MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Rep. Dick Knox, Chairman, on February 8, 1995, at 3:00 pm.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Bill Tash, Vice Chairman (Majority) (R)
Rep. Bob Raney, Vice Chairman (Minority) (D)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. David Ewer (D)
Rep. Daniel C. Fuchs (R)
Rep. Hal Harper (D)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Paul Sliter (R)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)
Rep. Douglas T. Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Michael Kakuk, Environmental Quality Council
Alyce Rice, Committee Secretary

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

Committee Business Summary:
Hearing: SB 48, HB 350, HB 351, HB 411, HB 412
Executive Action: HB 381

Tape 1, Side A

HEARING ON HB 350, HB 351

Opening Statement by Sponsor:

REP. RAY PECK, House District 93, said with the permission of **CHAIRMAN KNOX** he would like to consider HB 350 and HB 351 at the same time because of the similarity. **CHAIRMAN KNOX** agreed. **REP. PECK** explained the differences between HB 350 and HB 351. **EXHIBIT 1**

Proponents' Testimony:

REP. CAROLYN SQUIRES, House District 68, Missoula, supported HB 350 and 351 and said many of her constituents will be affected by the purchase and transfer of university land. **REP. SQUIRES** favored HB 350 because it is a more restrictive type of enforcement.

Rusty Harper, on behalf of State Auditor Mark O'Keefe. Written testimony. **EXHIBIT 2**

Bud Clinch, Commissioner, Department of State Lands (DSL) on behalf of Governor Marc Racicot, Superintendent of Public Instruction Nancy Keenan, State Auditor Mark O'Keefe, Attorney General Joe Mazurek and Secretary of State Mike Cooney. Written testimony. **EXHIBIT 3**

George Schunk, on behalf of Joe Mazurek, Attorney General, supported HB 351 because it imposes public procedures upon the sales of the land that the university system manages and controls. If HB 351 is enacted there will be state statutes that will govern the sales and will require public notice. There will be an opportunity for any member of the public to submit a bid. An appraisal would be done before a bid goes out so everyone would know what the minimum bid price would be in terms of securing full market value. Information about the sales and information on how bids will be considered, if there are any other factors besides price, will be available to the public. The fact that the Board of State Lands is supporting HB 351 is evident that this isn't any kind of jurisdictional battle. There is a dispute over the authority that has been exercised for the last 22 years from the adoption of the 1972 Constitution up through the present. There were a number of land transactions including, but not limited to, the sale of land at Fort Missoula that has received so much public notice. HB 351 would clear up the question of jurisdiction over the lands that are managed and controlled by the university system and often held in title by the State of Montana.

Russ Ritter, Washington Foundation, said he wasn't sure whether he was a proponent or opponent but wanted to describe a problem the foundation is having. Recently the Washington Foundation offered to donate a large piece of property to the University of Montana which is located on Sourdough Island. The Washington

Foundation wants to be ensured that the gift can be accepted by the university without any legal hassle. **Mr. Ritter** said he hoped this legislation will clarify the Washington Foundation's concerns.

Gerard Berens, Treasurer, Save the Fort, supported HB 350 over HB 351. These are issues of flexibility desired by the Board of Regents vs. accountability the public needs and deserves, duplication of staff, lack of regents' experience in real property sales vs. the vast experience of the Department of State Lands (DSL), lack of the Regents developing policies and procedures for the proper sale of land and whether elected officials vs. appointed officials should be selling land. The regents have argued that they have been selling land since 1972, yet they have not developed a set of detailed policies and procedures for the sale of land. The regents have no trained staff in land sales. DSL has trained staff experienced in land sale matters.

Ross Best, Student, University of Montana, said in 1994 a petition drive disapproving a specific use of land at Fort Missoula netted 12,500 signatures. In March 1994 he realized that there were constitutional problems with the way the Ft. Missoula land was handled. In May 1994 he wrote to the Board of State Lands, Board of Regents, Governor, and the Attorney General requesting that they take whatever action that was necessary to return the land at Ft. Missoula to the people of the state. The land board investigated processes used in the sale of that land and there may be some litigation as a result. The function of the land should be considered. If it is for legitimate educational purposes, the Board of Regents should have control. If the land is being used as an asset or if something is being done that will change the character of the land permanently, the land board should have control.

Tape 1, Side B

Mr. Best said all land under the control of the regents should be subject to the regulations of the Legislature. The universities have set up foundations to solicit donations including donations of real estate. Once those donations are received by the foundations, private citizens are generally denied any opportunity to scrutinize the way those assets are handled. The people of Montana have the right to know what is being done on their behalf. **Mr. Best** urged the committee to look at the virtues of HB 350 and to add language to guarantee accountability at every level of the university system.

Carole Incoronato Toppins, Self, supported HB 350.

Susan Mathewson, Self. Written testimony. **EXHIBIT 4**

Opponents' Testimony:

Leroy Schramm, Legal Counsel, Montana University System, said he opposed HB 350 but supported HB 351 and distributed a handout listing what he believed to be conflicting regulations between Title 77 and HB 350. **EXHIBIT 5** **Mr. Schramm** proposed amendments to HB 351. **EXHIBIT 6**

Ross Best, Student, University of Montana opposed HB 351.

Tape 2, Side A

Questions From Committee Members and Responses:

REP. HAL HARPER said HB 350 proposes that the Board of Land Commissioners can sell the land if it determines that the best interests of the university system will be served and if it is not a disadvantage to the state. **REP. HARPER** said there was a possible conflict between the two statements. HB 351 proposes that the Board of Regents will sell the land if it determines that it is in the best interest of the university system, but the land board has to concur with the sale if it finds that it is not a disadvantage to the state. The same conflict seems to be in HB 351. **REP. HARPER** asked **Mr. Schramm** for his analysis. **Mr. Schramm** said the situation where a land sale could be advantageous to the university system, but not to the state, is conceptually possible but he wasn't sure how often that would arise. The amendments to HB 351 were offered in order to avoid that situation. **REP. HARPER** asked **Mr. Schramm** if he would consider an amendment to his amendment that would allow the board veto power in case full market value was not obtained for the sale of land or some procedure had been violated. **Mr. Schramm** said the land board can veto the sale of land if those two main standards have not be met.

REP. DAVID EWER asked **Mr. Schramm** if the university system had the right to refuse land when it is offered. **Mr. Schramm** said that has never come up but he assumed it did have the right. **REP. EWER** asked **Mr. Schramm** to respond to accusations by some of the proponents that the university system did not follow its own policies in regard to archeological and historical policies as far as acquisition of antiquities. **Mr. Schramm** said the Antiquities Act states that before any modification of historic property is done, public notice must be given to let the public comment. The various historic preservation agencies also have to be notified. When the university transferred the land to the foundation no one knew what the land was going to be sold for. In the contract with the foundation the regents said it had to get the fair market value for the land and that it had to abide by the same requirements of notification that is in the Historic Preservation Act.

