MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE,** on February 7, 2001 at 3:00 P.M., in Room 317-C Capitol.

ROLL CALL

Members Present:
Sen. William Crismore, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Bill Tash (R)
Sen. Mike Taylor (R)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Nancy Bleck, Committee Secretary
Mary Vandenbosch, Legislative Branch

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

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 379, 2/5/2001
SB 378, 2/5/2001
Executive Action: SB 270

HEARING ON SB 379

Sponsor: SEN. BILL TASH (R), SD 17, Dillon

Proponents: Michael Kakuk, Montana Contractor's Association
Jan Sensibaugh, Director, Montana Department of

Environmental Quality
Angela Janacaro, Montana Mining Association

Opponents: **Jeffrey Barber, Montana Chapter of American Fisheries Society**

Opening Statement by Sponsor:

SEN. BILL TASH, SD 17, Dillon, stated his district covered Beaverhead County, Madison County and part of Gallatin and Silver-Bow Counties. He opened by saying that **SB 379** was a bill for an act requiring the Montana Board of Environmental Review to adopt rules governing authorization to discharge under a general permit for storm water discharge associated with construction activity. It would require that the rules would authorize discharge under the general permit upon receipt of a notice of intent and an erosion control plan. It would amend section 75-5-401 of the Montana codes and would become effective immediately. **SEN. TASH** stated his first proponent could explain the bill very well and with that he closed respectfully.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 1.7}

Proponents' Testimony:

Michael Kakuk, Montana Contractor's Association, stood in support of **SB 379.** Under current Montana law, the Montana Department of Environmental Quality (DEQ) was authorized to develop discharge permits for certain categories of activities. Often times these categorical permits were called general permits. The DEQ identified the activities; for example, construction activities that may discharge sediment into water bodies of Montana. The DEQ would analyze the impacts of those activities and then come up with a list of criteria in order to be covered by the general permit. Montana's general permit for storm water discharge authorized construction activities that might discharge storm water. That program mirrored, to a large extent, the U.S. Environmental Protection Agency (EPA) requirements. What **SB 379** was trying to do was to bring Montana's policy even closer in line with what the EPA did. Currently what the DEQ required was that the contractor, before they began construction, must submit a notice of intent to construct and an erosion control plan to the DEQ. The DEQ then had 30 days to review it, make comments, or suggest changes. When it was all done, the contractor ended up with an authorization to proceed. That 30 day waiting period did not mirror EPA policy. If a contractor was working in Indian country, for example, what the contractor would need to do was not covered by the DEQ but was covered by the EPA. What the EPA required was 48 hours notice. It was a page and a half form to

fill out including what construction activity would be done, its location, a submittal of an erosion control plan and the promise to provide proof of that plan if anyone asked for it. This applicant information would then be sent off to a big notice of intent depository in Kansas City. **Mr. Kakuk** did not think anyone ever looked at it, from that point on, as far as the EPA was concerned. **SB 379** would bring Montana's law a little bit closer to the EPA policy but still remain even more strict in that this bill would only authorize the Board of Environmental Review to adopt rules to give this effect and would not really go into the permitting statutes. The DEQ mentioned that they may want this erosion control plan to be called a pollution control plan. This plan would be even more broad than just simply the reduction of sediment. **Mr. Kakuk** advised, after discussing this with **SEN. TASH**, there would be no problem in doing that. Assuming there would be a conceptual amendment, **SB 379** would require the contractor to submit a notice of intent and a pollution control plan to the DEQ. The DEQ would not be required to review the pollution control plan. The DEQ would simply take notice of where the planned activity was, when it was going to happen, and make sure that the pollution control plan was signed. When the contractor received notice that the permit was delivered to the DEQ, whether it was sent to the DEQ via certified mail and the contractor would get a receipt back, or the contractor called DEQ and found out it was there, the contractor would be covered and be able to begin construction activity under the terms of the general permit. Now if there was a problem, **Mr. Kakuk** thought one of the concerns with this bill should be that the DEQ was not reviewing these erosion control plans anymore so what if the erosion control plan or pollution control plan was inadequate. The contractor would be discharging without a permit or would be in violation of the Water Quality Act. What **SB 379**, hopefully would do, would be to actually lead to improvements in Montana's water quality. Right now the DEQ had two people who were reviewing approximately 250 construction permits per year. This was all these employees had time to do rather than have the time to go out and plan or plan pollution prevention or go out and inspect the erosion control plans. They just had time to review and process the permits. It had become a paper exercise. The situation was going to become worse. The DEQ must require an erosion control plan for activities that would disturb more than five acres or that might discharge within a hundred feet of a particular water body. **Mr. Kakuk** stated that in 2002, that requirement would change to one acre. The DEQ estimated that another 400 construction projects per year were projected for their, already, over-burdened staff. There would not be a way for the DEQ to be able to keep up without requiring more people. **SB 379** would streamline the process and bring it more in line with the EPA. It would be able to actually lead to improvements

