

## MINUTES

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

#### JOINT SUBCOMMITTEE ON NATURAL RESOURCES

**Call to Order:** By CHAIRMAN ROGER DEBRUYCKER, on February 20, 1997, at 10:00 A.M., in Room 201

#### ROLL CALL

**Members Present:**

Rep. Roger DeBruycker, Chairman (R)  
Sen. Thomas F. Keating, Vice-Chairman (R)  
Sen. Larry L. Baer (R)  
Rep. John Johnson (D)  
Sen. Linda J. Nelson (D)  
Rep. William R. Wiseman (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Roger Lloyd, Legislative Fiscal Division  
Theda Rossberg, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: DEPARTMENT OF ENVIRONMENTAL  
QUALITY

Executive Action: DEPARTMENT OF ENVIRONMENTAL  
QUALITY

#### HEARING DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAIRMAN DEBRUYCKER announced that he wasn't comfortable with transferring the Non-point Source 319 Program to DNRC's Conservation Resource and Development Program and that DEQ should manage all of the program. He said his proposal would be to reopen the division and reconsider giving that program back to DEQ with the stipulation that 65% of the 319 funds would be allocated through DEQ to the Conservation Districts.

**Motion/Vote:** SEN. JOHNSON MOVED TO REOPEN THE HEARING ON THE DEPARTMENT OF ENVIRONMENTAL QUALITY. Motion carried unanimously.

EXECUTIVE ACTION  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Motion:** CHAIRMAN DEBRUYCKER MOVED TO RECONSIDER PREVIOUS ACTION ON THE NON-POINT SOURCE POLLUTION PROGRAM TRANSFERRING THAT PROGRAM TO DNRC'S CONSERVATION AND RESOURCE DEVELOPMENT DIVISION (CARD). HIS PROPOSAL IS TO MOVED THE PROGRAM BACK TO DEQ ALONG WITH THE STIPULATION THAT 65% OF THE GRANT MONEY WILL BE ALLOCATED BACK TO THE CONSERVATION DISTRICTS.

**EXHIBIT 1.** DEQ Executive Budget for Non-point Source and Wetlands.

**Discussion:**

Mark Simonich explained that 65% of the grant money went to the conservation districts, not 65% of the program.

**Questions and Responses:**

SEN. KEATING asked if the TMDL money wasn't funded some other way would you take Non-point Source 319 money to fund TMDL.

Mr. Simonich responded if TMDL passes, the most reasonable place to fund that would be through 319 funds. That would better focus the Non-point Source Program into the TMDL effort.

*{Tape: 1; Side: a; Approx. Time Count: 9.6; Comments: Mr. Simonich continued explanation of the funding for conservation districts.}*

*{Tape: 1; Side: A; Approx. Time Count: 14.5; Comments: CHAIRMAN DEBRUYCKER stated his intent was to take 65% of the total 319 funds.}*

**Discussion:**

Van Jamison, Department of Environmental Quality explained that 65% of the total grant funds may be too high. If the percentage was 50% that would leave enough money for non-conservation projects.

**Questions and Responses:**

REP. WISEMAN stated he wasn't happy that the department had only completed one TMDL in six years.

Mr. Simonich explained there were others they were working on and there was a variety of efforts being done.

*{Tape: 1; Side: A; Approx. Time Count: 22.7; Comments: .}*

CHAIRMAN DEBRUYCKER asked Mr. Simonich if the department would be satisfied with 50% of the 319 funds.

Mr. Simonich answered yes.

Cary Hegreberg, Montana Wood Products Association said they have been involved since last summer trying to develop a Bill to solve the legal problems. The state needs to have a very integrated approach in dealing with Non-point Source pollution. The TMDL Bill involves conservation districts at all levels.

Mr. Hegreberg stated they would be interested in participating in some kind of a study group to study how to integrate the programs once the TMDL process is implemented. Fish, Wildlife and Parks may have some resources for the process as well.

EXHIBIT 2. Roger Lloyd, Legislative Fiscal Division reviewed some suggested language for the committee to consider concerning Non-point Source Pollution funding.

Modified Motion/Vote: CHAIRMAN DEBRUYCKER RESCINDED HIS PREVIOUS MOTION TO INCLUDE IN THE DEPARTMENT'S BUDGET IS FEDERAL FUNDING TO CONDUCT NON-POINT SOURCE ACTIVITIES UNDER SECTION 319 OF THE FEDERAL CLEAN WATER ACT. AT LEAST 50% OF \$1,281,139 MUST BE CONTRACTED TO CONSERVATION DISTRICTS. Motion carried unanimously.

Motion/Vote: REP. WISEMAN MOVED TO CLOSE THE DEPARTMENT OF ENVIRONMENTAL QUALITY. Motion carried unanimously.

EXHIBIT 3. Mr. Lloyd reviewed some language considering the indirect rate of 19.5% to be included in HB 2.


Mr. Lloyd stated that the funding was not addressed in the reduction of 2 FTE in the Enforcement Division.

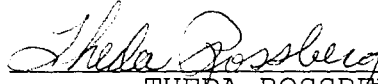
Motion/Vote: SEN. KEATING MOVED THAT THE DEPARTMENT USE ITS' DISCRETION IN REDUCING GENERAL FUND, STATE SPECIAL REVENUE AND FEDERAL FUNDS FOR THE REDUCTION IN FTE'S IN THE ENFORCEMENT DIVISION. Motion carried unanimously.

Motion/Vote: SEN. KEATING MOVED TO CLOSE THE HEARING ON THE DIVISION. Motion carried unanimously.

ADJOURNMENT

Adjournment: 10:45 A.M.

  
REP. ROGER DEBRUYCKER, Chairman

  
THEDA ROSSBERG, Secretary

RB/TR