REP. EWER asked **Mr. Best** if his main opposition to the sale of land at Ft. Missoula was because he didn't want the land broken up or if it was because they didn't get enough money for it. **Mr.**

Best said he believed that the obligation of the university system and of the state generally is to get the highest value for the land if it's sold and there shouldn't be a veto only because the land may be of sentimental value. In the Ft. Missoula case there was too little money, failure to follow constitutional guarantees and failure to respect the historical, cultural and environmental value of the land. **REP. EWER** asked **Mr. Best** if he believed that the interests of the university system to try to manage its portfolio of assets in the most economical way should be subordinate to the greater interests of the state. **Mr. Best** said he thought it was legitimate for the regents or the land board, whoever has the authority, to consider the historical, environmental and cultural aspects of land when making the decision whether to sell. Once the decision has been made to sell there is an obligation to get the full market value for it. The foundations are being used to insulate influence from political interference. Political interference is government by the people. Foundations are being used to circumvent the public's scrutiny.

REP. DOUG WAGNER asked **Mr. Schramm** how much non-trust land the university system owns. **Mr. Schramm** said he didn't know but could get that figure for him.

Tape 2, Side B

REP. WAGNER asked **Mr. Schunk** if he knew how much non-trust land the university system owns. **Mr. Schunk** said that technically, under the Constitution it is all trust land. MSU has about 20 individual land holdings and two or three are about 7,000 acres. About five are from 150 to 250 acres. The University of Montana has less land. There are a lot of residences in the immediate vicinity of the campus.

REP. ROBERT STORY asked **John North, Attorney, DSL,** if the language in HB 351 that states the regents can't sell any land that was given to the state in trust prohibits them from disposing of land that was given to the university in trust. **Mr. North** said that is a recognition of the constitutional authority of the Board of Land Commissioners to dispose of and to control the leasing and granting of easements in all lands that were granted the state for trust purposes.

REP. JON ELLINGSON asked **Mr. North** if he was right in his conclusion from reading both HB 350 and HB 351 that neither the Board of Regents or the Board of Land Commissioners can sell any land that the university owns. **Mr. North** said in HB 351 the Board of Land Commissioners (BLC) can sell university non-trust lands. In HB 350 the prohibition is not against selling fee lands, it is against selling trust lands. The BLC has always administered the trust lands. That statement is in the bill as a result of a drafting error and can be easily removed.

REP. ELLINGSON asked **Mr. Schramm** if either of the two bills is passed out of the committee establishing procedures for the sale of university land, if those procedures would also apply to any land that was owned by the foundation. **Mr. Schramm** said bills do not apply to the land owned by the foundation. **REP. ELLINGSON** said the university transferred land at Ft. Missoula to the foundation for purposes that he wasn't sure he understood but thought that HB 351 would prohibit that kind of transaction unless it got fair market value for the land from the foundation and met the other requirements. He asked **Mr. Schramm** if that was his interpretation. **Mr. Schramm** agreed. **REP. ELLINGSON** asked **Mr. Schramm** to summarize why he thought it was better for the Board of Regents to have the authority to be the lead agency in selling land as provided in HB 351 as opposed to the Board of Land Commissioners under HB 350. **Mr. Schramm** said he would be happy to delegate the selling of land to DSL because it is a headache. The determination of what piece of university land should be sold or retained should be made by the university system.

Closing by Sponsor;

REP. PECK said if both bills were passed it would be confusing. He asked the committee to seriously consider HB 350.

Tape 3, Side A

HEARING ON SB 48

Opening Statement by Sponsor:

SENATOR TOM KEATING, Senate District 5, Billings, said SB 48 was requested by the Department of Health and Environmental Sciences, Air Quality Division. SB 48 makes changes to the department's air quality permitting and enforcement authority as a result of problems identified by the legislative auditor during a performance audit and through a review by EPA.

Proponents' Testimony:

Jeff Chaffee, Department of Health and Environmental Sciences, Air Quality Division (DHES). Written testimony. **EXHIBIT 7**

Tom Ebzery, Attorney, Billings. Written testimony. **EXHIBIT 8**

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DOUG WAGNER asked **Mr. Chaffee** if SB 48 was directed specifically towards industry or does it also include cities and towns. **Mr. Chaffee** said the department's permitting authority does not affect cities and towns.

CHAIRMAN KNOX asked **Mr. Chaffee** about the need for criminal and civil penalties. **Mr. Chaffee** said EPA has identified the joint criminal-civil authority as a potential flaw in the state law about the department receiving the primacy for the state operating permit program under Title 5 of the Federal Clean Air Act.

Closing by Sponsor:

SENATOR KEATING closed.

Tape 3, Side B

HEARING ON HB 411

Opening Statement by Sponsor:

REP. SCOTT ORR, House District 82, Libby, said HB 411 is about activities concerning the stream beds in the State of Montana. The U. S. Army Corps of Engineers issued a list of 40 stream bed activities that they thought should have blanket exclusions from the permitting process. In January 1992 the Department of Health and Environmental Sciences (DHES) agreed with all of the exclusions except four. The four were utility line backfill and bedding, bank stabilization, returning water from upland disposal areas and headwaters and isolated waters discharges. The purpose of the bill is to end the duplication process that is involved with those four exclusions. All 40 exclusions should be adopted.

Proponents' Testimony:

John Fitzpatrick, Director, Community and Governmental Affairs, Pegasus Gold Corporation, said any one who wants to excavate or fill a stream channel must have a 404 permit. The big permits are referred to as 404 permits. There are small permits that are referred to as nationwide permits. Federal law provides an opportunity for states to review the nationwide permits. Montana waived the right to review nationwide permit applications until 1991. Out of the 40 potential categories that the state could review, it reviewed four. The Department of Health and Environmental Sciences (DHES) sometimes requires three or four permits for the same facility which is unnecessary. DHES has several other opportunities to review mining opportunities. The State of Montana should step back and allow the Corps of Engineers to run that program on its own. Water quality is not

going to be threatened if the Corps of Engineers operates the program by itself. **Mr. Fitzpatrick** asked the committee to take a step in the right direction by reducing the size of government, reducing the permit burden and removing DHES from the 404 review process.

Ken Williams, Montana Power Company, supported HB 411.

Lorna Frank, Montana Farm Bureau, urged the committee to support HB 411.

Larry Brown, Agricultural Preservation Association, supported HB 411.

Randy Bazook, Hydrologist, Golden Sunlight Mines, said regulated industries are often faced with the situation of obtaining multiple authorizations for a single project from various regulatory agencies with overlapping jurisdictions. Montana has assumed the authority to certify or deny 404 permits which has resulted in a very cumbersome, time consuming process. HB 411 returns the authority to the Corps of Engineers where it belongs. This will streamline the 404 permitting process without diminishing the intent.

Mike Murphy, Montana Water Resources Association, supported HB 411.

Candance Torgerson, Montana Cattlewomen's Association, Montana Stockgrower's Association, supported HB 411.

Tammy Johnson, Citizens United for a Realistic Environment, supported HB 411.

Don Allen, Montana Wood Products Association, supported HB 411.

