

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Larry Stimatz, on April 10, 1991, at 4:56 p.m.

ROLL CALL

Members Present:

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

Members Excused: none

Staff Present: Paul Sihler and Deborah Schmidt (EQC).

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

Announcements/Discussion: This will be the last meeting of Senate Natural Resources. The roll was called.

HEARING ON HB-145

Presentation and Opening Statement by Sponsor: Representative Ed Grady, District 47, said HB-145 was requested by the EQC. This bill has been through 5 hearings. HB-145 requires oil wholesalers and retailer to display a sign indicating the nearest location of a "waste oil recycling collection center". The bill explains why this is necessary. There are places in almost every town that do take used oil, but there is the problem that people are not aware of where the oil should be taken. There are 3 places in Helena that take the oil, and one location asks the people to donate food to Food Share, and one is free. This sign is a good idea. The money for HB-145 is in SB-209 which is the Solid Waste Funding bill, and it should take care of the funding of it. The Fiscal Note says \$6,000 would be the cost to the department.

Proponents' Testimony: none

Opponents' Testimony: none

Questions From Committee Members:

Senator Tveit asked Representative Grady where these centers will be located? Representative Grady said the sign will contain that information. Senator Tveit asked if anyone and everyone that sells oil will be required to display this sign? Representative Grady said yes, and that would include grocery stores, gas stations, etc. The intent is to let people know of the closet center, so they don't dump oil down the drains or in locations that could contaminate the ground water. There are uses for this used oil to be recycled.

Senator Weeding asked Representative Grady if the bill's language just addresses oil? Representative Grady said it is strictly for oil.

Senator Tveit questioned what Page 1, line 13 meant by "other material"? Senator Stimatz told Senator Tveit to read on the next line, and it is explained.

Closing by Sponsor: Representative Grady said there has been no opposition to this bill, and he asked the committee to concur in HB-145.

EXECUTIVE ACTION ON HB-145

Motion: Senator Kennedy moved to Concur in HB-145.

Discussion: Senator Keating asked what the \$6,000 State Special Revenue was? Paul Sihler (EQC) said the Fiscal Note says \$6,000 is for cost of distribution of the design by the department, and that is covered by SB-209. Senator Keating asked if the department was going to charge a fee for this or is it coming out of the department's budget? Mr. Sihler said there would be no fee charged for the sign, and it would come out of the department's budget. Senator Keating asked how much administration would be involved in this? Mr. Sihler said the Fiscal Note has 1/4 FTE for the first year to develop the sign and to see that it gets distributed. After that there are no additional FTEs. The department is looking at an initial start-up cost, time to distribute the sign, and then maybe some kind of maintenance. But this maintenance does not seem to be included

in the Fiscal Note.

Senator Keating said the bill states the sign must be visibly displayed. Who will go out and make sure the sign is displayed? Senator Stimatz said that hopefully everyone will want to cooperate, and it will be the best compliance without a million cops. It'll be done voluntarily.

Senator Tveit asked if every retailer or wholesaler will be sent notices from the state on this? Every little hardware store and gas station has oil. All of these locations would have to be notified.

Senator Keating commented that the Senate will start hearing HB-2 on Friday, and it will have more FTEs in it. HB-145 will do the same thing; require more state people do more state work. Then someone will want to put a 4% vacancy savings on these state people, so these employees won't have to be hired to go do the work they are told to do. This does not make any sense. Senator Keating did not know that this sign would help the public health and safety to any great degree. It is a minor thing, but it still adds to the cost of doing business in state government. No matter how little or big, this still asks state employees to do something else that may not do much good.

Senator Hockett said he disagreed with some of what Senator Keating said. He personally has several hundred gallons of oil to dispose of periodically, and he would like to know where the recycling center is. He does have a difficult time getting rid of it, and this is more of an information source. Those people with oil to get rid of, who want to comply, are looking for ways to get rid of it. These people don't want to pour it somewhere that could be harmful. He supported the motion.

Senator Bengtson asked why the Fiscal Note says 3 FTEs? Senator Keating explained that the 3 FTEs are the departments' total. She said that Senator Devlin commented to her that people should be able to just ask at the gas station. Senator Hockett added that the gas stations don't know where to take the oil.

Senator Weeding said this bill was prompted by the fact that it is desirable to keep this material out of the state's landfills. This material is not hazardous, but it not desirable to have because it leaks into aquifers. Also oil is a perfectly reusable material. At one time there were numerous refineries in the state that re-refined oil. HB-145 is an attempt to encourage recycling of oil. There are outlets for used oil that people simply are not aware of, and a sign located where people buy oil would make them aware of it before the need to arises to get rid of some used oil.

Recommendation and Vote: The question was called for. The motion to concur in HB-145 passed 9 to 2, and was recorded as a

roll call vote. Senators Keating and Tveit voted against the motion. Senator Weeding will carry HB-145.

HEARING ON HB-1010

Presentation and Opening Statement by Sponsor: Representative Dave Brown, District #72, said HB-1010 is a correction to SB-410 passed last session. HB-1010 establishes a Hard Rock Mining Impact Trust Reserve Account (HRMITRA), and it authorizes the movement of expenditures with that account. It also appropriates those reserve account funds to the Hard Rock Mining Impact Board. The Hard Rock Mining Impact Board is funded by 1.5% of the metal mines license tax. The board year begins July 1, and the money from these licenses comes in on March 1, so for 3/4 of a year the board essentially has to borrow against other state funds to operate. HB-1010 backs the money up in a one time shot, so the board operates from July 1 through the balance of the year with the amount of money the board needs to operate. It also allows for the board to take care of any arbitration proceedings that they might have. When he was first asked to carry this bill, he said no, because he thought there were not enough restrictions on the bill, and this could be interpreted as a slush fund. HB-1010 screws it down tight by requiring the reporting back to the Legislature if there is any appropriation.

Proponents' Testimony: Newell Anderson, Administrator of Local Government Assistance Division, Department of Commerce, said he supports HB-1010. The bill corrects an oversight of the implementation of SB-410 from two years ago. HB-1010 provides for a cash account for the Hard Rock Mining Impact Board to have the financial where-with-all to deal with principally the arbitration and mitigation functions that the board has in statute. It is a quasi-judicial board, and the board can be called upon to resolve disputes between developers and local governments. Without this kind of fiscal resource available to the board it is conceivable that the board would not be able to bring to bear the necessary quasi-judicial review of those disputes and resolve them. This could ultimately put those mining permits in jeopardy, and could cause people to lose jobs or slow down the process. The money captured in the account today is money that is presently sitting in the State Fund under the Hard Rock Mining Impact Trust Account. It is money that if it is not captured now it will be allocated to the trust accounts at the local government level. This bill does not propose to take the money away from local governments. The money continues to be in the trust account at the state level in the name of those counties in which it came. The money at some point in time, theoretically, will be distributed to those counties from which it came. If this money is not captured now, then there will be no money, and the board will have to look for new money

from another source in order to fund the capacity for the board to meet the quasi-judicial arbitration requirements. HB-1010 has no fiscal impact on the state. It creates no FTEs. HB-1010 only changes an oversight in a piece of complex legislation from two years ago.

