

HOUSE BILL NO. 362

INTRODUCED BY D. BROWN

BY REQUEST OF THE DEPARTMENT OF STATE LANDS AND
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

JANUARY 23, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
JANUARY 24, 1989	FIRST READING.
JANUARY 31, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 1, 1989	PRINTING REPORT.
FEBRUARY 2, 1989	SECOND READING, DO PASS.
FEBRUARY 3, 1989	ENGROSSING REPORT.
FEBRUARY 4, 1989	THIRD READING, PASSED. AYES, 95; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 4, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 8, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 10, 1989

RECEIVED FROM SENATE.

PASSED CONSIDERATION FOR THE DAY.

MARCH 11, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 13, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 362
2 INTRODUCED BY Steve Brown
3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS AND
4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE STATE OF
7 MONTANA TO ACCEPT AND DISPOSE OF LANDS, INCLUDING BUILDINGS,
8 GRANTED BY THE UNITED STATES PURSUANT TO THE COMPREHENSIVE
9 ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF
10 1980; AMENDING SECTIONS 75-10-701, 77-1-211, AND 77-2-302,
11 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

14 **Section 1.** Section 75-10-701, MCA, is amended to read:

15 "75-10-701. Definitions. As used in this part, unless
16 the context requires otherwise, the following definitions
17 apply:

18 (1) "Department" means the department of health and
19 environmental sciences provided for in Title 2, chapter 15,
20 part 21.

21 (2) "Fund" means the environmental quality protection
22 fund established in 75-10-704.

23 (3) "Hazardous or deleterious substance" means a
24 substance that poses an imminent and substantial threat to
25 public health and that is either a petroleum product or

1 listed as a hazardous substance in volume 50, Federal
2 Register, pages 13474 through 13513.

3 (4) "Release" means any spilling, leaking, pumping,
4 pouring, emitting, emptying, discharging, injecting,
5 escaping, leaching, dumping, or disposing of a hazardous or
6 deleterious substance either directly into the environment
7 or in a manner in which the substance can reasonably be
8 expected to enter the environment if not contained, removed,
9 or abated, but excludes releases confined to the indoor
10 workplace environment, the use of pesticides as defined in
11 80-8-102(30) when they are applied in accordance with
12 approved federal and state labels, and the use of commercial
13 fertilizers as defined in 80-10-101(2) when applied as part
14 of accepted agricultural practice.

15 (5) "Remedial action" includes all investigation,
16 monitoring, cleanup, restoration, abatement, removal,
17 replacement, acquisition, and other actions necessary or
18 appropriate to respond to a release."

19 **Section 2.** Section 77-1-211, MCA, is amended to read:

20 "77-1-211. Acceptance of federal land grants. (1) The
21 board may accept any grant of lands from the United States
22 to the state made in carrying out the provisions of The
23 Enabling Act and also any other grant for any special
24 purpose that may be made by the United States to the state,
25 except as provided in subsection (2).

(2) Legislative approval is required for any acceptance of land by the state of Montana from the United States if the land was acquired by the United States through condemnation procedures.

(3) Notwithstanding any provisions of this title, the board, after consultation with the director of the department of health and environmental sciences, may accept any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq. Legislative approval is not required for such acceptance."

Section 3. Section 77-2-302, MCA, is amended to read:

"77-2-302. Disposition of former institutions and federal land grants. (1) Notwithstanding any other section in this chapter, any lands, including buildings, formerly used as or by a state institution which are no longer used for institutional purposes may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the appropriate legislative committee, may determine to be in the state's best interest, subject to The Enabling Act and constitutional restrictions. Disposal of such property shall not be finally concluded until 60 days' public notice of the terms of the proposed disposal shall have been given.

(2) Notwithstanding any other section in this chapter, any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq., or acquired by the state as remedial action pursuant to sections 75-10-704, 75-10-711, or 75-10-712 may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the director of the department of health and environmental sciences, determines to be in the state's best interest."

NEW SECTION. Section 4. 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 5. Effective date. [This act] is effective on passage and approval.

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 362

INTRODUCED BY D. BROWN

BY REQUEST OF THE DEPARTMENT OF STATE LANDS AND
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE STATE OF MONTANA TO ACCEPT AND DISPOSE OF LANDS, INCLUDING BUILDINGS, GRANTED BY THE UNITED STATES PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980; AND AMENDING SECTIONS 75-10-701, 77-1-211, AND 77-2-302, MCA; ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

Section 1. Section 75-10-701, MCA, is amended to read:

"75-10-701. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(2) "Fund" means the environmental quality protection fund established in 75-10-704.

(3) "Hazardous or deleterious substance" means a substance that poses an imminent and substantial threat to public health and that is either a petroleum product or

listed as a hazardous substance in volume 50, Federal Register, pages 13474 through 13513.