<u>Opponents' Testimony</u>:

Janet Ellis, Montana Audubon Legislative Fund. Written testimony. **EXHIBIT 9**

Tape 4, Side A

Debbie Smith, Attorney, Sierra Club, said by enacting HB 411 the Legislature would be removing all of the technical analysis DHES has done to determine that of all the nationwide permits, it needs to keep authority to review the background water quality effects of four nationwide permits. The bill would remove the state's primacy in protecting water quality which is exactly what the federal government intended when it enacted the Clean Water Act. The state has the authority to protect water quality in its water quality standards. Montana should retain local control over its water quality. **Ms. Smith** urged the committee to table HB 411.

Steve Pilcher, Administrator, Water Quality Division, DHES, said the department does not agree that all of the activities covered under nationwide permits result in minimal impact to Montana's state waters. DHES has waived its certification authority on all but four categories. The nationwide permit category for return water from upland disposal areas has not been waived because it is an activity that would also require a point source permit from DHES. DHES has reached an agreement with the Corps of Engineers and it has committed as part of its approval of permits for utility bank backfilling and bedding and bank stabilization, certain conditions that are intended to protect Montana's water quality. Therefore, DHES has removed itself from that review process. Only one of 66 permit applications that apply to streams of less than five cubic per second in flow and wetland situations, has been denied. The department's review of applications in this permit category is critical to the protection of high quality waters in the state. Wetlands provide very diverse habitat and they also play a very significant role in reducing pollution. DHES is working with the Corps of Engineers and other state and federal agencies to minimize the duplication of efforts under this category. In December, 1994 the typical application review time for the Corps of Engineers was 25 to 30 working days. DHES completed normal application reviews in five to ten days. The system that is in place is responsive and effective. **Mr. Pilcher** urged the committee to oppose HB 411.

Jim Jensen, Montana Environmental Information Center, said if HB 411 passes it will be completely contrary to any philosophy of the state's rights.

Jeff Barber, Northern Plains Resource Council, opposed HB 411.

Steve Kelly, Friends of the Wild Swan, opposed HB 411.

Robin Cunningham, Fishing Outfitters Association, opposed HB 411.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BOB RANEY said **Ms. Ellis** pointed out that as much as ten acres of wetland could be filled in without a review and asked **REP. ORR** if he thought that was good. **REP. ORR** said if that is true there may not be any problem because there would still be people reviewing a project of that size. **REP. RANEY** asked **Mr. Pilcher** if it would be possible for someone to fill in ten acres of wetland without a review if HB 411 passes. **Mr. Pilcher** said the 401 certification of dredge and fill activities is one way that DHES controls filling of wetlands. Without that it would be stretching the state's Water Quality Act authority to become involved. Documentation of pollution or placement of waste in a location where it is likely to cause pollution would be necessary

in order to use that authority. There would be cases where ten acres of wetland could be filled in without review.

REP. DOUG WAGNER asked **Mr. Brown** to comment on **REP. RANEY's** question. **Mr. Brown** said he didn't think a project of that magnitude could take place in the state without some kind of review either by a local conservation district, Department of State Lands, or possibly the Department of Natural Resources.

REP. EMILY SWANSON asked **Mr. Pilcher** what duplication and what kind of time constraints HB 411 would get rid of. **Mr. Pilcher** said if the bill should pass it would take DHES out of the state role in the 404 permitting process. The 404 permit would still be required on activities where appropriate, but the state would not have the ability to provide comments on any conditions the Corps of Engineers might impose on those activities. **Mr. Pilcher** repeated that in December 1994 the typical review time for the Corps of Engineers' projects was 25 to 30 days and DHES review time is normally from five to ten days.

REP. RANEY said he is carrying bills concerning fisheries and one of the biggest problems is the silting of the "reds" and the fish don't spawn. He asked **Mr. Pilcher** if it was possible that silt would be coming down the streams due to lack of reviews. **Mr. Pilcher** said the value of some of the small flow tributaries to the fisheries has long been documented. They are worth protecting and any sediment may interfere with not only the "reds" but also the aquatic organisms that reside in the stream bed. It is important that they be protected. **REP. RANEY** asked **Mr. Pilcher** if it was possible that enough silting could come down the stream beds to fill up irrigation reservoirs. **Mr. Pilcher** said that scenario would probably be stretching things but activities could take place in the headwater streams that would add sediment to the stream which would be a violation of Montana's Water Quality Act. The focus should be on prevention. **REP. RANEY** asked **Mr. Pilcher** if he would provide examples for the committee that would substantiate his position. **Mr. Pilcher** said he would be happy to do that for the committee. **REP. RANEY** asked **Mr. Brown** if he would also provide examples that would substantiate his position. **Mr. Brown** said he would be happy to provide examples for the committee's review.

Tape 4, Side B

REP. KARL OHS asked **Jack Thomas, State Wetland Coordinating Council,** to define "wetlands." **Mr. Thomas** said the three criteria in section 404 of the Clean Water Act for "wetlands" are a combination of surface water that has been standing for a certain period of time, wetland soils and wetland vegetation.

REP. ROBERT STORY said there had been testimony from opponents that if HB 411 passes the waters in the state would be trashed. **Mr. Pilcher** said he would be accountable for his own statements but didn't want to assume the responsibility for others. To say

that state waters would be trashed because of the bill would imply that the Corps of Engineers was not doing anything in carrying out their responsibilities.

REP. BILL TASH asked **Mr. Pilcher** what levels of phosphates and nitrates are acceptable under the federal clean water standards. **Mr. Pilcher** said the federal government requires states to set water quality standards. The federal government does not provide the state with specific numeric values, but it does charge the state with the responsibility of generating standards in accordance with guidance made available from the Environmental Protection Agency (EPA). EPA has to concur with the standards the state has adopted. Montana has what is referred to as "narrative standards" for nutrients, which means the state wants to limit nutrients to a level that does not cause nuisance algae growth in a stream that would interfere with irrigation, fisheries or other beneficial uses of the water. That trigger amount may be different in different stream situations. There isn't a specific hard and fast number that applies throughout the state. **REP. TASH** asked **Mr. Pilcher** what parameters the EPA suggests in regards to nitrates and phosphates. **Mr. Pilcher** said the direction from EPA is that all waters be fishable and swimmable. EPA has what is referred to as "Gold Book Values" in that has is a long list of contaminants for which threshhold values have been adopted. It does not include nitrates or nutrients. It does include toxic materials, metals and other parameters and is provided in the form of guidance to be used by the department in promulgating standards. **REP. TASH** asked **Mr. Pilcher** about metal contaminants such as arsenic. **Mr. Pilcher** said arsenic is an issue that the department has been wrestling with for a long time. The issue is the fact that the maximum contaminant level for public water supplies is a number that is in excess of what the state is maintaining in the streams in order to maintain a risk level of a one-in-one million additional cancer case.

Tape 5, Side A

Closing by Sponsor:

REP. ORR urged the committee to support HB 411.

