

SENATE BILL 253

Introduced by Gage

1/26	Introduced
1/26	Referred to Natural Resources
1/26	First Reading
1/26	Fiscal Note Requested
2/01	Fiscal Note Received
2/02	Fiscal Note Printed
2/08	Hearing
2/10	Tabled in Committee

1 ~~Senate~~ BILL NO. **253**
 2 INTRODUCED BY *[Signature]*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE
 5 ENVIRONMENTAL QUALITY COUNCIL; ASSIGNING CERTAIN FUNCTIONS
 6 TO THE LEGISLATIVE COUNCIL; AMENDING SECTIONS 2-15-1514,
 7 2-15-1523, 5-11-402, 39-30-103, 75-1-102, 75-1-201,
 8 75-10-111, 75-10-913, 75-10-918, 75-20-211, 75-20-501,
 9 85-2-105, AND 90-4-112, MCA; REPEALING SECTIONS 5-16-101,
 10 5-16-102, 5-16-103, 5-16-104, 5-16-105, 75-1-301, 75-1-302,
 11 75-1-311, 75-1-312, 75-1-313, 75-1-321, 75-1-322, 75-1-323,
 12 AND 75-1-324, MCA."
 13

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

15 **Section 1.** Section 2-15-1514, MCA, is amended to read:

16 "2-15-1514. State library ~~commission~~ -- natural
 17 resource data system advisory committee. (1) (a) There is a
 18 state library commission which is created in Title 22,
 19 chapter 1.

20 (b) The composition, method of appointment, terms of
 21 office, compensation, reimbursement, and qualifications of
 22 commission members remain as prescribed by law.

23 (2) (a) There is a natural resource data system
 24 advisory committee consisting of an employee of ~~the~~
 25 ~~environmental-quality-council~~, of the state library, and of

1 each principal data source agency, appointed by the head of
 2 the respective state agency, and by the board of regents of
 3 higher education for the Montana university system.

4 (b) The state library shall provide staff support to
 5 the committee, within the limits of the library's available
 6 resources."

7 **Section 2.** Section 2-15-1523, MCA, is amended to read:

8 "2-15-1523. Ground water assessment steering committee.

9 (1) There is a ground water assessment steering committee
 10 consisting of an employee of each of the following state
 11 agencies having responsibility for ground water protection,
 12 management, or information who must be appointed by the head
 13 of the respective state agency:

14 (a) the department of natural resources and
 15 conservation;

16 (b) the department of health and environmental
 17 sciences;

18 (c) the department of agriculture;

19 (d) the department of state lands; and

20 (e) the Montana state library, natural resource
 21 information system.

22 (2) The ground water assessment steering committee may
 23 include representatives of the following agencies and units
 24 of government with expertise or management responsibility
 25 related to ground water and representatives of the

1 organizations and groups specified in subsection ~~(2)(h)~~
 2 (2)(g), who shall serve as ex officio members:
 3 ~~(a) the-environmental-quality-council;~~
 4 ~~(b) the board of oil and gas conservation;~~
 5 ~~(c) the Montana bureau of mines and geology;~~
 6 ~~(d) (c)~~ a representative from a unit of the university
 7 system, other than the Montana bureau of mines and geology,
 8 appointed by the board of regents of higher education for
 9 the Montana university system;
 10 ~~(e) (d)~~ a county government, appointed by an
 11 organization of Montana counties;
 12 ~~(f) (e)~~ a city, town, or city-county government,
 13 appointed by an organization of Montana cities and towns;
 14 ~~(g) (f)~~ each principal federal agency having
 15 responsibility for ground water protection, management, or
 16 research, appointed by the Montana head of the respective
 17 federal agency; and
 18 ~~(h) (g)~~ one representative of each of the following,
 19 appointed by the governor:
 20 (i) agricultural water users;
 21 (ii) industrial water users; and
 22 (iii) a conservation or ecological protection
 23 organization.
 24 (3) The ground water assessment steering committee
 25 shall elect a chairman presiding officer from its voting

1 members.

