

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **REP. DICK KNOX, CHAIRMAN**, on February 15, 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: HB 508, HB 489, HB 521, HB 538, HJR 22,  
HJR 24

Executive Action: HB 403 Tabled  
HB 489 Do Pass As Amended  
HB 508 Tabled

Tape 1, Side A

**HEARING ON HB 508****Opening Statement by Sponsor:**

**REP. JOAN HURDLE, House District 13, Billings,** said the people in her district don't want to be treated differently than the rest of the citizens in Montana in terms of air quality. HB 508 would require at least two ambient air quality monitors for sources of sulfur dioxide with allowable sulfur dioxide emissions greater than or equal to 250 tons of sulphur dioxide a year that are located in areas that are monitored or dispersion modeled and that are out of compliance with federal ambient air quality standards for sulfur dioxide. The bill provides for the reporting of sulfur dioxide ambient air data, including but not limited to, the peak five minute average sulfur dioxide concentration for each hour. There would be an immediate effective date. **REP. HURDLE** distributed a map that showed possible sites for the air monitors. **EXHIBIT 1** There are 13 monitors around the ASARCO site in East Helena. Yellowstone County has only seven monitoring sites for six polluting industries.

**Proponents' Testimony:**

**Ted Lange, Northern Plains Resource Council,** said the monitoring system in Yellowstone County needs augmentation, but two monitors per source might be a problem for other sources in the state and some of the smaller sources in Billings. The Department of Health and Environmental Sciences should decide how many additional monitors are needed and where they should be placed. The monitors should be paid for by the polluters. **Mr. Lange** urged the committee to pass HB 508.

**Steve Kelly, Self,** said HB 508 would improve the quality of life for the people who have been most seriously impacted. **Mr. Kelly** urged passage of HB 508.

**Opponents' Testimony:**

**Dr. Carlton Grimm, Montana Power Company.** Written testimony.  
**EXHIBIT 2**

**Tom Nelson, Environmental Safety, Exxon Company, Billings,** said HB 508 is unnecessary. The state Air Quality Division already has other mechanisms at its disposal to require industry to pay for ambient air monitoring. The data collection for a five minute standard is premature. Although the EPA's Clean Air Scientific Advisory Committee unanimously recommended a five minute standard for SO<sub>2</sub> not be adopted, it is taking public comments on that issue now. If the national scientists and policy makers come to an agreement on how to interpret five minute SO<sub>2</sub> data, the burden of collecting the data could be considered.

Mary Westwood, Director, Governmental Relations, Montana Sulphur and Chemical Company, opposed HB 508.

Gail Abercrombie, Executive Director, Montana Petroleum Company, opposed HB 508.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. CARLEY TUSS asked Jeff Chaffee, Department of Health and Environmental Sciences (DHES) if there was such a thing as a five minute monitoring test. Mr. Chaffee said not at the present time. The federal government is looking at the option of a short term sulphur dioxide standard.

REP. DAVID EWER asked Mr. Chaffee how much the air monitors cost. Mr. Chaffee said a monitor at a site generally costs about \$30,000 and costs \$5,000 to \$10,000 to run.

Closing by Sponsor:

REP. HURDLE urged the committee to pass HB 508.

Tape 1, Side B

HEARING ON HB 489

Opening Statement by Sponsor:

REP. ED GRADY, House District 55, Canyon Creek, distributed amendments to HB 489. EXHIBIT 3 REP. GRADY said HB 489 addresses an issue that REP. LARRY GRINDE and he have been trying to solve for a long time. For example, the fairgrounds in Lewis and Clark County is on state-owned land, but it is not trust land. It is used by the public and the county is paying the costs for improvements in most cases. HB 489 would allow that land to be transferred to the county. There are similar situations throughout the state.

Proponents' Testimony:

REP. LARRY GRINDE, House District 94, Lewistown, said in Lewistown there are 24 acres that was part of the land that was given to the Department of Institutions to build a center for the elderly. The center was built, which left approximately 22 acres with ponds that are not being used. Lewistown would like to turn the 22 acres into a natural park. HB 489 would allow that to be done.

John Bloomquist, Montana Stockgrowers Association, supported HB 489.

**Blake Wordal, Lewis and Clark County Commissioner,** supported HB 489.

**Gib Goodman, President, Fairgrounds Users, Inc.,** said the corporation will be able to make some badly needed improvements to the fairgrounds if land ownership is transferred from the state to the county. **Mr. Goodman** urged the committee to support HB 489.

**Wayne Rosman, General Manager, Fairgrounds Users, Inc.,** supported HB 489.

**Loren Davis, Lewis and Clark County Fair Board,** said the Board has not been able to get grants for improvements because the fairgrounds were on leased property. **Mr. Davis** urged the committee to pass HB 489.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

**REP. DAVID EWER** asked **John North, Attorney, Department of State Lands,** if there was something in the Constitution that would prevent the exchange of these lands. **Mr. North** said two sessions ago there was a proposal to transfer some lands that were going to be used for public activities. Other lands were not proposed to be used for public purposes, but the local governments wanted to be able to sell them and use the money. In that situation the constitutional requirement of full market value would be a block to that occurring and it was for that reason that the constitutional amendment was proposed.

**REP. JON ELLINGSON** asked **Mr. Goodman** if he knew the origin of the land at the fairgrounds. **Mr. Goodman** said in the 1920's the Legislature designated that land and built facilities to operate the official state fair for the State of Montana. During the depression years the fairgrounds shut down because of the lack of funding and participants. About 30 years ago **Bill Carson** worked to get the fairgrounds back into operation. The land was leased from the state for \$1.00 annually.

**REP. ELLINGSON** asked **REP. GRADY** if he had considered the constitutional requirement that full market value be obtained on the fairgrounds land. **REP. GRADY** said **Mr. North** feels that public use is a value and would withstand any challenge.

**REP. LILA TAYLOR** asked **Mr. North** how the fairgrounds land was originally acquired. **Mr. North** said there was a legislative appropriation around the turn of the century and the Department of Agriculture got that money. Over a period of about ten years, through three or four acquisitions, the department acquired it

from various property owners and blocked it together for use as a state fairground.

Closing by Sponsor:

REP. GRADY urged the committee to support HB 489.

HEARING ON HB 521

Opening Statement by Sponsor:

REP. DOUG WAGNER, House District 83, Hungry House, distributed and explained amendments to HB 521. EXHIBIT 4 REP. WAGNER said the bill was requested by various interest groups who are regulated by federal programs for clean air, clean water, radiation control, and solid and hazardous waste. The bill requires the Board of Health and Environmental Sciences (BHES) and the Department of Health and Environmental Sciences (DHES) must justify their actions when adopting rules more stringent than the corresponding federal requirements for the aforementioned programs.

Tape 2, Side A

REP. WAGNER said business, industry and the public have a right to know that the requirements imposed on them make sense and serve a worthwhile purpose. When the department or the board adopts rules that go beyond the minimum federal requirements it is required to include a statement summarizing the policy reasons for that decision. The statement must be published with the rules so the public has ready access to that information. The policy statement must include a risk/cost analysis that identifies the probability of harm to public health or the environment from limiting the requirement to the minimum federal standard and how that would be mitigated by stricter state standards. REP. WAGNER distributed a letter from Rem Kohrt, DHES, in support of HB 521. EXHIBIT 5

Proponents' Testimony:

Peggy Trenk, Western Environmental Trade Association, said the bill does not require the department or the board to conduct costly risk assessment studies in order to justify rules. The board or department is required to reference what existing scientific studies or related information it is using to identify the existence of a potential harm and to explain how a more stringent standard will mitigate it.