(4) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous or deleterious substance either directly into the environment or in a manner in which the substance can reasonably be expected to enter the environment if not contained, removed, or abated, but excludes releases confined to the indoor workplace environment, the use of pesticides as defined in 80-8-102(30) when they are applied in accordance with approved federal and state labels, and the use of commercial fertilizers as defined in 80-10-101(2) when applied as part of accepted agricultural practice.

(5) "Remedial action" includes all investigation, monitoring, cleanup, restoration, abatement, removal, replacement, acquisition, and other actions necessary or appropriate to respond to a release."

Section 2. Section 77-1-211, MCA, is amended to read:

"77-1-211. Acceptance of federal land grants. (1) The board may accept any grant of lands from the United States to the state made in carrying out the provisions of The Enabling Act and also any other grant for any special purpose that may be made by the United States to the state, except as provided in subsection (2).

(2) Legislative approval is required for any acceptance of land by the state of Montana from the United States if the land was acquired by the United States through condemnation procedures.

(3) Notwithstanding any provisions of this title, the board, after consultation with the director of the department of health and environmental sciences, may accept any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq. Legislative approval is not required for such acceptance.

Section 3. Section 77-2-302, MCA, is amended to read:

"77-2-302. Disposition of former institutions and federal land grants. (1) Notwithstanding any other section in this chapter, any lands, including buildings, formerly used as or by a state institution which are no longer used for institutional purposes may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the appropriate legislative committee, may determine to be in the state's best interest, subject to The Enabling Act and constitutional restrictions. Disposal of such property shall not be finally concluded until 60 days' public notice of the terms of the proposed disposal shall have been given.

(2) Notwithstanding any other section in this chapter, any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq., or acquired by the state as remedial action pursuant to sections 75-10-704, 75-10-711, or 75-10-712 may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the director of the department of health and environmental sciences, determines to be in the state's best interest."

NEW SECTION. Section 4. 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 5. Effective date. [This act] is effective on passage and approval.~~

-End-

1 HOUSE BILL NO. 362

2 INTRODUCED BY D. BROWN

3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS AND
4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
56 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE STATE OF
7 MONTANA TO ACCEPT AND DISPOSE OF LANDS, INCLUDING BUILDINGS,
8 GRANTED BY THE UNITED STATES PURSUANT TO THE COMPREHENSIVE
9 ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF
10 1980; AND AMENDING SECTIONS 75-10-701, 77-1-211, AND
11 77-2-302, MCA, ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"
12

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

14 **Section 1.** Section 75-10-701, MCA, is amended to read:15 "75-10-701. Definitions. As used in this part, unless
16 the context requires otherwise, the following definitions
17 apply:18 (1) "Department" means the department of health and
19 environmental sciences provided for in Title 2, chapter 15,
20 part 21.21 (2) "Fund" means the environmental quality protection
22 fund established in 75-10-704.23 (3) "Hazardous or deleterious substance" means a
24 substance that poses an imminent and substantial threat to
25 public health and that is either a petroleum product or1 listed as a hazardous substance in volume 50, Federal
2 Register, pages 13474 through 13513.3 (4) "Release" means any spilling, leaking, pumping,
4 pouring, emitting, emptying, discharging, injecting,
5 escaping, leaching, dumping, or disposing of a hazardous or
6 deleterious substance either directly into the environment
7 or in a manner in which the substance can reasonably be
8 expected to enter the environment if not contained, removed,
9 or abated, but excludes releases confined to the indoor
10 workplace environment, the use of pesticides as defined in
11 80-8-102(30) when they are applied in accordance with
12 approved federal and state labels, and the use of commercial
13 fertilizers as defined in 80-10-101(2) when applied as part
14 of accepted agricultural practice.15 (5) "Remedial action" includes all investigation,
16 monitoring, cleanup, restoration, abatement, removal,
17 replacement, acquisition, and other actions necessary or
18 appropriate to respond to a release."19 **Section 2.** Section 77-1-211, MCA, is amended to read:20 "77-1-211. Acceptance of federal land grants. (1) The
21 board may accept any grant of lands from the United States
22 to the state made in carrying out the provisions of The
23 Enabling Act and also any other grant for any special
24 purpose that may be made by the United States to the state,
25 except as provided in subsection (2).

(2) Legislative approval is required for any acceptance of land by the state of Montana from the United States if the land was acquired by the United States through condemnation procedures.

(3) Notwithstanding any provisions of this title, the board, after consultation with the director of the department of health and environmental sciences, may accept any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq. Legislative approval is not required for such acceptance.

