

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Chairman Dick Knox, on February 19, 1997, at  
3:09 p.m., in Room 437

**ROLL CALL**

**Members Present:**

Rep. Dick Knox, Chairman (R)  
Rep. Bill Tash, Vice Chairman (Majority) (R)  
Rep. Hal Harper, Vice Chairman (Minority) (D)  
Rep. Haley Beaudry (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Jon Ellingson (D)  
Rep. Doug Mood (R)  
Rep. Karl Ohs (R)  
Rep. Scott J. Orr (R)  
Rep. Bob Raney  
Rep. Trudi Schmidt (D)  
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:** Kathleen Williams, Legislative Services  
Stephanie Braun, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 551 (2/14), HJ 20 (2/12),  
HB 160 (2/12), HB 531 (2/12)  
Executive Action: Hb 531 DO PASS (17-1), HB 160  
DO PASS AS AMENDED (17-1), HB  
551 DO PASS (16-2), HB 524 AS  
AMENDED (12-6), HJ 20 Tabled  
(18-0), HB 546 DO PASS AS  
AMENDED (17-1), HB 50 Tabled  
(13-5), HB 494 Tabled (12-6),  
HB 450 Tabled (15-3)

HEARING ON HB 551

Opening Statement by Sponsor:

Rep. Larry Grinde, HD #94 opened

{Tape: 1; Side: a; Approx. Time Count: 1.6; Comments: none.}

Proponents' Testimony:

Bud Clinch, Director of Department of Natural Resources and Conservation

{Tape: 1; Side: a; Approx. Time Count: 3.5; Comments: none.}

David McClure, MT Farm Bureau

{Tape: 1; Side: a; Approx. Time Count: 8.6; Comments: none.}

Gary Willis, MT Power Company submitted Exhibit #1

{Tape: 1; Side: a; Approx. Time Count: 10.2; Comments: Exhibit #1.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 11.8; Comments: none.}

Closing by Sponsor: Rep. Grinde closed

{Tape: 1; Side: a; Approx. Time Count: 31.4; Comments: none.}

HEARING ON HJ 20

Opening Statement by Sponsor:

Rep. Sylvia Bookout-Reinicke, HD #71 opened and submitted Exhibits #2, #3, #4, #5, & #6

{Tape: 1; Side: a; Approx. Time Count: 32.0; Comments: Exhibits 2, 3, 4, 5, & 6.}

Proponents' Testimony:

\*\*\*\* NOTE: PROPONENTS AND OPPONENTS TESTIFIED IN ACCORDANCE WITH THE INTRODUCED BILL NOT THE "GREY BILL" THAT WAS SUBMITTED BY REP. BOOKOUT-REINICKE IN EXHIBITS #2 & #3. THE PROPONENTS OPPOSE THE PROPOSED AMENDMENTS BY THE SPONSOR.

Debora Griffen, self, ACCEH submitted Exhibit #7

{Tape: 1; Side: a; Approx. Time Count: 43.2; Comments: none.}

Lucinda Hodges, self, ACCEH submitted Exhibit #8

{Tape: 1; Side: a; Approx. Time Count: 47.3; Comments: none.}

{Tape: 1; Side: a; Approx. Time Count: end; Comments: flipped tape at the very end.}

{Tape: 1; Side: b; Approx. Time Count: 0.1; Comments: none.}

Elisa Lynch, Clark Fork-Pend Oreille Coalition submitted Exhibits #9, #10, #11 & #12  
{Tape: 1; Side: b; Approx. Time Count: 3.4; Comments: Exhibits 9, 10, 11 & 12.}

Bud Solmonsson, United Methodist Church & Director of National ECO Institute submitted Exhibits #13, #14 & #15  
{Tape: 1; Side: b; Approx. Time Count: 8.9; Comments: Exhibits #13, #14 & #15.}

Rick Meis, Treecycle submitted Exhibit #16  
{Tape: 1; Side: b; Approx. Time Count: 12.1; Comments: Exhibit #16.}