2 (4) The Montana bureau of mines and geology shall
 3 provide staff support to the committee."

4 **Section 3.** Section 5-11-402, MCA, is amended to read:

5 "5-11-402. **Legislative branch computer system planning**
 6 **council.** There is a legislative branch computer system
 7 planning council composed of:

8 (1) the secretary of the senate or another
 9 representative of the senate designated by the president;

10 (2) the chief clerk of the house of representatives or
 11 another representative of the house designated by the
 12 speaker;

13 (3) the sergeants-at-arms in the two houses or another
 14 representative of each house designated by the chairman of
 15 the legislative administration committee of that house;

16 (4) the executive director of the legislative council,
 17 who shall chair the planning council;

18 (5) the legislative auditor;

19 (6) the legislative fiscal analyst;

20 (7) ~~the-executive-director-of-the-environmental-quality~~
 21 ~~council;~~

22 ~~(8) the consumer counsel; and~~

23 ~~(9) (8)~~ a person designated by the director of the
 24 department of administration to represent the data
 25 processing policy and planning functions of the department,

1 who shall serve as a nonvoting member of the planning
2 council."

3 **Section 4.** Section 39-30-103, MCA, is amended to read:

4 "39-30-103. Definitions. For the purposes of this
5 chapter, the following definitions apply:

6 (1) "Eligible spouse" means the spouse of a handicapped
7 person determined by the department of social and
8 rehabilitation services to have a 100% disability who is
9 unable to use ~~his~~ the person's employment preference because
10 of ~~his~~ a disability.

11 (2) "Handicapped person" means an individual certified
12 by the department of social and rehabilitation services to
13 have a physical or mental impairment that substantially
14 limits one or more major life activities, such as writing,
15 seeing, hearing, speaking, or mobility, and that limits the
16 individual's ability to obtain, retain, or advance in
17 employment.

18 (3) (a) "Initial hiring" means a personnel action for
19 which applications are solicited from outside the ranks of
20 the current employees of:

21 (i) a department, as defined in 2-15-102, for a
22 position within the executive branch;

23 (ii) a legislative agency, such as the consumer counsel,
24 ~~environmental-quality-council~~, office of the legislative
25 auditor, legislative council, or office of the legislative

1 fiscal analyst, for a position within the legislative
2 branch;

3 (iii) a judicial agency, such as the office of supreme
4 court administrator, office of supreme court clerk, state
5 law library, or similar office in a state district court for
6 a position within the judicial branch;

7 (iv) a city or town for a municipal position, including
8 a city or municipal court position; and

9 (v) a county for a county position, including a
10 justice's court position.

11 (b) A personnel action limited to current employees of
12 a specific public entity identified in subsections (a)(i)
13 through (a)(v) of this subsection (3), current employees in
14 a reduction-in-force pool who have been laid off from a
15 specific public entity identified in subsections (a)(i)
16 through (a)(v) of this subsection (3), or current
17 participants in a federally authorized employment program is
18 not an initial hiring.

19 (4) (a) "Mental impairment" means:

20 (i) suffering from a disability attributable to mental
21 retardation, cerebral palsy, epilepsy, autism, or any other
22 neurologically handicapping condition closely related to
23 mental retardation and requiring treatment similar to that
24 required by mentally retarded individuals; or

25 (ii) an organic or mental impairment that has

substantial adverse effects on an individual's cognitive or volitional functions.

(b) The term mental impairment does not include alcoholism or drug addiction and does not include any mental impairment, disease, or defect that has been asserted by the individual claiming the preference as a defense to any criminal charge.

(5) "Position" means a permanent or seasonal position as defined in 2-18-101 for a state position or a similar permanent or seasonal position with a public employer other than the state. However, the term does not include:

(a) a temporary position as defined in 2-18-101 for a state position or similar temporary position with a public employer other than the state;

(b) a state or local elected official;

(c) employment as an elected official's immediate secretary, legal advisor, court reporter, or administrative, legislative, or other immediate or first-line aide;

(d) appointment by an elected official to a body such as a board, commission, committee, or council;

(e) appointment by an elected official to a public office if the appointment is provided for by law;

(f) a department head appointment by the governor or an executive department head appointment by a mayor, city manager, county commissioner, or other chief administrative

or executive officer of a local government; or

(g) engagement as an independent contractor or employment by an independent contractor.

