

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 28, 1995,
at 11:00 AM

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
Michael Kakuk, Environmental Quality Council
Theda Rossberg, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: HB 521

EXECUTIVE ACTION ON HB 521

{Tape: 1; Side: A}

CHAIRMAN GROSFIELD asked Todd Everts to explain the technical amendments. **Mr. Everts, Environmental Quality Council**, explained amendments no. hb052109.amk as contained in **EXHIBIT 1**. **Mr. Everts** said they are technical amendments.

Motion/Vote: **SEN. WILLIAM CRISMORE** MOVED TO ADOPT AMENDMENT hb052109.amk AS CONTAINED IN EXHIBIT 1. MOTION CARRIED UNANIMOUSLY.

Motion: **SEN. TOM KEATING** MOVED HB 521 BE CONCURRED IN AS AMENDED.

Substitute Motion: SEN. JEFF WELDON MOVED TO ADOPT AMENDMENT NO. hb052102.ate AS CONTAINED IN EXHIBIT 2.

Discussion: SEN. WELDON said that those amendments were suggested by Ann Hedges, Montana Environmental Information Council.

Ms. Hedges explained the amendments to the committee members as contained in EXHIBIT 2.

SEN. WELDON said he thought the base premise of HB 521 was a good idea and an explanation was necessary. He said the proposed amendments would make the bill more structurally sound.

CHAIRMAN LORENTS GROSFIELD said that amendments 1 and 8 are the same, striking "required" and inserting "allowed." The committee may wish to deal with those at the same time.

SEN. MIKE FOSTER said SEN. WELDON'S proposed amendments address the burning of hazardous waste. He said he was curious as to what Tom Daubert, Ash Grove Cement Company thought about the amendments. Mr. Daubert said they had no interest in petitioning the Department of Health and Environmental Sciences to rework the rules that they have developed. It was a long process and they were very thorough.

Tom Ebzery said what you have to think about is why the rules adopted were more stringent than the federal rules. Congress is adopting a cost-benefit analysis approach that costs a lot of money. There should be an estimate as to what the cost would be to the regulated community.

SEN. LARRY TVEIT asked Mr. Everts how the differences in amendment 8 between "required" and "allowed" would affect the bill.

Mr. Everts referred the question to Michael Kakuk, Environmental Quality Council. Mr. Kakuk answered that the department can't go beyond federal guidelines unless they are allowed to. Therefore, by striking "required" and inserting "allowed", if they are allowed to go beyond federal guidelines, they don't have to comply with the bill. He said if "allowed" is inserted into the bill, it would result in the bill having no impact on state regulations. Amendments 1, 6, and 8 are all related to "required."

CHAIRMAN GROSFIELD said the statutes already address "required" specifically. He asked Mr. Kakuk if the state had any rules adopted that are stricter than the federal rules. Mr. Kakuk replied that he wasn't sure if the department had any stricter rules than the federal rules, but it could be possible that the legislature could approve stricter rules. He said there are

procedural standards required by state law that are stricter than the federal standards.

SEN. CHRISTIAENS asked **Mr. Kakuk** what would happen if the amendments were not adopted. **Mr. Kakuk** answered that there are certain requirements under state statutes that are stricter than federal rules, but under the bill as introduced, they would be okay.

CHAIRMAN GROSFIELD stated that since this package of amendments deals with several different topics that he would rule that the question should be divided, and that the committee would first vote on amendments No. 1, 6 and 8.

Vote: MOTION ON AMENDMENTS 1, 6 AND 8 FAILED 1-9 WITH **SEN. WELDON** VOTING YES.

CHAIRMAN GROSFIELD stated that the committee would next deal with amendments 2 and 3.

SEN. VIVIAN BROOKE asked if the same thing would not be achievable under current technology, and if that is challenged, would that mean the standard would have to be stricken. The provision in the bill sets up a complex system that local agencies and state agencies will have to defend, and what happens after that fails. She asked if the standards and requirements drop off the books, would the state have to pay for a business or industry loss.

SEN. WELDON pursued **SEN. BROOKE'S** line of questioning and further asked **Mr. Kakuk** if the state or local government fails to meet the local standards, what happens to the rules or regulations. **Mr. Kakuk** replied that if this bill passes and if the state adopts a rule after the effective date of this bill, it could be subject to a law suit. If the court agreed, then the state would have to go back and readopt the rule to comply with this bill.

