

**MINUTES**

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

**COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By Chair Bianchi, on March 27, 1993, at 12:36 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  
Rosalyn Cooperman for Leanne Kurtz, Committee Secretary

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

**Committee Business Summary:**

Hearing: None.  
Executive Action: SJR 29, HB 374, HB 592, HB 419, HB 599,  
HB 318

**EXECUTIVE ACTION ON SJR 29**

**Motion:**

Senator Weeding moved adoption of the resolution.

**Motion:**

Senator Grosfield made a substitute motion to amend SJR 29. He distributed copies of the amendments and a gray bill (Exhibits #1 and #2).

**Discussion:**

Senator Grosfield stated the amendments he sought to SJR 29 were primarily technical in nature and reflected comments made by Committee members regarding this issue. He concluded his amendments would make the study more realistic.

Senator Doherty stated he objected to the deletion of "and the public interest in maintaining" in subsection 2(b). He said that by taking the language out, an assumption is made that there is no public interest in maintaining high-quality waters. Senator Doherty stated he also objected to the addition of "specific levels of" in subsection 2(f) which implies that small levels of degradation of high-quality water is acceptable.

Senator Bianchi asked Senator Grosfield if the insertion of "Constitution" in the title of SJR 29 pertained to existing water quality laws. Senator Grosfield replied he was correct.

Senator Weeding stated Senator Grosfield's amendments would expand the scope of the study well beyond its original intent. He said the addition of "as well as to air and land" in subsection 2(e) would have the Environmental Quality Council (EQC) studying everything that pertained to nondegradation. Senator Weeding concluded he did not want the study to be so broad-based in scope.

Senator Bianchi stated he was informed by Paul Sihler that the water quality laws were enacted before the new constitution. Senator Bianchi added that SJR 29, in its current form, would only study those laws enacted after the passage of the constitution.

Senator Grosfield stated Mr. Sihler was probably correct and added he was open to any language changes regarding his amendments. He said it would be fine to add "the Montana Water Quality Laws and the Constitution" to the title. Senator Grosfield told Senator Doherty he would not object to reinstating a reference to the public interest in subsection 2(b) as long as the language did not create a perceived conflict.

Senator Doherty and Senator Grosfield offered a number of wording suggestions to accommodate Senator Doherty's concerns regarding the public interest, however, Senator Grosfield suggested they think about it a while and make a decision later.

Senator Grosfield noted he did not intend to expand the scope of

the intended study by adding "air and land" to subsection 2(e). He said the primary emphasis of SJR 29 would be on water but said that in order to put the effects of degradation into their proper perspective, it is important to examine the effects on air and land as well.

Senator Grosfield stated he would not object to rewording subsection 2(f) to read "any degradation or specific levels of degradation".

Senator Grosfield stated he would reword the first amendment in the title to read "the Montana Water Quality Laws and the Montana Constitution".

Senator Weeding asked Senator Grosfield if he would object to instead saying "as they relate to the Constitution" so the entire Constitution would not be subject to scrutiny. Senator Grosfield replied he would not object.

Senator Bianchi asked Senator Grosfield if the language in the title which reads "and the implementation of those provisions" would also include department rules. Senator Grosfield replied Senator Bianchi was correct.

Paul Sihler suggested the title read "Water Quality Laws and the nondegradation provisions of the Constitution and the implementation of those provisions". Senator Grosfield replied that doing so might limit the study to the provisions of the Constitution.

Senator Grosfield asked Paul Sihler if his wording would limit the EQC's scope of study. Mr. Sihler said it would not.

Senator Grosfield asked Senator Doherty if he had come up with any wording for subsection 2(b). Senator Doherty replied he had and asked Senator Grosfield if he would object to changing the language to read "the balancing of social and economic development". Senator Grosfield stated he did not view economic development as being divorced from the public interest.

Senator Weeding stated subsection 2(b) should read "the social and economic factors".

Senator Bianchi asked Senator Grosfield if he had come up with language for subsection 2(b). Senator Grosfield replied subsection 2(b) would now read "the balancing of social and economic development with maintaining high-quality waters".

