

SENATE BILL NO. 465

INTRODUCED BY PIPINICH, NORMAN, LYNCH, VAN VALKENBURG,  
VAUGHN, WALKER, BECK, MOORE, HARRINGTON, WEEDING, BROOKE,  
WILLIAMS, O'KEEFE, HALLIGAN, JERGSON, RANEY, DAVIS,  
CONNELLY, DARKO, BLOTKAMP, HANSEN,  
KILPATRICK, MENAHAN, NISBET

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE SENATE

MARCH 9, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
MARCH 21, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
MARCH 23, 1989	ENGROSSING REPORT.
MARCH 27, 1989	THIRD READING, PASSED. AYES, 28; NOES, 22.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
MARCH 28, 1989	FIRST READING.
APRIL 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 4, 1989	SECOND READING, CONCURRED IN AS AMENDED.
APRIL 6, 1989	THIRD READING, CONCURRED IN.

AYES, 51; NOES, 49.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 11, 1989

SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 12, 1989

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 13, 1989

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 14, 1989

ON MOTION, CONFERENCE COMMITTEE  
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 15, 1989

ON MOTION, CONFERENCE COMMITTEE  
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 20, 1989

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1989

FREE CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1989

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *465*  
 2 INTRODUCED BY *Tipinich Norman*  
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH  
 4 *William Bank* AND ENVIRONMENTAL SCIENCES *Michael Rarey*  
 5 *Michael Rarey*  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT *Council*  
 7 OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES IMPOSING  
 8 FEES FOR ANY PERMITS REQUIRED TO CONTROL EMISSIONS FROM  
 9 MAJOR OPEN BURNING SOURCES; CREATING A SMOKE MANAGEMENT  
 10 ACCOUNT FOR DEPOSIT OF THE FEES; AND PROVIDING EFFECTIVE  
 11 DATES."

#### 12 STATEMENT OF INTENT

14 A statement of intent is required for this bill because  
 15 [section 1] grants the department of health and  
 16 environmental sciences authority to adopt rules to impose  
 17 fees for any permits that may be required under 75-2-203 to  
 18 control emissions from any open burning source capable of  
 19 emitting, on a statewide basis, more than 500 tons of carbon  
 20 monoxide per calendar year or 50 tons per calendar year of  
 21 any other pollutant regulated by the board of health and  
 22 environmental sciences, except hydrocarbons.

23 In adopting rules, the department shall fix a schedule  
 24 of fees that does not exceed the costs incurred by the  
 25 department to conduct meteorological forecasting and

1 monitoring needed to implement an ambient air smoke  
 2 management program. In order to ensure that fees are  
 3 properly established, the department shall at least annually  
 4 determine the cost of operating the ambient air smoke  
 5 management program and seek the advice of any existing smoke  
 6 management group concerning the appropriateness of fees, as  
 7 required in [section 1(3)].  
 8

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

10 NEW SECTION. **Section 1.** Open burning permit fees --  
 11 rules. (1) The department may adopt rules imposing fees for  
 12 any permits the board may require pursuant to 75-2-203 to  
 13 control emissions from any open burning source capable of  
 14 emitting, on a statewide basis, more than 500 tons of carbon  
 15 monoxide per calendar year or 50 tons per calendar year of  
 16 any other pollutant regulated by the board, except  
 17 hydrocarbons.

18 (2) The fees may not exceed the costs incurred by the  
 19 department to conduct meteorological forecasting and  
 20 monitoring needed to implement an ambient air smoke  
 21 management program.

22 (3) At least annually, the department shall:

23 (a) determine the cost of operating an ambient air  
 24 smoke management program;

25 (b) evaluate the appropriateness of fees set to cover

1 the cost of the ambient air smoke management program; and

2 (c) solicit and consider advice concerning the  
3 appropriateness of fees from any existing organized smoke  
4 management group composed of representatives of the  
5 department, public agencies, and industry.

6 NEW SECTION. **Section 2. Smoke management account.** (1)

7 There is a smoke management account within the state special  
8 revenue fund.

9 (2) The department shall deposit the fees collected  
10 pursuant to [section 1] in the state special revenue fund to  
11 the credit of the smoke management account for use by the  
12 department to conduct meteorological forecasting and  
13 monitoring needed to implement an ambient air smoke  
14 management program.