SEN. CHRISTIAENS asked if that was retroactive back to 1990, or does it mean forward. **Mr. Kakuk** said as an example, if the bill is passed in its current form, and there is a rule adopted after 1990 that someone thinks is more stringent than the federal standard, the that person could file a petition with a fee of up to \$250 to have the department review that rule. The department would then look at the rule and find out if there was a comparable federal regulation, and if the state was more stringent, determine whether the state standard protects public health and the environment, and whether it can mitigate harm and is technologically achievable.

SEN. CHRISTIAENS wondered what kind of a burden that would be to the state to be retroactive from 1990. **CHAIRMAN GROSFIELD** said that would be addressed in other amendments to be reviewed.

SEN. TOM KEATING said Subsection 2 (B) states, "The local board standard or requirement to be imposed can mitigate harm to the

public health or environment and is achievable under current technology." He said that is a safeguard for people that want to do something so the Board of Health can't all of a sudden issue some stringent standards without proving them able to mitigate harm. They have to give reasons for it otherwise they could be arbitrary and capricious about setting standards in order to shut down an industry. He said that (B) is an important line that should stay in the bill.

SEN. WELDON said the whole bill is fertilizer for litigation and would keep a lot of lawyers busy. By striking that language that would take away the potential for litigation.

Vote: MOTION TO ADOPT AMENDMENTS 2 & 3 FAILED 2-8, WITH SEN. WELDON AND SEN. CHRISTIAENS VOTING YES.

CHAIRMAN GROSFIELD said amendment 4 would be dealt with next and it would eliminate the sentence which states, "The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed state standard or requirement."

Mr. Ebzery said this means if you do something more stringent you have a risk benefit analysis done by the government to find out the impact to the regulated community.

{Tape: 1; Side: B}

Vote: MOTION TO ADOPT AMENDMENT 4 FAILS 1-9, WITH SEN. WELDON VOTING YES.

CHAIRMAN GROSFIELD said amendments 5 & 7 go together and eliminate subsection (4) (6) which states, He asked **SEN. WELDON** to withdraw his motion on amendments 5 & 7 because he was proposing an amendment that would accomplish the same thing, only in a different way. **CHAIRMAN GROSFIELD** said there was a real problem with the retroactive date of January 1, 1990. He said he wanted it to apply to prospective changes in rules. HB 330 and HB 331 that were passed in this committee, are going to require the board to redo the Water Quality Rules. Some of the guidelines in the bill apply to rule-making which is good. If it goes back to every rule since 1990, local and state government will be in a real bind.

Motion/withdrawn: SEN. WELDON WITHDREW AMENDMENTS 5 & 7.

CHAIRMAN GROSFIELD stated that the last amendment in this package, amendment No. 9, was next.

Mr. Everts explained amendment 9 to the committee members. That amendment inserts, "Notwithstanding the provisions of [Section 3]". This would apply to Title 75, Chapter 10, which clarifies that when you are dealing with rules for boilers and industrial furnaces that the provisions of the bill do not apply to those

rules. He said under Subsection 2 of 75-10-405 it currently says, "The department may not adopt rules under this part that are more restrictive than those promulgated by the federal government under the Resource Conservation and Recovery Act of 1976..."

Vote: MOTION TO ADOPT AMENDMENT 9, CARRIED 7-3, WITH SEN. KEATING, SEN. TVEIT AND SEN. CRISMORE VOTING NO.

Motion: CHAIRMAN GROSFIELD MOVED TO ADOPT AMENDMENTS hb052110.amk AS CONTAINED IN EXHIBIT 3, EXCEPT FOR AMENDMENT NO. 16 WHICH IS IDENTICAL TO THE AMENDMENT NO. 9 THAT WAS JUST ADOPTED.

SEN. KEATING said this bill doesn't say you have to have a peer-reviewed study, it only says you review any studies contained in the record that form the basis for the board's conclusion, and "if any" doesn't add anything. CHAIRMAN GROSFIELD said he had thought the bill might be interpreted to mean you had to have peer-reviewed studies and that concerned him because of cost. SEN. KEATING said if it is clear to the committee that the bill will not require peer-reviewed studies, then it was okay with him and he would withdraw the pertinent amendments.

CHAIRMAN GROSFIELD withdrew amendments 2, 5, 8, 11, and 14.