Senator Weeding stated he would prefer subsection 2(b) to read "social and economic factors".

Senator Doherty suggested "balancing" be deleted from subsection 2(b) to read "the social and economic development factors and

public interest in maintaining high-quality waters".

Senator Keating asked if high-quality water pertained to all water in the state. Senator Grosfield replied it would pertain to whatever is stated in the Montana water quality laws.

Senator Bianchi asked Committee members if they would accept Senator Doherty's rewording of subsection 2(b), to which no one objected.

Senator Bianchi asked Committee members to examine subsection 2(f). Senator Bianchi suggested subsection 2(f) be reworded to read "any degradation or specific levels of degradation to high-quality ground waters and surface waters". Senator Grosfield and Senator Doherty replied they did not object to Senator Bianchi's suggestion.

Senator Bartlett stated subsection 2(e) still needed to be changed to address Senator Weeding's concern about the scope of the study.

Senator Weeding stated he would prefer to strike "air and land" from subsection 2(e) because he did not want the study to "go out into the wild blue yonder".

Senator Grosfield stated the emphasis of the study would be on water but added it would be difficult to deal with the degradation of natural resources without including air and land. He said the Constitution reads "the Legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources". Senator Grosfield stated that because the Constitution does not specify water, air and land should also be included.

Senator Weeding stated that subsection 2(e), in its existing form, gives air and land emphasis equal to water.

Senator Doherty noted the language in subsection 2(e) refers to point and nonpoint sources of pollution to water, air and land. He asked any Committee member to identify point and nonpoint sources of pollution to land.

Senator Grosfield stated Senator Doherty may have raised a valid point and added the language would be easy to change by amending the language to read "the point and nonpoint sources of pollution to both ground water and surface water as well as to air and land".

Senator Weeding stated he would prefer to separate "air and land" from water so that the study of point and nonpoint sources of pollution to ground and surface water would be emphasized.

Senator Grosfield suggested subsection 2(e) be amended to read "the appropriateness of the application of nondegradation provisions to: all point and nonpoint sources of pollution to both ground and surface water; and, to air and land".

Senator Weeding asked Senator Grosfield what kind of policies were in existence which addressed nondegradation of land. Senator Grosfield replied the constitutional provision pertains to natural resources which includes land.

Senator Doherty stated he believed the nondegradation section of the law was adopted prior to the revision of the Constitution.

**Motion/Vote:**

Senator Weeding made a substitute motion that the Committee strike "as well as to air and land" at the end of subsection 2(e). MOTION CARRIED with Senators Grosfield, McClernan, Swysgood and Tveit voting NO.

**Motion/Vote:**

Senator Doherty moved the Committee insert "or noncompliance" to subsection 2(i) so the section would read "the social and economic costs of nondegradation compliance or noncompliance to individuals and entities in various industries and endeavors that would be affected". MOTION CARRIED UNANIMOUSLY.

**Motion/Vote:**

Senator Grosfield moved the Committee adopt the amendments to SJR 29. MOTION CARRIED UNANIMOUSLY.

**Motion/Vote:**

Senator Doherty moved SJR 29 BE ADOPTED AS AMENDED. MOTION CARRIED UNANIMOUSLY.

**EXECUTIVE ACTION ON HB 592**

**Motion:**

Senator Grosfield moved the Committee adopt the amendment to HB 592 (Exhibit #3).

**Discussion:**

Senator Grosfield stated the amendment would mandate that the first \$30,000 of hazardous waste management permit fees collected be credited to the state general fund.

Senator Bianchi asked how much money was expected to be generated by these fees, to which Senator Grosfield replied \$127,000.

Senator Weeding asked Senator Grosfield if \$30,000 would be credited to the general fund each year, to which Senator Grosfield replied he was correct. Senator Grosfield said he offered the amendment because he wanted to avoid "taking another hit on the general fund".

Senator Keating stated it would not matter whether the money was credited to the general fund or state special revenue account as long as the money was appropriated back to the department. Senator Bianchi stated money deposited to the state special revenue account must be spent on this program whereas there would be no guarantee the money would be credited back to the department if it were to be deposited into the state general fund.