Carol Ferguson, Administrative Officer, Hard Rock Mining Impact Board, said the board urged the committee to concur in HB-1010 (Exhibit #2).

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor: Representative Brown had no closing remarks, but said that Senator Beck has agreed to carry HB-1010 if the committee concurs in the bill.

EXECUTIVE ACTION ON HB-1010

Motion: Senator Bianchi moved to Concur in HB-1010. The motion passed unanimously, and was recorded as a roll call vote. Senator Beck will carry HB-1010.

HEARING ON HB-731

Presentation and Opening Statement by Sponsor: Representative Bob Ream, District 54, said that HB-731 is the only bill still alive of 3 or 4 Forest Practices Bills that were before the House. In the 1987 session the Legislature passed HJR-49 which was for an interim study of forest practices and water shed effects. Out of that study came the Best Management Practices. EQC requested HB-678 which passed in the last session, and it called for voluntary Best Management Practices on the forest land in Montana. The EQC also had another bill before the last session which is basically HB-731, and it calls for BMP's in the stream management zone. In the last session that bill failed in a close vote on the House floor. Senator Ream said he re-introduced the bill this session because he felt that this very narrow ribbon of land on either side of water courses in forested areas of Montana is crucial to water quality and quantity. This area is also a place that is very important to wildlife habitat. In the EQC study and subsequent monitoring of the BMP's, it is apparent that the narrow ribbon of land is a place where there have been problems with forest management practices. The early

monitoring report showed a majority of the violations of BMP's are in this stream management zone. The voluntary BMP's bill that is in place and operating provides that landowners must notify the Department of State Lands before proceeding to harvest timber on private land. But the BMP's themselves are voluntary, and the BMP's bill has worked very well. The Montana Logging Association has developed a draft publication, "Montana Forestry BMP's, Stewardship Guidelines for Water Quality" that explains the BMP's (Exhibit #3). It is an excellent publication. The EQC has had educational efforts going with the MSU Extension Forester who is located on the campus in Missoula. The logging association and others have been making sincere efforts towards BMP's. It has been very helpful. The stream management zone is too important to be left to chance, and hence HB-731.

Before the hearing in the House, Bud Clinch of the Montana Logging Association proposed some amendments to the bill. Representative Ream said the changes were good especially the enforcement provisions. He suggested Bud Clinch get together with other groups that would be interested from the conservation side. Mr. Clinch met with Stan Bradshaw of Trout Unlimited, Janet Ellis from Montana Audubon, and some people from MEIC. Together, these people drew up some consensus amendments which were implemented in the House Natural Resources Committee. Representative Ream pointed out that the amendments put into the rule making process the procedures that would be followed. Page 11, lines 5-18, lists 7 different practices that are prohibited in a streamside management zone. Even for these prohibited practices there is a mechanism for alternative practices indicated in the bill. Representative Ream presented an amendment that would make the alternative practices fall under the rule making process as well (Exhibit #3A). HB-731 does not say that it is impossible to do these 7 practices, but if any of the 7 are going to be done then it would have to be done through the alternative practices. HB-731 applies only to commercial timber sales, so if a landowner wants to do some work on his own for wood cutting or other land management activities that do not involve timber sales, then this bill does not apply. Bud Clinch had suggested that when a commercial timber sale is conducted that the mechanism to hold people to the requirements is to have the timber operator post a bond for slash disposal when they notify the department of a sale. At the completion of the sale the department is notified and then conducts an onsite inspection to insure that slash disposal provisions have been met, and then the bond will be released. This inspection for a sale that involves a stream management zone could be done at the same time, and it would simply be a matter of checking off the list of 7 items on Page 11. This would be a mechanism for enforcement if the operator does not adhere to the slash disposal procedures and those called for in this bill then the bond would be forfeited.

Proponents' Testimony: Keith Olson, Executive Director, Montana Logging Association, presented a fact sheet that Bud Clinch had

prepared, but he was unable to make it to the hearing (Exhibit #4). The MLA represents nearly 600 independent logging contractors. Most of these are family owned timber operations from every timber region of Montana. These operators are responsible for the vast majority of timber which is harvested in Montana. The MLA with no reluctance rises in support of HB-731 as it currently exists. Bud Clinch was a participant in crafting this bill from its original form which MLA found unacceptable. The consensus agreement which HB-731 represents is a delicate compromise, and MLA suspect some landowners might be nervous about this bill. HB-731 is a good faith effort to draft legislation which protects the most sensitive region of the forest, the streamside management zone. This compromise is delicate in that any substantive amendments might unravel it. MLA wants to emphasize that this legislation does not propose a zone of inactivity. HB-731 merely requires modified commercial harvest related practices within the streamside management zone. The MLA appreciates that a corollary exists between private property rights and private property responsibility. MLA respectively suggest that HB-731 represents sensible, reasonable, and responsible legislation that overtime will justify the faith that many Montana Legislators have placed in Montana's timber industry. The industry endeavors to prove that an educational approach to responsible forest management on private timber lands in Montana can raise the standards of compliance far beyond the minimum levels that some regulatory mandate could ever hope to accomplish.

Janet Ellis, Montana Audubon Legislative Fund, said she was involved in the negotiation process on this bill. She wanted to describe the reasons for Representative Ream's amendments (Exhibit #3a). Amendment #3 is one that people in agriculture will be interested in. Found on Page 9, line 16, it clarifies that this bill applies only to timber sales for commercial purposes. The bill is not after a landowner who would cut down a tree by the creek. The other amendments, #1,2,4,5,6,7 & 8, are to reduce the fiscal impact of the bill. These amendments will allow the alternative practice section of the bill to happen in rule making. This basically does not require that a Department of State Lands' person to go out and do an onsite inspection. Rule making can cover what alternative practices are. Some things that might be considered are logging in the winter when the ground is frozen, so certain things can be done that are not in line with the 7 items listed on Page 11. Things like this will not require onsite inspection. The onsite inspection was part of the reason that the fiscal note was so high. She urged the committee to support these amendments and then to concur in HB-731.