in Montana's water quality. **Mr. Kakuk** emphasized two important points with **SB 379** stating it would be more stringent than the EPA's requirements and it would not change any water quality standards or affect the subsidive provisions of the Montana Water Quality Act, in any way. It would still be illegal under **SB 379** to discharge without a permit. If the contractor had made a mistake and either had an inadequate erosion control plan or was not abiding by that plan, the DEQ should be able to go out there and inspect and find out and take the appropriate action. It is illegal in Montana to discharge to pollute Montana's water. Pollution included sediment. Contractors are in the dirt-moving business and when it rains there is a possibility and probability that if the contractor did not have the proper erosion control plan in place, they would end up discharging and polluting Montana's waters and that is a violation of the Montana Water Quality Act. Contractors don't want to discharge and pollute our waters. What they were trying to do was make the permitting process more streamlined. **SB 379** should make it easier and more efficient for a contractor to design, install, and maintain appropriate erosion control practices. It also should make it easier for the DEQ to insure that the erosion control practices of the pollution prevention plan were actually working.

{Tape : 1; Side : A; Approx. Time Counter : 1.8 - 9.4}

Jan Sensibaugh, Director, Montana Department of Environmental Quality (DEQ), rose in support of **SB 379** and stated that this bill, captured in statute, was an approach to permitting that the DEQ had intended to pursue anyway. This approach made good sense for a number of reasons. The bill addressed only a particular subsection of water quality discharge permits, the construction permits. Such projects included highway building, pipelines and construction, and facility construction like parking lots and buildings. The permitting process was currently with a general permit where the discharges were very similar and best management practices to control the water discharges were also similar. In the general permitting process, an application and plan to control erosion and pollution of state waters was submitted for review by the DEQ. After review, the DEQ would issue a letter authorizing the activity under the permit. The proposed process in **SB 379** would still allow the DEQ to review the plan to control erosion and pollution, would leave intact the inspection and enforcement authorities of the DEQ, but would allow the project to move forward once the DEQ was notified. This approach would allow the DEQ to free up review time for other tasks such as site visits to the construction projects, which was a far more effective approach than strictly reviewing paperwork. In the near future, the DEQ must move forward with rule-making to bring into effect a set of federal provisions known as "stormwater,

phase II". These new provisions required that any construction site, one acre in size, must be permitted. The current provision used a five acre threshold unless the disturbance was within a hundred feet of a stream. The new regulatory requirement would affect many contractors and construction projects as well as her department's workload. The changes proposed by **SB 379** would allow such projects to move forward without undue delays.

{Tape : 1; Side : A; Approx. Time Counter : 9.4 - 11.8}

Angela Janacaro, Montana Mining Association, supported **SB 379.** At first, the Montana Mining Association was not even going to come in on this bill. There were a few of their members that called her and said that they did have the general permit for activities such as road-building. Montana Mining Association appreciated this bill and **Ms. Janacaro** stated that it would expedite the process for the people in the field and also for the DEQ. She recommended a DO PASS on **SB 379.**

{Tape : 1; Side : A; Approx. Time Counter : 11.9 - 12.4}

Opponents' Testimony:

Jeff Barber, Montana Chapter of American Fisheries, stood in opposition to **SB 379.** Their society was not in "major" opposition to this bill but were more concerned that this was more of a "leap before you look" approach to the general permit than it was anything else. **Mr. Barber** went on to say that the contractors send in their erosion control plans and the DEQ goes ahead and gives them their general permit and it was not until after some pollution occurred that the DEQ would become aware and then the DEQ would go back and look to see if the "best management practices" or BMP's were adequate. **Mr. Barber** referred to some e-mail from his clients that said, basically, that it was important for the DEQ to look beforehand because DEQ needed to review the proposed construction activity and agree to what BMP's needed to be applied. Examples of some of the options might be silt fencing protecting a nearby stream, temporary drain culverts, assessment of time for re-vegetation work needed. All of those things were important because no serious thought was given to them beforehand. It was easy to put them off when the weather was nice and dry and sunny and then the thunderstorm came and pollution occurred and it was too late to do anything about it. Then the DEQ probably was going to be in a position where hindsight was better and would acknowledge the mistake and reason that it should not happen again. The concept of the bill was OK with him but he thought it could be tightened up some. One suggestion he recommended was that on page two, line two, of the bill, right before where it said "best management practices" that

an insertion be put in stating "specific best management practices approved by the DEQ for the proposed construction activity". This change would give review beforehand which was exactly what the DEQ was trying to get rid of with this bill. If the bill was tightened up more, he would not have any problem with it. **Mr. Barber** offered his help working on this proposed amendment to **SB 379** to satisfy his group's concerns.

{Tape : 1; Side : A; Approx. Time Counter : 12.4 - 15.1}

Questions from Committee Members and Responses:

SEN. KEN TOOLE inquired about **SB 379** in that it would require a form to be filed with the state and it was mentioned that this form would never be looked at again. **Mr. Kakuk** responded that this could be the case. The state DEQ would still retain the right to look at the erosion control plans and go out and inspect if they wished, but this could be possible. **SEN. TOOLE** wanted to know if this just recognized that the workload was too much for the DEQ and required this filing of forms that no one was going to look at. **Mr. Kakuk** stated that there was a purpose to file the erosion control plan or pollution control plan. He identified, again, that the EPA did not require a plan be filed so they could not look at the plans if they wanted to and would have to actually send someone out to the site. With the DEQ, this plan was required and would be there for the purpose of reference. Should a problem arise, the DEQ or anyone could respond with followup based on review of this plan as a response to an extraordinary rainfall event or a call from a neighbor or concerned citizen about one of these activities. **Mr. Kakuk** stated that contractors felt that this was, basically, a paper exercise right now. The erosion or pollution control plan would be a public document that could be examined by anyone. **SEN. TOOLE** asked if the DEQ felt that the original intent of the filing for the general permit was to be filed away and never looked at again. **Jan Sensibaugh** stated that, currently, the DEQ issued the general permit which had the requirements that the construction site had to operate under in order to be in compliance with the general permit. The contractor submitted an application for the general permit, the DEQ reviewed that and then sent the contractor an approval to operate under the general permit. Basically, everything was in the general permit and the contractor knew it was there. The DEQ had a manual that was referenced on the general permit that described the best management practices that the contractors had to practice and that was what they went out and did. **SB 379** would allow the DEQ to do a ten percent quality assessment of the plans that came in but they would not have to take the time to review every single plan and issue an approval. The contractor would just start

operating under the notice of intent. **Ms. Sensibaugh** stated that did not mean that the DEQ could not go back out and review the plan and call the contractor on it and advise the contractor that they were not in compliance with the general permit and pursue enforcement action. **SB 379's** change would mean that the DEQ would not review every single plan and issue a notice of approval to operate under the general permit. **SEN. TOOLE** asked how much of a problem did the state DEQ have in the past with water degradation because of these construction permits. **Ms. Sensibaugh** responded that she did not believe there was much of a problem at all. The DEQ did not send very many of those permits back for inadequacy or additional information. **SEN. TOOLE** asked if the state had problems with erosion and stream degradation caused by construction projects. **Ms. Sensibaugh** stated that was true in that if the contractor did not do the proper erosion control techniques, the state could get water pollution problems. **SEN. TOOLE** asked how much that had occurred in the last five years. **Ms. Sensibaugh** stated that the DEQ had less than a handful of enforcement requests. She did not have the actual numbers but offered to gather that data for **SEN. TOOLE.**

{Tape : 1; Side : A; Approx. Time Counter : 15.1 - 21.2}

Closing by Sponsor:

SEN. TASH closed by addressing **Jeff Barber's** concerns and suggestions for amendments to **SB 379**. **SEN. TASH** stated he felt that **SB 379** was better left as it was. The best management practices were proven and demonstrated to be more effective if left on a voluntary basis done in conjunction with voluntary action rather than a mandated action. **SEN. TASH** gave an example relating to the purpose of this bill regarding the National Scenic Highway construction project that was about four years into the process now. This was a federal project which meant that it certainly was regulated by the EPA and all of the other laws governing storm water runoff. This exercise on paper that had been demanded, under current law, was actually holding up the construction project. It caused delays to the point where the project had erased a fairly adequate road for the purpose of construction which meant that the state had more or less of a wagon track in places now just waiting for the construction to be completed on the new road. All the provisions to deal with storm water runoff, the silt fences that you heard mentioned, were in place on the general permit and on site to make sure that there were not extenuating circumstances as far as water degradation. Even a cloudburst on occasion generally would not cause water quality problems because of what the contractors had done under the provisions of the general permit. **SEN. TASH** stated that Montana already had some obstacles relating to the weather

elements causing such a short construction season for certain types of projects. This additional layer of inspection just added more limitations and delay preventing these projects from moving forward and would continue to do so. This meant that the state needed to move forward on these issues and to do so in a way that especially was consistent with the EPA regulations. It was not that we were just ignoring the need, by any means, but it was common sense, practical and a general way to satisfy what needed to be done under the general permit conditions. He urged support and passage of **SB 379.**

CHAIRMAN CRISMORE closed the hearing on **SB 379.**

{Tape : 1; Side : A; Approx. Time Counter : 21.2 - 25.3}

HEARING ON SB 378

Sponsor: SEN. BILL TASH, SD 17, Dillon

Proponents: Sandi Olsen, Administrator, Remediation Division, Montana Department of Environmental Quality

Opponents: Leo Berry, Burlington Northern/Santa Fe Railway
Dexter Busby, Montana Refining, Great Falls, MT

Opening Statement by Sponsor:

SEN. BILL TASH, SD 17, Dillon, opened by saying his district included Beaverhead County, Madison County, and part of Gallatin and Silver-Bow counties. **SB 378** was a bill for an act amending the comprehensive environmental cleanup and responsibility act to specifically authorize the Montana Department of Environmental Quality (DEQ) to collect interest on past-due remedial action costs and to deposit those funds into the environmental quality protection fund. It would amend sections 75-10-704 and 75-10-722 of the Montana codes and would provide an immediate effective date. **SEN. TASH** stated that the DEQ would like expansion from the current position regarding remediation funds and to include interest when interest was accrued to collect that interest and pay it into the state environmental quality protection fund.

{Tape : 1; Side : A; Approx. Time Counter : 25.3 - 27.1}

Proponents' Testimony:

Sandi Olsen, Administrator, Remediation Division, Montana Department of Environmental Quality (DEQ), rose in support of **SB 378** and offered written testimony, **EXHIBIT(nas31a01)**.

{Tape : 1; Side : A; Approx. Time Counter : 27.1 - 29.8}

Opponents' Testimony:

Leo Berry, Burlington Northern/Santa Fe Railway (BNSF), stated that he was an attorney with the law firm of Browning, Kaleczyc, Berry and Hoven in Helena and represented the BNSF Railway. **Mr. Berry** added that his law firm probably did more superfund practice than any other law firm in the state. His firm had dealt a lot with the DEQ and these issues. **Mr. Berry** stated he did not believe his clients had any problem with paying their costs or paying the interest, if the costs were reasonable and justified. He stated that, quite often, the DEQ did not bill on a quarterly basis all of the time though he was not sure if they were supposed to. **Mr. Berry** stated that quarterly billing was the normal practice. He reported that at times he would receive an enormous amount of bills at one time and that took a lot of time to look at the bills and review the costs. **Mr. Berry** would like to see a couple of amendments. He suggested one of the amendments referred to page three, line 30 of the bill, where the bills would have to be paid within 60 days. He received bills, sometimes, for a year's worth of work and 60 days might not be adequate time to turn them around with review time and processing a payment which sometimes could take three weeks in a large company. If the DEQ was billing on a quarterly basis, from a practice standpoint, it might be able to get done in 60 days, but he would like to see that time period lengthened out to 90 or 120 days. **Mr. Berry** stated the superfund was actually quite unfair in some regards and actually punitive. The superfund act had a provision in it called "joint and severable liability". It meant that every party was joint and severable liable.

