

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on January 13,
1995, at 2:00 pm

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Larry J. Tveit, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. William S. Crismore (R)
Sen. Mike Foster (R)
Sen. Thomas F. Keating (R)
Sen. Ken Miller (R)
Sen. Vivian M. Brooke (D)
Sen. B.F. "Chris" Christiaens (D)
Sen. Jeff Weldon (D)

Members Excused: SEN. BILL WILSON

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Theda Rossberg, Committee Secretary

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

Committee Business Summary:

Hearing: SB 71
Executive Action: SB 46, SB 71

{Tape: 1; Side: A}

HEARING ON SB 71

Opening Statement by Sponsor:

SEN. BARRY "SPOOK" STANG, SENATE DISTRICT NO. 36, said SB 71 would limit the time that claims must be filed to be eligible for reimbursement due to leakage of underground storage tanks, and to include a representative of the petroleum release remediation consultant industry on the Board. He said the underground storage tank clean up program was started about 6 years ago to

help reimburse the people for underground storage tank problems if they should remove their tanks. Without that fund a lot of service stations could go out of business. The board has kept the fund solvent.

Proponents' Testimony:

Jean Riley, Executive Director, Petroleum Tank Release Compensation Board said currently there is no time limit that owners and operators can request reimbursement. Therefore, the board is seeking a two year time limit. Also, the contractors would like representation on the board. **EXHIBIT 1.**

Russ Ritter, representing Enviracon, Inc. from Missoula that is a Washington, Corp. said he supported SB 71 and asked the Committee members for a Do Pass recommendation.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. WELDON asked **Ms. Riley** the reason for the immediate effective date. **Ms. Riley** responded that a board member from the petroleum industry has resigned and the consultant industry would like to put a member on the board, and an immediate effective date would speed up the process. There is a large turnover in that position because it is not a very large group.

SEN. COLE asked **Ms. Riley** if the board member would have to go through the Senate for confirmation. **Ms. Riley** replied they do not, as board members are appointed by the Governor.

CHAIRMAN GROSFIELD said he did not think all governor appointees required confirmation, but would check on that.

SEN. BROOKE asked **SEN. STANG** if there was a conflict with the additional language because the services industry may be overlooked at a certain time because they would not have their say. **SEN. STANG** replied he didn't think so.

CHAIRMAN GROSFIELD asked **Ms. Riley** if Section 2 of SB 71 also needed an immediate effective date. **Ms. Riley** said it did not.

Closing by Sponsor:

SEN. STANG said the main part of the bill was to limit the amount of time people had to file for compensation.

EXECUTIVE ACTION ON SB 46

Motion: SEN. KEATING MOVED SB 46 DO PASS.

Discussion: CHAIRMAN GROSFIELD said there was an amendment to SB 46 requested by SEN. SWYSGOOD providing an effective date, EXHIBIT 2.

Motion: SEN. FOSTER MOVED TO ADOPT THE AMENDMENT AS CONTAINED IN EXHIBIT 2.

Discussion: CHAIRMAN GROSFIELD asked SEN. SWYSGOOD to explain the amendment. SEN. SWYSGOOD responded that the amendment asks for a retroactive applicability because it is necessary to collect funds that were deposited as of December 31, 1994.

Todd Everts, Environmental Quality Council Staff, said the Department of Revenue receives the tax revenues some time in March and it couldn't be guaranteed that SB 46 would pass before that date. The retroactive applicability was to be sure those funds could be used by the Bureau of Mines.

Vote: Motion to adopt the amendment as per EXHIBIT 2 CARRIED UNANIMOUSLY.

Discussion: CHAIRMAN GROSFIELD said another amendment was proposed by the department to interject another related issue into SB 46 and suggested another bill draft may be appropriate. SEN. SWYSGOOD agreed and said he would prefer not to put the amendment in SB 46.

Motion: SEN. KEATING MOVED TO ADOPT SB 46 AS AMENDED.

Vote: Motion to adopt SB 46 as amended CARRIED UNANIMOUSLY.

Discussion: CHAIRMAN GROSFIELD asked the committee members if they wished to take action on SB 71.

SEN. WELDON asked Ms. Riley what the cost would be with the immediate effective date as proposed in the amendment. He asked if it would save money if the immediate effective date was associated with each section.