Don Alan, Montana Wood Products Association (MWPA), said that Keith Olson referred to the draft copy of the BMP's (Exhibit #3). This is not a finished copy. Bud Clinch of MLA and Bob Logan the Extension Forester at MSU took the lead in putting all the information together, and the names of the various state agencies

and the EPA that have supported monetarily the project are listed in the front of the book. Two years ago, MWPA made the commitment to work hard to try to make BMP's work, and MWPA feels that they have lived up to that commitment. MWPA is making other commitments in this legislative session in HB-960, which is a very strong financial commitment from the industry to the tune of about \$67,000/year to help provide another Extension Forestry person. HB-9609 provides support to continue and expand the educational effort, and to make it more effective. MWPA recognizes that the area that needs the most attention, more concentration, and more focus is the streamside management area. MWPA was happy that Representative Ream agreed to take under advisement the early suggestions made. Gordy Sanders of Champion lead MWPA efforts to help Bud Clinch to reach areas of common ground on what could be addressed in the bill. MWPA feels this bill is efficient, and it has little room for subjective conclusions, so it will be easy to monitor and enforce, yet it will be effective. This is a result of a team effort that put together the Department of State Lands and other people, and it is an important part of the overall effort to move forward with a policy and program in place.

Stan Bradshaw, Montana Trout Unlimited, said HB-731 is a product of negotiation, and as a participant he attested to the craftiness of Bud Clinch. Frankly, the MLA took the lead in sitting down to explore if there was any common ground. At the outset, he was not particularly optimistic about it because prior to this session there has not been a timber bill or forest practice bill where there was this diverse a group of people coming to some kind of agreement. The attempts have always been made in the past, but have always floundered on the rocks of conflict. This bill is truly a compromise. The MLA swallowed pretty hard to accept some of this stuff. The bill does not go as far as some would like it to go, but it is the first time during this session that people have come together this closely on this issue. The bill is not going to make everyone happy, but it is an important start. Maybe not so much for what the bill does for forest practices, but for what it has done for the communication between groups like Trout Unlimited and the MLA. Because of the communication it is very important that this committee support HB-731.

Ken Wilson, Clark Fork Coalition, said the coalition supports HB-731. The Clark Fork Coalition supported the forest practices acts which did not pass this session and feel the BMP's should be mandatory throughout the forest. HB-731 does not go that far, but it does address the areas that are the most problematic, those next to streams. For that reason it is a good bill, and he asked the committee to concur in HB-731.

Tucker Hill, Champion International, said that Champion was a part of the compromise that resulted in HB-731. As major landowners of over 900,000 acres in the state, Champion has a keen interest in this. The bill is very workable, and he urged

the committee to concur.

Valerie Horton, Montana Wildlife Federation, said the group rises in support of HB-731, and urged the committee to support the bill.

Jim Jensen, MEIC, said that Representative Ream said several groups and interests were involved in negotiating on behalf of this bill. He mentioned MEIC, but we were not involved. However, MEIC supports this incremental approach to solving this controversy. There will be predictable tinkering from future Legislatures, and there will be some problems that arise that will need to be addressed. Things like clear-cutting up to the edge of the streamside management zone will expose the zone to the vagaries of nature and the wind, so there might be blow down problems and root ball exposure. Then there is more rain, and more sediment in the stream. HB-731 is not the final answer, but it is a step in the right direction, and on an issue like this you go one step at a time.

Floyd W. McCubbins, Hungry Horse, wrote supporting HB-731 (Exhibit #5).

Opponents' Testimony: none

Questions From Committee Members:

Senator Bengtson asked Keith Olson if the Extension Forester will notify all 11,000 timber people? Mr. Olson said that mingles in the grey area of private property rights and private property responsibility. There is no entity in place to reach those 11,000 people. That's why MLA was adamant about getting additional funding in for another Extension Forester, and hopefully over time it will help. The Department of State Lands must be notified to do any timber harvesting for a commercial sale in advance of beginning those operations. Hopefully the department is going to be able to mail information out to those people that plan to harvest, and the department is up to speed with what the Legislature has done this session.

Senator Bengtson asked Jeff Jahnke, Forest Management Bureau Chief, Department of State Lands, if HB-2 put any money into this issue? Mr. Jahnke said no the budget did not put money in for this bill.

Senator Keating stated that the Legislature already passed a bill that established the BMP's and required the Department of State Lands to advise the private landowner as to how best to cut his timber. He asked Mr. Jahnke if part of the implementation of that bill telling these landowners how to handle the forest around the streams that go through their property? Mr. Jahnke said part of the process is to distribute information. Senator Keating asked Mr. Jahnke if he has seen forest fires and the

aftermath? Mr. Jahnke said yes he had. Senator Keating asked if a forest fire does more damage than clear-cutting? Mr. Jahnke said he was reluctant to answer that in a general way. He suggested that both of them remove trees. Beyond that it is hard to be specific without discussing a particular situation. Senator Keating asked what happens to the underbrush when the area is clear-cut? Mr. Jahnke said several changes occur. It goes through a brush or grass stage very quickly, and this is the same after a fire. What happens in the brush is a function of what is done to try to promote regeneration. Sometimes it is scarified, other times it is burned, and again it is site specific.

Senator Keating stated that all these interests have gotten together and decided something is happening to Montana's streams, and there needs to be a different approach along our streams. He asked Representative Ream how wide spread the violations to the streams have been that this bill would correct? Representative Ream said most managers do a decent job, but we make laws to take care of the 5% or so that screw things up for the rest of us. There have been notable problems in the last two years. Even after attempting the BMP's, the Darby Lumber situation is a prime example. Plum Creek is another. Senator Keating asked if there is a real compelling need to do this? Representative Ream said there definitely is a need or he would not have re-introduced the bill.

Senator Bianchi asked Representative Ream if it would be more realistic to notify people that are making commercial timber buys, and expect them to comply? Representative Ream said Mr. Jahnke said any seller must notify the department. Of the 2300 sells, only 20% of the commercial timber sells involve streamside management zones. Senator Bianchi asked if it is not a big deal to notify these landowners? Representative Ream said no it isn't. At the point in time that the seller makes the notification is when they would also notify the department if they want to do an alternative practice. There are some situations where this would be very feasible. A lot of problems from timber harvest have nothing to do with the removal of trees. The big equipment that goes into these areas messes up the streams when they cross through them, or the roads that are built to cross that cause sediment in the streams.

Senator Hockett asked Mr. Jahnke how the stream management zone definition on Page 9, line 9 was derived? Why isn't slope mentioned? Senator Hockett worked for Soil Conservation and said there are concerns for soil conditions and also the slope because these have a great deal of effect on water that moves through a disturbed area. Mr. Jahnke said the original bill had a variable width in the streamside management zone, but in some of the compromise discussions an agreement of 50' was reached.

Senator Kennedy said he understood that there was no money budgeted for this. Mr. Jahnke said that was correct. Senator

Kennedy asked how Mr. Jahnke felt about the added tasks of this bill if there was no extra money to pay for it? Mr. Jahnke said with no money, the department would attempt to do as much as possible in conjunction with the activities of HB-678 in the inspection and the slash hazard reduction agreements. He said he is not comfortable that the department can, with no extra money, fully carry out the requirements of this bill. However, the department would make an effort to cover these requirements in existing programs. There is already a program that deals with distributing information to all those who harvest, and there is a soil program that deals with inspections of slash disposal within 18 months of harvest. The department could work some of the requirements of HB-731 into these programs. He didn't know if the department could accomplish all of the requirements. Senator Kennedy asked if the bond required is in addition to the one required already? Mr. Jahnke said this bill does not call for an additional bond, but this bill links the enforcement of this bill to the written enforcement associated with the slash hazard reduction agreements.