{Tape : 1; Side : A; Approx. Time Counter : 30.3 - 33.0}

Mr. Berry told a story with an example of how superfund could sometimes work in an unfair way and when interest was added on to the costs billed, it just compounded the unfairness to some degree. He suggested a second amendment be added to the bill. This regarded page 4, line 2 of the bill, where it addressed the matter of somebody challenging the costs as being unreasonable. Another story from a long time ago under different directorship, **Mr. Berry** received a bill for a client and the DEQ billed for the cost of a DEQ manager's work boots. This bill also included costs from a locksmith as the manager had locked his keys in the state vehicle while he was inspecting the site. The DEQ had also

charged another one of his clients for a bike rack for their state building. The DEQ was called on those charges. **Mr. Berry** did not feel that these types of things happened anymore under new directorship but sometimes there were legitimate disagreements over costs and what was reasonable and not reasonable. He would like to add a provision to **SB 378** at the end of line nine, that stated that the court may disallow the interest if it determined that the liable party was reasonable in its challenge of the costs. If somebody challenged the costs and the court said that they would rule in awarding the costs in favor of the DEQ, but the party was reasonable in its challenge, the court could decide whether or not the DEQ would get the interest. **Mr. Berry** felt it was entirely fair that the court could rule on the award concerning the interest. The DEQ would not automatically get the interest if somebody reasonably challenged the costs. **Mr. Berry** stated he really did not think there were a lot of problems with **SB 378** but had some pause and concern regarding the way superfund worked. He stated he would prepare the amendments recommended and asked for support of them.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 4.5}

Dexter Busby, Montana Refining Company, Great Falls, stood in opposition to **SB 378** regarding the way the DEQ noticed up. **Mr. Busby** stated that the DEQ noticed up potentially liable parties as well as liable parties. The DEQ also billed potentially liable parties along with liable parties. Until the case was all settled through the courts, the bills continued to accumulate whether you were a liable party or not. Then it would have to be sorted out through the court function and the interest was just another revenue-generating part of this. **Mr. Busby** said he was uncomfortable with this proposed legislation.

{Tape : 1; Side : B; Approx. Time Counter : 4.6 - 5.6}

Questions from Committee Members and Responses:

SEN. BEA MCCARTHY asked **Mr. Berry** if his recommended amendment would need to allow for separation of some portion of the billed costs he thought were reasonable from some costs he felt were not reasonable. **Mr. Berry** responded that he thought the court could discern that issue regarding the costs and interest incurred and would review that when drafting the amendment. **SEN. VICKI COCCHIARELLA** asked **Mr. Berry** for clarification of his view regarding the extension of the 60 days response time for payment of billed costs. If the charges were not disputed by his client, **SEN. COCCHIARELLA** asked if his client was just unable to afford to pay the bill and interest within 60 days. **Mr. Berry** responded that he was just concerned with the timing matter. He said if

the DEQ billed quarterly, the bills could probably be processed within 60 days. **Mr. Berry** stated that sometimes the bills were so large that it took a lot of time to get all the way through the review of the charges. Once it was determined that the charges were acceptable for payment, it also took time to cut the check. **SEN. COCCHIARELLA** asked if there was a problem with this bill, if passed, that people would have an issue that they operated under current payment terms and all of a sudden they were expected to pay under new terms including interest on the costs. She wanted to know if this bill would affect pending charges retroactively or would those incurred charges be grandfathered in under current law and payment terms. **Mr. Berry** stated he would have to research whether **SB 378** would retroactively allow the DEQ to apply interest to bills accumulating now. **SEN. BEA MCCARTHY** asked whether the DEQ ever required an advance payment or bond. **Mr. Berry** stated that normally did not happen. He stated that his client's sites were a bit different than mining sites where you had a bond as these were sites that had been damaged somehow throughout history to which there was no permitted activity. **VICE-CHAIR DALE MAHLUM** asked if **Mr. Berry's** firm incurred monthly bills from the DEQ for Burlington Northern & Santa Fe Railway. **Mr. Berry** stated that he did not believe that the DEQ billed on a monthly basis but rather on a quarterly basis but that the firm did not always receive the bills on a quarterly basis either. Sometimes his firm received bills that had been stacked up for long periods of time and this was an issue of concern. **VICE-CHAIR MAHLUM** asked if the DEQ did work for his clients every month. **Mr. Berry** responded that they did do work every month on behalf of BN&SF Railway's sites. The DEQ was evaluating plans, inspecting the sites, etc., on a regular basis. **SEN. KEN TOOLE** asked **Mr. Berry** how much money these invoices would amount to. **Mr. Berry** stated that they would vary but, in some instances, could be in the tens of thousands of dollars on an average site to around several hundred thousands of dollars on other sites. **SEN. LORENTS GROSFIELD** referred to discussion about extending the 60 day time period due to additional time needed to process the bills for payment. He asked if clarifying language to the bill, such as, 60 days after receipt of notice if the billing was quarterly or less, and 90 days after receipt of notice if the billing was sent out twice a year, and 180 days after receipt of notice if the billing was for the whole year. **Mr. Berry** stated that would be fine. In reference to these amendments discussed, **CHAIRMAN CRISMORE** asked **Sandi Olsen** how the DEQ felt about these terms of payment being reasonable. **Ms. Olsen** responded that it was not the DEQ's intent to assess interest on invoices the DEQ had not yet sent out. It was really the DEQ's intent to assess interest on invoices that were basically and willfully being ignored. **SEN. MCCARTHY** asked