(6) (a) "Public employer" means:

(i) any department, office, board, bureau, commission, agency, or other instrumentality of the executive, judicial, or legislative branch of the government of the state of Montana; and

(ii) any county, city, or town.

(b) The term does not include a school district, a vocational-technical center or program, a community college, the board of regents of higher education, the Montana university system, a special purpose district, an authority, or any political subdivision of the state other than a county, city, or town.

(7) "Substantially equal qualifications" means the qualifications of two or more persons among whom the public employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons."

Section 5. Section 75-1-102, MCA, is amended to read:

"75-1-102. **Purpose.** The purpose of parts 1 through 3 is to declare a state policy which will encourage productive and enjoyable harmony between man humans and his the

environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of ~~man~~ humans, and to enrich the understanding of the ecological systems and natural resources important to the state ~~and--to--establish an-environmental-quality-council.~~"

Section 6. Section 75-1-201, MCA, is amended to read:

"75-1-201. **General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) all agencies of the state, except as provided in subsection (2), shall:

(i) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on ~~man's~~ the environment;

(ii) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(iii) include in every recommendation or report on proposals for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment, a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(C) alternatives to the proposed action;

(D) the relationship between local short-term uses of ~~man's~~ the environment and the maintenance and enhancement of long-term productivity; and

(E) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(iv) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(v) recognize the national and long-range character of environmental problems and, where consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of ~~mankind's~~ the world environment;

(vi) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment; and

(vii) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

~~(viii) assist the environmental quality council established by 5-16-1987 and~~

(c) prior to making any detailed statement as provided in subsection (1)(b)(iii), the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such the statement and the comments and views of the appropriate state, federal, and local agencies which are authorized to develop and enforce environmental standards shall must be made available to the governor, ~~the environmental quality council~~, and the public and shall must accompany the proposal through the existing agency review processes.

(2) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

(3) ~~(a) Until the board of oil and gas conservation~~

~~adopts a programmatic environmental statement, but no later than December 31, 1989, the issuance of a permit to drill a well for oil or gas is not a major action of state government as that term is used in subsection (i)(b)(iii).~~

(b) The board of oil and gas conservation shall adopt a programmatic statement ~~by December 31, 1989~~ that must include but not be limited to:

(i)(a) such environmental impacts ~~as may be~~ found to be associated with the drilling for and production of oil and gas in the major producing basins and ecosystems in Montana;

(ii)(b) such methods of accomplishing drilling and production of oil and gas ~~as may be~~ found to be necessary to avoid permanent impairment of the environment or to mitigate long-term impacts so that the environment and renewable resources of the ecosystem may be returned to either conditions similar to those existing before drilling or production occurs or conditions that reflect a natural progression of environmental change;

(iii)(c) the process that will be employed by the board of oil and gas conservation to evaluate such environmental impacts of individual drilling proposals ~~as may be~~ that are found to exist;

(iv)(d) an appropriate method for incorporating such the environmental review ~~as may be~~ found to be necessary into the board's rules and drill permitting process and for

1 accomplishing the review in an expedient manner;

2 ~~(v)(e)~~ the maximum time periods that will be required
3 to complete the drill permitting process, including any
4 environmental review; and

5 ~~(vi)(f)~~ a record of information and analysis for the
6 board of oil and gas conservation to rely upon in responding
7 to public and private concerns about drilling and
8 production.