Bill Stern, Native Forest Network submitted Exhibit #17, 18, 19, 20 & 21  
{Tape: 1; Side: b; Approx. Time Count: 15.6; Comments: Exhibit 17, 18, 19, 20, & 21.}

Tara Mele, self & MT PIRG  
{Tape: 1; Side: b; Approx. Time Count: 21.3; Comments: none.}

Wendy Raney, self  
{Tape: 1; Side: b; Approx. Time Count: 23.2; Comments: none.}

Anne Johnson, Montanans Against Toxic Burning submitted Exhibit 22 & 23  
{Tape: 1; Side: b; Approx. Time Count: 26.5; Comments: Exhibits 22 & 23.}

Kagan Owens, self  
{Tape: 1; Side: b; Approx. Time Count: 27.1; Comments: none.}

The following testimony was submitted in written form only.

Lou Ann Crowley submitted Exhibit #24

Charlotte Sophia Kasl, Ph.D., author, teacher, Certified Addiction Specialist submitted Exhibits #25, 26 & 27

Hope Sieck, self submitted Exhibit #28

Wade Sikorski, Ph.D. submitted Exhibit #29

Exhibit 30 Wall Street Journal Article 2/12/97

Annie Szvetcz, Women's Voices for the Earth submitted Exhibit #31

Michael A. Kennedy, Commissioner Missoula County submitted Exhibit #32

Barbara Evans, Fern hart & Michael Kennedy, Commissioners from Missoula County submitted Exhibit #33

Exhibit #34 in favor of HJ 20 as proposed

Judy Hoy, submitted Exhibit #35

Opponents' Testimony:

Tim Shields, AFLCIO, Stone Container submitted Exhibit #36  
{Tape: 1; Side: b; Approx. Time Count: 34.0; Comments: Exhibit 36.}

Scott Kulbeck, MT Farm Bureau

{Tape: 1; Side: b; Approx. Time Count: 40.0; Comments: none.}

Darrell Geist, Cold Mountain & Cold River

{Tape: 1; Side: b; Approx. Time Count: 41.6; Comments: none.}

Rep. Knox interjected that if Mr. Geist was to be an opponent and address his opposition to the introduced amendments that would be okay, however the Committee was not going to hear the testimony again from the proponents as opponents. It was understood when the hearing began that the testimony was with regards to the original HJ 20 bill as introduced, not to the proposed amendments and the "grey bill".

{Tape: 1; Side: b; Approx. Time Count: 42.4; Comments: none.}

Darrell Geist continues

{Tape: 1; Side: b; Approx. Time Count: 43.0; Comments: none.}

John Rothstien, Dupont Company

{Tape: 1; Side: b; Approx. Time Count: 47.0; Comments: none.}

Tim Shields wanted to go on record not as a proponent to the grey bill.

Informational Testimony:

Tony Tweedale, MT-CHEER, submitted Exhibits # 37 & 38

{Tape: 2; Side: a; Approx. Time Count: 3.2; Comments: Exhibits 37 & 38.}

Questions From Committee Members and Responses:

{Tape: 2; Side: a; Approx. Time Count: 8.8; Comments: none.}

Closing by Sponsor:

Rep. Bookout-Reinicke closed

{Tape: 2; Side: a; Approx. Time Count: 16.9; Comments: none.}

HEARING ON HB 160

Opening Statement by Sponsor: Rep. Bill Tash, HD #34 opened

Proponents' Testimony:

Jan Sensibaugh, Department of Environmental Quality submitted Exhibits 39 & 40

{Tape: 2; Side: a; Approx. Time Count: 23.6; Comments: Exhibits  
39 & 40.}

Bob Gilbert, MADRA, MTTA

{Tape: 2; Side: a; Approx. Time Count: 26.4; Comments: none.}

Henry Lore

{Tape: 2; Side: a; Approx. Time Count: 27.2; Comments: none.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 2; Side: a; Approx. Time Count: 30.0; Comments: none.}

Closing by Sponsor: Rep. Tash closed

HEARING ON HB 531

Opening Statement by Sponsor: Rep. Emily Swanson, HD #30

{Tape: 2; Side: a; Approx. Time Count: 38.6; Comments: none.}

Proponents' Testimony:

Jan Sensibaugh, Department of Environmental Quality submitted  
Exhibit #41

{Tape: 2; Side: a; Approx. Time Count: 43.5; Comments: Exhibit  
41.}

Leonard Wortman, Jefferson County Commissioner

{Tape: 2; Side: a; Approx. Time Count: 44.7; Comments: none.}

Richard Corigan, Missoula County

{Tape: 2; Side: a; Approx. Time Count: 45.4; Comments: none.}

Bob Gilbert, MTTA, MADRA

{Tape: 2; Side: a; Approx. Time Count: 48.0; Comments: none.}

{Tape: 2; Side: a; Approx. Time Count: end; Comments: flipped  
tape at the very end.}

{Tape: 2; Side: b; Approx. Time Count: 0.1; Comments: none.}

Opponents' Testimony: none

Questions From Committee Members and Responses:

{Tape: 2; Side: b; Approx. Time Count: 1.0; Comments: none.}

Closing by Sponsor: Rep. Swanson closed

{Tape: 2; Side: b; Approx. Time Count: 9.8; Comments: none.}

EXECUTIVE ACTION ON HB 531

Motion: Rep. Swanson; DO PASS

*{Tape: 2; Side: b; Approx. Time Count: 13.5; Comments: none.}*

**Discussion:** Rep. Swanson feels there's still work to be done but this a start.

*{Tape: 2; Side: b; Approx. Time Count: 14.0; Comments: none.}*

**Motion/Vote:** Question was called, voice vote, motion carries (17-1) Rep. Wagner voted against the HB 531

#### EXECUTIVE ACTION ON HB 160

**Motion:** Rep. Tash; DO PASS

**Amendments:** Rep. Tash introduced amendment hb016001.akw

**Discussion:** Rep. Taylor would like to amend the 3rd section, would like to see voluntary compliance.

*{Tape: 2; Side: b; Approx. Time Count: 16.0; Comments: none.}*

**Motion/Vote:** DO PASS, Question called for on amendments, 18-0 motion carries

**Discussion:** The Committee decided that the amendment suggested by Henry Lor belonged in another section of MT Code and did not belong as a part of this bill. The amendment was never moved so no vote on that amendment took place.

*{Tape: 2; Side: b; Approx. Time Count: 23.9; Comments: none.}*

**Motion/Vote:** motion of DO PASS, Question was called for on the bill as amended, voice vote, motion carries (17-1) Rep. Wagner voted no, HB 160 passes as amended

#### EXECUTIVE ACTION ON HJ 20

**Rep. Knox** recommends that they attach the amendment to the Bill. **Rep. Raney** explained that if they discuss the Bill with the attached amendment that if it reached the House floor he would ask for his name to be removed; he supported HJ 20 in its original form not with amendments that changed the whole intent of the bill.

*{Tape: 2; Side: b; Approx. Time Count: 28.6; Comments: none.}*

**Amendments:** Rep. Tuss called for a conceptual amendment to modify "chlorine" by "elemental"

**Motion:** Rep. Tuss' amendment was moved DO PASS, voice vote, 14-4, amendment accepted

**Motion:** Rep. Ellingson moved to TABLE HJ 20

**Motion/Vote:** voice vote, motion carried HJ 20 was TABLED (18-0)

EXECUTIVE ACTION ON HB 551

Motion: Rep. Harper; DO PASS

Amendments: none

Discussion: Rep. Story

*{Tape: 2; Side: b; Approx. Time Count: 33.4; Comments: none.}*

Motion/Vote: Question was called, voice vote, motion carries (16-2), Reps. Wagner & Orr voted "no"

EXECUTIVE ACTION ON HB 50

Motion: Rep. Orr, DO PASS

Discussion: Rep. Knox mentioned to the Committee that if this Bill moves out of Committee there will be big trouble.

