

HOUSE BILL NO. 161

INTRODUCED BY GILBERT, RANEY, T. BECK, DRISCOLL,
HARP, YELLOWTAIL, WEEDING, GRADY
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE HOUSE

JANUARY 12, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

JANUARY 14, 1991 FIRST READING.

JANUARY 22, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 23, 1991 PRINTING REPORT.

JANUARY 26, 1991 SECOND READING, DO PASS.

JANUARY 28, 1991 ENGROSSING REPORT.

JANUARY 30, 1991 THIRD READING, PASSED.
AYES, 86; NOES, 14.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
AYES, 37; NOES, 12.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 21, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 23, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 161
 2 INTRODUCED BY Libert Roney T. Bush
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL Grady
 4 Smuel HARP Yellowtail
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
 6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ISSUE
 7 CLEAN-UP ORDERS TO APPROPRIATE UNITS OF LOCAL GOVERNMENT IN
 8 INSTANCES IN WHICH THE LOCAL GOVERNMENT HAS APPROVED A WASTE
 9 DISCHARGE ACTIVITY THAT THE DEPARTMENT HAS REASON TO BELIEVE
 10 IS LIKELY TO CAUSE POLLUTION OF STATE WATERS; AND AMENDING
 11 SECTION 75-5-601, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

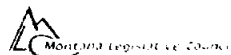
14 **Section 1.** Section 75-5-601, MCA, is amended to read:

15 "75-5-601. Clean-up ord. rs. (1) The department shall
 16 issue orders to any a person to clean up any material which
 17 that he or his employee, agent, or subcontractor has
 18 accidentally or purposely dumped, spilled, or otherwise
 19 deposited in or near state waters and which that may pollute
 20 them.

21 (2) If a unit of local government, including but not
 22 limited to a local board of health, county commission, or
 23 governing body of a municipality, has granted a permit or
 24 license to a person to discharge waste or has otherwise
 25 authorized an activity for the purpose of discharging waste

1 and the department has reason to believe that the waste
 2 discharge is causing or is likely to cause pollution of
 3 state waters, the department may issue an order to the unit
 4 of local government to take measures to ensure that the
 5 wastes causing or likely to cause the pollution are cleaned
 6 up."

-End-



APPROVED BY COMM. ON
NATURAL RESOURCES

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 3 HARP, YELLOWTAIL, WEEDING, GRADY
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
 7 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ISSUE
 8 CLEAN-UP ORDERS TO APPROPRIATE UNITS OF LOCAL GOVERNMENT IN
 9 INSTANCES IN WHICH THE LOCAL GOVERNMENT HAS APPROVED A-WASTE
 10 DISCHARGE AN ACTIVITY THAT THE DEPARTMENT HAS REASON TO
 11 BELIEVE IS LIKELY TO CAUSE POLLUTION OF STATE WATERS; AND
 12 AMENDING SECTION 75-5-601, MCA."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 75-5-601, MCA, is amended to read:

16 "75-5-601. Clean-up orders. (1) The department shall
 17 issue orders to any a person to clean up any material which
 18 that he or his employee, agent, or subcontractor has
 19 accidentally or purposely dumped, spilled, or otherwise
 20 deposited in or near state waters and which that may pollute
 21 them.

22 (2) If a unit of local government, including but not
 23 limited to a local board of health, county commission, or
 24 governing body of a municipality, has granted a permit or
 25 license to a person to discharge waste or has otherwise

1 authorized an activity for-the-purpose-of--discharging THAT
 2 INVOLVES THE PLACEMENT OF waste and the department has
 3 reason to believe that the waste discharge is causing or is
 4 likely to cause pollution of state waters, the department
 5 may issue an order to the unit of local government to take
 6 measures to ensure that the wastes causing or likely to
 7 cause the pollution are cleaned up."

-End-

SECOND READING



1 HOUSE BILL NO. 161
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 10 DISCHARGE AN ACTIVITY THAT THE DEPARTMENT HAS REASON TO
 11 BELIEVE IS LIKELY TO CAUSE POLLUTION OF STATE WATERS; AND
 12 AMENDING SECTION 75-5-601, MCA."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 75-5-601, MCA, is amended to read:

16 "75-5-601. Clean-up orders. (1) The department shall
 17 issue orders to any a person to clean up any material which
 18 that he or his employee, agent, or subcontractor has
 19 accidentally or purposely dumped, spilled, or otherwise
 20 deposited in or near state waters and which that may pollute
 21 them.

