

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on April 12, 1993, at 12:10 p.m.

ROLL CALL

Members Present:

Sen. Don Bianchi, Chair (D)
Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Leanne Kurtz, Committee Secretary

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

Committee Business Summary:

Hearing: None.
Executive Action: HB 388, SJR 28

EXECUTIVE ACTION ON HB 388

Motion:

Senator Weldon moved HB 388 BE CONCURRED IN.

Discussion:

Senator Swysgood said he is concerned about page 10, lines 24-25, and page 11, lines 1-2, where municipalities can raise rates without a public hearing.

Senator Bianchi asked why the language Senator Swysgood referred to was put in the bill. Dan Fraser, Department of Health and Environmental Sciences (DHES), stated the 1991 Legislature established fees for public drinking water supplies. He said the larger cities like Billings would have to pay about \$40,000 per year out of their operating expenses, or hold a public hearing in order to raise fees to offset the \$40,000.

Senator Bianchi stated Paul Sihler informed him that the same type of provisions are in solid waste management law as well.

Senator Grosfield asked if municipalities could raise rates every year without a hearing. Mr. Sihler stated municipalities could raise fees without a hearing if the state increased its fees. He added local solid waste management districts may raise fees without a hearing; the argument being that fees are imposed by the state and districts have no choice but to pay them.

Senator Keating asked if DHES has to have a hearing before raising fees. Mr. Sihler said the Department's fees are set by statute and rule. He stated there were hearings in establishment of the fee levels through the rulemaking and legislative processes. Senator Keating asked if municipalities participated in the hearings before the board that establishes fees. Mr. Sihler said municipalities have the opportunity to comment on fee levels during the rulemaking process.

Senator Tveit asked about the discrepancy in the fiscal note. Mr. Fraser stated the original fiscal note contained errors, all of which were not corrected. He noted \$821,140 spending authority would be needed.

Vote:

The BE CONCURRED IN MOTION CARRIED, with Senators Swift, Grosfield, Tveit and Swysgood voting NO.

EXECUTIVE ACTION ON SJR 28**Motion:**

Senator Doherty moved SJR 28 BE ADOPTED.

Discussion:

Senator Doherty stated he does not want the audit to go beyond the scope of what is in the resolution, rejecting the Department of State Lands' suggestions of additional issues to examine.

Senator Bianchi stated Mr. Sihler spoke with Scott Seacat, legislative auditor, about expanding the scope of the audit. Mr. Sihler said Mr. Seacat commented that he would like the flexibility to focus on issues that emerge during the audit, rather than having to cover things that do not need to be addressed.

Vote:

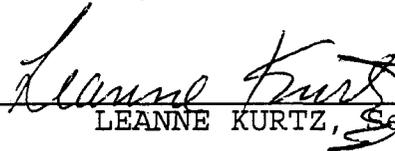
The BE ADOPTED MOTION CARRIED with Senators Swysgood, Tveit and Swift voting NO.

ADJOURNMENT

Adjournment: 12:40 p.m.



SENATOR DON BIANCHI, Chair



LEANNE KURTZ, Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE NATURAL RESOURCES DATE 4/12

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bianchi	✓		
Sen. Hockett	✓		
Sen. Bartlett	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Keating	✓		
Sen. Kennedy	✓		
Sen. Swift	✓		
Sen. Suysgood	✓		
Sen. McClernan	✓		
Sen. Treitz	✓		
Sen. Weeding	✓		
Sen. Weldon	✓		

SENATE STANDING COMMITTEE REPORT

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April 12, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Joint Resolution No. 28 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 28 do pass.

Signed: *Don Bianchi*
Senator Don Bianchi, Chair

ADL
Amd. Coord.
Sec. of Senate

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SENATE STANDING COMMITTEE REPORT

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April 12, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 388 (third reading copy -- blue), respectfully report that House Bill No. 388 be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair

ADK Amd. Coord.
AM Sec. of Senate

Hockett
Senator Carrying Bill

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