*{Tape: 2; Side: b; Approx. Time Count: 34.5; Comments: none.}*

Motion/Vote: Rep. Story motions to TABLE the bill, voice vote, motion carries (13-5) Reps. Harper, Ellingson, Raney, Taylor & Wagner voted "no"

EXECUTIVE ACTION ON HB 546

Motion: Rep. Tash moved DO PASS

*{Tape: 2; Side: b; Approx. Time Count: 37.6; Comments: none.}*

Amendments: Rep. Tash handed out an amendment, hb054601.akw

Discussion: Rep. Curtiss asked if this amendment was in addition to the one he had handed out at the hearing or if it was in addition. Rep. Tash discussed the amendments and the subcommittee's process. This amendment takes the prior ones into account and incorporates a few other changes.

*{Tape: 2; Side: b; Approx. Time Count: 40.5; Comments: none.}*

Motion/Vote: Question was called for on the DO PASS motion for amendment hb054601.akw, voice vote, amendment accepted (16-2) Reps. Tuss & Curtiss voted "no"

Motion: Rep. Tash moved to DO PASS as AMENDED

Discussion: Rep. Swanson is concerned about the fiscal note and whether or not the money was in the Governor's proposed budget. Rep. Tash said he didn't sign the fiscal note because he feels some will be funded from "319 monies".

*{Tape: 2; Side: b; Approx. Time Count: 46.0; Comments: none.}*

*{Tape: 2; Side: b; Approx. Time Count: 46.4; Comments: flipped tape.}*

Rep. Tash feels that the leadership is confident that the program will be funded.

Rep. Orr spoke out against the bill. He feels it was put together too quickly and he wishes that the amendments submitted by agriculture had been taken more seriously.

*{Tape: 3; Side: a; Approx. Time Count: 0.1; Comments: none.}*

Rep. Tash agrees with Rep. Orr's comments, but felt in the interest of time it was more important to get the Bill into the Senate and in the meantime iron out a few more amendments and introduce them in the Senate in the hopes that the Bill will be a better Bill.

*{Tape: 3; Side: a; Approx. Time Count: 2.5; Comments: none.}*

Rep. Harper doesn't feel the money is in the budget. Agrees with Rep. Tash that its important to keep the process moving, Larry Brown submitted 5 pages of amendments.

*{Tape: 3; Side: a; Approx. Time Count: 4.3; Comments: none.}*

Rep. Curtiss said she has a problem with amendment #5 feels it does a disservice to Agriculture.

*{Tape: 3; Side: a; Approx. Time Count: 5.9; Comments: none.}*

Rep. Tash appreciates the concern, feels that all parties need to collaborate and compromise. Rep. Tash assured Rep. Wagner that the other concerns would be addressed in the Senate process with Sen. Grosfield.

*{Tape: 3; Side: a; Approx. Time Count: 6.3; Comments: none.}*

Rep. Swanson still is fretting over the fiscal note and that its not in the Governor's Budget.

*{Tape: 3; Side: a; Approx. Time Count: 8.9; Comments: none.}*

Rep. Harper feels that the House floor will throw it to the Appropriations Committee. Reps. discuss that if the Committee puts the Bill into Appropriations the technical language will be stopped so it may be better to send to House floor.

*{Tape: 3; Side: a; Approx. Time Count: 9.8; Comments: none.}*

Rep. Tash discusses how some of the language in the Bill came about and Kathleen Williams gave a historical account of how the Advisory Group language came about.

*{Tape: 3; Side: a; Approx. Time Count: 15.0; Comments: none.}*

**Motion/Vote:** Question was called, DO PASS AS AMENDED, (17-1) motion carries, Rep. Orr voted "no"

#### EXECUTIVE ACTION ON HB 524

**Motion:** Rep. Orr; DO PASS

**Amendments:** hb052401.akw moved to pass #1,3,4,5

*{Tape: 3; Side: a; Approx. Time Count: 25.0; Comments: none.}*



**Discussion:** Kathleen Williams explains the amendments

**Motion/Vote:** Question was called on amendments #1,3,4,5; (18-0) motion carries amendments attached to the Bill

**Amendments:** Rep. Raney moved amendment #2 of hb052401.akw  
{Tape: 3; Side: a; Approx. Time Count: 28.6; Comments: none.}

**Discussion:** Rep. Raney can't understand why health wouldn't be taken into consideration; feels that there needs to be a health risk assessment by a disinterested party. Rep Harper feels its crazy to let the party responsible determine their health risk assessment, he would want an independent company to perform the risk assessment.