22 (2) If a unit of local government, including but not
 23 limited to a local board of health, county commission, or
 24 governing body of a municipality, has granted a permit or
 25 license to a person to discharge waste or has otherwise

1 authorized an activity for-the-purpose-of--discharging THAT
 2 INVOLVES THE PLACEMENT OF waste and the department has
 3 reason to believe that the waste discharge is causing or is
 4 likely to cause pollution of state waters, the department
 5 may issue an order to the unit of local government to take
 6 measures to ensure that the wastes causing or likely to
 7 cause the pollution are cleaned up."

-End-

THIRD READING



SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 161 (third reading copy -- blue), respectfully report that House Bill No. 161 be amended and as so amended be concurred in.

1. Title, line 8.

Following: "OF"

Insert: "STATE OR"

2. Title, line 9.

Following: "THE"

Insert: "STATE OR"

3. Page 1, line 22.

Following: "of"

Insert: "state or"

4. Page 1, line 23.

Following: "commission,"

Strike: "or"

5. Page 1, line 24.

Following: "municipality,"

Insert: "or state agency,"

6. Page 2, line 5.

Following: "of"

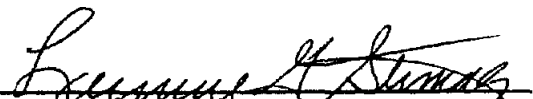
Insert: "state or"

7. Page 2.

Following: line 7

Insert: "(3) The department may include in an order issued to a county commission pursuant to subsection (2) a request that the commission create a sewer district in the geographic area affected by the order for the purpose of establishing a public sewer system in accordance with the petition and election procedures provided by 7-13-2204 and 7-13-2208 through 7-13-2214."

Signed:


Lawrence G. Stimatz, Chairman

~~MA~~ 3-13-91
Ad. Coord.

SB 3-14-91 9:35
Sec. of Senate

SENATE
HB 161

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4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
7 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ISSUE
8 CLEAN-UP ORDERS TO APPROPRIATE UNITS OF STATE OR LOCAL
9 GOVERNMENT IN INSTANCES IN WHICH THE STATE OR LOCAL
10 GOVERNMENT HAS APPROVED A-WASTE-DISCHARGE AN ACTIVITY THAT
11 THE DEPARTMENT HAS REASON TO BELIEVE IS LIKELY TO CAUSE
12 POLLUTION OF STATE WATERS; AND AMENDING SECTION 75-5-601,
13 MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:16 **Section 1.** Section 75-5-601, MCA, is amended to read:

17 "75-5-601. Clean-up orders. (1) The department shall
18 issue orders to any a person to clean up any material which
19 that he or his employee, agent, or subcontractor has
20 accidentally or purposely dumped, spilled, or otherwise
21 deposited in or near state waters and which that may pollute
22 them.

23 (2) If a unit of STATE OR local government, including
24 but not limited to a local board of health, county
25 commission, or governing body of a municipality, OR STATE

1 AGENCY, has granted a permit or license to a person to
2 discharge waste or has otherwise authorized an activity for
3 the--purpose--of--discharging THAT INVOLVES THE PLACEMENT OF
4 waste and the department has reason to believe that the
5 waste discharge is causing or is likely to cause pollution
6 of state waters, the department may issue an order to the
7 unit of STATE OR local government to take measures to ensure
8 that the wastes causing or likely to cause the pollution are
9 cleaned up.

10 (3) THE DEPARTMENT MAY INCLUDE IN AN ORDER ISSUED TO A
11 COUNTY COMMISSION PURSUANT TO SUBSECTION (2) A REQUEST THAT
12 THE COMMISSION CREATE A SEWER DISTRICT IN THE GEOGRAPHIC
13 AREA AFFECTED BY THE ORDER FOR THE PURPOSE OF ESTABLISHING A
14 PUBLIC SEWER SYSTEM IN ACCORDANCE WITH THE PETITION AND
15 ELECTION PROCEDURES PROVIDED BY 7-13-2204 AND 7-13-2208
16 THROUGH 7-13-2214."

-End-