Senator Kennedy asked Mr. Olson if he supported the bill with Representative Ream's new amendments? Mr. Olson said that he did support Representative Ream's amendments.

Senator Grosfield asked Representative Ream about Senator Hockett's concern about slopes, and does this mean that the only time the 50' is exceeded is for slope or wetlands? Representative Ream said this would be dealt with in more specific language during rule making. The BMP pamphlet does address slope. Specific language had been discussed when the bill was drafted, but it was decided it would be best to leave it to the professionals who draw up the regulations. Senator Grosfield said unless otherwise stated this bill would be limited to the 50'. He then asked about the definition of stream, and how it was derived? Representative Ream said this definition is existing law. Senator Grosfield asked if it makes a difference how big or small a stream is? Representative Ream said the definition is very loose, and it was struggled with in the stream access bill. This again would be handled and tightened in the rules making process, and finally a judgement call out in the field. Where there is flowing water it would probably be considered a stream for the purposes of this bill.

Senator Grosfield asked Mr. Allen to comment on the definition of stream in regards to the BMP's? Mr. Allen said the definition of stream in HB-731 is the same language as the existing BMP's. What HB-731 does is set a special management criteria for streamside. It leaves the bulk of the program the same for everything else. The BMP's that are in existence were developed by technical committees consisting of people with all different types of expertise. These people determined the definition of stream, and so the same definition is used, based on that earlier criteria, for streamside management zone.

Closing by Sponsor: Representative Ream said his proposed amendments had been approved, but inadvertently missed in the House Natural Resources Committee. Rather than trying to put the amendments in the bill at the last minute before transmittal he decided to wait. He added that there is a revised Fiscal Note, and this one is lower than the first one. The process of inspection and enforcement was changed to have notification occur up front when the seller notifies the department of the sale, and then the inspection would occur at the tail end. It is a shame that there is only one Extension Forester for the whole state considering the importance of this industry to Montana. He suggested that this bill might be sent to the Senate Finance Committee to add an appropriation for the FTE. He tried to have it added in the House Appropriations, but with no luck. It is important to have adequate staffing to work with small landowners in Montana. The future of forest management in western Montana is going to be with small forest landowners. This segment of private forest land is going to be increasingly important in the next 30 years because most of the industrial forest land will have been harvested, and the federal land is either tied up or has also been harvested. The department has made big strides with the voluntary BMP's, but this is not enough to take care of that very crucial, delicate streamside management zone. This zone is important for water quality. This zone may be a problem for some landowners because it may impose on private rights, but if the stream flows to other landowners multiples of private rights are concerned. People have been effected in the Bitterroot Valley. Ranchers downstream from where the Darby Lumber operation are very upset. It is important for water, but it is also very important for wildlife. There have been numerous wildlife studies that show the stream management zone is crucial habitat for many of Montana's big and small game species. Representative Ream asked the committee to look on HB-731 favorably.

HEARING ON HB-414

Presentation and Opening Statement by Sponsor: Representative Ben Cohen, District 3, said HB-414 creates a water quality rehabilitation account. The intention of this accounts is to allow an immediate response to a pollution event of a non-hazardous substance. Montana already has an Environment Quality Protection fund specifically designed for hazardous substances that might result in a pollution event, but this fund does not allow these funds to be used for non-hazardous substances. An example would be if a BN train coming along the middle fork of the Flathead River has a minor derailment, and a couple of tanker cars roll over the bank. One tanker car contains fuel oil, and the other has molasses in it. The fuel oil is a hazardous substance, and if BN doesn't immediately respond, then the state can respond, clean it up, and charge back the expense to BN. If the molasses spills, it is not a hazardous substance, but it is,

nevertheless, a pollutant if it gets into the state's waters. It can be destructive to fisheries, but there is no one, except BN, responsible for cleaning it up. There is no way to urge BN to take immediate action either. The molasses could have just as detrimental an effect on the fish. There was a recent case this fall over by Thompson Falls where a wreck on a bridge dumped a bunch of grain into the river. Because the grain was not a hazardous substance, the Environmental Protection Fund could not be used. There was no way for the state to take remedial action, although this event, according to the WQB, could result in water pollution. This fund is set up to accumulate fines and penalties that come about as a result of water quality pollution events. These fines and penalties only go into the fund at a maximum rate of \$20,000 per year until the fund reaches \$100,000. Fines and penalties over \$20,000 would go to the general fund. When the fund reached \$100,000 it would be capped, and any additional money would go directly into the General Fund. Kevin Keenan from the Water Quality Bureau researched and found that over the last eight years the average amount of fines and penalties has levied been about \$40,000/year. So this fund would take approximately 1/2 the fines and penalties each year to build the account. Then the state would have a contingency account that would be similar to the Environmental Protection Fund, but specifically for non-hazardous pollution events. Representative Cohen said that Representative Bardanoue was fascinated by what happened to the bears when grain spilled on the Middle Fork of the Flathead River. The grain spill fermented, sprouted, and the bears ate the grain, and got drunk. Then the drunk bears wandered up onto the railroad tracks, and got hit by the passing trains. While this did not pollute state waters, however, Representative Bardanoue was certainly concerned that something like this could also happen to our waters, and that with this fund the state could take action. It is important that when the state does take remedial action that the state be reimbursed by the responsible party. Another advantage of the bill that the WQB recognized is that there are places where there is a need for remedial action when the party at fault can not be identified. The need to avoid pollution from a non-hazardous spill could be handled by the WQB using this fund when they have a situation like this. In these cases, the expense of the clean-up can not be passed on unless the WQB later finds the responsible party.

Proponents' Testimony: Stan Bradshaw, Trout Unlimited, said this is a measured response in so far as the fund is capped, and the fund will not become a black hole for money to go down. It will receive reimbursements from responsible parties. HB-414 tries to fill a little void that is an important one to fill. He urged the committee to support HB-414.

Steve Pilcher, Administrator, Environmental Sciences Division, Department of Health and Environmental Services, said the DHES is in support of HB-414. He said it is very difficult to predict

spills and water pollution incidents. The Legislature has made it known that it does not like to fund the "unknown". This fund would allow the DHES to be in a position to respond to those spills without having to come to the Legislature for support and the resources to go out and respond in an immediate fashion to protect the environment. The DHES will always first give the responsible party the opportunity to clean up the incident. If the responsible party fails to act in a timely fashion to protect the environment then this fund would allow the DHES to take action, and then recover the cost later on. The DHES can argue about who the responsible party is later, but at least the environment is protected immediately. He urged the committee to support HB-414.