why the DEQ did not have a more structured billing process. **Ms. Olsen** responded that it was the DEQ's intention to reach the goal of quarterly billing. Unfortunately, due to high turnover in their billing staff, inter-divisional questions, and internal disputes as to who owned responsibility for some of the processes following the reorganization of the department, the DEQ was still sorting out some of these issues. She also stated that just before the holidays, the DEQ lost their lead fiscal budget person and were on the second recruitment for that position. **Ms. Olsen** stated that quarterly billing was the DEQ's goal.

{Tape : 1; Side : B; Approx. Time Counter : 5.6 - 16.5}

Closing by Sponsor:

SEN. TASH stated that he appreciated the attitude of cooperation and the knowledge gained from the input at this hearing. He was open to any bill crafters that could make a good bill better. **SEN. TASH** stated that in relation to the portion of the bill regarding the interest that the DEQ was asking for, this was consistent with 25-9-205 of the Montana codes that stated that the interest be no greater than ten percent and not to be compounded, and was consistent with the interest entitlement of other parts of state government. **SEN. TASH** addressed the concerns of **Dexter Busby** regarding the potentially liable parties, original language that was stricken in the bill, and hoped that would not be the purpose of this bill to go out and find somebody who may or not be liable. The amendment would address that through court action to come to a determination. The amount of money involved here as **SEN. TOOLE** brought up was certainly quite a lot and maybe the interest was something that needed to be looked into and considered. **SEN. TASH** asked for support of **SB 378.**

CHAIRMAN CRISMORE closed the hearing on **SB 378.**

{Tape : 1; Side : B; Approx. Time Counter : 16.5 - 20.3}

EXHIBIT(nas31a02) (SB037801.amv), amendments to SB 378 received February 16, 2001.

EXECUTIVE ACTION ON SB 270

SEN. TOOLE explained the amendment to **SB 270.**

Motion/Voice Vote: SEN. TOOLE moved that **AMENDMENTS TO SB 270 BE ADOPTED, EXHIBIT(nas31a03) (SB027001.aem). Motion carried unanimously.**
Vote was 11-0.

Motion: SEN. TOOLE moved that **SB 270 DO PASS AS AMENDED.**

Discussion: SEN. MIKE TAYLOR reported there was opposition to this bill in his district. The county commissioners and several elected officials and people of his district were against **SB 270** because it would bring things to a higher level than the people of his area want to go. He respected **SEN. TOOLE'S** intent with this bill but did not feel that his district's people wanted to single out this issue. He had not heard from the Salish-Kootenai people or the tribal council regarding this issue. **SEN. TAYLOR** made the motion that follows.

Motion/Roll Call Vote: SEN. TAYLOR moved that **SB 270 BE TABLED. Motion carried 6-5 with Cocchiarella, Grosfield, McCarthy, Roush, and Toole voting no.**

{Tape : 1; Side : B; Approx. Time Counter : 20.3 - 28.6}

ADJOURNMENT

Adjournment: 4:10 P.M.

{Tape : 1; Side : B; Approx. Time Counter : 28.6 - 30.5}

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SEN. WILLIAM CRISMORE, Chairman

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NANCY BLECK, Secretary

WC/NB

EXHIBIT(nas31aad)