15 NEW SECTION. **Section 3. Codification instruction.**

16 [Sections 1 and 2] are intended to be codified as an  
17 integral part of Title 75, chapter 2, and the provisions of  
18 Title 75, chapter 2, apply to [sections 1 and 2].

19 NEW SECTION. **Section 4. Effective dates.** (1) [Section

20 1 and this section] are effective on passage and approval.

21 (2) [Section 2] is effective July 1, 1989.

-End-

In compliance with a written request, there is hereby submitted a Fiscal Note for SB465, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act entitled: "An act allowing the Department of Health and Environmental Sciences to adopt rules imposing fees for any permits required to control emissions from major open burning sources; creating a smoke management account for deposit of the fees; and providing effective dates."

ASSUMPTIONS:

This fiscal note assumes continued support of the Smoke Management Program by state and federal forestry agencies through loaned personnel and equipment.

FISCAL IMPACT:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
<u>Revenue:</u>						
(State Special)	\$ -0-	\$ 23,300	\$ 23,300	\$ -0-	\$ 23,300	\$ 23,300
<u>Expenditures:</u>	\$ -0-	\$ 23,300	\$ 23,300	\$ -0-	\$ 23,300	\$ 23,300
<u>Net Effect:</u>	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: Continued support of crucial air quality management program.

Dave Lewis DATE 3/14/89  
DAVE LEWIS, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

Bob Pipinich DATE 4/4/89  
BOB PIPINICH, PRIMARY SPONSOR

Fiscal Note for SB465, as introduced

**SB 465**

APPROVED BY COMM. ON  
FINANCE AND CLAIMS

## SENATE BILL NO. 465

INTRODUCED BY PIPINICH, NORMAN, LYNCH, VAN VALKENBURG,  
VAUGHN, WALKER, BECK, MOORE, HARRINGTON, WEEDING, BROOKE,  
WILLIAMS, O'KEEFE, HALLIGAN, JERGESON, RANEY, DAVIS,  
CONNELLY, DARKO, BLOTKAMP, HANSEN,  
KILPATRICK, MENAHAN, NISBET  
BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES IMPOSING  
FEES FOR ANY PERMITS REQUIRED TO CONTROL EMISSIONS FROM  
MAJOR OPEN BURNING SOURCES; CREATING A SMOKE MANAGEMENT  
ACCOUNT FOR DEPOSIT OF THE FEES; AND PROVIDING EFFECTIVE  
DATES."

## STATEMENT OF INTENT

A statement of intent is required for this bill because  
[section 1] grants the department of health and  
environmental sciences authority to adopt rules to impose  
fees for any permits that may be required under 75-2-203 to  
control emissions from any open burning source capable of  
emitting, on a statewide basis, more than 500 tons of carbon  
monoxide per calendar year or 50 tons per calendar year of  
any other pollutant regulated by the board of health and

environmental sciences, except hydrocarbons.

In adopting rules, the department shall fix a schedule  
of fees that does not exceed the costs incurred by the  
department to conduct meteorological forecasting and  
monitoring needed to implement an ambient air smoke  
management program. In order to ensure that fees are  
properly established, the department shall at least annually  
determine the cost of operating the ambient air smoke  
management program and seek the advice of any existing smoke  
management group concerning the appropriateness of fees, as  
required in [section 1(3)].

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

NEW SECTION. Section 1. Open burning permit fees --  
rules. (1) The department may adopt rules imposing fees for  
any permits the board may require pursuant to 75-2-203 to  
control emissions from any open burning source capable of  
emitting, ~~on-a-statewide-basis~~ IN LINCOLN, FLATHEAD, LAKE,  
SANDERS, MINERAL, MISSOULA, RAVALLI, GRANITE, POWELL, DEER  
LODGE, LEWIS AND CLARK, SILVER BOW, JEFFERSON, BROADWATER,  
GALLATIN, BEAVERHEAD, MADISON, PARK, AND MEAGHER COUNTIES,  
more than 500 tons of carbon monoxide per calendar year or  
50 tons per calendar year of any other pollutant regulated  
by the board, except hydrocarbons.