Opponents' Testimony: none

Questions From Committee Members:

Senator Hockett asked Representative Cohen why the entire yearly amount of the fines and penalties would not go into this account until it then reached the cap of \$100,000? There is no way to tell how much these cleanups could cost in one year.

Representative Cohen said he couldn't really answer the question. In writing the bill, he thought that building it at this level would probably cover a year's cleanups, and he did not know exactly how much money was coming in on an annual basis from fines and penalties when he crafted the bill. Senator Hockett asked if the fines could go from \$0 on up? Representative Cohen said that was correct. Senator Hockett said that from the Fiscal Note, under current law, the General Fund is supposedly getting an estimated \$20,000, and after this bill the General Fund would get \$0. Representative Cohen said all the fines and penalties actually go to the General Fund now, but with this bill, any monies over \$20,000 would still go to the General Fund.

Senator Bengtson asked Steve Pilcher where the money from fines goes now? Mr. Pilcher said it all depends on the statutory authority used to take the action. If it is a violation of the Montana Water Quality Act, which is the situation discussed in this bill, the current law says that the money goes to the General Fund.

Senator Grosfield asked Stan Bradshaw if there was a bill 10 years ago that dealt with this same money? Does that older bill relate to the shape this bill is in now? Mr. Bradshaw said the bill that Senator Grosfield referred to was SB-211. SB-211 came out of committee setting the civil penalty amount at \$25,000 which you see in HB-414. SB-211 also identified that the money from these penalties is to go into the Environmental Quality Protection fund. The committee put on amendments that dealt with describing how penalties should be determined. The House modified SB-211 so that civil penalties would have to be administered by the courts, and the original language had been

for administrative penalties, so it was modified to reflect that. The House did away with the diversion of money to the Environmental Quality Protection Fund. He said SB-211 and HB-731 should mesh together. Senator Grosfield asked if the money from SB-211 no longer goes to the Environmental Quality Protection Fund? Mr. Bradshaw said that was his recollection of what happened. He had not looked at SB-211 to see what the final outcome was. Representative Cohen said that he met with Senator Harp and WQB and this was discussed so the two bills would work together. Mr. Bradshaw said the amendments were designed to try to reconcile the two bills.

Closing by Sponsor: Representative Cohen thanked Senator Grosfield for his recollection of SB-211. He met with Senator Harp, Kevin Keenan, and Steve Piltcher to discuss how to make these two bills work together. We tried to do this through the amendments. HB-414 has a long history. The concept was first brought to him by Mr. Bradshaw before the 51st Legislative session. The bill passed through the House Appropriations, through the House, onto the Senate, where the Senate Natural Resources Committee heard the bill. This committee passed it, then it went to Finance and Claims where former Senator Matt Himsel said this problem was already taken care of with the Environmental Quality Protection Fund, and the committee killed the bill. These non-hazardous pollution concerns are not taken care of with the Environmental Quality Protection Fund. HB-414 addresses those pollution events which the Environmental Quality Protection fund does not address. Now, SB-211 and HB-414 are coordinated to work together, so they address all pollution events that threaten Montana's water, whether they are hazardous or non-hazardous. Representative Cohen thanked the committee for their consideration of HB-414.

EXECUTIVE ACTION ON HB-414

Motion: Senator Bengtson moved to Concur in HB-414. The motion passed 9 to 2. Senators Tveit and Keating voted against the motion.

EXECUTIVE ACTION ON HB-731

Amendments, Discussion, and Votes: Senator Weeding moved to amend HB-731 by accepting Representative Ream's proposed amendments. The motion passed unanimously.

Motion: Senator Hockett moved to Concur in HB-731 as Amended.

Discussion: Senator Keating said the bill looks like a request for \$150,000 from the General Fund, plus more FTEs to be added to the state payroll. There is not a compelling need for this law, and that is what it is, law. The industry is already practicing BMP's, and the 11,000 private owners can go to the state land department and ask for help and receive it under current law. The Forestry Department that helped write the bill are probably already practicing these things. If this was going to be a hardship on the Forestry Department then they would squawk about it. The department is apparently already doing it. He did not see that the state needed to spend this kind of money and add this kind of personnel. The environment out there is not in danger.

Senator Bengtson said maybe this bill should be sent to Finance and Claims if it did pass. Senator Stimatz said possibly. Senator Bengtson said she liked the bill.

Senator Stimatz asked Deborah Schmidt about the procedure to send this bill to Finance and Claims. Ms. Schmidt said that the committee would pass the bill, and then on the Senate Floor make a motion to send HB-731 to Finance and Claims.

Senator Keating said there is no appropriation in the bill, so there is no need for Finance and Claims to look at it. The appropriation could be put in by this committee, or put it in HB-2. If the bill passes, then someone might make an amendment to HB-2 for the budget of the State Land Department to add this money and these FTE's.

Senator Stimatz suggested the committee let that happen. Senator Weeding said that he doubted the Fiscal Note. What is the impact that is in parenthesis? Senator Keating said that it is really a decrease in the General Fund balance.

Senator Weeding asked Mr. Jahnke what is "stewardship special revenue" on Page 15, Section 6, is it in current law, and does this generate money? Mr. Jahnke said this account would be set up for violation revenues, and this account would generate money to pay for distribution of information of BMP's. He understood that this money would not go to support the implementation of HB-731. He understood that the money goes to the stewardship account which is used to disseminate BMP information. Senator Weeding asked if that would relieve some of the costs to the General Fund for administering BMP's? Mr. Jahnke said that was correct. This money would support existing funding. Senator Weeding asked if the bill was going to be part of the BMP's package in a practical sense? Mr. Jahnke said there are actually 3 laws that would be part of the BMP's package: #1 Hazard reduction law, #2 BMP's bill, and #3 would be HB-731.

Senator Stimatz asked if it would be the discretion of the Department of Lands as to how much was done on each program? Mr. Jahnke said yes that the Department of State Lands would exercise

its discretion based on what they felt the priorities were. Hazard reduction has always been a priority because of its relations water. Obviously, the dissemination of information is still very important to getting voluntary compliance with the BMP's. He suggested that these would be the priorities at this time.

Senator Keating asked Mr. Jahnke if HB-731 could be imposed on federal timber sales? Mr. Jahnke said no because federal sales are implementing these BMP's at this time.

Senator Bengtson asked if there are private or commercial timber lands in eastern Montana or is this bill just for the west? Mr. Jahnke said this bill applies state-wide. There are commercial forest lands east of the divide, and there are forest lands in eastern Montana.

Senator Kennedy said he would like to pass HB-731, but not give any appropriation. Let the program work, and see how the plans come in.

Senator Stimatz said if the committee passes the bill he will ask Mr. Hunter what his recommendation would be. Senator Stimatz agreed that this should not be sent to Finance and Claims at this late date. If the department needs money they will come in with an amendment to HB-2 to get it.