Mr. Everts said there could be different effective dates for different sections of the bill. As to the cost he deferred the question to Ms. Riley.

Ms. Riley replied the immediate effective date applied only to the retroactive funds. The funds coming in now are not over two years old, so should not be affected in the future.


CHAIRMAN GROSFIELD said to SEN. WELDON it was his understanding that the code commissioner has to track effective dates and as bills are passed with different effective dates they go into different tracking systems. SEN. WELDON said tracking costs

probably wouldn't make any difference as the bill will require separate tracking for part of it anyway.


Motion/Vote: SEN. WELDON MOVED SB 71 DO PASS. Motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 2:30 PM



LORENTS GROSFIELD, CHAIRMAN



THEDA ROSSBERG, SECRETARY

LG/tr

SEN

1-13-95

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 13, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration SB46 (first reading copy -- white), respectfully report that SB46 be amended as follows and as so amended do pass.

Signed: 
Senator Lorents Grosfield, Chair

That such amendments read:

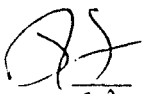
1. Title, line 5.
Strike: "AND"

2. Title, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
RETROACTIVE APPLICABILITY DATE "

3. Page 3, Following line 5.
Insert: " NEW SECTION. Section 3. Retroactive applicability.
[This act] applies retroactively, within the meaning of 1-2-109, to all metaliferous mine taxes collected after December 31, 1994.

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

-END-


Amd. Coord.
57 Sec. of Senate


111554SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 16, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration SB 71 (first reading copy -- white), respectfully report that SB 71 do pass.

Signed: 

Senator Lorents Grosfield, Chair

PR
SA Amd. Coord.
Sec. of Senate

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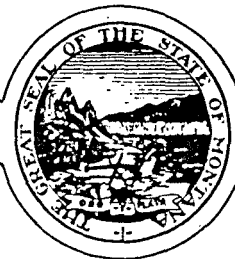
PETROLEUM TANK RELEASE
COMPENSATION BOARD

SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE 1-13-95

FILE NO. SB 71



MARC RACICOT, GOVERNOR

STATE OF MONTANA

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HELENA, MONTANA 59620-0902

Testimony SB 71

Jean Riley, Executive Director
Petroleum Tank Release Compensation Board

The Petroleum Tank Release Compensation Board (Board) is in support of this legislation.

The Board is seeking a statutory limit to the ^{2 yrs.} time for which owners/operators of petroleum storage tanks can request reimbursement from the Petroleum Tank Release Cleanup Fund (Fund). There is presently no time limitation. The Board selected two years due to contractors being required to keep employee records for only three years. The two year limit would allow the staff time to request the necessary information prior to the contractor disposing of records.

The other change was requested by the petroleum remediation consulting industry. This industry completes much of the work on the sites which reimbursement is received. Contractors felt representation could assist the Board in further understanding the industry and it's role in the cleanup.

Again the Board supports this legislation. Thank you for your time.

Amendments to Senate Bill No. 46
First Reading Copy

Requested by Senator Swysgood
For the Committee on Natural Resources

Prepared by Todd Everts
January 12, 1995

SENATE NATURAL RESOURCES
EXHIBIT NO. 2
DATE 1-13-95
BILL NO. SB 46

1. Title, line 5.
Strike: "AND"

2. Title, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
RETROACTIVE APPLICABILITY DATE "

3. Page 3, Following line 5.
Insert: " NEW SECTION. Section 3. {standard} Retroactive applicability. [This
act] applies retroactively, within the meaning of 1-2-109, to all metaliferous
mine taxes collected after December 31, 1994.

NEW SECTION. Section 4. {standard} Effective date. [This act] is effective
on passage and approval."

DATE 1-13-95

SENATE COMMITTEE ON NATURAL RESOURCES

BILLS BEING HEARD TODAY: SB-71

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Mureen Cleary-Schwinder	WIFE	71	X	
Teri Kaber	MT Consensus Council		X	
Colleen Cyle	MT Consensus Council		X	
Ronni Alexander	MT Petroleum Marketers	71	X	
Vian Riley	Petroleum Tank Release Combd.	71	X	
Russ Ritter	Envirocon	71	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY