

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN DICK KNOX**, on January 20, 1993, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: Rep. Brooke and Rep. Swanson

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

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

Committee Business Summary:

Hearing: HB 150 and HB 164
Executive Action: HB 64, HB 164 and HB 102

HEARING ON HB 164

Opening Statement by Sponsor:

REP. DON LARSON, HD 65, Seeley Lake, presented HB 164 which
increases penalties for violation of the Natural Gas Pipeline
Safety Act.

Proponents' Testimony:

Ivan Evilsizer, Montana Public Service Commission, testified in support of HB 164. EXHIBIT 1

Dennis Crawford, Montana Public Service Commission, appeared in support of HB 164.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. MIKE FOSTER asked Mr. Evilsizer to comment on the state's liability regarding the operation of natural gas pipelines. Mr. Evilsizer replied that there had never been a gas pipeline lawsuit in Montana.

REP. DOUG WAGNER asked Mr. Evilsizer if enforcement actions would be directed toward the operator. Mr. Evilsizer replied that they would be.

Closing by Sponsor:

REP. LARSON told the committee that if federal certification and funding for pipeline safety is lost, the good working relationship with the Montana Public Service Commission would also be jeopardized. He recommended a do pass for HB 164.

HEARING ON HB 150

Opening Statement by Sponsor:

REP. TIM SAYLES, HD 61, Missoula, said HB 150 would allow the Board of Land Commissioners to annex land into forest fire protection districts. The option to dissolve forest fire protection districts is also a component of HB 150. He said the bill is a housekeeping measure.

Proponents' Testimony:

Tim Murphy, Department of State Lands (DSL), Fire Chief, stated DSL is charged with the protection of private and state lands. He noted the state and county administer protection programs that fall within high risk areas.

Jim Walters, Montana Fire District Association, appeared in support of HB 150.

Opponents' Testimony:

Bob Marks, Montana rancher, said there is a need to organize state fire districts in the Wolf Creek area. Mr. Marks said he would like to propose an amendment to HB 150 which would create

fairness within the bill.

Questions From Committee Members and Responses:

REP. ROLPH TUNBY asked Mr. Murphy if he would be in favor of the amendment to HB 150 proposed by Mr. Marks. Mr. Murphy replied that DSL would be concerned that if the amendment was added, the end result could be a fire district that looked like swiss cheese.

REP. BOB RANEY said the state already had swiss cheese, noting Montana was already on the edge of districts.

REP. HOWARD TOOLE asked Mr. Murphy if he could present the committee with fire protection costs. Mr. Murphy told the committee that 50 million acres of state owned land would be affected by HB 150; 49.5 million acres would be involved in the wild-land fire protection zone. He said DSL involvement in county fires would be on a request basis only.

Closing by Sponsor:

REP. SAYLES thanked the committee and requested a do pass for HB 150.

EXECUTIVE ACTION ON HB 64

Motion: MOTION WAS MADE THAT HB 64 DO PASS.

Motion: REP. TUNBY moved to adopt his amendments to HB 64.

Discussion: Paul Sihler, EQC, explained Rep. Tunby's amendments to the committee. He stated the \$5 fee would be kept in place with a window to test actual, justifiable costs.

REP. BOB GILBERT said that if the intent of the bill is to charge an accessory fee, that would be acceptable, but it needs to be clearly stated in the bill.

REP. HAL HARPER said he felt the amendment differed radically from the direction that the Environmental Quality Council was taking. He said the committee discussion has changed the storage and burning of waste.

REP. GILBERT stated that REP. TUNBY's amendments addressed the fees DHES will collect and their effect on the state.

REP. HARPER said the Billings landfill accepted approximately 160,000 tons of garbage per year.

REP. RUSSELL FAGG stated HB 64 was initially a compromise bill which would allow the state to make money on the importation of solid waste.

REP. GILBERT stated he could see no reason for HB 64 and that he was uncomfortable with the entire bill.

REP. RANEY noted the difference between charging \$5 and \$2 or \$3 is significant. He said the EQC had tried to pursue justifiable costs.

REP. TUNBY said the federal government was forcing landfills to be mandated. He said a tremendous economic burden was being placed on the St. Regis/Superior area and if the importation of garbage was allowed, new income would be generated for these towns.

REP. FAGG said it was important to preserve the integrity of the work EQC had done. He also said the justifiable costs would protect the indirect costs.

Motion: REP. RANEY made a substitute motion that executive action on HB 64 be deferred 48 hours.