Recommendation and Vote: The question was called for. The motion to Concur in HB-731 as Amended passed 7 to 4, and was recorded as a roll call vote. Senators Anderson, Bengtson, Keating and Tveit voted against the motion. Senator Bianchi will carry HB-731.

EXECUTIVE ACTION ON HB-448

Motion: Senator Grosfield moved to Concur in HB-448. The motion passed unanimously. Senator Grosfield will carry HB-448.

EXECUTIVE ACTION ON HB-964

Motion: Senator Weeding moved to Concur in HB-964.

Discussion: Senator Stimatz said the only opponent was Jeff Peterson of Ecolab. None of the committee members seemed to be

concerned about amending the bill.

Senator Keating said this would increase the application fees, retailer fees, and probably the price of the product. It is simply a hidden sales tax.

Recommendation and Vote: The question was called for. The motion to Concur in HB-964 passed 10 to 1. Senator Tveit voted against the motion. Senator Jergeson will be asked to carry HB-964 because he signed as a sponsor of the bill.

EXECUTIVE ACTION ON SJR-28

Discussion: Senator Stimatz pointed out that each committee member received a copy of a letter from Alan Evans with his complaints of biases that he alleged in his testimony during the hearing on SJR-28 (Exhibit #6).

Motion: Senator Doherty moved to Table SJR-28.

Substitute Motion: Senator Grosfield made a substitute motion to Do Pass on SJR-28.

Discussion:

Senator Keating said this resolution if passed will be placed on the list for the Legislature to choose from.

Senator Grosfield said he understood this study would be conducted by a variety of people, possibly a blue ribbon commission. HJR-31 is in law, and it will be conducted by the 3 agencies. SJR-28 may have the same goal, but different players in the game. Frankly SJR-28 might be the cheaper approach.

Senator Tveit said SJR-28 will be funded by the Legislature.

Senator Stimatz asked Ms. Schmidt to interpret the title of SJR-28. Ms. Schmidt said that this resolution would call for an interim study which is a committee appointed by the Legislative Council made up of Legislators, not a private committee. The Legislative Council will conduct studies based on priorities and the funding available.

Senator Bianchi asked if this is just the same for HJR-31? Ms. Schmidt said that HJR-31 was a directive to the EQC to conduct a similar study, and it has passed both houses, and the Governor has signed it into law. The study in HJR-31 will be conducted.

Senator Stimatz asked if HJR-31 needed to be funded? Ms. Schmidt said no it did not because the EQC pays for the study.

SENATE NATURAL RESOURCES COMMITTEE

April 10, 1991

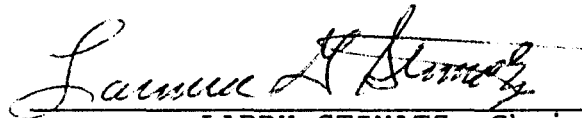
Page 19 of 19

Senator Weeding felt that the Legislative Council would not fund SJR-28 because they would not want to duplicate the efforts of the EQC, and waste the money. SJR-28 is not an exact duplicate of HJR-31, but they are very similar.

Recommendation and Vote: The motion to Do Pass SJR-28 was taken by a roll call vote. The motion passed 6 to 5. Senators Bengtson, Bianchi, Doherty, Kennedy, and Weeding voted against the motion.

ADJOURNMENT

Adjournment At: 6:34 p.m.



LARRY STIMATZ, Chairman



JOYCE INCHAUSPE-CORSON, Secretary

LS/jic

DATE 4-10-91

COMMITTEE ON Natural Resources DATE _____

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

ROLL CALL
Natural Resources
COMMITTEE

DATE 4-10-91

52

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Anderson	X		
Senator Bengtson	X		
Senator Bianchi	X		
Senator Doherty	X		
Senator Grosfield	X		
Senator Hockett	X		
Senator Keating	X		
Senator Kennedy	X		
Senator Tveit	X		
Vice Chairman, Weeding	X		
Chairman Stimatz	X		

Each day attach to minutes.

WITNESS STATEMENT

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

Dated this 10 day of April, 1991.

Name: Newell Anderson

Address: Mt. Dept. of Commerce
Helena, MT.

Telephone Number: 444-3757

Representing whom?

Mt. Dept. of Commerce

Appearing on which proposal?

HB 1010

Do you: Support? X Amend? Oppose?

Comments:

Rise in support of this bill on behalf of
the Dept of Commerce. This bill enables the
Hard Rock Mining Impact Board to have the
fiscal resources necessary to perform its
quasi-judicial responsibilities.

WITNESS STATEMENT

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

Dated this 10th day of April, 1991.

Name: Carol L. Ferguson

Address: Hard-Rock Mining Impact Board, MT. Dept. of Commerce, Helena, MT. 59620

Telephone Number: 444-4478

Representing whom?

Hard-Rock Mining Impact Board

Appearing on which proposal? HB1010

Do you: Support? X Amend? Oppose?

Comments:

HB1010 establishes a reserve within the Hard-Rock Mining Impact Trust Account and ^{authorizes and limits} ~~expends the proposed~~ expenditures from the reserve. HB1010 rectifies a problem created in 1989 by SB410. In transferring one function from the Trust Account to the affected counties, SB410 inadvertently disrupted the other functions of the Trust Account. HB1010 ensures that the Trust Account will continue to provide for both the administrative and operating appropriation for the Hard-Rock Mining Impact Board and the separate adjudication appropriation, ^{if it is} needed. As before, any ~~remaining~~ ^{actual} revenue in excess of expenditures and the reserve, will be transferred to the counties in which the taxpaying mines are located.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Amendments to House Bill No. 731
Third Reading Copy

Requested by Rep. Ream
For the Committee on Natural Resources
April 5, 1991

Prepared by Paul Sihler

1. Page 4, line 3.

Strike: "UNDER" through "PROCEDURES"

Insert: "for the standards"

2. Page 4, line 4.

Strike: "(2)"

3. Page 9, line 16.

Following: "area"

Insert: "for commercial purposes"

4. Page 9, lines 19 and 20.

Strike: "--" on line 19 through "(2)," on line 20

Insert: "."

5. Page 11, line 3.

Following: "~~protected~~."