Senator Weeding stated the fees should either go entirely to the special revenue account or state general fund but should not be split up. Senator Grosfield stated he would prefer that the fees go to the state general fund.

Senator Keating stated the money collected in fees must be appropriated back to the department because it is not a statutory appropriation.

**Vote:**

Senator Grosfield's motion to amend HB 592 FAILED by roll call vote five votes to eight.

**Motion/Vote:**

Senator Hockett moved HB 592 BE CONCURRED IN. MOTION CARRIED with Senator Swysgood voting NO.

**EXECUTIVE ACTION ON HB 419**

**Discussion:**

Senator Bianchi asked Paul Sihler if there was a consistent appeals procedure in HB 419. Mr. Sihler replied HB 419 and HB 374 were somewhat similar in function and asked Committee members to compare the two bills. Mr. Sihler told Committee members to compare page 4 of HB 374 with page 5 of HB 419. He

said Section 2 of HB 374 has a very thorough procedure for filing an administrative action. Mr. Sihler said HB 374 would require the department to provide a notice of violation and a hearing for violators before the board. He noted HB 374 also outlines the options available to the board in determining a course of action. He said HB 419 would authorize the department to make decisions regarding recourse for violators. Mr. Sihler suggested the Committee consider either amending into HB 419 the procedure outlined in HB 374 or amending HB 419 to clarify that the board, not the department, would hear the appeal.

**Motion/Vote:**

Senator Weldon moved the Committee amend HB 419 to clarify that the appeal be heard by the board. MOTION CARRIED UNANIMOUSLY.

**Motion:**

Senator Weldon moved HB 419 BE CONCURRED IN AS AMENDED.

**Discussion:**

Senator Grosfield stated he supported the language to HB 419 on page 6, line 19-20. He added he was uncomfortable with the authority given to the department to levy administrative penalties.

Senator Swysgood stated he has consistently voted no on these transfers of authority to the department not because he condones violation of existing law, but because he feels uncomfortable transferring more authority to the department.

**Vote:**

The BE CONCURRED IN AS AMENDED MOTION CARRIED by roll call vote eight votes to five.

**EXECUTIVE ACTION ON HB 374**

**Motion:**

Senator Keating moved the Committee amend HB 374 to delete Section 2 and insert the appeal process as stated in HB 419.

**Discussion:**

Senator Kennedy stated Representative Ewer had some amendments to

HB 374. He said Representative Ewer's amendments would change Section 2.

Senator Bianchi asked Paul Sihler if Representative Ewer's concerns would be addressed if the Committee adopted Senator Keating's amendment. Mr. Sihler replied Representative Ewer's amendments would remove the language at the bottom of page 4 and top of page 5 of HB 374 which was inserted by the House Natural Resources Committee while Senator Keating's amendment would remove all of pages 4-7 from HB 374. He said if the Committee accepted Senator Keating's amendment, it would be removing much of the existing authority the department has in issuing administrative penalties.

Senator Keating withdrew his motion.

Senator Bianchi stated the Committee would delay executive action on HB 374 until Monday, March 29th.

Paul Sihler asked Senator Bianchi if he should prepare an amendment to remove the language from Section 2 which outlines the appeal process.

Senator Bianchi asked Senator Keating if Mr. Sihler should prepare such an amendment. Senator Keating replied he was under the impression HB 419 and HB 374 contained similar language as it pertained to the appeals process. Paul Sihler replied both bills contain an appeal to the board, however, HB 374 outlines a specific appeal process.

Senator Keating stated his motion was unnecessary because the appeals process outlined in HB 374 did not need to be amended.

**Motion/Vote:**

Senator Keating moved the Committee adopt Representative Ewer's motion to strike from Section 2 language added by the House Committee. MOTION CARRIED UNANIMOUSLY.

**Motion/Vote:**

Senator Weldon moved HB 374 BE CONCURRED IN AS AMENDED. MOTION CARRIED eight votes to five, with Senators Grosfield, Keating, Swift, Swysgood and Tveit voting NO.