SEN. BROOKE said the proponents made it very clear that it should be in the bill and they demanded that decisions should be made on peer-reviewed scientific studies.

Mr. Kakuk said amendments 3, 6, 9, 12, and 15 all say the same thing: "striking subsection (4) in its entirety." That section referred to the retroactive date of January 1, 1990.

SEN. KEATING asked why that language was in the bill to begin with. Mr. Ebzery said the original bill had language with a look-back without a date. The purpose was to see if they were able to justify living under the present rules. Going back to 1980 was considered, but Director Bob Robinson said they did not have data that far back, so 1990 was the date picked because by that time the department was keeping enough data for an informed decision to be made now.

CHAIRMAN GROSFIELD said the reason the retroactive date was proposed to be removed from the bill was to respond to fiscal note concerns. If the retroactive date is left in the bill that means the agencies must go back to 1990 and review all of the rules and redo them. He said that rule-making comes up often enough that they shouldn't have to do that. CHAIRMAN GROSFIELD said that in the statement of intent, on Page 2, Lines 26 it says, "any rule that is adopted, readopted, or amended under the authority of or in order to implement, comply with..." He said another amendment he was proposing would make that clearer.

SEN. CHRISTIAENS asked **CHAIRMAN GROSFIELD** if the committee adopted his amendment, would that take care of some of the unfunded mandate. **CHAIRMAN GROSFIELD** replied yes, that would take care of it. Everyone thinks HB 521 is a good bill, butk the unfunded mandate part of it is a concern.

SEN. KEATING asked **CHAIRMAN GROSFIELD** if since 1990 there have been some changes in rules and standards that are unachievable, did he feel they should be reviewed as to whether or not they are too strict. **CHAIRMAN GROSFIELD** replied that he agreed, and a good example was the arsenic standard that was adopted in the nondegredation rules, and that was unachievable. SB 331 will require the rewriting of that rule, which would be accomplished under the requirements of HB 521 if it passes. He felt that in the normal course of events, rules will be rewritten.

SEN. KEATING said if the language is stricken and the bill doesn't allow them to go back, he anticipates in the next 2 years, there will be a flood of bills dealing with rewriting standards.

SEN. CHRISTIAENS said that is one of the reasons it should be funded. The Consensus Council is funded and is the way it should be handled.

SEN. CRISMORE said that **Mr. Robinson** was comfortable with going back to 1990.

Vote: MOTION TO ADOPT THE REMAINING AMENDMENTS AS CONTAINED IN EXHIBIT 3, FAILED WITH A ROLL CALL VOTE OF 5-5.

Motion: **CHAIRMAN GROSFIELD** MOVED TO ADOPT AMENDMENTS NO. hb052111.amk AS CONTAINED IN EXHIBIT 4.

Mr. Kakuk explained the amendments to the committee members.

SEN. WELDON asked **Mr. Kakuk** as it relates to public notice requirements, what would be more stringent than a federal regulation. **Mr. Kakuk** said for example, if the federal regulation states that the public is given 30 days notice and the state says it must be 15 days notice, that would be more stringent.

SEN. BROOKE asked **Mr. Kakuk** how that interacts with local government and communities adopting more stringent rules for air and water quality. In Section 2, subsection (2) it states, "The board or department may adopt a rule to implement this chapter that is more stringent than COMPARABLE federal regulations OR GUIDELINES only if the board or department makes a written finding after a public hearing and public comment and based on evidence in the record..." **Mr. Kakuk** said the bill does address local air and water quality, but a local community or government cannot adopt a rule that is more stringent than state standards, until approved by the local governing body or board through a

finding similar to the finding that state agencies are required to make under this bill.

SEN. KEATING said the state does not have primacy on wetlands.

Rules and regulations on wetlands are exempt from the bill.

CHAIRMAN GROSFIELD said the bill doesn't address wetlands. **SEN.**

KEATING said there already was a bill to take primacy away from the state and give everything back to the Environmental Protection Agency. **CHAIRMAN GROSFIELD** said he thought that bill had been tabled.

Mr. Ebzery asked what establishing and delegating primacy to the state meant, in no. 3 of the amendments. There is a lot of unknown in that language. Programs like surface mining have a clear delegation of primacy to the state, other statutes may not. He said he thought the words "established and delegated primacy", were confusing. **Mr. Kakuk** agreed that the language was unclear as to what might be or might not be included.