{Tape: 3; Side: a; Approx. Time Count: 29.9; Comments: none.}

Rep. Orr resists the amendment, says he's not an attorney and Rep. Anderson is so he'll go with Rep. Anderson. Rep. Swanson question Rep. Orr's response and asks him to address the scenario that Rep. Raney presented.

{Tape: 3; Side: a; Approx. Time Count: 30.3; Comments: none.}

Rep. Orr replies that he doesn't think people have an intent to harm.

{Tape: 3; Side: a; Approx. Time Count: 31.8; Comments: none.}

Rep. Swanson feels that the story just heard about MT Rail Link saying they'll cleanup and not doing anything is pretty compelling.

{Tape: 3; Side: a; Approx. Time Count: 32.7; Comments: none.}

Rep. Raney feels he doesn't think it was intentional, just feels they didn't care.

{Tape: 3; Side: a; Approx. Time Count: 33.5; Comments: none.}

Rep. Story resists the amendment. Rep. Wagner doesn't feel the amendment is necessary.

{Tape: 3; Side: a; Approx. Time Count: 34.9; Comments: none.}

Rep. Harper shouldn't let the responsible party do the risk assessment.

{Tape: 3; Side: a; Approx. Time Count: 36.3; Comments: none.}

**Motion/Vote:** Question called for amendment #2, individual roll call vote, (8-10) amendment dies (Reps. Tash, Beaudry, Mood, Ohs, Orr, Story, Stovall, Taylor, Wagner & Knox voted against amendment #2)

**Amendment:** Rep. Harper suggests a conceptual amendment; sub sect. 6 would like to see this sentence added "Department's determination of incompleteness is not subject to appeal." He feels the Dept. needs the final word.

{Tape: 3; Side: a; Approx. Time Count: 42.4; Comments: none.}

Dialogue regarding this amendment continues.

*{Tape: 3; Side: a; Approx. Time Count: 44.8; Comments: none.}*

*{Tape: 3; Side: b; Approx. Time Count: 0.1; Comments: none.}*

**Motion/Vote:** amendment was moved DO PASS, motion dies 8-10 (Reps. Tash, Beaudry, Curtiss, Ohs, Orr, Story, Stovall, Taylor, Wagner & Knox vote against the amendment)

**Motion/Vote:** Bill moved DO PASS with attached amendment (hb052401.akw, #1,3,4,5); motion carries (12-6) Reps. Harper, Ellingson, Raney, Tuss, Schmidt, & Swanson voted against the bill (final attached amended document was given file name hb052402.akw)

**EXECUTIVE ACTION ON HB 494**

**Motion:** Rep. Ellingson, DO PASS

**Discussion:** Rep. commented then moved to TABLE  
*{Tape: 3; Side: b; Approx. Time Count: 7.4; Comments: none.}*

**Motion/Vote:** vote 12-6 (Reps. Harper, Raney, Ellingson, Tuss, Schmidt, & Swanson voted against tabling the bill)

**EXECUTIVE ACTION ON HB 450**

**Motion:** Rep. Stovall, DO PASS

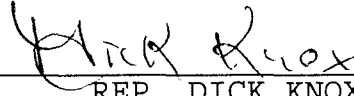
**Discussion:** Rep. Story thinks we need to remember and think about the concepts since Sen. Grosfield has a similar bill coming this way.

*{Tape: 3; Side: b; Approx. Time Count: 9.9; Comments: none.}*

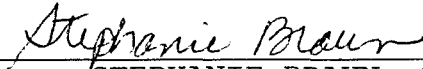
**Motion/Vote:** Rep. Wagner moves to TABLE the bill, motion carries (15-3) HB 450 is Tabled (Reps. Curtiss, Taylor & Trexler vote against tabling the bill)

ADJOURNMENT

Adjournment: 7:30 p.m.



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REP. DICK KNOX, Chairman



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STEPHANIE BRAUN, Secretary

DK/SB