**EXECUTIVE ACTION ON HB 599**

**Motion:**

Senator McClernan moved HB 599 BE NOT CONCURRED IN.



**Motion/Vote:**

Senator Swysgood made a substitute motion to TABLE HB 599.  
MOTION CARRIED UNANIMOUSLY.

**EXECUTIVE ACTION ON HB 318**

**Motion:**

Senator Kennedy moved the Committee adopt the department amendments to HB 318.

**Discussion:**

Paul Sihler stated the amendments to HB 318 could be found in their packet following the bill. He said the amendments to HB 318 were discussed by the sponsor and the department during its hearing.

**Vote:**

Motion to amend HB 318 CARRIED UNANIMOUSLY.

**Motion:**

Senator Keating moved HB 318 BE CONCURRED IN AS AMENDED.

**Discussion:**

Senator Grosfield stated HB 318 was another administrative penalty bill for the department. He said HB 318 would levy a \$10,000 for each violation for each day which he considered to be a significant broadening of the department's authority. Senator Grosfield stated he was unsure if this change in the law was mandated on a federal level by the Environmental Protection Agency (EPA).

Mr. Tim Baker, Attorney for the Department of Health's Air Quality Bureau, stated the increase in penalties is a primacy issue in that the department is required to have this authority to gain federal funding for EPA programs. He said there is no presumption of continued violation, however, he added multiple violations would cost more than singular ones.

Senator Grosfield asked Mr. Baker if the penalty fee stated in HB 318 was also federally mandated, to which Mr. Baker replied it was.

**Vote:**

The BE CONCURRED IN AS AMENDED motion CARRIED ten votes to three with Senators Grosfield, Swift and Swysgood voting NO.

**EXECUTIVE ACTION ON HB 442**

**Discussion:**

Senator Doherty stated he would like to offer an amendment to HB 442 which would insert a coordinating instruction to implement HB 442 if both HB 442 and SB 320 are passed. He said the language in HB 442 is in line with the department's wishes and would give the department more flexibility.

**Motion:**

Senator Doherty moved the Committee amend HB 442 so it would be implemented in the event both HB 442 and SB 320 were passed.

**Motion:**

Senator Grosfield made a substitute motion that the Committee amend HB 442 so SB 320 would be implemented in the event both HB 442 and SB 320 were passed.

**Discussion:**

Senator Bianchi asked if SB 320 had passed second reading. Senator McClernan replied the House was debating it today and added SB 320 addressed more issues than HB 442.

Senator Bartlett stated there was a request at the hearing for a coordinated amendment which addressed a completeness review only. She said the coordinated amendment pertained to Section 5 of SB 320.


Senator Grosfield and Senator Doherty agreed both of their amendments referred to Section 5 of SB 320.

Senator Bianchi requested the Committee delay executive action on HB 442 until SB 320 is acted on by the House.

ADJOURNMENT

Adjournment: 1:40 p.m.

  
\_\_\_\_\_  
SENATOR DON BIANCHI, Chair

  
\_\_\_\_\_  
ROSALYN COOPERMAN FOR LEANNE KURTZ, Secretary

DB/rc

# ROLL CALL

SENATE COMMITTEE NATURAL RESOURCES DATE 3-27-93

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

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 29, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration Senate Joint Resolution No. 29 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 29 be amended as follows and as so amended be concurred in.

Signed: *Don Bianchi*  
Senator Don Bianchi, Chair

That such amendments read:

1. Title, line 7.

Following: "WATER QUALITY LAWS"

Insert: "AND THE MONTANA CONSTITUTION"

2. Title, line 8.

Following: "PROVISIONS"

Insert: "AND LAWS"

3. Page 1, line 14.

Strike: "generated"

Insert: "attempted to address"

4. Page 1, line 19.

Strike: the second "the"

Insert: "exceptions to a strict interpretation of a"

5. Page 1, line 20.

Strike: "provisions"

Insert: "policy has been characterized as impacting all  
environmental life-support systems, including but not  
limited to air, water, and land, and therefore"

6. Page 2, line 6.

Strike: "balancing of"

Insert: "social and"

Following: "development"

Insert: "factors"

7. Page 2, line 11.

Following: "the"

Insert: "appropriateness of the"

8. Page 2, line 14.

Following: "the"

Insert: "environmental, economic, and social"

Following: "allowing"

Insert: "any degradation or specific levels of"

ADD Amd. Coord.  
Sec. of Senate

Woodward  
Senator Carrying Bill

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9. Page 2, line 17.