CHAIRMAN GROSFIELD said he would like the bill to deal with the primacy issue so it would be clear what rules they were talking about. **SEN. KEATING** said if the state wants a tighter rule or standard, it is only fair that they justify that even if they don't have primacy. He thought that if an applicant or permittee under a particular standard could say that the state doesn't have primacy and therefore the state's rule is not subordinate to federal rule, that the applicant or permittee could then say that they could get their permit under the federal standard. He didn't know if that would be possible, but felt that it would be opening the door for a fight.

SEN. MACK COLE said it looks like referring to establishing primacy will cause problems. **CHAIRMAN GROSFIELD** asked if "established and" were struck, and "delegated" was left in, would that be clearer. **Mr. Ebzery** said if you use the term "delegated primacy to the state", the argument could be, as an example, that there would be no delegation under the Clean Water Act. **Mr. Kakuk** suggested that the programs be specifically identified in the bill.

Mr. Everts suggested that Subsection 1 could read, "Sections 1-3 are intended to apply to any rule that is adopted or readopted or amended that attempts to regulate those resources or activities for which the state assumes primacy of a federal program, as of the effective date of this Act."

Motion Withdrawn: **CHAIRMAN GROSFIELD** said that because of the confusion and concern he would withdraw the amendments.

Motion: **CHAIRMAN GROSFIELD** MOVED TO ADD TO THE END OF THE STATEMENT OF INTENT, THE FOLLOWING LANGUAGE, "This Act does not apply to the establishment of fees, time-frames, public notice requirements or other requirements that are administrative in nature."

SEN. FOSTER asked Mr. Ebzery what his reaction was to the motion. Mr. Ebzery said in regard to the "fees, time-frame, and public notice", that is probably okay, but "other requirements that are administrative in nature" should not be added. The response from the Department would probably be "too bad that doesn't apply, here is your \$250 back." If the Department is given that much flexibility, they will deem everything administrative. He said he thought that would promote litigation because it is so vague.

SEN. MILLER said he agreed with Mr. Ebzery and wondered if there were any other areas that needed to be changed. Mr. Kakuk said instead of "public notice", "public participation" is more the focus of it. SEN. KEATING said the bill already exempts fees, but time-frames can be important to an applicant. The time-frames are usually set in statute and if they are not in the statute, the board can set time-frames but the department could be argumentative and capricious.

{Tape: 2; Side: A}

Amended Motion: CHAIRMAN GROSFIELD AMENDED HIS MOTION TO READ: "This Act is not intended to apply to the establishment or setting of fees, time-frames, public participation requirements, or enforcement procedures."

SEN. FOSTER said he was wondering just what "enforcement" entails. Mr. Ebzery said he had the same questions regarding "enforcement." In the amendments to the statutes in the Clean Water Act and the Clean Air Act, they did not want to have one form of enforcement that was more dramatic than the other. If you want a more severe enforcement, why not come up with a finding of why it should be done.

Substitute Motion/Vote: SEN. FOSTER MOVED ON PAGE 3, LINE 2, AFTER THE WORD "fees", TO ADD "or to public participation requirements." MOTION CARRIED 9-1 WITH SEN. BROOKE VOTING NO.

Motion: SEN. KEATING MOVED SB 521 BE CONCURRED IN AS AMENDED.

Discussion:

SEN. BROOKE said on the fiscal note there is language in the Technical Notes that says, "comparable federal rules or guidelines should be defined to provide guidance in administering this law." She asked if anyone was concerned with that language. She said their County Attorney in Missoula said that "regulated community" is not defined, and in Missoula the local Air Control Board enacts regulations which limits the type of solid fuel burning devices that can be installed in existing structures. She said she was concerned about the expense that would be passed on to the local community governments.

CHAIRMAN GROSFIELD said that one of his amendments addressed that issue and that amendment failed. He said he had the same concern

and wanted to get a better idea of what "comparable meant", and that was the reason he proposed the amendment on primacy and being specific regarding what we were talking about.

CHAIRMAN GROSFIELD asked **Mr. Kakuk** when the fiscal note was drafted. **Mr. Kakuk** said the fiscal note was drafted after it came out of the House Committee. He added that, in **Mr. Robinson's** testimony, the fact that not all the terms in this bill were well defined was also brought out.

Vote: MOTION THAT HB 521 BE CONCURRED IN AS AMENDED CARRIED 7-3
ON A ROLL CALL VOTE.