HEARING ON HB 412

Opening Statement by Sponsor:

REP. SCOTT ORR, House District 82, Libby, said HB 412 is about voluntary disclosure. It promotes the voluntary discovery and correction of non-compliance with environmental laws. If a facility discloses a violation voluntarily it would not be fined and the problem could be corrected. **REP. ORR** offered amendments that are products of the concerns of the Department of State

Lands and Department of Health and Environmental Sciences that add clarification to the bill.

Proponents' Testimony:

Susan Callaghan, Attorney, Montana Power Company, said HB 412 creates a limited privilege on voluntarily conducted environmental audit reports and creates a presumption against fines and penalties for voluntary disclosures of violations. Except for a few specific areas, there is no legal requirement that a business has to conduct an environmental self-evaluation. However, more and more businesses are being encouraged to conduct these kinds of audits and to voluntarily remedy an environmental problem. Environmental self-evaluations are good but one of the fears that companies have is that if the report identifies violations, the government or a private plaintiff can obtain a copy of the report and use it against the company. A properly conducted environmental self-evaluation involves an investment of time and money. Any corrective actions for environmental issues that are identified necessitate a further expenditure of time and money to correct the problems. If a business voluntarily commits to undertake this kind of effort, it doesn't want to be punished for doing the right thing. HB 412 creates a safe harbor for those who voluntarily conduct environmental self-evaluations.

John Shontz, Attorney, Montana Association of Realtors, supported HB 412 and urged the committee to do likewise.

David Owen, Montana Chamber of Commerce, supported HB 412.

Bob Robinson, Director, Department of Health and Environmental Sciences supported HB 412 with the incorporation of the amendments **REP. ORR** presented.

Gail Abercrombie, Montana Petroleum Association, urged the committee's positive consideration of HB 412.

Larry Brown, Morrison-Maierle Environmental Services, said there already are laws that require disclosure to the state of any discovery of hazardous waste materials or materials that will be a threat to public health and safety. **Mr. Brown** urged the committee to support HB 412.

Pam Langley, Montana Agricultural Business Association, Montana Grain Growers Association, supported HB 412.

Peggy Trenk, Western Environmental Trade Association, supported HB 412.

Don Allen, Montana Wood Products Association, supported HB 412.

Russ Ritter, Montana Resources, supported HB 412.

Opponents' Testimony:

Melissa Case, Montanans for a Healthy Future, Montanans Against Toxic Burning, said HB 412 may be a very positive piece of legislation. **Ms. Case** expressed concern that the intent of the bill deals with smaller companies but doesn't include larger companies. HB 412 isn't clear about whether it includes facilities that are required to be within standards of a permit at all times but are only required to report periodically. The bill doesn't define "reasonable period of time to correct the violation" or state who will make that decision. It doesn't define "significant threat to public health" or state who will make that decision.

Jim Jensen, Environmental Information Center, said the bill states that disclosure made under the terms of a confidentiality agreement between government officials and the owner or operator does not constitute a waiver. Article 2 section 9 of the Montana Constitution guarantees every one a right to know what the government is doing and the right to examine all documents in the possession of government that are not specifically protected by certain laws. This part of the bill should be clarified because it appears to be unconstitutional.

Debbie Smith, Sierra Club, said voluntary disclosure of violations that HB 412 proposes in terms of evaluating are required to be reported publicly under the state's Clean Air Act, Clean Water Act, Solid Waste Disposal Act, and Hazardous Waste Management Act. If this legislation is passed it will be inconsistent with the provisions in these Acts. The bill states that any voluntary disclosure can't be used against a person in court. This contradicts what the law says now. If a new property owner finds that an underground storage tank is leaking and possibly contaminating drinking water in the neighborhood, those property owners want to know that they should probably be drinking bottled water. This bill is bad policy and should be tabled.

Ted Lang, Northern Plans Resource Council, said some concerns about the bill have been addressed in the amendments but it could still create a lot of confusion in the legal system.

Steve Kelly, Friends of the Wild Swan, opposed HB 412.

Informational Testimony: None

Tape 5, Side B

Questions From Committee Members and Responses:

REP. JON ELLINGSON asked **Ms. Smith** if she thought that environmental self audits have to be performed under the standards of other laws that are applicable. **Ms. Smith** said she wasn't opposed to the idea of environmental self audits, but any problems that those audits might turn up are regulated under laws that exist now and require mandatory reporting. To try to hide

information that may be discovered as proposed in HB 412, when other laws require that the information that is discovered must be publicly disclosed is inconsistent.

REP. ROBERT STORY asked **Ms. Smith** how violations of environmental laws are presently discovered. **Ms. Smith** said permitees that discharge pollutants into the air or water are required to report what is being emitted from a stack or what is being discharged from a pipe into water. Those reports have to be filed with DHES and they are public documents.

Closing by Sponsor:

REP. ORR said HB 412 has a sunset clause. In four or five years if the bill has worked out satisfactorily it will be extended, if not, it will be canceled. **REP. ORR** encouraged the committee's support.

Tape 6, Side A

EXECUTIVE ACTION ON HB 381

Motion: REP. HAL HARPER MOVED HB 381 DO PASS.

Discussion:

REP. HARPER said HB 381 is one of the most straight forward bills the committee has had. All the questions have been asked and it is time to put it on the floor.

Vote: Voice vote was taken. **Motion carried unanimously.**

ADJOURNMENT

Adjournment: 8:10 pm

REP. DICK KNOX, Chairman

ALYCE RICE, Secretary

DK/ar

HOUSE OF REPRESENTATIVES

Natural Resources

ROLL CALL DATE 2-8-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Knox, Chairman	✓		
Rep. Bill Tash, Vice Chairman, Majority	✓		
Rep. Bob Raney, Vice Chairman, Minority	✓		
Rep. Aubyn Curtiss	✓		
Rep. Jon Ellingson	✓		
Rep. David Ewer	✓		
Rep. Daniel Fuchs	✓		
Rep. Hal Harper	✓		
Rep. Karl Ohs	✓		
Rep. Scott Orr	✓		
Rep. Paul Sliter	✓		
Rep. Robert Story	✓		
Rep. Jay Stovall	✓		
Rep. Emily Swanson	✓		
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Carley Tuss	✓		
Rep. Doug Wagner	✓		

HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Mr. Speaker: We, the committee on **Natural Resources** report that **House Bill 381** (first reading copy -- white) **do pass**.

Signed: Dick Knox
~~Dick~~ Knox, Chair

2/9

Committee Vote:
Yes 8, No 0.

340936SC.Hbk

EXHIBIT
DATE
HB

HB350	HB351 - Land Board
1. Land Board acts "upon reqeust of Board of Regents"	1. "Regents "may sell, exchange and lease land and grant easements and licenses"
2. prohibits land granted to state in trust (sale)	2. prohibits lands "granted to the state in trust for the support and benefits of the system"
3. consideration received must "equal or exceed full market value"; appraisal requited for $ 10,000 or more; limited appraisal below that figure	3. Regents "shall obtain consideration that equals or exceeds full market value of the land"
4, public notice of exchange with opportunity to comment required; public hearing required upon request of any person	4. public notice and opportunity to comment is required
5. public notice of sale required for 4 consecutive weeks	5. public notice for 4 weeks required (sale)
6. board may refuse to concur in porposed sale or exchange	6. concurrence of Land Board required in some cases (p. 3, l. 9 § 10)
7. reserve of mineral rights required in some cases	7. reserve of mineral rights required in some cases

EXHIBIT 1
DATE 2-8-93
HB 350 & 351

EXHIBIT 2
DATE 2-8-95
HB 350 HB351

Testimony in support of HB 351
Rusty Harper
on behalf of State Auditor Mark O'Keefe

Mister chairman, members of the committee, my name is Rusty Harper, speaking on behalf of State Auditor Mark O'Keefe.