(2) The fees may not exceed ~~the costs incurred by the~~

1 department \$23,300 A YEAR to conduct meteorological  
 2 forecasting and monitoring needed to implement an ambient  
 3 air smoke management program AND MUST BE APPLIED EQUITABLY  
 4 TO THOSE REQUIRED TO PAY PERMIT FEES.

5 (3) At least annually, the department shall:

6 (a) determine the cost of operating an ambient air  
 7 smoke management program;

8 (b) evaluate the appropriateness of fees set to cover  
 9 the cost of the ambient air smoke management program; and

10 (c) solicit and consider advice concerning the  
 11 appropriateness of fees from any existing organized smoke  
 12 management group composed of representatives of the  
 13 department, public agencies, and industry.

14 NEW SECTION. Section 2. Smoke management account. (1)  
 15 There is a smoke management account within the state special  
 16 revenue fund.

17 (2) The department shall deposit the fees collected  
 18 pursuant to [section 1] in the state special revenue fund to  
 19 the credit of the smoke management account for use by the  
 20 department to conduct meteorological forecasting and  
 21 monitoring needed to implement an ambient air smoke  
 22 management program.

23 NEW SECTION. Section 3. Codification instruction.  
 24 [Sections 1 and 2] are intended to be codified as an  
 25 integral part of Title 75, chapter 2, and the provisions of

1 Title 75, chapter 2, apply to [sections 1 and 2].

2 NEW SECTION. Section 4. Effective dates. (1) [Section  
 3 1 and this section] are effective on passage and approval.

4 (2) [Section 2] is effective July 1, 1989.

-End-



## 1 SENATE BILL NO. 465

2 INTRODUCED BY PIPINICH, NORMAN, LYNCH, VAN VALKENBURG,  
3 VAUGHN, WALKER, BECK, MOORE, HARRINGTON, WEEDING, BROOKE,  
4 WILLIAMS, O'KEEFE, HALLIGAN, JERGESON, RANEY, DAVIS,  
5 CONNELLY, DARKO, BLOTKAMP, HANSEN,  
6 KILPATRICK, MENAHAN, NISBET  
7 BY REQUEST OF THE DEPARTMENT OF HEALTH  
8 AND ENVIRONMENTAL SCIENCES  
9

10 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
11 OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES IMPOSING  
12 FEES FOR ANY PERMITS REQUIRED TO CONTROL EMISSIONS FROM  
13 MAJOR OPEN BURNING SOURCES; CREATING A SMOKE MANAGEMENT  
14 ACCOUNT FOR DEPOSIT OF THE FEES; AND PROVIDING EFFECTIVE  
15 DATES."  
16

## 17 STATEMENT OF INTENT

18 A statement of intent is required for this bill because  
19 [section 1] grants the department of health and  
20 environmental sciences authority to adopt rules to impose  
21 fees for any permits that may be required under 75-2-203 to  
22 control emissions from any open burning source capable of  
23 emitting, on a statewide basis, more than 500 tons of carbon  
24 monoxide per calendar year or 50 tons per calendar year of  
25 any other pollutant regulated by the board of health and

1 environmental sciences, except hydrocarbons.

2 In adopting rules, the department shall fix a schedule  
3 of fees that does not exceed the costs incurred by the  
4 department to conduct meteorological forecasting and  
5 monitoring needed to implement an ambient air smoke  
6 management program. In order to ensure that fees are  
7 properly established, the department shall at least annually  
8 determine the cost of operating the ambient air smoke  
9 management program and seek the advice of any existing smoke  
10 management group concerning the appropriateness of fees, as  
11 required in [section 1(3)].  
12

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

14 NEW SECTION. Section 1. Open burning permit fees --  
15 rules. (1) The department may adopt rules imposing fees for  
16 any permits the board may require pursuant to 75-2-203 to  
17 control emissions from any open burning source capable of  
18 emitting, on-a-statewide-basis IN LINCOLN, FLATHEAD, LAKE,  
19 SANDERS, MINERAL, MISSOULA, RAVALLI, GRANITE, POWELL, DEER  
20 LODGE, LEWIS AND CLARK, SILVER BOW, JEFFERSON, BROADWATER,  
21 GALLATIN, BEAVERHEAD, MADISON, PARK, AND MEAGHER COUNTIES,  
22 more than 500 tons of carbon monoxide per calendar year or  
23 50 tons per calendar year of any other pollutant regulated  
24 by the board, except hydrocarbons.

