

House Bill 334

In The House

January 19, 1981	Introduced and referred to Committee on Natural Resources.
February 21, 1981	Committee recommend bill do pass as amended.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading indefinitely postponed.

1 HOUSE BILL NO. 334
 2 INTRODUCED BY Kanduch Conroy (aunt Dalg)
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE
 5 APPROVAL BEFORE STATE AMBIENT AIR QUALITY STANDARDS OR
 6 EMISSION STANDARDS MORE STRINGENT THAN FEDERAL STANDARDS MAY
 7 BECOME EFFECTIVE; AMENDING SECTIONS 75-2-202 AND 75-2-203,
 8 MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 75-2-202, MCA, is amended to read:
 12 "75-2-202. Board to set ambient air quality standards.
 13 The board shall establish ambient air quality standards for
 14 the state, subject to the provisions of [section 3]."

15 Section 2. Section 75-2-203, MCA, is amended to read:
 16 "75-2-203. Board to set emission levels. (1) The board
 17 may establish the limitations of the levels, concentrations,
 18 or quantities of emissions of various pollutants from any
 19 source necessary to prevent, abate, or control air
 20 pollution. Except as otherwise provided in or pursuant to
 21 this section, such levels, concentrations, or quantities
 22 shall be controlling, and no emission in excess thereof
 23 shall be lawful.

24 (2) In any area where the concentration of air
 25 pollution sources or of population or where the nature of

1 the economy or of land and its uses so require, the board
 2 may fix more stringent requirements governing the emission
 3 of air pollutants than those in effect pursuant to
 4 subsection (1) of this section.

5 (3) The board may by rule use any widely recognized
 6 measuring system for measuring emission of air contaminants.

7 (4) Should federal minimum standards of air pollution
 8 be set by federal law, the board may, if necessary in some
 9 localities of this state, set more stringent standards by
 10 rule, subject to the provisions of [section 3]."

11 NEW SECTION. Section 3. Adoption of standards more
 12 stringent than federal standards. No ambient air quality
 13 standard or emission standard adopted by the board which is
 14 more stringent than the federal standard may become
 15 effective until approved by the legislature.

16 Section 4. Codification instruction. Section 3 is
 17 intended to be codified as an integral part of Title 75,
 18 chapter 2, and the provisions of Title 75, chapter 2, apply
 19 to section 3.

-End-

-2- INTRODUCED BILL
 HB 334

Approved by Committee
on Natural Resources

HOUSE BILL NO. 334

INTRODUCED BY KANDUCH, CONROY, PAVLOVICH, DAILY, SEIFERT

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE APPROVAL BEFORE STATE AMBIENT AIR QUALITY STANDARDS OR EMISSION STANDARDS MORE STRINGENT THAN FEDERAL STANDARDS MAY BECOME EFFECTIVE; ALLOWING COUNTIES TO ADOPT STANDARDS MORE STRINGENT THAN FEDERAL STANDARDS UPON A MAJORITY VOTE OF ITS QUALIFIED ELECTORS; AMENDING SECTIONS 75-2-202 AND 75-2-203, MCA."

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

Section 1. Section 75-2-202, MCA, is amended to read:

"75-2-202. Board to set ambient air quality standards. The board shall establish ambient air quality standards for the state, subject to the provisions of [section 3]."

Section 2. Section 75-2-203, MCA, is amended to read:

"75-2-203. Board to set emission levels. (1) The board may establish the limitations of the levels, concentrations, or quantities of emissions of various pollutants from any source necessary to prevent, abate, or control air pollution. Except as otherwise provided in or pursuant to this section, such levels, concentrations, or quantities shall be controlling, and no emission in excess thereof shall be lawful.

(2) In any area where the concentration of air pollution sources or of population or where the nature of the economy or of land and its uses so require, the board may fix more stringent requirements governing the emission of air pollutants than those in effect pursuant to subsection (1) of this section.

(3) The board may by rule use any widely recognized measuring system for measuring emission of air contaminants.

(4) Should federal minimum standards of air pollution be set by federal law, the board may, if necessary in some localities of this state, set more stringent standards by rule, subject to the provisions of [section 3]."

NEW SECTION. Section 3. (1) Adoption of STATEWIDE standards more stringent than federal standards. No STATEWIDE ambient air quality standard or emission standard adopted by the board which is more stringent than the federal standard may become effective until approved by the legislature.

(2) UPON PETITION BY 10% OF THE QUALIFIED ELECTORS OF A COUNTY OR BY RESOLUTION OF THE COUNTY GOVERNING BODY, A COUNTY MAY SUBMIT TO THE QUALIFIED ELECTORS OF THE COUNTY AT A GENERAL, PRIMARY, OR SPECIAL ELECTION THE QUESTION OF WHETHER TO ADOPT THE MORE STRINGENT AMBIENT AIR QUALITY STANDARDS OR EMISSION STANDARDS ADOPTED BY THE BOARD OF HEALTH. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN

1 THE ELECTION VOTE IN FAVOR OF MORE STRINGENT STANDARDS, THE
2 MORE STRINGENT STANDARDS SHALL TAKE EFFECT IN THAT COUNTY.
3 THE EFFECTIVENESS OF THE STANDARDS MAY BE TERMINATED BY A
4 VOTE OF THE QUALIFIED ELECTORS UPON SUBMITTING OF THE
5 QUESTION TO THEM THROUGH THE PROCEDURE PRESCRIBED ABOVE.

6 Section 4. Codification instruction. Section 3 is
7 intended to be codified as an integral part of Title 75,
8 chapter 2, and the provisions of Title 75, chapter 2, apply
9 to section 3.

-End-