REP. TUNBY said HB 64 had been adequately discussed.

Paul Sihler, EQC, said that by leaving the \$5 per ton fee in the statute, there would still be constitutional concern.

REP. FAGG said he did not want to pass a bill that would have legal problems.

Vote: TO DEFER EXECUTIVE ACTION ON HB 64 FOR 48 HOURS. The motion carried with REP. ORR opposing.

EXECUTIVE ACTION HB 164


Motion/Vote: MOTION WAS MADE THAT HB 164 DO PASS. Motion carried.

EXECUTIVE ACTION HB 102

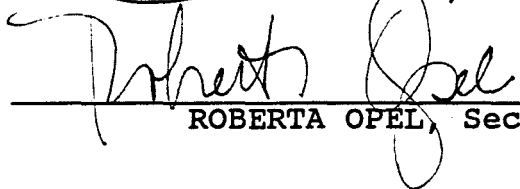
Motion/Vote: MOTION WAS MADE THAT HB 102 DO PASS. Motion carried.

ADJOURNMENT

Adjournment: 7:45 p.m.



DICK KNOX, Chairman



ROBERTA OPEL, Secretary

DK/ro

HOUSE OF REPRESENTATIVES

Natural Resources COMMITTEE

BILL NO.

ROLL CALL

DATE 11/20/93

NAME	PRESENT	ABSENT	EXCUSED
Jody Bird	✓		
Vivian Brooke		✓	
Rugg Fagg	✓		
Gary Feland	✓		
Mike Foster	✓		
Bob Gilbert	✓		
Hal Harper	✓		
Scott Orr	✓		
Bob Raney	✓		
Dore Schwinden	✓		
Jay Stovall	✓		
Emily Swanson		✓	
Howard Toole	✓		
Doug Wagner	✓		
Rolph Tunby, Vice Chairman	✓		
Dick Knox, Chairman			

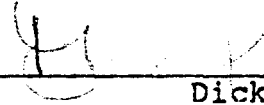
HOUSE STANDING COMMITTEE REPORT

January 21, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that House Bill 164 (first reading copy -- white) do pass .

Signed: _____



Dick Knox, Chair

HOUSE STANDING COMMITTEE REPORT

January 21, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that House Bill 102 (first reading copy -- white) do pass .

Signed: _____

Dick Knox, Chair

GR
1/21/93

EXHIBIT 1

DATE 1-20-93

HB 164

HOUSE BILL NO. 164

NATURAL GAS PIPELINE SAFETY ACT - INCREASE FINES

PSC STATEMENT IN SUPPORT

My name is Ivan Evilsizer and I am appearing here today on behalf of the Montana Public Service Commission in support of the passage of House Bill No. 164.

The Montana Public Service Commission is charged with the enforcement of the Federal Natural Gas Pipeline Safety Act pursuant to §69-3-207, MCA, and provides the inspection and compliance services necessary to enforce the Federal and State requirements, for the protection of the health and safety of Montana citizens in the construction and operation of intrastate natural gas pipeline facilities throughout the state.

The PSC sought the introduction of this Bill, to increase the Montana civil penalties to equal the maximum fines possible under Federal law; consistent with its obligations under this important joint State/Federal safety program. The PSC receives matching funds (dollar for dollar) from the Federal government, to administer and provide state inspection and enforcement services, which contribute to the safe operation of Montana's intrastate natural gas pipelines.

Specifically, this Bill will increase the maximum fines for violations of the Natural Gas Pipeline Safety Act, as provided in §69-3-207, MCA, from \$1,000 to \$25,000 per violation, and from \$200,000 to \$500,000 for any related series of violations.

As a component of the PSC Certification with the Federal Department of Transportation, Office of Pipeline Safety (under Section 5(a) of the Federal Act), the state program is required to provide for maximum fines which are "substantially the same" as provided by Federal law. This Bill will increase the fines provided by Montana law to equal those provided in the Federal Act (as amended through 1992). The PSC urges its passage.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources

COMMITTEE

BILL NO. 164

DATE 1-20-93 SPONSOR(S) REP. LARSON

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ivan Evilsizer	Montana PSC	✓	
Dennis Crawford	Montana PSC	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Natural Resources COMMITTEE BILL NO. 150
 DATE 1-20-93 SPONSOR(S) REP. SAYLES

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JAMESA LOFFTUS	MT FIRE DIST ASSC	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim MURPHY	Dept State Lands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOB MARKS	SELF	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John North	Dept of State Lands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim Sayles	House District #61	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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