9 ~~(c)--The--governor--shall--direct--and--have--management~~
10 ~~responsibility--for--the--preparation--of--the--programmatic~~
11 ~~statement,--including--responsibility--on--behalf--of--the--board~~
12 ~~of--oil--and--gas--conservation--for--the--disbursement--and~~
13 ~~expenditure--of--funds--necessary--to--complete--the--statement.~~
14 ~~The--facilities--and--personnel--of--appropriate--state--agencies~~
15 ~~must--be--used--to--the--extent--the--governor--deems--necessary--to~~
16 ~~complete--the--statement. The--governor--shall--forward--the~~
17 ~~completed--draft--programmatic--statement--to--the--board--of--oil~~
18 ~~and--gas--conservation--for--hearing--pursuant--to--the--provisions~~
19 ~~of--the--Montana--Administrative--Procedure--Act,--Title--2,~~
20 ~~chapter--4. Following--completion--of--a--final--programmatic~~
21 ~~statement,--the--governor--shall--forward--the--statement--to--the~~
22 ~~board--for--adoption--and--use--in--the--issuance--of--permits--to~~
23 ~~drill--for--oil--and--gas.~~

24 ~~(d)--Until--the--programmatic--environmental--statement--is~~
25 ~~adopted, the--board--of--oil--and--gas--conservation--shall--prepare~~

1 a-written-progress-report-after-each-regular-meeting-of--the
2 board-and-after-any-special-board-meeting-that-addresses-the
3 adoption-or-implementation-of-the-programmatic-environmental
4 statement. A-copy-of-each-report-must-be-sent-to-the
5 environmental-quality-council."

6 **Section 7.** Section 75-10-111, MCA, is amended to read:

7 "75-10-111. State solid waste management plan --
8 hearings and action. (1) A proposed solid waste management
9 plan shall must be prepared by the department in conjunction
10 with local governments in the state and any other interested
11 person. After a draft of a proposed solid waste management
12 plan has been prepared, the department shall circulate a
13 copy of the proposed plan to the board of county
14 commissioners in each county in the state, the governing
15 body of every incorporated city or town in the state, any
16 person responsible for the operation of a solid waste
17 management system under the provisions of parts 1 and 2,
18 chapter 10 of this title, the governor, the-environmental
19 quality-council, and any other interested person for at
20 least 90 days prior to submission of a final proposed solid
21 waste management plan to the board. During the 90-day period
22 for receipt of comments on the draft plan, the department
23 shall hold at least three public hearings around the state
24 on the draft plan.

25 (2) A final proposed plan shall must be prepared based

on the comments and objections received at the public hearings and from the persons who have submitted comments on the draft solid waste management plan. The final plan submitted to the board ~~shall~~ must include a discussion of all comments and objections received and the reasons why recommendations for changes or amendments to the proposed plan were accepted or rejected. The board shall consider the final proposed solid waste management plan after giving notice and holding at least one public hearing pursuant to the rulemaking procedures outlined in the Montana Administrative Procedure Act."

Section 8. Section 75-10-913, MCA, is amended to read:

"75-10-913. Annual long-range plan submitted -- contents -- available to public. (1) A person may not file an application for a certificate of site acceptability required by 75-10-916 unless the megalandfill has been adequately identified in a long-range plan at least 2 years prior to acceptance of an application by the department.

(2) The annual long-range plan must be submitted by July 1 of each year and must include the following:

(a) the general location, size, and type of all facilities to be owned and operated by the person for which construction is projected during the ensuing 2 years, as well as those facilities to be closed during the planning period;

(b) a description of the efforts to involve environmental protection and land use planning agencies in the planning process, as well as other efforts to identify and minimize environmental problems at the earliest possible stage in the planning process;

(c) projections of the demand for the service rendered by the person and an explanation of the basis for those projections and a description of the manner and extent to which the proposed facilities will meet the projected demand; and

(d) additional information that the department by rule, on its own initiative, or upon the advice of interested state agencies requests in order to carry out the purposes of 75-10-901 through 75-10-945.

(3) The plan must be furnished to the governing body of each county in which any facility included in the plan under subsection (2)(a) is proposed to be located and must be made available to the public by the department. The applicant shall give public notice throughout the state by publishing at least once a week for 2 consecutive weeks a summary of the proposed plan in newspapers of general circulation. The plan must also be filed with the ~~environmental quality council~~, the department of transportation, the department of state lands, the department of fish, wildlife, and parks, the department of commerce, and the department of natural

resources and conservation. Interested persons may obtain a copy of the plan by written request and payment to the department of the costs of copying the plan."