Following: "the"

Insert: "various interpretations of applicable sections of the"

10. Page 2, line 19.

Following: "of"

Insert: "and the cost to"

11. Page 2, line 22.

-Strike: "and"

Following: line 22

Insert: "(i) the social and economic costs of nondegradation compliance or noncompliance to individuals and entities in various industries and endeavors that would be affected;

(j) the potential utilization, in response to exceptions from nondegradation provisions, of mitigation measures to improve overall water quality in the state, in the source, or in a specific affected portion of the source; and"

Renumber: subsequent subsection

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 29, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 374 (third reading copy -- blue), respectfully report that House Bill No. 374 be amended as follows and as so amended be concurred in.

Signed: Don Bianchi  
Senator Don Bianchi, Chair

That such amendments read:

1. Page 4, line 13.

Page 4, line 15.

Strike: "and order"

Insert: "letter"

2. Page 4, lines 22 through 24.

Strike: subsections (D) and (E) in their entirety.

Renumber: subsequent subsections

3. Page 4, line 25.

Following: "(F)"

Insert: "as applicable,"

4. Page 5, line 1.

Following: "ASSESSED"

Insert: "by order under subsection (2)"

5. Page 5, line 2.

Strike: "(1)(G)"

Insert: "(1)(e)"

6. Page 5, line 5.

Strike: "THAT"

7. Page 5, line 7.

Following: "RECEIPT."

Strike: "AN"

Insert: "Except as provided in subsection (2)(a)(ii), an"

8. Page 5.

Following: line 9

Insert: "(2)(a) The department may issue an administrative notice and order in lieu of the notice letter provided under subsection (1) if the department's action:

(i) does not involve assessment of an administrative penalty; or

AN Amd. Coord.  
Sec. of Senate

McClernan  
Senator Carrying Bill

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(ii) seeks an administrative penalty only for an activity that it believes and alleges has violated or is violating 75-5-605.

(b) A notice and order issued under this section must meet all of the requirements specified in subsection (1)."

Renumber: subsequent subsections

9. Page 5, line 25.

Following: "notice"

Insert: "and order"

Following: "subsection"

Strike: "(1)"

Insert: "(2)"

-END-



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 27, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 592 (third reading copy -- blue), respectfully report that House Bill No. 592 be concurred in.

Signed: Don Bianchi  
Senator Don Bianchi, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 29, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 419 (third reading copy -- blue), respectfully report that House Bill No. 419 be amended as follows and as so amended be concurred in.

Signed: Don Bianchi  
Senator Don Bianchi, Chair

That such amendments read:

1. Page 6, line 1.  
Following: "hearing"  
Insert: "before the board"

-END-

APV Amd. Coord.  
Sec. of Senate

Bianchi  
Senator Carrying Bill

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SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 29, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 318 (third reading copy -- blue), respectfully report that House Bill No. 318 be amended as follows and as so amended be concurred in.

Signed: \_\_\_\_\_

*Don Bianchi*  
Senator Don Bianchi, Chair

That such amendments read:

1. Page 4, line 9.

Strike: "THAT"

2. Page 4, line 10.

Following: "DEPARTMENT"

Insert: "to"

Following: "FOR"

Strike: "IMPOSING"

Insert: "imposition of any"

3. Page 4, line 11.

Following: "LIMITATIONS"

Insert: ", monitoring or reporting requirements, or other substantive requirements"

4. Page 4, line 12.

Following: "SUBCHAPTER V"

Insert: "and implementing regulations"

5. Page 4, line 13.

Strike: "DESIRE"

Insert: "intent"

Following: "PROGRAM"

Insert: "administered by the department"

6. Page 4, line 15.

Strike: "NO MORE STRINGENT THAN REQUIRED BY"

Insert: "consistent with the operating permit framework and guidelines outlined in"

7. Page 4, line 16.

Following: "SUBCHAPTER V"

Insert: "and implementing regulations. The legislature further intends that the operating permit program authorized by this bill, when viewed as a whole, should not invariably be limited to the minimum federal requirements but also should not invariably impose the strictest optional alternatives allowable under Subchapter V and implementing regulations"

*AN* Amd. Coord.