This bill is submitted at the unanimous request of the Land Board, after months of being embroiled in a controversy over the sale of land at Fort Missoula.

In that controversy there were four big issues of concern to the Land Board. This bill addresses two of them.

The first issue is authority -- does the Board of Regents have the authority to sell and exchange land, or should those decisions be approved by the Land Board. This bill will divide the responsibility in a clear and reasonable manner.

The second issue is openness. This bill will require the Regents to follow some of the same procedures as the Land Board and other state agencies in selling or exchanging land. It will assure that members of the public have the right to make a bid on land that is offered for sale and to comment on land that is proposed for an exchange.

The third issue is whether the Regents have the authority to transfer land to a private non-profit corporation. That is being addressed by another bill carried by Rep. Peck.

The fourth issue is whether fair market value was received. That is required by the constitution, so no legislation is required.

This bill will not prevent any future "Fort Missoula" controversies, but it will greatly narrow the areas of contention and protect the public interest.

EXHIBIT 3
DATE 2-8-95
HB 351

OFFICE OF THE GOVERNOR
STATE OF MONTANA

MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

February 8, 1995

Montana Legislators
State Capitol
Helena MT 59620

Re: House Bill 351

Dear Legislators:

House Bill 351 was submitted at our request. It will prevent or greatly reduce future arguments about the authority of the Board of Regents to sell and exchange land and the role of the Land Board in those sales or exchanges.

We believe this is a reasonable approach, giving the Regents the authority to sell or exchange land in some cases and reserving that to the Board of Land Commissioners in others, depending on the nature of the land involved. It lays out some processes which the Regents must follow in order to sell or exchange land.

This legislature ought to reduce future disagreements between the Regents and the Land Board over authority issues, assure the public that sales and exchanges will be conducted openly, and still give the Regents clear authority to make wise decisions on behalf of the University system.

Sincerely,

MARC RACICOT
Governor

JOE MAZUREK
Attorney General

NANCY KEENAN
Superintendent of Public Instruction

MIKE COONEY
Secretary of State

MARK O'KEEFE
State Auditor

TELEPHONE: (406) 444-3111 FAX: (406) 444-5529

EXHIBIT 4
DATE 2-8-95
HB 350

Feb. 7,1995

1012 Tower
Missoula, MT
59801
406-728-0249

Montana House, Natural Resource Committee
Capitol Station, Helena, MT 59601

Dear Representative Orr,

I am writing in support of HB 350. The State Land Board is the proper state authority to handle any sale or transfer of state land. The Board of Regents has little expertise in such transactions, which can sometimes have real importance to and impact on the public. Please make it the responsibility of the Land Board alone to make these decisions for lands held by the university system.

Sincerely,

Susan Mathewson

Susan Mathewson

EXHIBIT 5
DATE 2-8-95
HB 351

LeRoy H. Schramm
Montana University System
February 8, 1995

_____ moves to amend H.B. 351, the introduced bill, as follows:

Page 3, line 13, strike everything after "exchange" and insert the following:

> does not obtain full market value or that the sale procedure did not provide the public a reasonable opportunity to submit proposals to purchase the land. If, for any reason, the board of land commissioners questions whether the sale is in the best interests of the state or university system, the land commissioners shall so notify the regents and the sale shall not be final unless the regents subsequently review the land commissioners' concerns and thereafter vote to approve the sale.

Page 3, lines 15 - 21, strike everything after the period on line 15 through "purposes" on line 21.

The first part of the amendment drops the language that says the Land Board can refuse to approve the sale for any reason they find "disadvantageous to the state." When the first amendment was presented at the Land Board meeting on December 19, 1994 Governor Racicot stated:

> I think the first phrase ought to be struck - "that the sale would be disadvantageous to the state." That's really not the standard. The standard ought to be whether it's reasonable value with notice and then we have a save all clause which I think LeRoy properly suggests and I would endorse it.

The second part of the amendment allows mineral rights to be transferred when the University System sells land.

EXHIBIT 6
DATE 2/8/95
HB 350

LeRoy H. Schramm
Montana University System
February 8, 1995

H.B. 350

Shifts authority to sell University System land from the Board of Regents to the Land Board. Under this bill University System land is defined as "state land" in Title 77 (see Sec. 3 of the bill); the general statute defining Land Board duties. Such lands may then be subject to the general restrictions on the sale of state land found in Title 77, as well as the requirements added by this bill. At the very least this sets up a system of conflicting regulations between Title 77 and this bill.

Restrictions on Land Board sale of lands:

1. Can't sell timber land. 77-2-303(1)

2. Can't sell mineral lands, surface or subsurface. 77-2-303(2)

3. Can't sell subsurface mineral rights. 77-2-304

4. Can't sell land on navigable lakes or streams. 77-2-303(3)

5. "As far as possible to determine, the land shall be sold only to actual settlers . . ." 77-2-306.

6. No one except Indian tribes can buy more than 160 acres, except in federal irrigation projects. 77-2-307

7. Lands within the limits of a town or city or within 3 miles of the limits must be subdivided into lots or tracts of 5 acres or less before being offered for sale. 77-2-312

8. Must be sold to highest bidder. 77-2-323

EXHIBIT 7
DATE 2-8-95
SB 48

TESTIMONY ON SENATE BILL NO. 48

Jeffrey T. Chaffee
Air Quality Division
Department of Health and Environmental Sciences

Mr. Chairman, members of the committee, my name is Jeff Chaffee and I represent the Department of Health and Environmental Sciences. SB 48 makes changes to the department's air quality permitting and enforcement authority to remedy some of the problems identified by the legislative auditor during a performance audit and EPA through review of Montana's operating permit program.

The changes include: extending the 60-day criteria for issuing a department determination; amending the inspection statute to provide for the right of entry to any premises in which required records are located, the right to copy records and the right to inspect monitoring equipment and methods and to sample emissions; and deleting the "in lieu of" language in the civil penalty statute.