David Owen, Montana Chamber of Commerce, supported HB 521.

Andy Skinner, Housing Provider, said HB 521 will standardize the rules for everyone. Mr. Skinner said he has been working on the

development of a subdivision for nine years. During those nine years the county has continually made new rules. The state has water quality standards that require a depth of six feet to ground water. Lewis and Clark County adopted a rule for a depth of ten feet to ground water. The county was asked for a reason for that rule at a public hearing and the county sanitarian said that it was decided that ten feet was a good number. The result of that action is the implementation of sand filters. It costs the consumer \$5,500 a lot to put in a sand filter which the engineers in the community say has no merit. The cost over the life of a house for a couple in Helena increases \$17,000 over a 30-year loan for a system that puts more nitrates in the water than the system that is approved by the state. The counties must be accountable and must justify their rules.

**Bruce Gilbert, Stillwater Mining Company**, said there are those that will say that the bill will turn back the clock on environmental legislation. Nothing could be further from the truth. The bill represents a common sense approach to the adoption of regulations which neither seeks an end to state primacy nor the repeal of sound environmental policy.

The following proponents expressed their support for HB 521:

**Gloria Paladichuk, Richland Development**

**Charles Brookes, Billings Chamber of Commerce**

**Carl Schweitzer, Montana Contractors Association**

**Steve Turkiewicz, Montana Automobile Dealers Association**

**Gail Abercrombie, Montana Petroleum Association**

**Tammy Johnson, Citizens United for a Realistic Environment**

**Larry Brown, Agricultural Preservation Association**

**Don Allen, Montana Wood Products Association**

**Ken Williams, Montana Power Company**

**Mike Murphy, Montana Water Resources Association**

**Stuart Doggett, Montana Manufactured Housing and RV Dealers Association**

**Rex Manuel, Cenex Refining Company**

**Gary Langley, Montana Mining Association**

**Dexter Busby, Montana Refining Company**

**Allen Barkley, Columbia Falls Aluminum Company**

**John Bloomquist, Montana Stockgrowers Association and Montana Farm Bureau**

**Russ Ritter, Washington Corporation**

Tape 2, Side B

**Opponents' Testimony:**

**Steve Kelly, Friends of the Wild Swan,** said he didn't understand the purpose of the bill even after all the testimony. Cost/risk analysis will be a very costly procedure. The rules, as currently written, require agencies to inform the public about their procedures, environmental effects, risks, benefits and costs on each and every project. HB 521 is redundant, costly and unnecessary.

**Bob Robinson, Director, Department of Health and Environmental Sciences,** said HB 521 has some significant consequences on environmental protection in the state. DHES has been assigned the responsibility to protect public health and the environment under the state's numerous environmental protection laws. The bill would cause a massive re-analysis of the state's existing laws and would require completion by October 1995. The cost would be significant. The rules could be reproblicated, but the department would have to prove that the federal standards are not adequate to protect public health which is an almost impossible task. Federal standards are adequate to protect public health at the minimum level. Montanans are entitled to and deserve better than that. If the Legislature determines that HB 521 does not require the department to look at all the existing federal and state laws, the bill could be workable. If the department has to re-analyze all of the existing laws at the state and federal level, the workload and cost would be significant. It is not clear if the bill intends to eliminate fees in existing state rules that are not in federal rules. For a number of years the Legislature has directed that environmental protection programs be funded by fees. The department relies heavily on federal funding. Federal funds would not be available for re-analysis of all the rules. State funds would be needed to implement the bill.

The cost of doing a risk analysis for one contaminant, according to the EPA, is between \$250,000 and \$300,000. That would be the state's cost of doing a risk analysis to establish a standard for one metal in the water for which EPA doesn't have a standard. The department would have to analyze the state's drinking water standards for ground water. The federal government doesn't have ground water standards. An analysis would have to be done for each of the contaminants, each of the particulates, and each of the metals in order to establish a health risk assessment. The department has procedural requirements for public water supplies that require back flushing and rechecking of filters for protection from contamination. That is not required in the

federal public water supply standards. The department would have to do a cost risk analysis to prove that those procedures protected public health. HB 521 would be costly.

**Janet Ellis, Montana Audubon Legislative Fund**, said page 2, line 24 of the bill states that unless required by state law, the board may not adopt a rule that is more stringent than the corresponding federal regulations that address the same circumstances. The exemption, "unless required by state law," would mean that every rule would go through the legislative rule-making process because the Legislature doesn't have to meet the standards that state agencies are going to have to meet. On page 3, line 9, the bill sets a standard of "achievable under current technology." That is not how public health standards are generally set. They are set to protect public health. Standards are not justified by whether they are achievable under current technology.

**Ted Lange, Northern Plains Resource Council**, said the amendments that extend the proposed laws in HB 521 to the local level, makes this a major unfunded mandate. The bill is not a good use of taxpayers' money and it will cost taxpayers a lot of money.

The following opponents expressed their opposition to HB 521:

**Mary Westwood, Montana Sulphur and Chemical Company**

**Melissa Case, Montanans for a Healthy Future**

**Debbie Smith, Sierra Club**

**Bev Barnard, Montanans Against Toxic Burning**

**Ann Hedges, Montana Environmental Information Center**

**J. V. Bennett, Montana Public Interest Research Group.** Written testimony. EXHIBIT 6

Questions from Committee Members and Responses:

REP. SCOTT ORR asked Mr. Robinson how the department justifies making standards more stringent than federal standards. Mr. Robinson said in the case of air quality standards the study was the basis for justification.

Tape 3, Side A

REP. EMILY SWANSON asked Ms. Trenk who decides that more stringent standards are needed. Ms. Trenk said the party that is empowered to adopt the rules makes that decision.

REP. SWANSON asked CHAIRMAN KNOX if he intended to take executive action on the bill before the fiscal note, which is expected to be completed by February 18, is received. CHAIRMAN KNOX said



executive action would not be taken until the committee has the fiscal note. **Mr. Kakuk** reminded **CHAIRMAN KNOX** that February 18 fell on a Saturday. **CHAIRMAN KNOX** said he understood there were some fairly significant implications from the expected fiscal note and was not comfortable acting on a bill of that magnitude without a fiscal note.

**CHAIRMAN KNOX** asked **Mr. Robinson** for a clarification of the difference between a risk/cost analysis and a risk/cost assessment. **Mr. Robinson** said a risk/cost assessment is an evaluation of what the public health risks are from various exposures to a contaminant. Someone has to do the scientific analysis whether it is a bench top study or a population study to say, for example, that one part per million or two parts per million represents a health risk. Then it has to be determined what the cost of that risk is. For example, it has to be determined if it is a one-in-a-million risk of cancer for someone who has been exposed for a lifetime, or if it is a one cancer in 100,000 risk. The risk cost analysis would be an evaluation of the cost of protecting against that risk.