Section 3. Section 77-2-302, MCA, is amended to read:

"77-2-302. Disposition of former institutions and federal land grants. (1) Notwithstanding any other section in this chapter, any lands, including buildings, formerly used as or by a state institution which are no longer used for institutional purposes may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the appropriate legislative committee, may determine to be in the state's best interest, subject to The Enabling Act and constitutional restrictions. Disposal of such property shall not be finally concluded until 60 days' public notice of the terms of the proposed disposal shall have been given.

(2) Notwithstanding any other section in this chapter, any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq., or acquired by the state as remedial action pursuant to sections 75-10-704, 75-10-711, or 75-10-712 may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the director of the department of health and environmental sciences, determines to be in the state's best interest.

NEW SECTION. Section 4. 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 5.--Effective date.--[This act] is effective on passage and approval.**~~

-End-

SENATE STANDING COMMITTEE REPORT

March 3, 1989

MR. PRESIDENT:

We, your committee on Natural Resources, having had under consideration HB 362 (third reading copy -- blue), respectfully report that HB 362 be amended and as so amended be concurred in:

Sponsor: Brown, D. (Jenkins)

1. Page 3, line 14.

Following: "and"

Insert: "certain"

AND AS AMENDED BE CONCURRED IN

Signed: _____

Thomas F. Keating

Thomas F. Keating, Chairman

SENATE

scrhb362.303

HB 362

HOUSE BILL NO. 362

INTRODUCED BY D. BROWN

BY REQUEST OF THE DEPARTMENT OF STATE LANDS AND
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE STATE OF
MONTANA TO ACCEPT AND DISPOSE OF LANDS, INCLUDING BUILDINGS,
GRANTED BY THE UNITED STATES PURSUANT TO THE COMPREHENSIVE
ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF
1980; AND AMENDING SECTIONS 75-10-701, 77-1-211, AND
77-2-302, MCA, ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

Section 1. Section 75-10-701, MCA, is amended to read:

"75-10-701. Definitions. As used in this part, unless
the context requires otherwise, the following definitions
apply:

(1) "Department" means the department of health and
environmental sciences provided for in Title 2, chapter 15,
part 21.

(2) "Fund" means the environmental quality protection
fund established in 75-10-704.

(3) "Hazardous or deleterious substance" means a
substance that poses an imminent and substantial threat to
public health and that is either a petroleum product or

listed as a hazardous substance in volume 50, Federal
Register, pages 13474 through 13513.

(4) "Release" means any spilling, leaking, pumping,
pouring, emitting, emptying, discharging, injecting,
escaping, leaching, dumping, or disposing of a hazardous or
deleterious substance either directly into the environment
or in a manner in which the substance can reasonably be
expected to enter the environment if not contained, removed,
or abated, but excludes releases confined to the indoor
workplace environment, the use of pesticides as defined in
80-8-102(30) when they are applied in accordance with
approved federal and state labels, and the use of commercial
fertilizers as defined in 80-10-101(2) when applied as part
of accepted agricultural practice.

(5) "Remedial action" includes all investigation,
monitoring, cleanup, restoration, abatement, removal,
replacement, acquisition, and other actions necessary or
appropriate to respond to a release."

Section 2. Section 77-1-211, MCA, is amended to read:

"77-1-211. Acceptance of federal land grants. (1) The
board may accept any grant of lands from the United States
to the state made in carrying out the provisions of The
Enabling Act and also any other grant for any special
purpose that may be made by the United States to the state,
except as provided in subsection (2).

(2) Legislative approval is required for any acceptance of land by the state of Montana from the United States if the land was acquired by the United States through condemnation procedures.

(3) Notwithstanding any provisions of this title, the board, after consultation with the director of the department of health and environmental sciences, may accept any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq. Legislative approval is not required for such acceptance."

Section 3. Section 77-2-302, MCA, is amended to read:

"77-2-302. Disposition of former institutions and CERTAIN federal land grants. (1) Notwithstanding any other section in this chapter, any lands, including buildings, formerly used as or by a state institution which are no longer used for institutional purposes may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the appropriate legislative committee, may determine to be in the state's best interest, subject to The Enabling Act and constitutional restrictions. Disposal of such property shall not be finally concluded until 60 days' public notice of the terms of the proposed disposal shall have been given.

(2) Notwithstanding any other section in this chapter, any lands, including buildings, granted to the state by the United States pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq., or acquired by the state as remedial action pursuant to sections 75-10-704, 75-10-711, or 75-10-712 may be disposed of in whole or in part on such terms and in such manner as the board, after consultation with the director of the department of health and environmental sciences, determines to be in the state's best interest."

NEW SECTION. Section 4. 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 5.** Effective date. [This act] is effective on passage and approval.~~

-End-