

HOUSE BILL NO. 333

INTRODUCED BY REAM, D. BROWN, HALLIGAN

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
JANUARY 23, 1989	FIRST READING.
MARCH 17, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
MARCH 18, 1989	PRINTING REPORT.
MARCH 20, 1989	SECOND READING, DO PASS.
MARCH 21, 1989	ENGROSSING REPORT.
MARCH 22, 1989	THIRD READING, PASSED. AYES, 83; NOES, 14.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 22, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.

IN THE HOUSE

APRIL 8, 1989	ON MOTION, RULES SUSPENDED TO ALLOW TRANSMITTAL AFTER 83RD DAY.
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IN THE SENATE

APRIL 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 17, 1989	SECOND READING, CONCURRED IN.

APRIL 19, 1989

THIRD READING, CONCURRED IN.  
AYES, 39; NOES, 11.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 20, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO STATUTORILY APPROPRIATE \$1 MILLION OF THE ENVIRONMENTAL QUALITY PROTECTION FUND FOR USE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES FOR EXPENDITURES RELATING TO RELEASES OF HAZARDOUS OR DELETERIOUS SUBSTANCES; TO REQUIRE A REPORT TO THE LEGISLATURE ON EXPENDITURES FROM THE FUND; AMENDING SECTIONS 17-7-502 AND 75-10-704, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be

1 listed in subsection (3).

2 (b) The law or portion of the law making a statutory  
3 appropriation must specifically state that a statutory  
4 appropriation is made as provided in this section.

5 (3) The following laws are the only laws containing  
6 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
7 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;  
8 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;  
9 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;  
10 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;  
11 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;  
12 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;  
13 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;  
14 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101;  
15 75-7-305; 75-10-704; 76-12-123; 80-2-103; 80-2-228;  
16 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;  
17 90-15-103; section 13, House Bill No. 861, Laws of 1985; and  
18 section 1, Chapter 454, Laws of 1987.

19 (4) There is a statutory appropriation to pay the  
20 principal, interest, premiums, and costs of issuing, paying,  
21 and securing all bonds, notes, or other obligations, as due,  
22 that have been authorized and issued pursuant to the laws of  
23 Montana. Agencies that have entered into agreements  
24 authorized by the laws of Montana to pay the state  
25 treasurer, for deposit in accordance with 17-2-101 through

17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3): pursuant to sec. 15, Ch. 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 1987, terminates July 1, 1988.)"

**Section 2.** Section 75-10-704, MCA, is amended to read:

**"75-10-704. Environmental quality protection fund. (1)**

There is created in the state special revenue fund an environmental quality protection fund to be administered as a revolving fund by the department. The department is authorized to expend amounts from the fund necessary to carry out the purposes of this part.

(2) The fund may only be used by the department only to carry out the provisions of this part and for remedial actions taken by the department pursuant to this part in response to a release of hazardous or deleterious substances. Fund uses must include the conduct of the hazardous waste site remedial action program, which is a program of remedial action at sites:

(a) where a release has occurred; and

(b) where the U.S. environmental protection agency

has, under the provisions of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, conducted a hazard ranking study and judged the site not eligible for inclusion on the national priority list or where the U.S. environmental protection agency has no authority or no plan to assess the site under CERCLA.

(3) The department's program for remedial action under subsection (2) must include:

(a) a system for prioritizing sites for remedial action based on potential effects on human health and the environment; and

(b) investigation, negotiation, and legal action, as appropriate, to identify responsible parties, to obtain the participation and financial contribution of responsible parties for the remedial action, to achieve remedial action, and to recover costs and damages incurred by the state.

(4) There must be deposited in the fund:

(a) all penalties, damages, and department expenditures recovered pursuant to 75-10-715;

(b) funds appropriated to the fund by the legislature; and

(c) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202.

(5) (a) Money in the fund is statutorily appropriated,

1 as provided in 17-7-502, in the amount of \$1 million each  
2 fiscal year.

3 (b) Whenever the statutory appropriation provided in  
4 subsection (5)(a) is insufficient to carry out the  
5 provisions of this part and additional money remains in the  
6 fund, the department shall seek additional authority to  
7 spend money from the fund through the budget amendment  
8 process provided for in Title 17, chapter 7, part 4.

9 (5)(6) Whenever the amount of money in the fund is  
10 insufficient to carry out remedial action, the department  
11 may apply to the governor for a grant from the environmental  
12 contingency account established pursuant to 75-1-1101.

13 (7) The department shall submit to the legislature at  
14 the beginning of each regular session a complete financial  
15 report on the fund, including a description of all  
16 expenditures made since the preceding report."