Section 1. The proposed amendment to 75-2-211 addresses a recommendation of the Legislative Auditor's performance audit of the Air Quality Bureau. The legislative auditor identified that the department needed to address the following problem: Once the department issues a preliminary determination (PD) to the applicant which specifies intended air quality permit conditions and requirements, there is a 15-day response period for comments on the PD. If no comments are received, a department determination (DD) which finalizes the permit conditions and requirements is issued. The department has 60 days from the receipt of a complete

application to issue the DD. If there are disagreements on the conditions and requirements in the PD, the department attempts to negotiate and resolve the issues prior to the 60-day milestone since once the DD is issued the only recourse for the applicant is an appeal to the Board of Health and Environmental Sciences. However in some instances the department is unable to resolve the issues within the mandated time period but because legitimate negotiation activities are taking place and it is in the interest of all parties to continue the negotiation and not appeal to the Board, the 60-day time period is missed. The AQD is adding language to provide for a mutually agreed upon 30-day extension to the current 60-day criteria for issuing a department determination with additional 30-day extensions granted upon request of the applicant. The Air Quality Division met with the Clean Air Act Advisory Council (CAAC), a group comprised of regulated industry, environmental groups, small business and the general public, to discuss this legislative change on November 3, 1994. Everyone agreed this was necessary.

Amendments were added in the Senate to clarify that the department may grant as many extensions as the applicant requests.

Section 2. In order to receive EPA's approval of the state's operating permit program, and maintain primacy for air quality activities in the state, section 75-2-403 needs to be amended. The changes to 75-2-403 are necessary to allow the department to determine that the source is in compliance with all applicable requirements and provide the department, or an authorized

representative, access to information required under this chapter, or a rule, order or permit issued under this chapter. Currently the state statute provides only for inspections where an air contaminant source is located or being constructed or installed, however pertinent records or monitoring equipment could be located away from the air contaminant source. The department also needs the authority to copy any record, or inspect any facility, equipment, practice or operation that is a requirement of or regulated under this chapter, a rule, or a permit issued under this chapter. In addition in order to ensure compliance with the provisions of this chapter or rule, order or permit issued under this chapter, the department must be allowed to sample or monitor substances or parameters.

Subsequent to a Clean Air Act Advisory Committee meeting on January 12, 1995, amendments were added in the Senate to the federal language to better define an emissions-related activity, to clarify that if records are kept off-site only the records can be inspected and not the facility in which they are housed, and to require that inspections must be conducted in compliance with a facility's workplace safety rules.

Section 3. Under section 3 of the bill, the proposed amendment would delete language from section 75-2-413, MCA, that prevents the Department from recovering both a civil penalty and a criminal fine for the same violation. The statute now provides that a civil penalty is "in lieu of the criminal penalty provided for in 75-2-412."

The Department proposed this amendment as part of the Department's effort to obtain EPA approval of the Department's Title V operating permit program since EPA identified the provision of section 75-2-413 as a potential barrier to approval of the state operating permit program. EPA requires that a state have the authority to recover both a civil penalty and a criminal fine for an intentional violation of the air quality laws.

Under section 75-2-412, MCA, of the Clean Air Act of Montana, the Department may institute a criminal action if a person "knowingly" violates the act or a rule, order or permit made or issued under the act or if a person knowingly makes a false material statement, representation or certification or knowingly renders a required monitoring device or method inaccurate. An offense is a misdemeanor subject to a fine of up to $10,000 per violation and/or imprisonment for up to 2 years. Any fines must be deposited in the state general fund.

Section 75-2-413, MCA, does not require a showing of intent and provides authority for the Department to bring a civil action in state district court to recover a civil penalty of up to $10,000 per violation. Like criminal fines, any civil penalty must also be deposited in the state general fund.

The purpose of a criminal fine, under the Clean Air Act, is punishment and deterrence. The purpose of a civil penalty is compensation to the state for environmental harm. Courts have ruled that recovery of both is appropriate for the same violation as long as the civil penalty assessed is not so disproportionate to the harm caused as to constitute punishment or deterrence rather

than compensation. (See, e.g., U.S. v. Barnette, 10 F.3d 1553, 1558-1559 (11th Cir. 1994).

An amendment was added in the Senate which provides that a civil penalty and criminal penalty can be collected only for violations of the operating permit program required by the federal clean air act.

Thank you for the opportunity to comment. I would be happy to answer any questions.

Montana Department of Health and Environmental Sciences
Air Quality Bureau
AIR QUALITY PERMIT PROCESS FLOW CHART