Sec. of Senate

*Halligan*  
Senator Carrying Bill

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8. Page 26, line 25 through page 27, line 2.  
Strike: "NO" on page 26, line 25 through "OF" on page 27, line 2  
Insert: "consistent with the operating permit framework and  
guidelines outlined in"

9. Page 27, line 2.  
Following: "ACT"  
Insert: "and implementing regulations"

10. Page 36, line 7.  
Following: "assess"  
Strike: "fees for"  
Insert: "an application fee based on estimated actual emissions  
or an annual fee based on"

11. Page 39, line 21.  
Following: "fees."  
Insert: "(1)"

12. Page 40, lines 1 through 4.  
Strike: "THE" on line 1 through "." on line 4  
Insert: "(2) The operating permit fees and the construction  
permit fees must be maintained in separate accounts within  
the state special revenue fund.  
(3) Upon request, the expenditure by the department of funds  
in these accounts may be audited by a qualified auditor at the  
end of each fiscal year. The cost of the audit must be borne by  
the person requesting the audit."

13. Page 52, lines 3, 5, and 7.  
Strike: "13"  
Insert: "12, 13(1) and (3),"

14. Page 52.  
Following: line 8  
Insert: "(3) [Section 13(2)] is effective July 1, 1994."

-END-

# ROLL CALL VOTE

SENATE COMMITTEE Natural Resources BILL NO. HB 592

DATE 27 March 1993 TIME 12:15 A.M. P.M.

NAME	YES	NO
Bianchi		✓
Hockett		✓
Bartlett	✓	
Doherty		✓
Grosfield	✓	
Heating		✓
Kennedy		✓
Swift		✓
Suysgood	✓	
McClernan	✓	
Tveit	✓	
Weeding		✓
Weldon		✓
Motion fails - 8 votes no, 5 votes yes		

Rosalyn Cooperman for Leanne Kurtz  
SECRETARY

Senator Don Bianchi  
CHAIR

MOTION: Senator Grosfield moved the Committee  
amend HB 592.

# ROLL CALL VOTE

SENATE COMMITTEE Natural Resources BILL NO. HB 419

DATE 27 March 1993 TIME 1:25 A.M. P.M.

NAME	YES	NO
Bianchi	✓	
Hockett	✓	
Bartlett	✓	
Doherty	✓	
Grosfield		✓
Keating		✓
Kennedy	✓	
Swift		✓
Sunsgood		✓
McClernan	✓	
Tveit		✓
Weeding	✓	
Weldon	✓	
Motion carried eight votes to five		

Ronnyn Congerman for Leanne Kutz  
SECRETARY

Senator Bianchi  
CHAIR

MOTION: Senator Weldon moved HB 419 be concurred in  
as amended.

## DISCUSSION DRAFT--SEN. GROSFIELD--3/25/93

SENATE JOINT RESOLUTION NO. 29 INTRODUCED BY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE ENVIRONMENTAL QUALITY COUNCIL TO STUDY THE NONDEGRADATION PROVISIONS OF THE MONTANA WATER QUALITY LAWS CONSTITUTION AND THE IMPLEMENTATION OF THOSE PROVISIONS; AND REQUIRING THE ENVIRONMENTAL QUALITY COUNCIL TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE 54TH LEGISLATURE.

WHEREAS, the 53rd Legislature has considered two bills relating to nondegradation provisions of Montana's water quality laws, which bills have ~~generated~~ attempted to address unresolved issues; and

WHEREAS, the implementation of the nondegradation provisions of the water quality laws involves complex issues of law, technology, and public policy; and

WHEREAS, the implementation of the exceptions to a strict interpretation of a nondegradation provisions policy has been characterized as impacting all environmental life-support systems, including but not limited to air, water, and land, and therefore is of significant interest to all Montanans.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Environmental Quality Council give priority to the study of the nondegradation provisions of the Montana water quality laws and the implementation of those provisions.