25 (2) The fees may not exceed the costs incurred by the

1 department \$23,300 A YEAR to conduct meteorological  
 2 forecasting and monitoring needed to implement an ambient  
 3 air smoke management program AND MUST BE APPLIED EQUITABLY  
 4 TO THOSE REQUIRED TO PAY PERMIT FEES.

5 (3) At least annually, the department shall:  
 6 (a) determine the cost of operating an ambient air  
 7 smoke management program;  
 8 (b) evaluate the appropriateness of fees set to cover  
 9 the cost of the ambient air smoke management program; and  
 10 (c) solicit and consider advice concerning the  
 11 appropriateness of fees from any existing organized smoke  
 12 management group composed of representatives of the  
 13 department, public agencies, and industry.

14 NEW SECTION. Section 2. Smoke management account. (1)  
 15 There is a smoke management account within the state special  
 16 revenue fund.

17 (2) The department shall deposit the fees collected  
 18 pursuant to [section 1] in the state special revenue fund to  
 19 the credit of the smoke management account for use by the  
 20 department to conduct meteorological forecasting and  
 21 monitoring needed to implement an ambient air smoke  
 22 management program.

23 NEW SECTION. Section 3. Codification instruction.  
 24 [Sections 1 and 2] are intended to be codified as an  
 25 integral part of Title 75, chapter 2, and the provisions of

1 Title 75, chapter 2, apply to [sections 1 and 2].

2 NEW SECTION. Section 4. Effective dates. (1) [Section  
 3 1 and this section] are effective on passage and approval.  
 4 (2) [Section 2] is effective July 1, 1989.

-End-

STANDING COMMITTEE REPORT

April 3, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 465 (third reading copy -- blue) be concurred in as amended.

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

*Bob Raney*  
Bob Raney, Chairman

[REP. BIOTKAMP WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 13.

Strike: "SOURCES"

Insert: "OF TIMBER SLASH"

2. Page 1, line 22.

Strike: "source"

Insert: "of timber slash"

3. Page 2, lines 7 through 9.

Following: "shall" on line 7

Strike: remainder of line 7 through "and" on line 9

4. Page 2, line 14.

Following: "fees"

Insert: "for timber slash"

5. Page 2, line 17.

Strike: "source"

Insert: "of timber slash"

6. Page 2, lines 18 through 21.

Following: "emitting"

Strike: ","

Following: "basis"

Strike: the remainder of line 18 through line 21 in its entirety

7. Page 3, line 5.

Following: "annually"

Strike: ","

Following: "department"

April 3, 1989

Page 2 of 2

Insert: ", in consultation with any organized smoke management group composed of representatives of the department, public agencies, and industry,"

8. Page 3, line 7.

Following: ";

Insert: "and"

9. Page 3, line 9.

Strike: ";

Insert: "."

10. Page 3, lines 10 through 13.

Strike: subsection (c) in its entirety

741459SC.HRT

RT

HOUSE

SB 465

COMMITTEE OF THE WHOLE AMENDMENT  
Senate Bill 465  
Representative DeBruycker

April 4, 1989 11:55 am  
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 465 (third reading copy -- blue).

Signed: Roger DeBruycker  
Representative DeBruycker

And, that such amendments to Senate Bill 465 read as follows:

1. Title, line 13.

Following: "SOURCES;"

Insert: "EXCLUDING AGICULTURAL STUBBLES AND OTHER CROP RESIDUES;"

2. Page 2, line 17.

Following: "source"

Insert: ", excluding agricutural stubbles and other crop residues,"

ADOPT

REJECT

HOUSE

## SENATE BILL NO. 465

INTRODUCED BY PIPINICH, NORMAN, LYNCH, VAN VALKENBURG,  
 VAUGHN, WALKER, BECK, MOORE, HARRINGTON, WEEDING, BROOKE,  
 WILLIAMS, O'KEEFE, HALLIGAN, JERGESON, RANEY, DAVIS,  
 CONNELLY, DARKO, BLOTKAMP, HANSEN,  
 KILPATRICK, MENAHAN, NISBET  
 BY REQUEST OF THE DEPARTMENT OF HEALTH  
 AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
 OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES IMPOSING  
 FEES FOR ANY PERMITS REQUIRED TO CONTROL EMISSIONS FROM  
 MAJOR OPEN BURNING SOURCES OF TIMBER SLASH; EXCLUDING  
AGRICULTURAL STUBBLES AND OTHER CROP RESIDUES; CREATING A  
 SMOKE MANAGEMENT ACCOUNT FOR DEPOSIT OF THE FEES; AND  
 PROVIDING EFFECTIVE DATES."