**REP. ORR** said an arbitrary decision about nitrates cost the city of Libby 85 jobs two years ago and two or three hundred good paying jobs from that point on because the mine didn't get developed. The hospital in Libby is having financial problems because of the loss of high-paying jobs. When nitrate levels are set at 10 parts per million for the blue baby syndrome and at 20 parts per million for adults that would presumably be ingesting a lot of water. A baby would have to drink a lot of water during the day. He asked **Mr. Robinson** why the department couldn't assume that a baby isn't going to drink a gallon of water a day out of a creek, so therefore the nitrate levels could easily be at 100 parts per million which is common sense. **Mr. Robinson** said he didn't think nondegradation had a thing to do with the mine in Libby because that issue developed prior to the nondegradation law being passed. **Mr. Robinson** deferred the question to **Dr. Abe Horpestad, DHES, Water Quality Division**.

**REP. ORR** asked **Dr. Horpestad** how much water he would have to ingest per day at 20 parts per million to have a health problem. **Dr. Horpestad** said to have a risk problem he would have to ingest two quarts. EPA has various branches and various regulations and requirements. The state has to adopt ten parts per million for nitrates as a standard. There are no state standards in surface water quality that are more stringent than the federal requirements. Drinking water has a different set of standards that applies to water from a tap and takes into account the feasibility and the cost of treatment. It is wrong to assume there is no risk associated with drinking water that meets drinking water standards. There are no federal standards for nondegradation except for policies and a method for implementing them. The reason there is a trigger value of 2.5 parts per million for nitrates in ground water is because the department is

attempting to comply with the state law that says the quality of high quality water shall be protected.

Tape 3, Side B

Closing by the Sponsor:

REP. WAGNER said he wanted to propose an amendment to the bill to put a small appropriation in to help the department review the rules that it has been directed to do, so the transmittal deadline wouldn't have to be met.

HEARING ON HB 538

Opening Statement by Sponsor:

REP. DAVID EWER, House District 53, Helena, said HB 532 deals with water quality statutes and provides citizens the right to take private action to compel compliance with water quality statutes. The bill would empower Montanans to commence a civil action on their own behalf against a person, alleging a violation of a provision of section 75-5-636, MCA. The district court has jurisdiction to enforce the effluent standard, order, permit, rule, or provision. An aggrieved party could commence a civil action against DHES or the board, alleging a failure of the department or board to perform an act or duty required under the that section of law. The district court has jurisdiction to compel the department or board to perform the act or duty.

Proponents' Testimony:

Debbie Smith, Sierra Club, said a person must have an interest that is adversely affected before he can commence civil action. The bill allows citizens to sue in state court for documented permit violations. It opens up the judicial branch of government to actions where the executive branch of government has dropped the ball. HB 538 is not a radical bill. Ms. Smith urged the committee to pass the bill.

Jim Jensen, Environmental Information Center, said opponents will probably say there will be a potential for frivolous suits under the provisions of the bill. There has not been one frivolous citizen-initiated suit brought to enforce an environmental law in the State of Montana. There is a rule in the Montana Rules of Civil Procedures that allows judges to sanction attorneys who represent clients in frivolous actions. HB 538 is another tool that would help keep the state's water clean.

Ted Lange, Northern Plains Resource Council, supported HB 538.

Tape 4, Side A

**Janet Ellis, Montana Audubon Legislative Fund,** said in light of a recent audit on the Water Quality Bureau that showed that enforcement was a major problem, HB 538 is another tool available to citizens to keep clean water in the state.

**Opponents' Testimony:**

**Bob Robinson, Director, Department of Health and Environmental Sciences,** said HB 538 allows citizens to set the priorities for the department. The department could be working on a serious violation and a citizen could bring a suit because someone dumped a little something in a creek in the Helena Valley. That would demand that the department move its resources to deal with the thing in the creek rather than the more serious problem. It allows citizens to redirect the department's activities. The department doesn't have an overabundance of resources for taking enforcement actions.

**John Fitzpatrick, Pegasus Gold Corporation,** said allowing citizens to sue is environmental harassment even though it might be disguised as a property protection measure. HB 538 is a bad piece of legislation and should be tabled.

**John Bloomquist, Montana Stockgrowers Association,** said if HB 538 passes there will be a lot of lawsuits. There is an entire industry of attorneys that feed on these types of lawsuits. He urged the committee to table HB 538.

**Don Allen, Montana Wood Products Association,** said HB 538 should be tabled because citizens already have the right to sue.

**Larry Brown, Agricultural Preservation Association,** said HB 538 is not only an attorney advantage bill, but it is also a bill that would be a boon for environmental consultants. There is an opportunity to do a tremendous amount of marketing to promote "head-hunting" lawsuits against agencies and other parties. There is also an opportunity for citizens to potentially defraud the state. HB 538 is not needed.

**Mike Murphy, Montana Water Resources Association,** opposed HB 538.

**David Owen, Montana Chamber of Commerce,** opposed HB 538.

**Informational Testimony:** None

**Questions From Committee Members and Responses:** None

**Closing by Sponsor:**

**REP. EWER** said he was very concerned about the priorities of the department. A legislative audit showed that the department is not doing its job. HB 538 is not unreasonable. The bill will allow citizens to enjoy property by being left alone by unnecessary state regulations and it will give them the right to

enjoy their property and not have their property values go down because of water pollution. There has been talk about frivolous lawsuits. "It isn't frivolous when it's your property, when it's your water, or when you are drinking sewage." Judges don't award costs and fees to losing parties. HB 538 was brought before the committee with the true spirit of trying to help people with property rights. Property enjoyment goes both ways.

### HEARING ON HJR 22

#### Opening Statement by Sponsor:

**REP. BILL TASH, House District 34, Dillon,** said HJR 22 was proposed by industry directing the Department of Health and Environmental Sciences (DHES), to draft legislation for the 55th Legislative Session to allow, under the air quality statutes, a minor change in a facility without a preconstruction permit as long as any new or altered equipment is not operated until an amended operating permit is obtained. There will be some conceptual amendments offered. The amendments would allow for rule-making changes rather than setting this resolution in statute.

#### Proponents' Testimony:

**William Kraemer, Montana Mining Association,** said streamlining the preconstruction permitting process for Montana is necessary for Montana industries to respond quickly to market demands and pressure from increased competition. Industry also needs flexibility to be able to utilize new and improved technology and to cut costs in as timely a manner as possible. The current regulations are a "one size fits all" solution. There are no provisions to grant variances or exemptions for projects no matter how small they are. The same rules apply to someone who wants to build a power plant as they do to someone who wants to replace a fan. The point of the Clean Air Act is to protect air quality. By implementing HJR 22 the goal of protecting air quality in Montana can be met and at the same time provide industry with the flexibility it needs to remain competitive in a global economy.

Tape 4, Side B

**Gary Langley, Executive Director, Montana Mining Association,** supported HJR 22.

#### Opponents' Testimony:

**Ted Lange, Northern Plains Resource Council,** said the resolution doesn't refer to quantities of pollutants, it just refers to types. Quantities of pollutants should be considered in the resolution.