{Comments: the committee meeting was recorded on one and one-half 60 minute tapes.}

ADJOURNMENT

Adjournment: 5:45 PM



LORENTS GROSFIELD, Chairman



THEDA ROSSBERG, Secretary

LG/TR

MONTANA SENATE
1995 LEGISLATURE
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE _____

3.28.95

[illegible]


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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 28, 1995

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration HB 521 (third reading copy -- blue), respectfully report that HB 521 be amended as follows and as so amended be concurred in.

Signed: 
Senator Lorents Grosfield, Chair

That such amendments read:

1. Page 3, line 2.

Following: "FEES"

Insert: "or to public participation requirements"

2. Page 3, line 8, page 5, line 12, and page 7, line 16.

Following: "(5)"

Strike: "AND"

Insert: "or"

3. Page 9, line 20, and page 10, line 27.

Following: "(4)"

Strike: "AND"

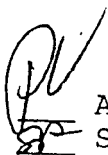
Insert: "or"

4. Page 23, line 15.

Strike: "The"

Insert: "Notwithstanding the provisions of [section 3], the"

-END-



Amd. Coord.
Sec. of Senate

Senator Carrying Bill

711500SC.SPV

Amendments to House Bill No. 521
Third Reading Copy

HOUSE BILL NO. 521
AMENDMENT NO. 1
DATE 3-28-95
BILL NO. H.B. 521

For the Committee on Natural Resources

Prepared by Michael S. Kakuk
March 27, 1995

1. Page 3, line 8, page 5, line 12, and page 7, line 16.

Following: "(5)"

Strike: "AND"

Insert: "or"

2. Page 9, line 20, and page 10, line 27.

Following: "(4)"

Strike: "AND"

Insert: "or"

*Based
unanimously*

Amendments to House Bill No. 521
Third Reading Copy

Requested by Senator Weldon
For the Committee on Natural Resources

Prepared by Todd Everts
March 28, 1995

- Page 3*
(1) Page 3, line 8, page 5, line 12, and page 7, line 16.
Strike: "required"
Insert: "allowed"

- Page 4*
2. Page 4, lines ~~41~~¹⁴⁻¹⁵ and ~~12~~, page 6, lines 15 and 16, page 8 lines 19 and 20, page 9, lines 28 and 29, and page 11 lines 5 and 6.
Strike: ":" on line 11, page 4, line 15, page 6, line 19, page 8, line 28, page 9, and line 5, page 11 through "(A)" on line 12, page 4, line 16, page 6, line 20, page 8, line 29, page 9, and line 6, page 11.

- Page 4*
3. Page 4, lines 13 through 15, page 6, lines 17 through 19, page 8, lines 21 through 23, page 9 line 30 through page 10 line 2 and page 11 lines 7 through 9.
Strike: "; AND" on line ~~13~~¹⁵, page 4, line 17, page 6, line 21, page 8, line 30, page 9, and line 7, page 11 through "TECHNOLOGY" on line 15, page 4, line 19, page 6, line 23, page 8, line 2, page 10, and line 9, page 11.

- Page 4*
4. Page 4, lines 17 through 20, page 6, lines 22 through 24, page 8, lines 26 through 28, page 10 lines 5 through 7 and page 11, lines 12 through 14.
Following: "CONCLUSION." on line 17, page 4, line 22, page 6, line 25, page 8, line 5, page 10, and line 12, page 11
Strike: "THE" on line 17, page 4, line 22, page 6, line 26, page 8, line 5, page 10 and line 12, page 11 through "REQUIREMENT." on line 20, page 4, line 24, page 6, line 28, page 8, line 7, page 10, and line 14, page 11.

- with row*
5. Page 4, line 21, page 6, line 25, page 8, line 29, page 10, line 8, and page 11, line 15.
Strike: "(A)"

- Page 4*
(6) Page 4, line 23, page 6, line 27, page 9, line 1, page 10, line 10, and page 11, line 17.
Following: "GUIDELINES"
Insert: "and that is not allowed by state law"

- with row*
7. Page 5, lines 2 through 6, page 7 lines 6 through 10, page 9 lines 10 through 14, page 10 lines 19 through 23, and page 11, lines 26 through 30.
Strike: subsection (B) in its entirety

Pages 8-10
8. Page 9, line 20 and page 10, line 27.

Strike: "REQUIRED"

Insert: "allowed"

Passed
9. Page 23, line 15.