Insert: "(1)"

6. Page 11, line 19 through page 12, line 14.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

7. Page 16, line 6.

Strike: "GOVERNING"

Insert: "providing"

8. Page 16, line 7.

Strike: "THE"

Following: "PRACTICES"

Insert: "for the standards"

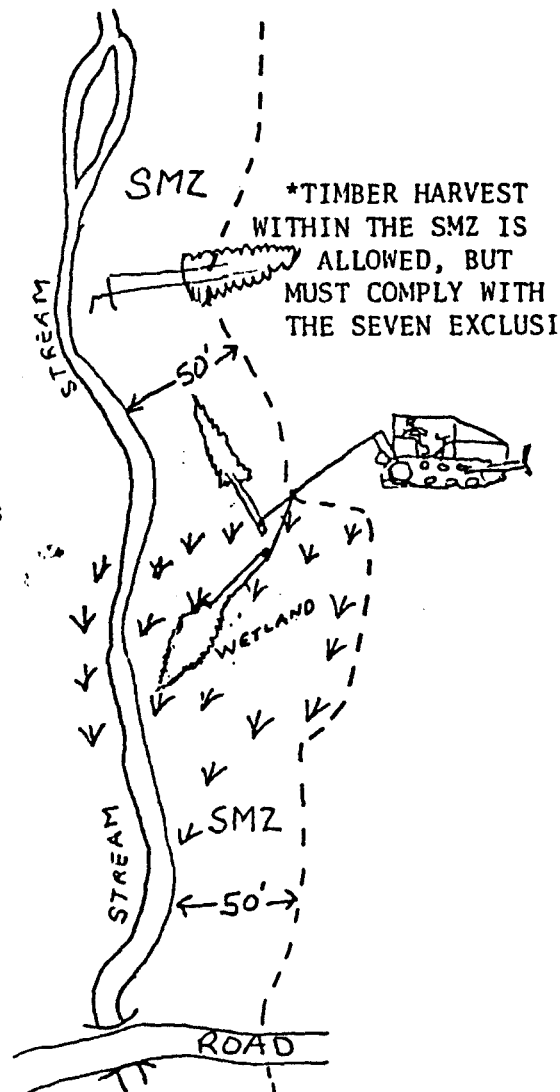
FACT SHEET--HB 731 STREAMSIDE MANAGEMENT

INTENT-The streamside management zone (SMZ) is an area of closely managed activity NOT a zone of timber harvest exclusion. Such closely managed activity is intended to protect and benefit: WATER QUALITY, WILDLIFE HABITAT, LONG TERM STREAM STABILITY, AND OTHER BENEFICIAL WATER USES.

WHAT IS THE SMZ?- The SMZ is an area adjacent to a stream, lake, or other water body extending a minimum of 50' from the normal high water mark where "forest practices" must be modified.

WHAT FOREST PRACTICES ARE EXCLUDED IN THE SMZ?

- (1) Broadcast burning
- (2) operation of wheeled or tracked vehicles
- (3) the forest practice of "clearcutting"
- (4) construction of roads except when necessary to cross streams or wetlands
- (5) storage, handling or application of hazardous materials in a manner that pollutes streams, lakes, or wetlands
- (6) side-casting of road surface materials directly into the streams or wetlands
- (7) the deposit of slash (limbs, tree tops or other timber residue) directly into streams or other water bodies.



HOW DO THESE EXCLUSIONS APPLY TO AGRICULTURE ACTIVITIES? Nothing within this act refers, restricts or applies to farming, grazing or other agricultural practices. This act specifically refers to conducting of "forest practices" within the streamside management zone. Within HB.731, forest practices is defined as: "within a timber sale, the harvesting of trees, road construction or reconstruction associated with the harvesting and accessing trees, site preparation for regeneration of a timber stand, reforestation and management of logging slash."

SENATE NATURAL RESOURCES

EXHIBIT NO. 5DATE 4-10-91BILL NO. HB-731

April 10, 1991

Chairman Larry Stimatz
Senate Natural Resources Committee
Helena, Mt.

I am writing to you today to encourage you to vote for HB731 - Streamside Zone Management Act. This bill is a good consensus bill between the timber industry and the environmental community. Timber harvest audits in the past 3 years have shown that, while the timber industry is doing a good job of protecting water, there is still room to improve. HB731 offers everyone an objective viewpoint. They can look at a Streamside Management Zone and know if the law has been violated. This bill needs to be passed without amendments, because if anything is added it becomes subjective. This bill along with a continuation of educational efforts regarding voluntary best management practices will help to protect water quality, wildlife habitat, long-term stream stability and other beneficial water uses. This bill is a benefit to all Montanans.

Thank you for your consideration.

Floyd W. McCubbins
Floyd W. McCubbins
P.O. Box 83
Hungry Horse, Mt. 59919

4-10-91

SENATE NATURAL RESOURCES
EXHIBIT NO. 6
DATE 4-10-91
BILL NO. SJR-28

Senator Lawrence Stimatz, Chairman
Senate Natural Resource Committee
Capitol Station
Helena, Montana 59620

April 9, 1991

Dear Chairman Stimatz:

This responds to the Committee's request for specifics on my statement charging bias in the EQC, EIC and DNRC.

While evident my comments offended certain of the Committee, I offer no apology. Many of us in bi-partisan, main stream Montana are growing very angry with the continuing anti-business tone of some elements of Montana's political system. Our state is being shut down and locked up. We can't stand by any longer. After initially being taken aback by the tone of Sen. Doherty's question, I will seize on this opening as an opportunity to record activities of the EQC, this session, that demonstrate the bias charge.

Musselshell Valley Development Corporation (MVDC), prior to the start of the 52nd Legislature, counceled with the Office of the Governor and bi-partisan members of the Senate and the House seeking guidance for presentation of it's idea for a balanced Montana Energy Policy. All response was positive. Officers of MVDC were assigned staffer Gail Kuntz, of the EQC, in drafting their proposal. The concept was presented personally, in detail, in Helena. Among other things the proposal called for the appointment of a Montana Energy Policy Council. These appointments were to be made by the Governor and leadership of the Senate and House. The proposal also was for all- voluntary participation (ie; no state funding involved). In the evening after the drafting work, officers of MVDC visited with Rep. Gilbert about their idea. Gilbert indicated strong support for their broad based, balanced, grass-roots proposal and spoke about a role for EQC. MVDC returned home assuming the proposal would move through the system, sponsored by Sen Koenke and by Rep. Clark. Clark called shortly there-after describing what he had encountered. Within two or three days following MVDC's departure, Rep Raney, Gilbert and others steam rolled an enviromental/consumer biased counter to the MVDC proposal through Raney's committee and onto the floor. When Rep Clark requested an opportunity for the MVDC proposal to be heard, Rep Raney told Clark that his HJR 31 was the favored approach and that he would not allow a hearing on the MVDC proposal in his Natural Resource Committee. It is more than mere coincidence this sequence of events occurred. EQC had locked out the MVDC approach from the outset. From my point of view the entire episode smacks of political and procedural dishonesty.

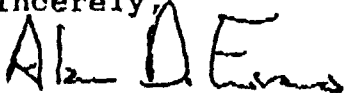
Now for other evidence related to my accusation, consider first the EIC. These people, by-in-large, are ideological imports to Montana and are programmed and funded by special interest groups outside the state. It is especially interesting to study the path EIC personnel have followed across the lines from EIC into EQC and other staff roles in the state government. Also, note the connection of members of the EQC and their direct personal ties with the Montana bureaucracy. I cite Mona Jamison and DNRC, Tom Roy and the anti-development rhetoric that vents continuously from the University of Montana and that institution's intellectual community.