**Jim Jensen, Environmental Information Center**, said there wasn't any appropriation attached to the resolution and hoped an unfunded mandate wasn't being proposed.

**Informational Testimony:** None

**Questions From Committee Members and Responses:** None

**Closing by Sponsor:**

REP. TASH closed.

**HEARING ON HJR 24**

**Opening Statement by Sponsor:**

REP. HAL HARPER, House District 52, Helena, said the western part of the state is changing rapidly. Helena is growing and it is hard to find a house builder. Some people think the growth in Flathead County is out of control. The same thing is happening in Gallatin County. The purpose of HJR 24 is to address growth impacts before they are out of control. Montanans fear that they will lose their quality of life. On the Madison River there are huge homes sitting right on the edge of the river. People that can't even cast a fly can dabble it over the edge of the bank and catch a trout. Commissioners in Park and Madison counties are considering requiring 300 to 500 feet setbacks from the river to protect the quality of life of its citizens.

HJR 24 urges property owners, developers, local and state government representatives, conservation districts and other affected citizens to work together to identify common goals regarding land development in streamside corridors and urges them to identify implementing strategies to reach those goals. It requests that those efforts be coordinated through the office of the Governor. A consensus approach will help Montanans protect their quality of life.

**Proponents' Testimony:**

George Ochenski, Montana Trout Unlimited, supported HJR 24.

REP. BOB RANEY, House District 26, Livingston, said a lot of people come to the Livingston area to fish on the Yellowstone River. They visit his gift shop which has a coffee bar. Two summers ago a fisherman came into the shop and said he had been fishing in the area for 30 years, but wouldn't be back because if he wanted to fish in someone else's backyard he could fish in Connecticut.

Larry Brown, Agricultural Preservation Association, said he was a "proponent-opponent." Mr. Brown said the concept of HJR 24 with

its consensus process is the right way to go. There is a possibility of duplicity of laws, such as flood plain laws, sanitation restrictions and local issues that are addressed by local governments and local conservation districts.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. JAY STOVALL asked REP. HARPER if he was proposing a consensus council and if so, how would it be funded. REP. HARPER said it could be funded by private donations, wildlife federations, Fish, Wildlife and Parks, etc.

REP. ROBERT STORY asked REP. HARPER if he intended the process to be statewide. REP. HARPER said he hoped the effort would be directed statewide, wherever problems exist.

Tape 5, Side A

Closing by Sponsor:

REP. HARPER closed.

#### EXECUTIVE ACTION ON HB 403

Motion: REP. BOB RANEY MOVED HB 403 DO PASS.

Substitute Motion: REP. SCOTT ORR MOVED HB 403 DO NOT PASS.

Discussion:

REP. RANEY said he had discussed HB 403 with REP. GRIMES before the meeting and it was his impression that REP. GRIMES hoped the bill would pass because it was important to the people he represents.

REP. AUBYN CURTISS said because of the permitting process being what it is, the bill is two sessions too soon.

REP. HAL HARPER said there is a lot of new growth in the Montana City area. There is a school within one half mile of the plant and there is development all around it. SEN. MIKE FOSTER's bill would preclude Ash Grove Cement from burning hazardous waste. HB 403 doesn't do that. It provides for more testing and monitoring. HB 403 is important to the people in the Montana City area.

REP. DOUG WAGNER said he talked to REP. GRIMES about amending the bill. REP. GRIMES indicated that he would resist any amendments

and would fight them on the floor if it passes out of the committee amended.

REP. JAY STOVALL said if the people of Montana City want the bill why weren't they at the hearing. There was not one proponent for the bill.

REP. HARPER said the citizens of Montana City do not want hazardous waste burned at the plant at all.

Substitute Motion: REP. DANIEL FUCHS MOVED TO TABLE HB 403.

Vote: Motion carried 11 to 6. Voice vote was taken. REP. KARL OHS, REP. HAL HARPER, REP. JON ELLINGSON, REP. BOB RANEY, REP. EMILY SWANSON and REP. CARLEY TUSS voted no.

EXECUTIVE ACTION ON HB 489

Motion: REP. BOB RANEY MOVED HB 489 DO PASS.

Motion/Vote: REP. ROBERT STORY MOVED THE AMENDMENT TO HB 489. Voice vote was taken. Motion carried unanimously.

Discussion:

REP. DAVID EWER said he would vote for the bill but wanted the record to show that as far as community service or public benefit goes, it is implicit that it is within the enabling legislation that local governments have. It would give the bill a better chance of not being challenged.

Motion/Vote: REP. STORY MOVED HB 489 DO PASS AS AMENDED. Voice vote was taken. Motion carried unanimously.

EXECUTIVE ACTION ON HB 508

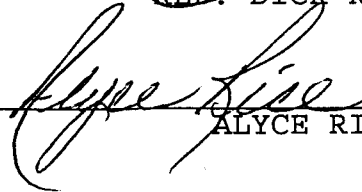
Motion: REP. CARLEY TUSS MOVED HB 508 DO NOT PASS. Voice vote was taken. Motion carried 12 to 5. REP. JON ELLINGSON, REP. BOB RANEY, REP. HAL HARPER, REP. DAVID EWER and REP. SWANSON voted no.

Motion/Vote: REP. PAUL SLITER MOVED TO TABLE HB 508. Voice vote was taken. Motion carried 12 to 5. REP. ELLINGSON, REP. RANEY, REP. HARPER, REP. EWER and REP. SWANSON voted no.

ADJOURNMENT

Adjournment: 7:45 pm

  
\_\_\_\_\_  
REP. DICK KNOX, Chairman

  
\_\_\_\_\_  
ALYCE RICE, Secretary

DK/ar



# HOUSE OF REPRESENTATIVES

## Natural Resources

ROLL CALL

DATE 2/15/95

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 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Bill 489 (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Dick Knox*  
Dick Knox, Chair

And, that such amendments read:

1. Title, line 5.

Strike: "WITH A NONPROFIT CORPORATION"

2. Page 1, lines 13 and 15.

Strike: "or nonprofit corporation"

3. Page 1, line 22.

Following: "given."

Insert: "As used in this section, "public entity" means any county, city, municipal corporation, school district, or special improvement or taxing district."

-END-

*MM*  
*2/16*  
Committee Vote:  
Yes *17*, No *0*.

400755SC.Hdh



## HOUSE STANDING COMMITTEE REPORT

February 17, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that House Joint Resolution 24 (first reading copy -- white) do pass as amended.


Signed: \_\_\_\_\_

  
Dick Knox, Chair

And, that such amendments read:

1. Page 1, line 16.  
Strike: "reasonable"

-END-

  
Committee Vote:  
Yes/5, No 3.

411155SC.Hbk

HOUSE OF REPRESENTATIVES

ABSENTEE VOTE

Date 2/12/55

Mrs. Chairman/Mr. Speaker:

If, the undersigned member, hereby vote absentee on:

HR Bill No. 5708

Other 5/15/55 Chair

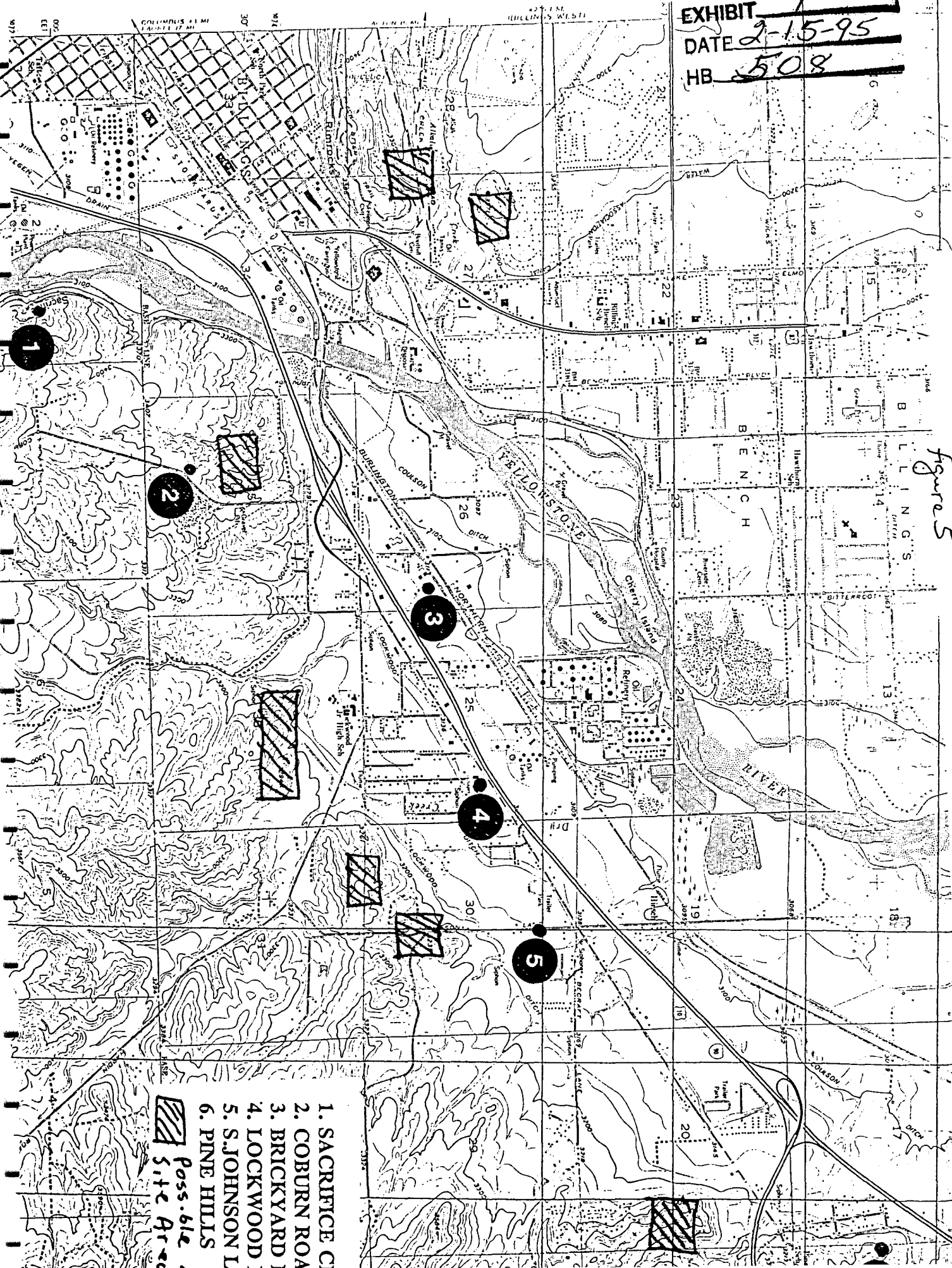
Representative Wash

Noting Ad  
(aye or no)

EXHIBIT  
 DATE 2-15-95  
 HB 508

CURRENT SO<sub>2</sub> MONITORS IN BILLYWOOD, ILL

Figure 5




1. SACRIFICE CT
  2. COBURN ROAD
  3. BRICKYARD
  4. LOCKWOOD
  5. S. JOHNSON L
  6. PINE HILLS
-  Possible Site Area

EXHIBIT 2

DATE 2/15/95

Carlton Grimm HB 508  
February 15, 1995

STATEMENT

IN OPPOSITION TO HOUSE BILL 508

The Montana Power Company states its opposition to HB 508 for the following reasons:

The Bill arbitrarily imposes a monitoring burden on a large number of sources without setting forth the technical basis for assessing that burden. The Department of Health, Air Quality Division, already has the powers to require ambient monitoring for those permitted sources when necessary. Not every source requires ambient monitoring.

There is presently no five minute sulfur dioxide ambient standard; therefore there is no Federal regulatory reason to require reporting of five minute peak SO2 readings each hour.

The cost of implementing this additional monitoring requirement goes beyond the cost of the equipment and the on-site operational costs. The data must be analyzed both by the source and the state. One would expect the state to ask for more funding to carry out the requirements laid down in this proposed legislation.

The Montana Power Company recommends this Bill receive a do not pass designation.

EXHIBIT 3  
DATE 2-15-95  
HB 489

Amendments to House Bill No. 489  
Introduced Reading Copy

Requested by Rep. Grinde  
For the Committee on Natural Resources

Prepared by Doug Sternberg  
February 15, 1995

1. Title, line 5.

Strike: "WITH A NONPROFIT CORPORATION"

2. Page 1, lines 13 and 15.

Strike: "or nonprofit corporation"

3. Page 1, line 22.

Following: "given."

Insert: "As used in this section, public entity means any ~~county~~,  
city, municipal corporation, school district, or special  
improvement or taxing district."

EXHIBIT 4  
DATE 2-15-95  
HB 521

**-D-R-A-F-T-**

Amendments to House Bill No. 521  
First Reading Copy

Requested by Rep. Wagner  
For the Committee on Natural Resources

Prepared by Michael S. Kakuk  
February 15, 1995

1. Title, line 4.  
Strike: "PROHIBITING"  
Insert: "REQUIRING"
2. Title, line 4.  
Following: "ADMINISTRATIVE"  
Insert: "AND LOCAL"  
Strike: "AGENCY"  
Insert: "AGENCIES TO JUSTIFY THE ADOPTION OF"
3. Title, line 5.  
Strike: "FROM BEING"  
Insert: "THAT ARE"
4. Title, line 6.  
Strike: second "AND"  
Insert: ", "
5. Title, line 7.  
Following: "SCIENCES"  
Insert: ", AND LOCAL BOARDS OF HEALTH"
6. Title, line 9.  
Following: "SECTIONS"  
Insert: "50-2-116,"
7. Title, line 10.  
Strike: "AND"  
Following: "75-10-603,"  
Insert: "76-3-501, 76-3-504, 76-4-104, AND 80-15-105,"
8. Page 2, line 1.  
Strike: "and to"  
Insert: ", "  
Following: "sciences"  
Insert: ", and local boards of health"
9. Page 6.  
Following: line 7  
Insert: "NEW SECTION. Section 4. Local standards no more stringent than state standards. (1) Except as provided in subsections (2) through (6), unless required by state law,



the local board may not adopt a rule under 50-2-116(1)(i), (2)(k)(iii), or (2)(k)(v) that is more stringent than the corresponding state regulations that address the same circumstances. The local board may incorporate by reference corresponding state regulations.

(2) The local board may adopt a rule to implement 50-2-116(1)(i), (2)(k)(iii), or (2)(k)(v) that is more stringent than corresponding state regulations or adopt rules when there are no corresponding state regulations only if the local board makes a written finding after a public hearing and public comment and based on evidence in the record that the corresponding state regulations are not adequate to protect public health or the environment within the local board's jurisdiction. This finding must be accompanied by a summarizing conclusion statement referring to and evaluating the probability of harm to public health or the environment at the level of the state rule or regulation and the specific improvement in the public health or environment from the stricter local board rule or regulation. The statement must reference information and studies contained in the record that form the basis for the local board's conclusion.

(3) The summarizing conclusion statement must include but is not limited to a discussion of the policy reasons and a risk-cost analysis that supports the local board's decision to impose the standards or requirements and also supports the fact that the local board standard or requirement to be imposed can mitigate the increased probability of harm to the public health or environment and is achievable under current technology, notwithstanding the state government's determination that lesser standards or requirements are appropriate and protective of public health or the environment.

(4) If the local board, upon petition by any person affected by a rule of the local board, identifies rules more stringent than state regulations or identifies rules for which there are no corresponding state regulations, the local board shall review and revise those rules to comply with this section within 9 months of the filing of the petition.

(5) A person who is issued a notice of violation or a denial of a permit or other approval based on a rule that is more stringent than a corresponding state regulation or for which there is no corresponding regulation may assert a partial defense to that notice or a partial challenge to that denial on the basis and to the extent that the rule violates this section because it imposes requirements more stringent than the state regulations, unless the more stringent rule was adopted in compliance with this section.

(6) (a) The local board shall review and propose revisions to its rules to ensure compliance with this section by October 1, 1995. The local board shall

revise its rules to comply with this section by October 1, 1996.

(b) The local board may propose and adopt revisions to its rules prior to the dates specified in subsection (6)(a) upon petition for rulemaking by a person as provided under 2-4-315 and subsection (4) of this section.

**Section 5.** Section 50-2-116, MCA, is amended to read: "**50-2-116. Powers and duties of local boards.** (1)

Local boards shall:

(a) appoint a local health officer who is a physician or a person with a master's degree in public health or the equivalent and with appropriate experience, as determined by the department, and shall fix his salary;

(b) elect a chairman and other necessary officers;

(c) employ necessary qualified staff;

(d) adopt bylaws to govern meetings;

(e) hold regular meetings quarterly and hold special meetings as necessary;

(f) supervise destruction and removal of all sources of filth that cause disease;

(g) guard against the introduction of communicable disease;

(h) supervise inspections of public establishments for sanitary conditions;

(i) subject to the provisions of [section 4], adopt necessary regulations that are no less stringent than state standards for the control and disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of health and environmental sciences and must provide for appeal of variance decisions to the department as required by 75-5-305.

(2) Local boards may:

(a) quarantine persons who have communicable diseases;

(b) require isolation of persons or things that are infected with communicable diseases;

(c) furnish treatment for persons who have communicable diseases;

(d) prohibit the use of places that are infected with communicable diseases;

(e) require and provide means for disinfecting places that are infected with communicable diseases;

(f) accept and spend funds received from a federal agency, the state, a school district, or other persons;

(g) contract with another local board for all or a part of local health services;

(h) reimburse local health officers for necessary expenses incurred in official duties;

(i) abate nuisances affecting public health and safety or bring action necessary to restrain the violation of public health laws or rules;

(j) adopt necessary fees to administer regulations for the control and disposal of sewage from private and public buildings (fees must be deposited with the county treasurer);

(k) adopt rules that do not conflict with rules adopted by the department:

(i) for the control of communicable diseases;

(ii) for the removal of filth that might cause disease or adversely affect public health;

(iii) subject to the provisions of [section 4], on sanitation in public buildings that affects public health;

(iv) for heating, ventilation, water supply, and waste disposal in public accommodations that might endanger human lives; and

(v) subject to the provisions of [section 4], for the maintenance of sewage treatment systems that do not discharge an effluent directly into state waters and that are not required to have an operating permit as required by rules adopted under 75-5-401."

{Internal References to 50-2-116:

x 37-40-102      x 75-5-305}

Renumber: subsequent sections

10. Page 7, line 15.

Strike: "not"

11. Page 12, line 5.

Strike: "not"

12. Page 17.

Following: line 29

Insert: "**Section 16.** Section 76-3-501, MCA, is amended to read:

"**76-3-501. Local subdivision regulations.** (1) Before July 1, 1974, the governing body of every county, city, and town shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for the orderly development of their jurisdictional areas; for the coordination of roads within subdivided land with other roads, both existing and planned; for the dedication of land for roadways and for public utility easements; for the improvement of roads; for the provision of adequate open spaces for travel, light, air, and recreation; for the provision of adequate transportation, water, and drainage, and ; for the regulation of sanitary facilities that is no more stringent than state regulation; for the avoidance or minimization of congestion; and for the avoidance of subdivision which would involve unnecessary environmental degradation and the avoidance of danger of injury to health, safety, or welfare by reason of natural hazard or the lack of water, drainage, access, transportation, or other

public services or would necessitate an excessive expenditure of public funds for the supply of such services.

(2) Review and approval or disapproval of a subdivision under this chapter may occur only under those regulations in effect at the time an application for approval of a preliminary plat or for an extension under 76-3-610 is submitted to the governing body."

{Internal References to 76-3-501:  
x 76-3-503}

Section 17. Section 76-3-504, MCA, is amended to read:

"76-3-504. **Minimum requirements for subdivision regulations.** The subdivision regulations adopted under this chapter shall, at a minimum:

(1) require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(2) establish procedures consistent with this chapter for the submission and review of subdivision plats;

(3) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(4) provide for the identification of areas which, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(5) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(6) prescribe standards for:

(a) the design and arrangement of lots, streets, and roads;

(b) grading and drainage;

(c) water supply and sewage and solid waste disposal ~~which, at a minimum, meet that are no more stringent than~~ the regulations adopted by the department of health and environmental sciences under 76-4-104;

(d) the location and installation of utilities;

(7) provide procedures for the administration of the park and open-space requirements of this chapter;

(8) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision; such utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body."

{Internal References to 76-3-504: None.}

**Section 18.** Section 76-4-104, MCA, is amended to read:  
"76-4-104. Rules for administration and enforcement.

(1) The department shall, subject to the provisions of [section 3], adopt reasonable rules, including adoption of sanitary standards, necessary for administration and enforcement of this part.

(2) The rules and standards shall provide the basis for approving subdivision plats for various types of water, sewage facilities, and solid waste disposal, both public and private, and shall be related to size of lots, contour of land, porosity of soil, ground water level, distance from lakes, streams, and wells, type and construction of private water and sewage facilities, and other factors affecting public health and the quality of water for uses relating to agriculture, industry, recreation, and wildlife.