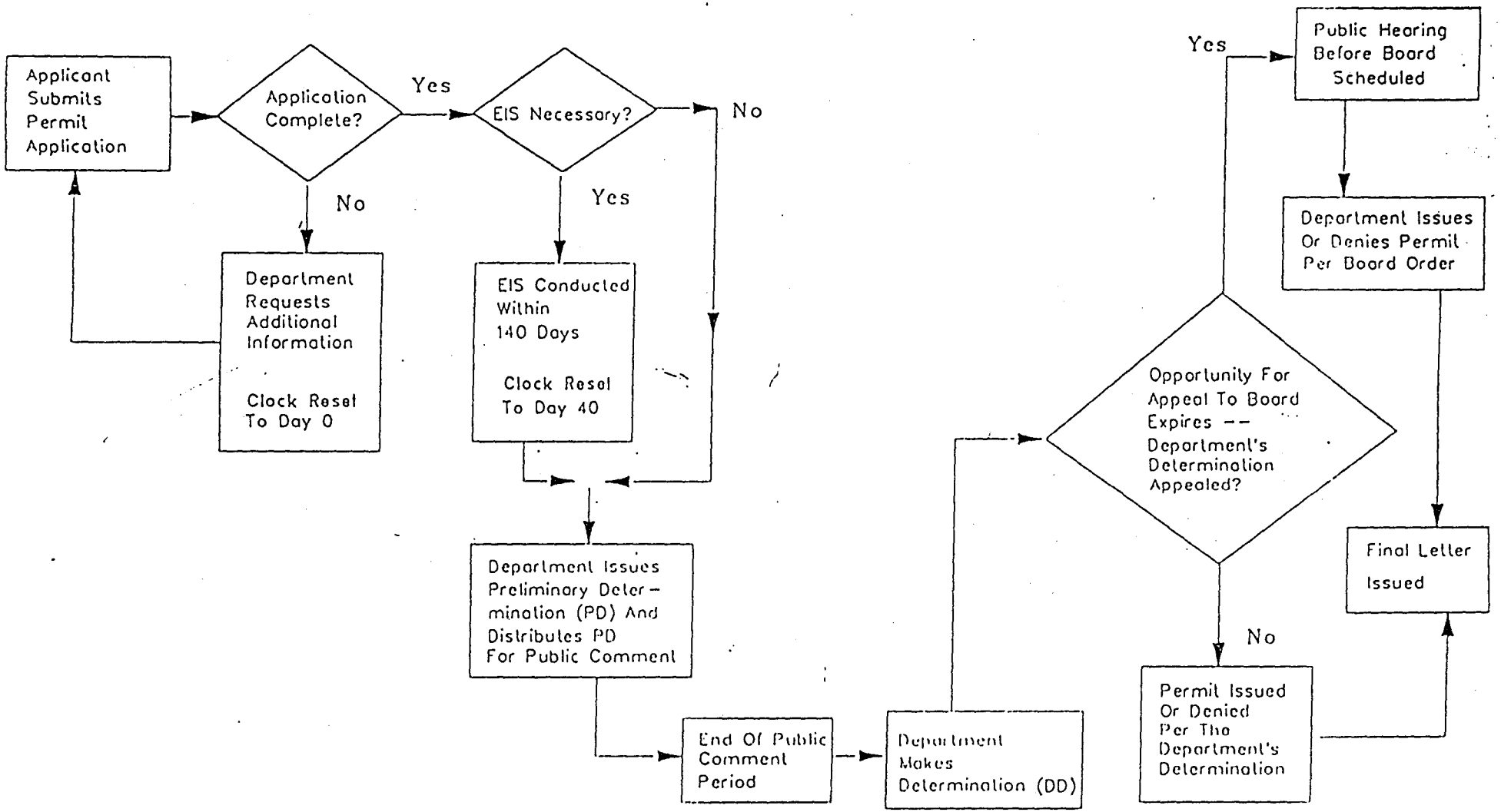


EXHIBIT 8
DATE 2-8-95
SB 48

EXXON COMPANY, U.S.A.
POST OFFICE BOX 2180 • HOUSTON, TEXAS 77252-2180

REFINING ENVIRONMENT HEALTH
DAVID J. BERTOCH
COUNSEL

February 3, 1995

RE: SB 48 – AQD Proposed Amendment to MCA 75-2-413

BY FAX

Thomas E. Ebzery, Esq.
Attorney at Law
c/o US West
P O Box 1716
Helena, Montana 59624

Dear Tom:

Per your request, I have reviewed the EPA's Title V State Operating Permit Program regulations at 40 CFR §70.11. It is my understanding that AQD staff (Jan Sensibaugh) has cited this regulation as justification for their proposed amendment to MCA 75-2-413. That section of the code as presently written prohibits the state from imposing a criminal penalty once a civil penalty has been assessed for a violation of Montana's air quality laws.

As I understand it, AQD's position is that they must have authority to seek ***both*** civil and criminal penalties ***simultaneously*** for an alleged violation of Montana's air quality laws in order for the state's operating permit program to be approved by EPA. Based on my reading of the cited regulation and my knowledge of EPA's comments and findings to date on the state's proposed program, I find AQD's position insupportable. Briefly, my reasoning is as follows:

- 40 CFR §70.11 merely lists the enforcement ***options*** that must be available to a state agency in order to meet EPA's enforcement criteria. Under the regulation the state's enforcement remedies must include the following ***options***: (1) power to seek injunctive relief; (2) power to assess civil penalties in a maximum amount of not less than $10,000 per day per violation without regard to mental state of the violator; and (3) power to seek criminal remedies, including fines in a maximum amount of not less than $10,000 per day per violation, against persons who "knowingly" violate regulatory requirements. There is no express or implied provision of EPA's regulatory requirements for enforcement authority that mandates ***duplicative***

civil and criminal penalties for the same violation. *In short, 40 CFR §70.11 does not require the state to have the authority to impose **both** civil and criminal penalties **simultaneously** for an alleged violation of the operating permit program.*

- While EPA may not like the current version of MCA 75-2-413, it has nevertheless, repeatedly approved numerous Montana federally delegated air quality programs that rely on or have incorporated the enforcement provisions of the Montana Air Quality Act, including MCA 75-2-413. It seems inconceivable that they would now refuse to approve another federally mandated program based soleiy on this existing state law.

- There is no real need to impose ***duplicative*** civil and criminal penalties for the same violation to achieve the desired deterrent effect. It is well recognized that the underlying principle of both criminal fines and civil penalties in federal environmental laws is to *deter and punish* violators. The only difference between an action for civil penalties and one for criminal fines is the burden of proof. The amount of civil penalties and criminal fines required under 40 CFR §70.11 are the same, i.e., a maximum of not less than $10,000 per violation per day. MCA 75-2-413 does not deny the state the deterent effect of penalties, it merely requires AQD to choose the most appropriate remedy.

- As presently worded, SB 48 appears to restrict ***duplicative*** civil and criminal penalties solely to the operating permit program, i.e., duplicative penalties would be the exception under Montana's air quality laws. However, given the nature of the operating permit program it is more likely that the exception would become the rule for permitted facilities. As presently structured, the operating permit program merely incorporates into a single permit, all applicable regulatory requirements. For a permitted facility, the operating permit program represents the sum total of all air quality laws and rules. Thus, AQD would likely argue that it could seek ***duplicative*** civil and criminal penalties for any violation of air quality laws by a permitted facility.

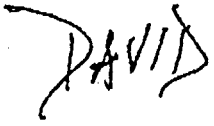
In conclusion then, the existing enforcement provisions of Montana's Air Quality Act (MCA Title 75 Chapter 2, Part 4), including MCA 75-2-413, are adequate to ensure compliance with all aspects of the Act. There has been no demonstration to the contrary by AQD or EPA. The enforcement provisions of Part 4 adequately meet the requirements of EPA's Title V, State Operating Permit Program regulations, including the requirements of 40 CFR §70.11. There is no need to amend existing law to require ***duplicative*** penalties.

Finally, I cannot conceive of any public policy reason to justify putting a company or individual to the considerable expense of time and financial resources, not to mention

disruption of business and personal life, that would result from having to defend oneself twice for the same alleged violative conduct.

I would be happy to discuss this issue further with you or representatives of the Air Quality Division. Do not hesitate to contact me if you or they have any questions.

Sincerely,



David J. Bertoch

c: S. P. Hart
T. A. Nelson

EXHIBIT 9
DATE 2-8-95
HB 411

Montana Audubon Legislative Fund

P.O. Box 595 • Helena, MT 59624 • 443-3949

House Natural Resources Committee
Testimony on HB 411
February 8, 1995

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I am here today representing the 2,400 members of the Montana Audubon Legislative Fund.

First I want to give you some background on this program, then I want to explain why we oppose this bill.

Currently there are 36 authorized nationwide permits under Section 404 of the Clean Water Act. Nationwide permits apply to a wide range of activities: from bank stabilization projects to small hydropower.

Under Section 401 of the Clean Water Act, the State of Montana can either review or waive review of nationwide permits. Currently the Dept. of Health and Environmental Sciences has waived certification on all nationwide permits except Nationwide Permit Numbers 12, 13, 16 and 26.

Nationwide Permits # 12 - Utility Line Backfill and Bedding. Discharge of materials for backfill or bedding for utility lines. Materials resulting from trench excavation may be temporarily (up to three months) sidecast into waters of the United States provided that the material is not placed in such a manner that it is dispersed by water currents or other forces.

Nationwide Permit # 13 - Bank Stabilization. Bank stabilization activities necessary for erosion prevention provided that certain restrictions are met concerning the size and location of the project. Notification requirements may apply. The nationwide permit may not be used to place material in any wetland, or place material so that the surface waters flowing into or out of a wetland are impaired.

Nationwide Permit #16 - Return Water From Upland Contained Disposal Areas. For dredging and disposal activities, this permit allows states to review these operations for compliance with established water quality standards.