Strike: "The"

Insert: "Notwithstanding the provisions of [section 3], the"

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 3-28-95

BILL NO. HB 521

Amendments to House Bill No. 521
Third Reading Copy

AMENDMENT NO. 3
DATE 3-28-95
BILL NO. HB 521

Requested by Sen. Grosfield
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
March 28, 1995

1. Page 3, line 8.

Strike: "(5)"

Insert: "(4)"

O same

2. Page 4, line 17.

Following: "STUDIES"

Insert: ", if any,"

3. Page 4, line 21 through page 5, line 6.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

4. Page 5, line 12.

Strike: "(5)"

Insert: "(4)"

5. Page 6, line 21.

Following: "STUDIES"

Insert: ", if any,"

6. Page 6, line 25 through page 7, line 10.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

7. Page 7, line 16.

Strike: "(5)"

Insert: "(4)"

8. Page 8, line 25.

Following: "STUDIES"

Insert: ", if any,"

9. Page 8, line 29 through page 9, line 14.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

10. Page 9, line 20.

Strike: "THROUGH (4)"

Insert: "and (3)"

11. Page 10, line 4.

Following: "STUDIES"

Insert: ", if any,"

12. Page 10, lines 8 through 23.

Strike: subsection (4) in its entirety

GENE NATURAL RESOURCES
REPORT NO. 3
DATE 3-28-95
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13. Page 10, line 27.
Strike: "THROUGH (4)"
Insert: "and (3)"

W/Intro

14. Page 11, line 11.
Following: "STUDIES"
Insert: ", if any,"

15. Page 11, lines 15 through 30.
Strike: subsection (4) in its entirety

16. Page 23, line 15.
Strike: "The"
Insert: "Notwithstanding the provisions of [section 3], the"

Amendments to House Bill No. 521
Third Reading Copy

AMENDMENT NO. 4
DATE 3-28-95
BILL NO. HB 521

Requested by Sen. Grosfield
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
March 28, 1995

1. Title, line 14.

Following: "DATE"

Insert: "AND APPLICABILITY PROVISIONS"

2. Page 2, line 25 through page 3, line 2.

Strike: "[SECTIONS]" on page 2, line 25 through "FEES." on page 3,
line 2

3. Page 30.

Following: line 4

Insert: "NEW SECTION. Section 22. Applicability. (1)

With intent { [Sections 1 through 3] are intended to apply to any rule that is adopted, readopted, or amended and that attempts to regulate those resources or activities for which the federal government has established and delegated primacy to the state as of [the effective date of this act].

(2) [Sections 4 and 5] apply to local units of government when they attempt to regulate the control and disposal of sewage from private and public buildings.

(3) [This act] does not apply to the establishment of fees, timeframes, public notice requirements, or other requirements that are administrative in nature."

Renumber: subsequent section

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*o x
Intent*

MONTANA SENATE
1995 LEGISLATURE
NATURAL RESOURCES COMMITTEE
ROLL CALL VOTE

DATE 3-28-95 BILL NO. HB 521 NUMBER 1

MOTION: Amendments 3, 6, 9, 12, 15

hb 052110. am k

Vote: 5-5 FAILS

NAME	AYE	NO
VIVIAN BROOKE		X
B.F. "CHRIS" CHRISTIAENS	X	
MACK COLE	X	
WILLIAM CRISMORE		X
MIKE FOSTER		X
TOM KEATING		X
KEN MILLER	X	
JEFF WELDON	X	
BILL WILSON		
LARRY TVEIT, VICE CHAIRMAN		X
LORENTS GROSFIELD, CHAIRMAN	X	

MONTANA SENATE
1995 LEGISLATURE
NATURAL RESOURCES COMMITTEE
ROLL CALL VOTE

DATE 3-28-95 BILL NO. HB 521 NUMBER 2

MOTION: HB 521 CONCURRED IN

AS AMENDED

PA By a Vote of 7-3

NAME	AYE	NO
VIVIAN BROOKE		X
B.F. "CHRIS" CHRISTIAENS	X	
MACK COLE	X	
WILLIAM CRISMORE	X	
MIKE FOSTER	X	
TOM KEATING	X	
KEN MILLER	X	
JEFF WELDON		X
BILL WILSON		
LARRY TVEIT, VICE CHAIRMAN	X	
LORENTS GROSFIELD, CHAIRMAN		X

SEN:1995

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