(3) The rules shall provide for the review of the following divisions of land by a local department or board of health, as described in Title 50, chapter 2, part 1, if the local department or board of health employs a registered sanitarian or a registered professional engineer and if the department certifies under subsection (4) that the local department or board is competent to review these divisions of land:

(a) divisions of land containing five or fewer parcels, whenever each parcel will contain individual onsite water and sewage disposal facilities; and

(b) divisions of land proposed to connect to existing municipal water and waste water systems previously approved by the department, if no extension of the systems is required.

(4) The department shall also adopt standards and procedures for certification and maintaining certification to ensure that a local department or board of health is competent to review the divisions of land described in subsection (3).

(5) The department shall review those divisions of land described in subsection (3) if:

(a) a proposed division of land lies within more than one jurisdictional area and the respective governing bodies are in disagreement concerning approval of or conditions to be imposed on the proposed subdivision; or

(b) the local department or board of health elects not to be certified.

(6) The rules shall further provide for:

(a) the furnishing to the reviewing authority of a copy of the plat and other documentation showing the layout or plan of development, including:

(i) total development area;

(ii) total number of proposed dwelling units;

(b) adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate

supply of water for the type of subdivision proposed;

(c) evidence concerning the potability of the proposed water supply for the subdivision;

(d) adequate evidence that a sewage disposal facility is sufficient in terms of capacity and dependability;

(e) standards and technical procedures applicable to storm drainage plans and related designs, in order to insure proper drainage ways;

(f) standards and technical procedures applicable to sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems when applicable;

(g) standards and technical procedures applicable to water systems;

(h) standards and technical procedures applicable to solid waste disposal;

(i) requiring evidence to establish that, if a public sewage disposal system is proposed, provision has been made for the system and, if other methods of sewage disposal are proposed, evidence that the systems will comply with state and local laws and regulations which are in effect at the time of submission of the preliminary or final plan or plat.

(7) If the reviewing authority is a local department or board of health, it shall, upon approval of a division of land under this part, notify the department of the approval and submit to the department a copy of the approval statement.

(8) Review and certification or denial of certification that a division of land is not subject to sanitary restrictions under this part may occur only under those rules in effect at the time plans and specifications are submitted to the department, except in cases where current rules would preclude the use for which the lot was originally intended, the applicable requirements in effect at the time such lot was recorded must be applied. In the absence of specific requirements, minimum standards necessary to protect public health and water quality will apply."

{ Internal References to 76-4-104:

x 76-3-504

x 76-4-102

x 76-4-108 }

Section 19. Section 80-15-105, MCA, is amended to read:

"80-15-105. **Rulemaking.** (1) The board shall, subject to the provisions of [section 1], adopt rules for the administration of this chapter for which the board and the department of health and environmental sciences have responsibility. These rules must include but are not limited to:

(a) standards and interim numerical standards for agricultural chemicals in ground water as authorized by 80-15-201;

(b) procedures for ground water monitoring as

authorized by 80-15-202 and 80-15-203;

(c) field and laboratory operational quality assurance, quality control, and confirmatory procedures as authorized by 80-15-107, 80-15-202, and 80-15-203, which may include, through adoption by reference, procedures that have been established or approved by EPA for quality assurance and quality control;

(d) standards for maintaining the confidentiality of data and information declared confidential by EPA and the confidentiality of chemical registrant data and information protected from disclosure by federal or state law as required by 80-15-108; and

(e) administrative civil penalties as authorized by 80-15-412.

(2) The department shall adopt rules necessary to carry out its responsibilities under this chapter.

These rules must include but are not limited to:

(a) procedures for ground water monitoring as authorized by 80-15-202 and 80-15-203;

(b) the content and procedures for development of agricultural chemical ground water management plans, including the content of best management practices and best management plans, procedures for obtaining comments from the department of health and environmental sciences on the plans, and the adoption of completed plans and plan modifications as authorized by 80-15-211 through 80-15-218;

(c) standards for maintaining the confidentiality of data and information declared confidential by EPA and of chemical registrant data and information protected from disclosure by federal or state law as required by 80-15-108;

(d) field and laboratory operational quality assurance, quality control, and confirmatory procedures as authorized by 80-15-107, 80-15-202, and 80-15-203, which may include, through adoption by reference, procedures that have been established or approved by EPA for quality assurance and quality control;

(e) emergency procedures as authorized by 80-15-405;

(f) procedures for issuance of compliance orders as authorized by 80-15-403; and

(g) procedures for the assessment of administrative civil penalties as authorized by 80-15-412."

{ Internal References to 80-15-105: None. }

Renumber: subsequent sections

13. Page 18, lines 2 and 3.

Strike: first "and"

Following: "6"

Strike: ", "

Insert: "; and Title 80, chapter 15, "

14. Page 18, line 6.

Strike: "and"

15. Page 18, twice on line 7

Following: "10"

Strike: ", "

Insert: "; and Title 76, chapter 4, "

Strike: second "and"

16. Page 18, line 8.

Insert: "(4) [Section 4] is intended to be codified as an  
integral part of Title 50, chapter 2, and the provisions of  
Title 50, chapter 2, apply to [section 4]."



EXHIBIT

5

DATE

2-15-95

HB

521

February 14, 1995

Honorable Doug Wagner  
Montana House of Representatives  
Capitol Station  
Helena, Mt. 59620

Dear Representative Wagner:

I understand the House Natural Resources Committee will be considering legislation (HB 521) to require state agencies to provide an assessment of the risk to public health and an estimate of the compliance costs when proposing rules and regulations more stringent than corresponding federal requirements for delegated programs.

As a member of the Board of Health and Environmental Sciences, I have at times been frustrated by the inability to obtain information of this nature when considering the adoption of rules that have far-reaching implications. I believe it would be extremely useful in helping us better understand the impacts of our decisions so that the regulatory policy we set as a citizen is in the best interest of the environment and the public.

I appreciate this opportunity to share my thoughts with you and wish you well in your deliberations.

Sincerely,



Rem Kohrt  
240 Mallard Loop  
Whitefish, Mt. 59937

EXHIBIT 6

DATE 2-15-95

HB 521

# MontPIRG

Montana Public Interest Research Group

360 Corbin Hall - Missoula, MT - (406) 243-2908

Testimony Against House Bill 521, February 15, 1995

Chairman Knox and members of the House Natural Resources Committee:

For the record, my name is J.V. Bennett, for the Montana Public Interest Research Group, or MontPIRG.

MontPIRG is a non-profit, non-partisan research and advocacy organization working for good government, consumer rights and sound environmental protection. MontPIRG represents over 4000 members in Montana, with 2200 student members students, and is funded with membership donations.

As an advocacy organization advocating good government and sound environmental protection, MontPIRG rises in opposition to House Bill 521.

One troubling aspect of this bill is the issue of Montana's right to impose regulations that are more stringent than federal standards. The people of Montana have decided over the past two decades that the quality of our water, air and land were important enough to enact standards more stringent than those promulgated by the federal government. To disregard the will of Montanans, simply because it has resulted in more stringent regulations, and force us to accept federal regulations undermines our sovereignty as a State.

In addition, this bill would complicate the process by which future Legislatures could exercise their prerogative to enact laws to protect the quality of Montana's environment. Under this bill Legislators could not direct the scientists it employes to develop regulations under a law enacted by the Legislature without triggering a time consuming analysis. In order to enact laws without triggering this process, the Legislature would have to debate each regulation and standard. The pace of the Legislature and the amount of issues confronting Legislators is not conducive to spending the time necessary to develop regulations necessary to implement a law. The reason we employ the scientists we have in the Department of Health and Environmental Sciences and allow them to do the detail work under guidance from the Legislature is it is an efficient use of scarce time and resources.