## STATEMENT OF INTENT

A statement of intent is required for this bill because  
 [section 1] grants the department of health and  
 environmental sciences authority to adopt rules to impose  
 fees for any permits that may be required under 75-2-203 to  
 control emissions from any open burning source OF TIMBER  
SLASH capable of emitting, on a statewide basis, more than  
 500 tons of carbon monoxide per calendar year or 50 tons per

calendar year of any other pollutant regulated by the board  
 of health and environmental sciences, except hydrocarbons.

In adopting rules, the department shall fix a schedule  
 of fees that does not exceed the costs incurred by the  
 department to conduct meteorological forecasting and  
 monitoring needed to implement an ambient air smoke  
 management program. In order to ensure that fees are  
 properly established, the department shall ~~at least annually~~  
~~determine the cost of operating the ambient air smoke~~  
~~management program and seek the advice of any existing smoke~~  
 management group concerning the appropriateness of fees, as  
 required in [section 1(3)].

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

NEW SECTION. Section 1. Open burning permit fees FOR  
TIMBER SLASH -- rules. (1) The department may adopt rules  
 imposing fees for any permits the board may require pursuant  
 to 75-2-203 to control emissions from any open burning  
 source OF TIMBER SLASH, EXCLUDING AGRICULTURAL STUBBLES AND  
OTHER CROP RESIDUES, capable of emitting, on ~~a~~ a statewide  
 basis IN ~~LINCOLN, PLATHEAD, LAKE, SANDERS, MINERAL,~~  
~~MISSOULA, RAVALLI, GRANITE, POWEBB, BEER, BOGGE, LEWIS, AND~~  
~~CLARK, SILVER, BOW, JEFFERSON, BROADWATER, SABBATIN,~~  
~~BEAVERHEAD, MADISON, PARK, AND MEAGHER COUNTIES~~, more than  
 500 tons of carbon monoxide per calendar year or 50 tons per

1 calendar year of any other pollutant regulated by the board,  
2 except hydrocarbons.

3 (2) The fees may not exceed ~~the costs incurred by the~~  
4 department \$23,300 A YEAR to conduct meteorological  
5 forecasting and monitoring needed to implement an ambient  
6 air smoke management program AND MUST BE APPLIED EQUITABLY  
7 TO THOSE REQUIRED TO PAY PERMIT FEES.

8 (3) At least annually, the department, IN CONSULTATION  
9 WITH ANY ORGANIZED SMOKE MANAGEMENT GROUP COMPOSED OF  
10 REPRESENTATIVES OF THE DEPARTMENT, PUBLIC AGENCIES, AND  
11 INDUSTRY, shall:

12 (a) determine the cost of operating an ambient air  
13 smoke management program; AND

14 (b) evaluate the appropriateness of fees set to cover  
15 the cost of the ambient air smoke management program; and,

16 ~~(c) solicit and consider advice concerning the~~  
17 ~~appropriateness of fees from any existing organized smoke~~  
18 ~~management group composed of representatives of the~~  
19 ~~department, public agencies, and industry.~~

20 NEW SECTION. Section 2. Smoke management account. (1)  
21 There is a smoke management account within the state special  
22 revenue fund.

23 (2) The department shall deposit the fees collected  
24 pursuant to [section 1] in the state special revenue fund to  
25 the credit of the smoke management account for use by the

1 department to conduct meteorological forecasting and  
2 monitoring needed to implement an ambient air smoke  
3 management program.

4 NEW SECTION. Section 3. Codification instruction.  
5 [Sections 1 and 2] are intended to be codified as an  
6 integral part of Title 75, chapter 2, and the provisions of  
7 Title 75, chapter 2, apply to [sections 1 and 2].

8 NEW SECTION. Section 4. Effective dates. (1) [Section  
9 1 and this section] are effective on passage and approval.

10 (2) [Section 2] is effective July 1, 1989.