Section 9. Section 75-10-918, MCA, is amended to read:

"75-10-918. Application -- filing and contents -- proof of service and notice. (1) (a) An applicant shall file with the department an application for a certificate under 75-10-916 in a form the board requires, containing the following information:

(i) a description of the proposed location and of the facility to be built;

(ii) a summary of any studies that have been made of the environmental, social, and economic impacts of the facility;

(iii) a description of at least three reasonable alternate locations for the facility, a general description of the comparative merits and detriments of each location submitted, and a statement of the reasons why the proposed location is best suited for the facility;

(iv) baseline data for the primary and reasonable alternate locations;

(v) at the applicant's option, an environmental study plan to satisfy the requirements of 75-10-901 through 75-10-945; and

(vi) other information that the applicant considers relevant or that the board by order or rule may require or

that the department by order or rule may require.

(b) A copy or copies of the studies referred to in subsection (1)(a)(ii) must be filed with the department, if ordered, and must be available for public inspection.

(2) An application must be accompanied by proof of service of a copy of the application on the chief executive officer of each unit of local government, each county commissioner, city or county planning board, and solid waste district, and each federal agency charged with the duty of protecting the environment or of planning land use located in the area in which any portion of the proposed facility is proposed or is alternatively proposed to be located and on the following state government agencies:

(a) ~~environmental-quality-council;~~

~~fb)~~ department of fish, wildlife, and parks;

~~tc)~~ (b) department of state lands;

~~td)~~ (c) department of commerce;

~~te)~~ (d) department of transportation; and

~~tf)~~ (e) department of natural resources and conservation.

(3) An application must be accompanied by proof that public notice was given to persons residing in the area in which any portion of the proposed facility is proposed or is alternatively proposed to be located by publication of a summary of the application in newspapers of general

1 circulation that will substantially inform those persons of
2 the application."

3 **Section 10.** Section 75-20-211, MCA, is amended to read:

4 "75-20-211. Application -- filing and contents -- proof
5 of service and notice. (1) (a) An applicant shall file with
6 the department and department of health a joint application
7 for a certificate under this chapter and for the permits
8 required under the laws administered by the department of
9 health and the board of health in such a form as required by
10 the board ~~requires~~ under applicable rules, containing the
11 following information:

12 (i) a description of the proposed location and of the
13 facility to be built thereon;

14 (ii) a summary of any studies which have been made of
15 the environmental impact of the facility;

16 (iii) a statement explaining the need for the facility;

17 (iv) for facilities defined in 75-20-104(10)(b) and
18 (10)(c), a description of reasonable alternate locations for
19 the facility, a general description of the comparative
20 merits and detriments of each location submitted, and a
21 statement of the reasons why the proposed location is best
22 suited for the facility;

23 (v) (A) for facilities as defined in 75-20-104(10)(b)
24 and (10)(c), baseline data for the primary and reasonable
25 alternate locations; or

1 (B) for facilities as defined in 75-20-104(10)(a),
2 (10)(d), and (10)(e), baseline data for the proposed
3 location and, at the applicant's option, any alternative
4 locations acceptable to the applicant for siting the
5 facility;

6 (vi) at the applicant's option, an environmental study
7 plan to satisfy the requirements of this chapter; and

8 (vii) ~~such~~ other information as the applicant considers
9 relevant or as the board and board of health by order or
10 rule or the department and department of health by order or
11 rule may require.

12 (b) A copy or copies of the studies referred to in
13 subsection (1)(a)(ii) above shall be filed with the
14 department, if ordered, and shall be available for public
15 inspection.

16 (2) An application may consist of an application for
17 two or more facilities in combination which are physically
18 and directly attached to each other and are operationally a
19 single operating entity.