Another problem with this bill is the time and labor consuming analysis of any

regulation more stringent than the federal standards. Under the provisions of this bill the department would spend the next seven months analyzing regulations. These departments are chronically understaffed and underfunded to be able to fulfill the duties already assigned to them. If given the extra task of regulation analysis, the department's enforcement effectiveness would be drastically impacted.

Moreover, the fiscal note on this bill will be huge given the reallocation of scarce resources necessary to fulfill the bill's objectives. If we are going to spend large amounts of money on environmental protection, it should result in some tangible benefits not just reams of studies on the regulations themselves.

Because this bill is pointlessly expensive, will lead to department paralysis and undermine Montana's sovereignty to protect its land air and water, MontPIRG urges you to table this House Bill 521.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

*House Natural Resources* COMMITTEE BILL NO. *HB 508*  
 DATE *2-15-95* SPONSOR(S) *Rep. Juedle*  
*A*

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>CRISTAN GRIMM</i>	<i>MONTANA POWER CO.</i>	<i>HB 508</i>	<input checked="" type="checkbox"/>	
<i>GAIL ABERCROMBIE</i>	<i>MT Petroleum Assn</i>		<input checked="" type="checkbox"/>	
<i>Tom Nelson</i>	<i>Exxon Co USA</i>		<input checked="" type="checkbox"/>	
<i>MARY WESTWOOD</i>	<i>MT. SULPHUR</i>	<i>508</i>	<input checked="" type="checkbox"/> <i>ASH</i> <i>WATER</i>	
<i>Bill Allen</i>	<i>MT. Audubon</i>	<i>508</i>		<input checked="" type="checkbox"/>
<i>Dexter Busby</i>	<i>Mt. Reform Co</i>		<input checked="" type="checkbox"/>	
<i>Allen Bartley</i>	<i>Columbia Falls Aluminum Co.</i>	<i>508</i>	<input checked="" type="checkbox"/>	
<i>Steve Kelly</i>	<i>Self</i>	<i>508</i>		<input checked="" type="checkbox"/>
<i>Stan Fraasier</i>	<i>MWF</i>			<input checked="" type="checkbox"/>
<i>Anne Hedges</i>	<i>MEIC</i>	<i>508</i>		<input checked="" type="checkbox"/>
<i>Ted Lange</i>	<i>NPRC</i>	<i>508</i>		<input checked="" type="checkbox"/>

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 487~~ **HB 489**

DATE 2-15-95 SPONSOR(S) Rep. Brady

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Charles R Brooks	Bigs Chamber	<del>HB 487</del> 489		✓
Bill Gordon	Fairground Assoc Inc	489		✓
Wayne Roman	Fairgrounds Assoc Inc	489		✓
LOREN DAVIS	Zest Chance Stamps			
Blake J. Wordal	Lewis & Clark Co	489		✓
John Blomquist	Mt. Stahjans	489	w/amendments	✓

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE

BILL NO. HB 521

DATE 2-15-95 SPONSOR(S) Rep. Wagner

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Dexter Bushy	Mt. Reform Co	521		✓
Alan Berkley	Colombia Falls Aluminum Co. ✓	521		✓
Larry Brown	Ag Pres. Assoc	521		✓
Steve Kelly	Friends of the Wild Swan	521	X	
Jim Mockler	Mt. Coal Council			✓
Stan Fresier	MWF		X	
Tamara J. Johnson	OUR E	521		✓
Don Allen	Mt. Wood Products Assn	521		✓
Stuart Doggett	Mt Manufactured Housing & RV Assoc.			✓
John Bloomquist	Mt. Stock Growers			✓
Melissa Case	MtNs for a Healthy Future	521	✓	
Steve Turkiewicz	Mt Auto Dealers Assn	521	✓	✓

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HB 521  
 DATE 2-15-95 SPONSOR(S) Rep. Wagner

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Anna Hedges	MEIC	<del>521</del> 521	X	
Paul Johnson	Montanans For A Healthy Future	521	X	
Deborah Smith	Sewer Club	521	X	
David Owen	MT Chamber			X
GARY LANGLEY	MT. MINING ASSN	521		X
Ted Lange	NPRC	521	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 521  
 DATE 2-15-95 SPONSOR(S) Rep. Wagner

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Charles Brooks	Blogs Chamber	HB 521		✓
REX MANUEL	CENEX	HB 521		✓
Peggy New	WETA	521		✓
Willa Hall	LWV	HB 521	✓	
Janet Ellis	MT Audubon	HB 521	✓	
GAIL ABERCROMBIE	MT Petroleum Assn			✓
Bruce Gilbert	Stillwater Mining Co			✓
Ken Williams	MPC/Entech	HB 521		✓
MIKE MURPHY	MT. WATER RES. ASSN	HB 521		✓
ANDY SKINNER	SELF	521		✓
MARY WESTWOOD	MT. SULPHUR	521	X	
Gloria Paladichuk	Richland Development	521		✓
J.V. Bennett	MontPIRG	521	✓	

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 538  
 DATE 2-15-95 SPONSOR(S) Rep Lauer

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Janet Ellis	MT Audubon	HJ 538		✓
Larry Brown	Arg Pres. Assoc	538	X	
Paul Johnson	Montanans For A Healthy Future	538		✓
Deborah Smith	Serra Club			X
John Fitzpatrick	Pegasus Co	538	X	
GAIL ABERCROMBIE	MT Petroleum Assn	538	X	
David Owen	mt chamber	538	X	
John Bloomquist	Mt. Stecker Co	538	X	
Don Allen	Mt. Wood Products Assn	538	✓	
MIKE MURPHY	MT. WATER RES. ASSN	538	✓	
Ted Lange	NPRC	538	<del>X</del>	✓

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

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

House Nat. Res COMMITTEE BILL NO. HR 24  
 DATE 2/15/95 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Larry Brown	Ag. Pres. Assoc.	<del>NO</del>	<del>POSITION</del>
John Blomquist	Stachyrowers	questions	
Jon Allen		No pen	
GEORGE COHENSKI	TROT UNLIMITED	<del>X</del>	

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HJ 24  
DATE 2-15-95 SPONSOR(S) Harper

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Janet Ellis	MT Audubon	HJ24		✓
GEORGE OCHENSKI	MT TROUT UNLIMITED	HJ24		✓

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HJR 22  
 DATE 2-15-95 SPONSOR(S) Rep. Lusk

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<i>Donald Brasley</i>	<i>Mt. Run, Co</i>	<i>HJ 22</i>		<input checked="" type="checkbox"/>
<i>GARY LANGLEY</i>	<i>MT MINING ASSN</i>	<i>HS 22</i>		
<i>William Kraemer</i>	<i>MT Mining Assn</i>	<i>JU 22</i>		<input checked="" type="checkbox"/>
<i>Bob Williams</i>	<i>MT MINING ASSN</i>	<i>22</i>		<input checked="" type="checkbox"/>

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