audubon	209	X	
Jim Tillotson	City of Billings	209	✓	X
Tom Olsen	DRS	205	✓	
Alvin	SRS	205	✓	
Herb K. Hudson	Ga. Off.	205	✓	