17 NEW SECTION. Section 3. Extension of authority. Any  
18 existing authority to make rules on the subject of the  
19 provisions of [this act] is extended to the provisions of  
20 [this act].

21 NEW SECTION. Section 4. Effective date. [This act] is  
22 effective July 1, 1989.

-End-

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

1 *House* BILL NO. *333*  
2 INTRODUCED BY *Ream Dave Brown Holly*  
3 BY REQUEST OF THE DEPARTMENT OF HEALTH  
4 AND ENVIRONMENTAL SCIENCES  
5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO STATUTORILY  
7 APPROPRIATE \$1 MILLION OF THE ENVIRONMENTAL QUALITY  
8 PROTECTION FUND FOR USE BY THE DEPARTMENT OF HEALTH AND  
9 ENVIRONMENTAL SCIENCES FOR EXPENDITURES RELATING TO RELEASES  
10 OF HAZARDOUS OR DELETERIOUS SUBSTANCES; TO REQUIRE A REPORT  
11 TO THE LEGISLATURE ON EXPENDITURES FROM THE FUND; AMENDING  
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-End-

SENATE STANDING COMMITTEE REPORT

April 15, 1989

MR. PRESIDENT:

We, your committee on Finance and Claims, having had under consideration HB 333 (third reading copy -- blue), respectfully report that HB 333 be amended and as so amended be concurred in:

Sponsor: Ream (Keating)

1. Title, line 6.

Strike: "STATUTORILY"

2. Title, line 12.

Strike: "SECTIONS 17-7-502 AND"

Insert: "SECTION"

3. Page 1, line 16 through page 3, line 9.

Strike: section 1 in its entirety

Renumber: subsequent section

4. Page 4, line 25 through page 5, line 4.

Strike: "(a)" on line 25 through "(5)(a)" on line 4

Insert: "Whenever a legislative appropriation"

5. Page 5.


Following: line 16

Insert: " NEW SECTION. Section 2. Appropriation. For the biennium ending June 30, 1991, there is appropriated \$1 million a year to the department of health and environmental sciences from the environmental quality protection fund to be spent for the purposes of the fund, as provided in 75-10-704."

Renumber: subsequent sections

AND AS AMENDED BE CONCURRED IN

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

  
Pete Story, Chairman

SENATE  
HB 333

## HOUSE BILL NO. 333

INTRODUCED BY REAM, D. BROWN, HALLIGAN

BY REQUEST OF THE DEPARTMENT OF HEALTH

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(a) a system for prioritizing sites for remedial action based on potential effects on human health and the environment; and

(b) investigation, negotiation, and legal action, as appropriate, to identify responsible parties, to obtain the participation and financial contribution of responsible parties for the remedial action, to achieve remedial action, and to recover costs and damages incurred by the state.

(4) There must be deposited in the fund:

(a) all penalties, damages, and department expenditures recovered pursuant to 75-10-715;

(b) funds appropriated to the fund by the legislature; and

(c) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202.

(5) ~~(a) Money in the fund is statutorily appropriated;~~

~~as--provided--in--17-7-502, in the amount of \$1 million each  
fiscal year.~~

~~(b)--Whenever the statutory appropriation provided in  
subsection--(5)(a) WHENEVER A LEGISLATIVE APPROPRIATION is  
insufficient to carry out the provisions of this part and  
additional money remains in the fund, the department shall  
seek additional authority to spend money from the fund  
through the budget amendment process provided for in Title  
17, chapter 7, part 4.~~

~~(5)(6) Whenever the amount of money in the fund is  
insufficient to carry out remedial action, the department  
may apply to the governor for a grant from the environmental  
contingency account established pursuant to 75-1-1101.~~

~~(7) The department shall submit to the legislature at  
the beginning of each regular session a complete financial  
report on the fund, including a description of all  
expenditures made since the preceding report."~~

~~NEW SECTION. SECTION 2. APPROPRIATION. FOR THE  
BIENNIUM ENDING JUNE 30, 1991, THERE IS APPROPRIATED \$1  
MILLION A YEAR TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
SCIENCES FROM THE ENVIRONMENTAL QUALITY PROTECTION FUND TO  
BE SPENT FOR THE PURPOSES OF THE FUND, AS PROVIDED IN  
75-10-704.~~

~~NEW SECTION. Section 3. Extension of authority. Any  
existing authority to make rules on the subject of the~~

provisions of [this act] is extended to the provisions of  
[this act].

NEW SECTION. Section 4. Effective date. [This act] is  
effective July 1, 1989.

-End-