(2) That the study include a review of:

(a) the definitions of "nondegradation" and "high-quality waters";

(b) the balancing of social and economic development and ~~the public interest in maintaining with nondegradation of~~ high-quality waters;

(c) the procedures for the review of proposed exemptions from the nondegradation provisions;

(d) the designation of mixing zones;

(e) the appropriateness of the application of nondegradation provisions to all point and nonpoint sources of pollution to both ground water and surface water as well as to air and land;

(f) the environmental, economic, and social effects of allowing specific levels of degradation to high-quality ground waters and surface waters;

(g) the relationship between the nondegradation policy

provisions contained in Montana water quality laws and the various interpretations of applicable sections of the Montana Constitution;

(h) the capabilities of and the cost to state agencies to implement the nondegradation policy and to assess the resources that will be needed to implement the policy equitably for all segments of society; and

(i) the social and economic costs of nondegradation compliance to individuals and entities in various industries and endeavors that would be affected;

(j) the potential utilization, in response to exceptions from nondegradation provisions, of mitigation measures to improve overall water quality in the state, in the source, or in a specific affected portion of the source; and

~~(i)~~ (k) the identification of possible statutory and regulatory changes that would help clarify the nondegradation policy and provide for a more effective and efficient implementation of the policy.

(3) That the Environmental Quality Council consult with federal, state, and local officials, industries, citizens, and other persons or groups with expertise or interest in water quality protection.

(4) That the Environmental Quality Council report its findings and recommendations to the 54th Legislature.

-End-



Amendments to Senate Joint Resolution No. 29  
1st Reading Copy

Requested by Sen. Grosfield  
For the Committee on Natural Resources

Prepared by Todd Everts  
March 25, 1993

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 3-27-93

BILL NO. SJR 29

1. Title, line 7.

Strike: "WATER QUALITY LAWS"

Insert: "CONSTITUTION"

2. Page 1, line 14.

Strike: "generated"

Insert: "attempted to address"

3. Page 1, line 19.

Strike: the second "the"

Insert: "exceptions to a strict interpretation of a"

4. Page 1, line 20.

Strike: "provisions"

Insert: "policy has been characterized as impacting all  
environmental life-support systems, including but not  
limited to air, water, and land, and therefore"

5. Page 2, lines 6 and 7.

Following: "of"

Insert: "social and"

Strike: "and" on line 6 through "maintaining" on line 7

Insert: "with nondegradation of"

6. Page 2, line 11.

Following: "the"

Insert: "appropriateness of the"

7. Page 2, line 13.

Following: "water"

Insert: "as well as to air and land"

8. Page 2, line 14.

Following: "the"

Insert: "environmental, economic, and social"

Following: "allowing"

Insert: "specific levels of"

9. Page 2, line 17.

Following: "the"

Insert: "various interpretations of applicable sections of the"

10. Page 2, line 19.

Following: "of"

Insert: "and the cost to"

11. Page 2, line 22.

Strike: "and"

Following: line 22

Insert: "(i) the social and economic costs of nondegradation  
compliance to individuals and entities in various industries  
and endeavors that would be affected;

(j) the potential utilization, in response to  
exceptions from nondegradation provisions, of mitigation measures  
to improve overall water quality in the state, in the source, or  
in a specific affected portion of the source; and"

Renumber: subsequent subsection

*House*  
Amendments to ~~Senate~~ Bill No. 592  
Third Reading Copy

Requested by Senator Grosfield  
For the Committee on Natural Resources

SENATE NATURAL RESOURCES

EXHIBIT NO. 3

DATE 3-27-93

BILL NO. HB 592

Prepared by Paul Sihler  
March 27, 1993

1. Page 9, line 18.

Following: "There"

Insert: "must be credited annually to the state general fund the  
first \$30,000 of fees collected under [sections 3 and 4];

- (2) Except as provided in subsection (1), there".