

**MINUTES**

**MONTANA  
54th LEGISLATURE - REGULAR SESSION**

**FREE CONFERENCE COMMITTEE ON HOUSE BILL 412**

**Call to Order:** By **SEN. LORENTS GROSFIELD, CHAIRMAN**, on April 11, 1995, at 4:00 p.m.

**ROLL CALL**

**Members Present:**

Rep. Bill Tash (R)  
Rep. Scott J. Orr (R)  
Rep. Debbie Shea (D)  
Sen. Lorents Grosfield (R)  
Sen. Gary Forrester (D)

**Members Excused:** None

**Members Absent:** Sen. John Harp (R)

**Staff Present:** Alyce Rice, Secretary  
Todd Everts, Environmental Quality Council  
Tape 1, Side A

**Discussion:**

**SEN. LORENTS GROSFIELD** presented amendments to HB 412. **EXHIBIT 1**

**Todd Everts, EQC**, explained the amendments.

**Motion/Vote:** **REP. SCOTT MOVED THE AMENDMENTS TO HB 412.** Voice vote was taken. **Motion carried unanimously.**

**Discussion:**

**SEN. GROSFIELD** presented amendments to HB 412. **EXHIBIT 2**

**Mr. Everts** explained the amendments.

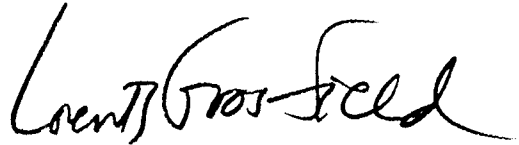
**REP. SCOTT ORR** said the amendments were a compromise that should satisfy both parties. The public will know that their concerns will be heard by someone and the companies will be satisfied because things that may be trade secrets will be protected.

**Motion/Vote:** **REP. ORR MOVED THE AMENDMENTS TO HB 412.** Voice vote was taken. **Motion carried unanimously.**

**Motion/Vote:** **REP. BILL TASH MOVED THAT THE FREE CONFERENCE COMMITTEE REPORT BE APPROVED.** Voice vote was taken. **Motion carried unanimously.**

ADJOURNMENT

Adjournment: 4:30 p.m.



SEN. LORENTS GROSFIELD, Chairman



ALYCE RICE, Secretary

LG/ar



## FREE CONFERENCE COMMITTEE

on HB 412

Report No. 1, April 12, 1995

Page 1 of 3

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **HB 412** and recommend as follows:

1. Page 4, line 3.  
Strike: ", criminal,"
2. Page 4, line 30.  
Strike: ", criminal,"
3. Page 5, lines 24 and 25.  
Strike: "INCLUDING" on line 24 through "PROCEEDING," on line 25
4. Page 5, line 28 through page 6, line 17.  
Strike: subsection (5) in its entirety  
Renumber: subsequent subsections
5. Page 6, line 19.  
Strike: ", criminal,"
6. Page 7, lines 27 and 28.  
Following: "civil" on line 27  
Strike: ", " on line 27 through "criminal," on line 28
7. Page 8, line 14.  
Strike: "CRIMINAL,"
8. Page 3.  
Following: line 11  
Insert: "(4) "In camera review" means a hearing or review in a courtroom, hearing room, or chambers to which only the parties are admitted. The purpose of the review is to determine whether the environmental self-evaluation report or portions of it are privileged or subject to disclosure. To allow the parties to prepare for the in camera review, the court or administrative body shall issue an order allowing, as necessary, the parties to review the environmental self-evaluation report. The order must place appropriate limits on review of the report to protect against unnecessary disclosure. The information used in

ADOPT

REJECT

HB 412  
FCCR#1  
840906CC.Hdh

preparation for the in camera review may not be used in any investigation or legal proceeding and must otherwise be kept confidential unless and until the information is required to be disclosed. After the hearing or review, the content of the oral evidence and other evidence, the content of the statements of the judge and counsel at the hearing or review, and any transcript of the hearing or review must be sealed and not considered a public record unless and until its contents are disclosed by a court or administrative law judge having jurisdiction over the matter."

9. Page 3, lines 21 and 22.

Following: "VIOLATION"

Strike: ", INCLUDING" on line 21 through "EXISTED" on line 22

Insert: "or possible violation that incorporates all information contained in an environmental self-evaluation report relevant to the identification of a violation or possible violation, including but not limited to field notes, records, findings, conclusions, memorandums, drawings, photographs, computer-generated or electronically recorded information, maps, charts, graphs, surveys, and laboratory analyses"

10. Page 8, lines 19 and 20.

Strike: "WERE BECAUSE OF" on line 19

Insert: "resulted from".