Nationwide Permit #26 - Headwaters and Isolated Waters Discharges. Discharges of dredged or fill material into isolated wetlands, headwaters of streams (under 5 cubic feet per second, average annual flow) and lakes, as long as the discharge does not cause the loss of more than 10 acres of waters of the United States. If the project will result in the loss of waters of the United States greater than one acre, the applicant

must file a "pre-discharge" notification with the Corps, which then requires a site check by the Corps, and a quick review of the project by wildlife agencies.

The 404 program, administered by the Army Corps of Engineers, is a program that, most importantly, regulates the filling of wetlands. The 401 Program, administered by the Montana Department of Health and Environmental Sciences (DHES), is used for a totally different purpose: protecting water quality.

We oppose HB 411 for the following reasons:

1. Of the 66 Nationwide #26 applications reviewed in 1994 by DHES: DHES waived their review on 52 of these permits; they placed conditions on 13 permits; and denied 1 permit. The conditions of the permit are designed to protect water quality. The reason that this bill is here is that the mining industry did not like the conditions that were placed on its permit for the Zortman-Landusky Mine. It does not make sense to destroy this entire program because one entity was angry about the conditions of a permit.

2. Nationwide Permit #26, the permit that caused the controversy that brought this bill before you, is the most commonly used nationwide permit in Montana. It allows the filling of up to 10 acres of isolated wetlands, the headwaters of streams, and lakes. Ten acres is the size of seven football fields. Filling up to ten acres of these areas <u>can</u> affect water quality. The state <u>should</u> review Nationwide Permit #26 applications for water quality compliance.

3. The conditions that are generally place on permits help protect Montana's water quality. This makes sense.

- On Nationwide Permits # 12 and #13, the Army Corps of Engineers automatically puts certain conditions on these permits so that the permit complies with Montana's water quality laws. If this bill passes, these blanket conditions would not be attached to these permits.

- After reviewing the conditions placed on Nationwide #26 permits, they appear reasonable. A sampling of conditions used by DHES follows:

    1. Applicant must monitor the stability of the structure and submit a semi-annual report to DHES.

    2. Applicant must install erosion control structures.

    3. Applicant must mitigate for the loss of the wetland filled by establishing or enhancing wetlands of similar function adjacent to the site.

    4. Applicant authorizes DHES or DFWP to inspect the site to ensure compliance with design standards.

5. DHES prohibits the use of waste material (broken concrete rubble) for streambank stabilization.

6. DHES suggests the use of an alternate project design/alignment to minimize impacts to state waters.

7. Applicant must dissipate water velocity to avoid erosion problems.

4. We question whether the state can actually certify all nationwide permits. Certification means that the DHES certifies that these projects comply with Montana's water quality laws. If some of these projects might not conform to Montana's water quality laws, how can the state certify them?

5. The project under question was Application # 199490259. According to an August 31, 1994 memo from DHES, they placed 3 conditions on this permit. According to a September 26, 1994 letter (3 weeks later), the company had agreed to the conditions of the permit and was granted DHES certification. The conditions were obviously reasonable enough that the company decided to readily comply.

We oppose this bill because it makes sense for us to examine these permits, especially under Nationwide Permit # 26, to protect Montana's water quality.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. SB 48

DATE 2-8-95 SPONSOR (S) Sen. Keating

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Maureen Cleary-Schwinden	WIFE	SB48	—	—
Jeff Chaffee	DNRC- Air Quality Division	SB48		✓
Gail Abercrombie	MT Petroleum Assn			✓
Tom Ebzery	EXXON SUPPORT W/ AMEND.	SB48		✓

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. HB 350

DATE 2/8/95 SPONSOR(S) Rep. Test

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Ross Best BOX 8303 MISSOULA				✓
Missoula Carole Incoronato Toppins	Save The Fort			✓
Gerard Berens	SAVE the Fat			✓
George Schunk	AG			

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. HB 351

DATE 2-8-95 SPONSOR(S) Rep. Peck

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Tamara Johnson	CMCE	411		X
GARY LANGLEY	MONTANA MINING ASSN	411		X
John Fitzpatrick	Pegasus Gold	411		X
John Shontz	MT ASSOC REALTORS	411		X
Russ Ritter	Mt. Resources	411		X
Tom Ebzery	EXXON	411		X
Steve Kelly	Friends of the Wild Swan	412 411	X X	
Lorna Frank	MT. Farm Bureau	411		X
Dom Allen	Mitchell Robertson Assoc	411		✓

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. HB 351

DATE 2-8-95 SPONSOR(S) Rep. Peck

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Bud Clinch	DSL	351		✓
Ross Best Box 8303 Missoula			✓	
Carole Incoronato Toppins Missoula	Save The Fort		✓	
Bernard Berens	self support 350		✓	
George Schunk	AG			✓
Dusty Hayes	Dept. Admin			✓

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. HB 411

DATE 2-8-95 SPONSOR(S) Rep. Orr

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Larry Brown	Ag Pres. Assoc.	HB 411		X
Peggy Trew	WETA	HB 411		X
MICHAEL MURPHY	MT. WATER RES. ASSN.	411		X
Raymond Lazuk	Golden Sunlight Mine	411		X
ROBIN CUNNINGHAM	F.O.A.M.	411	X	
Maureen Clegg-Schmidt	WIFE	411	—	—
Janet Ellis	MT Audubon	411	X	
Jeff Barber	NPRC		X	
Bob Wallace	MT Mine Assn	411		X
Deborah Smith	Sierra Club	411	X	
Jim Jensen	MEIC	411	X	
Carol Mayer	MSGA & MCWA	411		X
Ken Williams	MPC/Entech	411		X

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. HB 412

DATE 2-8-95 SPONSOR(S) Rep. Orr

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Peggy Trenk	WETA	HB 412		✓
Jim Mockler	MT. Coal Council	412		✓
~~BOB GARRITSON~~	~~M.O.A.M.~~	~~412~~	~~X~~	
Maureen Cleary-Schwim	WIFE	412	—	
~~DAVID BERTOCH~~	~~EXXON~~			~~✓~~
Susan Cullaghan	MPC	412		✓
Deborah Smith	Sierra Club	412	X	
Jim Jensen	MEIC	HB 412	X	
Pam Langley	Montana Agricultural Business Assn Montana Grain Growers	412		✓
Earl Abercrombie	MT Petroleum Assn			✓
David Owen	MT Chamber	412		X SUPPORT
Tom Daubert	Ash Grove Cement Co	412		X
Don Allen	MT. Wood Products Assn	412		✓

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

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

N.R COMMITTEE BILL NO. HB412

DATE 2/8/95 SPONSOR(S) Rep. Orr

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
DAN RITTMAN	SCLP		X	
Amana J. Johnson				X
John Fitzpatrick	Pegasus Gold			X
Gordon Morgan	ASARCO CELP, MELP, BGI	412		X
Russ Ritter	MT Resources	412		X
J. Shontz	MT Assoc REALTORS	412		X
A Tamagno	MT Mine Assoc	412		X
Tom Ebzery	Exxon	412		X
Janet Ellis	MT Audubon	412	X	
Dexter Busby	MT Refining Co			X
Ted Lange	NPRC	412	X	
Larry Brown	MME	412		X

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