-End-

Free Conference Committee Report  
on SB 465  
Report No. 1, April 19, 1989  
page 1 of 2

Mr President and Mr. Speaker:

We, your Free Conference Committee on SB 465 met and considered.

The House amendments to SB 465 (third reading copy -- blue).

We recommend that SB 465 (reference copy -- salmon) be amended as follows:

1. Title, lines 11 and 12.  
Strike: "ADOPT RULES IMPOSING FEES"  
Insert: "RECEIVE CONTRIBUTIONS"

2. Title, line 15.  
Strike: "THE FEES"  
Insert: "CONTRIBUTIONS"

3. Title, line 16.  
Following: "PROVIDING"  
Insert: "AN"  
Following: "EFFECTIVE"  
Strike: "DATES"  
Insert: "DATE AND A TERMINATION DATE"

4. Page 1, line 18 through page 2, line 12.  
Strike: statement of intent in its entirety

5. Page 2, line 15.  
Strike: "fees"  
Insert: "contributions"

6. Page 2, lines 16 and 17.  
Following: "SLASH"  
Strike: "-- rules"  
Following: "may"  
Strike: "adopt rules imposing fees"  
Insert: "receive contributions from public agencies and industry"

7. Page 3, line 3.  
Strike: "fees"  
Insert: "contributions"

8. Page 3, line 4.  
Strike: "\$23,300 A YEAR"  
Insert: "the costs incurred by the department"

FREE CONFERENCE COMMITTEE, SB 465  
April 19, 1989  
page 2 of 2

9. Page 3, line 7.  
Strike: "PAY PERMIT FEES"  
Insert: "obtain permits for open burning"

10. Page 3, line 12.  
Strike: "cost of operating"  
Insert: "costs described in subsection (2) of implementing"

11. Page 3, lines 14 through 15.  
Strike: subsection (b) in its entirety  
Insert: "(b) establish the appropriate share of contributions for required permits based on the percentage of total acreage planned for open burning."

12. Page 3, line 23.  
Strike: "the fees"  
Insert: "contributions"

13. Page 4, lines 8 through 10.  
Strike: section 4 in its entirety  
Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1989."  
NEW SECTION. Section 5. Termination. [This act] terminates July 1, 1991."

And that this Conference Committee Report be adopted.

FOR THE SENATE

Sen. Harp, Chairman

Sen. Devlin

Sen. Pipinich

FOR THE HOUSE

Rep. Blotkamp, Chairman

Rep. Cohen

Rep. Smith

ADOPT

REJECT

## SENATE BILL NO. 465

INTRODUCED BY PIPINICH, NORMAN, LYNCH, VAN VALKENBURG,  
 VAUGHN, WALKER, BECK, MOORE, HARRINGTON, WEEDING, BROOKE,  
 WILLIAMS, O'KEEFE, HALLIGAN, JERGSON, RANEY, DAVIS,  
 CONNELLY, DARKO, BLOTKAMP, HANSEN,  
 KILPATRICK, MENAHAN, NISBET  
 BY REQUEST OF THE DEPARTMENT OF HEALTH  
 AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
 OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES IMPOSING  
 FEES RECEIVE CONTRIBUTIONS FOR ANY PERMITS REQUIRED TO  
 CONTROL EMISSIONS FROM MAJOR OPEN BURNING SOURCES OF TIMBER  
 SLASH; EXCLUDING AGRICULTURAL STUBBLES AND OTHER CROP  
 RESIDUES; CREATING A SMOKE MANAGEMENT ACCOUNT FOR DEPOSIT OF  
 THE--FEES CONTRIBUTIONS; AND PROVIDING AN EFFECTIVE DATES  
 DATE AND A TERMINATION DATE."