Strike: "GIVING" on line 19 through "VIOLATIONS" on line 20

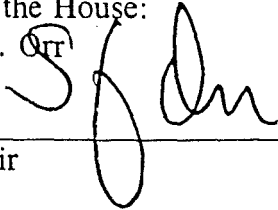
Insert: "occurring"

We recommend that the amendments considered above to House Bill No. 412 be acceded to by the Senate.

And this FREE Conference Committee report be adopted.

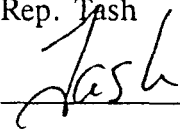
For the House:

Rep. Orr



Chair

Rep. Tash

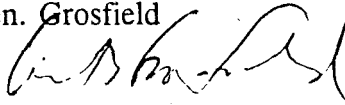


Rep. Shea



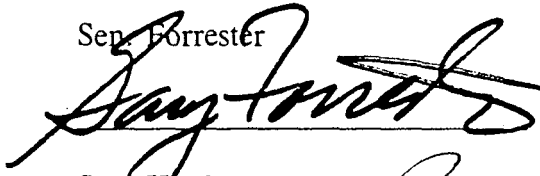
For the Senate:

Sen. Grosfield



Chair

Sen. Forrester



Sen. Harp

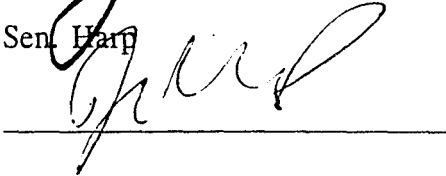


EXHIBIT 1  
DATE 4-11-95  
HB 412

Amendments to House Bill No. 412  
Reference Bill as Amended

Requested by Senator Grosfield  
For the Free Conference Committee

Prepared by Todd Everts  
April 11, 1995

1. Page 4, line 3.  
Strike: ", criminal,"
2. Page 4, line 30.  
Strike: ", criminal,"
3. Page 5, lines 24 and 25.  
Strike: "INCLUDING" on line 24 through "PROCEEDING," on line 25
4. Page 5, line 28 through page 6, line 17.  
Strike: subsection (5) in its entirety  
Renumber: subsequent subsections
5. Page 6, line 19.  
Strike: ", criminal,"
6. Page 7, lines 27 and 28.  
Following: "civil" on line 27  
Strike: "," on line 27 through "criminal," on line 28
7. Page 8, line 14.  
Strike: "CRIMINAL,"

EXHIBIT 2  
DATE 4-11-95  
HB 412

Amendments to House Bill No. 412  
Reference Bill as Amended

Requested by Senator Grosfield  
For the Free Conference Committee

Prepared by Todd Everts  
April 11, 1995



1. Page 3.

Following: line 11

Insert: "(4) "In camera review" means a hearing or review in a courtroom, hearing room, or chambers to which only the parties are admitted. The purpose of the review is to determine whether the environmental self-evaluation report or portions of it are privileged or subject to disclosure. To allow the parties to prepare for the in camera review, the court or administrative body shall issue an order allowing, as necessary, the parties to review the environmental self-evaluation report. The order must place appropriate limits on review of the report to protect against unnecessary disclosure. The information used in preparation for the in camera review may not be used in any investigation or legal proceeding and must otherwise be kept confidential unless and until the information is required to be disclosed. After the hearing or review, the content of the oral evidence and other evidence, the content of the statements of the judge and counsel at the hearing or review, and any transcript of the hearing or review must be sealed and not considered a public record unless and until its contents are disclosed by a court or administrative law judge having jurisdiction over the matter."

2. Page 3, lines 21 and 22.

Following: "VIOLATION"

Strike: ", INCLUDING" on line 21 through "EXISTED" on line 22

Insert: "or possible violation that incorporates all information contained in an environmental self-evaluation report relevant to the identification of a violation or possible violation, including but not limited to field notes, records, findings, conclusions, memorandums, drawings, photographs, computer-generated or electronically recorded information, maps, charts, graphs, surveys, and laboratory analyses"

3. Page 8, lines 19 and 20.

Strike: "WERE BECAUSE OF" on line 19

Insert: "resulted from".

Strike: "GIVING" on line 19 through "VIOLATIONS" on line 20

Insert: "occurring"