During my nearly thirty years in Energy and Natural Resources management at the federal level, I spent the last fifteen years in Montana working closely with senior staff and management in state government. Agencies of Montana government are characteristically infiltrated with a core group of anti-business people. Montana's here-to-for silent majority have begun to speak out about their concern with the people's loss of control of their own destiny. The environmental coalition, politically sophisticated, are dictating Montana's future in key areas such as energy. In EQC, they have been successful in picking council members bent to their ideology or so malleable (eg. Gilbert) that person can be molded to their purpose.

I challenge the Senate Committee on Natural Resources to rise to the State's need for balanced Energy Policy.

Please distribute a copy of this to all committee members.

Sincerely,



Alan D. Evans
4300 HiWay 87 S.
Roundup, Montana 59072

CC: EQC
Office of Governor
Senator Koenke
Rep. Clark

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991 Bill No. HB-145 Time 5:05

NAME	YES	NO
Senator Anderson	X	
Senator Bengston	X	
Senator Bianchi	X	
Senator Doherty	X	
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating		X
Senator Kennedy	X	
Senator Tveit		X
Senator Weeding, Vice Chairman	X	
Senator Stimatz, Chairman	X	

JOYCE INCHAUSPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: move to Concur in HB-145
Senator Weeding will carry HB-145

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991 Bill No. HB-1010 Time 5:11

NAME	YES	NO
Senator Anderson	X	
Senator Bengston	X	
Senator Bianchi	X	
Senator Doherty	X	
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating	X	
Senator Kennedy	X	
Senator Tveit	X	
Senator Weeding, Vice Chairman	X	
Senator Stimatz, Chairman	X	

JOYCE INCHAUPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: move to Concure in HB-1010
Senator Beck will carry

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991

Bill No. HB-414 Time 6:08

NAME	YES	NO
Senator Anderson	X	
Senator Bengston	X	
Senator Bianchi		
Senator Doherty	X	
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating		X
Senator Kennedy	X	
Senator Tveit		X
Senator Weeding, Vice Chairman	X	
Senator Stimatz, Chairman	X	

JOYCE INCHAUPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: move to Concure HB-414
Senator Bengston

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991 Bill No. HB-731 Time 6:20

NAME	YES	NO
Senator Anderson		X
Senator Bengston		X
Senator Bianchi	X	
Senator Doherty	X	
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating		X
Senator Kennedy	X	
Senator Tveit		X
Senator Weeding, Vice Chairman	X	
Senator Stimatz, Chairman		

JOYCE INCHAUSPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: move to Concur in as Amended HB-731
Senator Bianchi will carry.
Ask Dave Hunter about approp

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991 Bill No. HB-448 Time 6:21

NAME	YES	NO
Senator Anderson	X	
Senator Bengston	X	
Senator Bianchi	X	
Senator Doherty	X	
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating	X	
Senator Kennedy	X	
Senator Tveit	X	
Senator Weeding, Vice Chairman	X	
Senator Stimatz, Chairman	X	

JOYCE INCHAUSPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: move to Concure in HB-448
Senator Grosfield will carry

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991

Bill No. HB-964 Time 6:23

NAME	YES	NO
Senator Anderson	X	
Senator Bengston	X	
Senator Bianchi	X	
Senator Doherty	X	
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating	X	
Senator Kennedy	X	
Senator Tveit		X
Senator Weeding, Vice Chairman	X	
Senator Stimatz, Chairman	X	

JOYCE INCHAUPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: move to Concure in HB-964
Senator Jerguson will carry ^{HB} 964

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991

Bill No. STR-28 Time 6:34

NAME	YES	NO
Senator Anderson	X	
Senator Bengston		X
Senator Bianchi		X
Senator Doherty		X
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating	X	
Senator Kennedy		X
Senator Tveit	X	
Senator Weeding, Vice Chairman		X
Senator Stimatz, Chairman	X	

JOYCE INCHAUSPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: motion to Do Pass STR-28

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 11, 1991

HON. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 448 (third reading copy - Blue), respectfully report that House Bill No. 448 be committed to

Signed Lawrence G. Stenetz
Lawrence G. Stenetz, Chairman

LB 4/11/91
Amd. Coord.

LB 4/11/91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 11, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 1010 (third reading copy - blue), respectfully report that House Bill No. 1010 be concurred in

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

M. H. H.
Ad. Coord.

W. H. H.
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 11, 1921

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Joint Resolution No. 28 (first reading copy - white), respectfully report that Senate Joint Resolution No. 28 do pass.

Signed:

Lawrence G. Stimat
Lawrence G. Stimat, Chairman

Amel. Coord.
Amel. Coord.

Sec. of Senate
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 11, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 964 (third reading copy as amended - blue), respectfully report that House Bill No. 964 be concurred in.

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

Jim Hall
Amd. Coord.

Sen. Hall 10:05
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 11, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 731 (third reading copy -- blue), respectfully report that House Bill No. 731 be amended and as so amended be concurred in:

1. Page 4, line 3.

Strike: "UNDER" through "PROCEDURES"

Insert: "for the standards"

2. Page 4, line 4.

Strike: "(2)."

3. Page 9, line 16.

Following: "area"

Insert: "for commercial purposes"

4. Page 9, lines 19 and 20

Strike: " " on line 19 through "(2)," on line 20

Insert: " "

5. Page 11, line 3.

Following: "~~protected~~"

Insert: "(1)"

6. Page 11, line 19 through page 12, line 14.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

7. Page 16, line 6.

Strike: "GOVERNING"

Insert: "providing"

8. Page 16, line 7.

Strike: "THE"

Following: "PRACTICES"

Insert: "for the standards"

Signed:

Lawrence C. Stimatz
Lawrence C. Stimatz, Chairman

4-11-91

Amd. Coord.

4-11-91 12:05

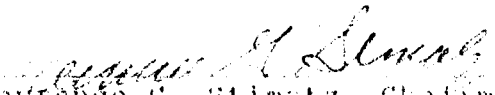
Sec. of Senate


SENATE STANDING COMMITTEE REPORT


Page 1 of 1
April 11, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 145 (third reading copy as amended - blue), respectfully report that House Bill No. 145 be concurred in.

Signed 
Lawrence G. Slimatz, Chairman

 4-11-91
Amd. Coord.

 4-11-91
Sec. of Senate

77093250.834

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 11, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 414 (third reading copy -- blue), respectfully report that House Bill No. 414 be concurred in.

Signed:

Lawrence G. Stimatz
Lawrence G. Stimatz, Chairman

4-11-91
Amd. Coord.

AL 4-11-91 10:05
Sec. of Senate