## STATEMENT-OF-INTENT

A-statement-of-intent-is-required-for-this-bill-because  
 {section-1}-grants---the---department---of---health---and  
 environmental---sciences---authority---to---adopt---rules---to---impose  
 fees-for-any-permits-that-may-be-required-under-75-2-203---to  
 control---emissions---from---any---open-burning source OF-TIMBER  
 SLASH capable-of-emitting-on-a-statewide-basis--more--than

500-tons-of-carbon-monoxide-per-calendar-year-or-50-tons-per  
 calendar--year-of-any-other-pollutant-regulated-by-the-board  
 of-health-and-environmental-sciences,--except--hydrocarbons--  
 In--adopting-rules, the-department-shall-fix-a-schedule  
 of-fees-that-does-not--exceed--the--costs--incurred--by--the  
 department---to---conduct---meteorological---forecasting---and  
 monitoring---needed---to---implement---an---ambient---air---smoke  
 management---program,--in--order--to--ensure--that--fees--are  
 properly-established, the-department-shall-at-least-annually  
 determine-the--cost--of--operating--the--ambient--air--smoke  
 management-program-and seek-the-advice-of-any-existing-smoke  
 management--group-concerning-the-appropriateness-of-fees, as  
 required-in-{section-1(3)}.

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

NEW SECTION. Section 1. Open burning permit fees  
CONTRIBUTIONS FOR TIMBER SLASH ---rules. (1) The department  
 may adopt-rules-imposing--fees RECEIVE CONTRIBUTIONS FROM  
PUBLIC AGENCIES AND INDUSTRY for any permits the board may  
 require pursuant to 75-2-203 to control emissions from any  
 open burning source OF TIMBER SLASH, EXCLUDING AGRICULTURAL  
STUBBLES AND OTHER CROP RESIDUES, capable of emitting on--a  
 statewide--basis IN--BINCINN--PLATHEAD--LAKE--SANDERS,  
MINERAB--MISSOULA--RAYAB--GRANITE--POWELL--BEER--BODGE  
BEWIS--AND--GARK--SILVER--BOW--JEPPERSON--BROADWATER,



~~GABLATIN, BEAVERHEAD, MADISON, PARK, AND MEAGHER COUNTIES,~~  
more than 500 tons of carbon monoxide per calendar year or  
50 tons per calendar year of any other pollutant regulated  
by the board, except hydrocarbons.

(2) The fees CONTRIBUTIONS may not exceed the costs  
incurred by the department \$23,300-A-YEAR THE COSTS INCURRED  
BY THE DEPARTMENT to conduct meteorological forecasting and  
monitoring needed to implement an ambient air smoke  
management program AND MUST BE APPLIED EQUITABLY TO THOSE  
REQUIRED TO PAY-PERMIT-FEES OBTAIN PERMITS FOR OPEN BURNING.

(3) At least annually, the department, IN CONSULTATION  
WITH ANY ORGANIZED SMOKE MANAGEMENT GROUP COMPOSED OF  
REPRESENTATIVES OF THE DEPARTMENT, PUBLIC AGENCIES, AND  
INDUSTRY, shall:

(a) determine the cost-of-operating COSTS DESCRIBED IN  
SUBSECTION (2) OF IMPLEMENTING an ambient air smoke  
management program; AND

~~(b) evaluate the appropriateness of fees set to cover  
the cost of the ambient air smoke management program; and~~

~~(c) solicit and consider advice concerning the  
appropriateness of fees from any existing organized smoke  
management group composed of representatives of the  
department, public agencies, and industry.~~

(B) ESTABLISH THE APPROPRIATE SHARE OF CONTRIBUTIONS  
FOR REQUIRED PERMITS BASED ON THE PERCENTAGE OF TOTAL

ACREAGE PLANNED FOR OPEN BURNING.

NEW SECTION. Section 2. Smoke management account. (1)

There is a smoke management account within the state special  
revenue fund.

(2) The department shall deposit the---fees  
CONTRIBUTIONS collected pursuant to [section 1] in the state  
special revenue fund to the credit of the smoke management  
account for use by the department to conduct meteorological  
forecasting and monitoring needed to implement an ambient  
air smoke management program.

NEW SECTION. Section 3. Codification instruction.

[Sections 1 and 2] are intended to be codified as an  
integral part of Title 75, chapter 2, and the provisions of  
Title 75, chapter 2, apply to [sections 1 and 2].

~~NEW SECTION. Section 4. Effective dates. (1)~~

~~{Section 1 and this section} are effective on passage and  
approval.~~

~~{2} {Section 2} is effective July 1, 1989.~~

NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT]  
IS EFFECTIVE JULY 1, 1989.

NEW SECTION. SECTION 5. TERMINATION. [THIS ACT]  
TERMINATES JULY 1, 1991.

-End-