20 (3) An application ~~shall~~ must be accompanied by proof
21 of service of a copy of the application on the chief
22 executive officer of each unit of local government, county
23 commissioner, city or county planning boards, and federal
24 agencies charged with the duty of protecting the environment
25 or of planning land use in the area in which any portion of

1 the proposed facility is proposed or is alternatively
2 proposed to be located and on the following state government
3 agencies:

- 4 (a) ~~environmental-quality-council;~~
- 5 ~~(b)~~ department of public service regulation;
- 6 ~~(c)~~ department of fish, wildlife, and parks;
- 7 ~~(d)~~ department of state lands;
- 8 ~~(e)~~ department of commerce;
- 9 ~~(f)~~ department of transportation.

10 (4) The copy of the application ~~shall~~ must be
11 accompanied by a notice specifying the date on or about
12 which the application is to be filed.

13 (5) An application ~~shall~~ must also be accompanied by
14 proof that public notice thereof was given to persons
15 residing in the area in which any portion of the proposed
16 facility is proposed or is alternatively proposed to be
17 located, by publication of a summary of the application in
18 those newspapers that will substantially inform those
19 persons of the application."

20 **Section 11.** Section 75-20-501, MCA, is amended to read:

21 "75-20-501. Annual long-range plan submitted --
22 contents -- available to public. (1) Each utility and each
23 person contemplating the construction of a facility within
24 this state in the ensuing 10 years shall furnish annually to
25 the department for its review a long-range plan for the

1 construction and operation of facilities.

2 (2) The plan ~~shall~~ must be submitted by July 1 of each
3 year and must include the following:

4 (a) the general location, size, and type of all
5 facilities to be owned and operated by the utility or person
6 whose construction is projected to commence during the
7 ensuing 10 years, as well as those facilities to be removed
8 from service during the planning period;

9 (b) in the case of utility facilities, a description of
10 efforts by the utility or person to coordinate the plan with
11 other utilities or persons so as to provide a coordinated
12 regional plan for meeting the energy needs of the region;

13 (c) a description of the efforts to involve
14 environmental protection and land use planning agencies in
15 the planning process, as well as other efforts to identify
16 and minimize environmental problems at the earliest possible
17 stage in the planning process;

18 (d) projections of the demand for the service rendered
19 by the utility or person and explanation of the basis for
20 those projections and a description of the manner and extent
21 to which the proposed facilities will meet the projected
22 demand; and

23 (e) additional information that the board by rule or
24 the department on its own initiative or upon the advice of
25 interested state agencies might request in order to carry

out the purposes of this chapter.

(3) The plan shall be furnished to the governing body of each county in which any facility included in the plan under (2)(a) of this section is proposed to be located and made available to the public by the department. The utility or person shall give public notice throughout the state of its plan by filing the plan with the ~~environmental quality council~~, the department of health and environmental sciences, the department of transportation, the department of public service regulation, the department of state lands, the department of fish, wildlife, and parks, and the department of commerce. Citizen environmental protection and resource planning groups and other interested persons may obtain a plan by written request and payment therefor to the department.

(4) A rural electric cooperative may furnish the department with a copy of the long-range plan and 2-year work plan required to be completed under federal rural electrification requirements in lieu of the long-range plan required in subsection (1).

(5) ~~No~~ A person may not file an application for a facility unless the facility had been adequately identified in a long-range plan at least 2 years prior to acceptance of an application by the department, except for electric transmission lines of a design capacity of 230 kilovolts or

less."

Section 12. Section 85-2-105, MCA, is amended to read:

"85-2-105. **Water policy committee.** (1) There is a permanent water policy committee of the legislature. The committee consists of eight members. The senate committee on committees and the speaker of the house of representatives shall each appoint four members on a bipartisan basis. The committee shall elect its ~~chairman--and--vice-chairman~~ presiding officer and vice presiding officer. The committee shall meet as often as necessary, including during the interim between sessions, to perform the duties specified within this section.

(2) On a continuing basis, the committee shall:

(a) advise the legislature on the adequacy of the state's water policy and of important state, regional, national, and international developments which affect Montana's water resources;

(b) oversee the policies and activities of the department of natural resources and conservation, other state executive agencies, and other state institutions, as they affect the water resources of the state; and

(c) communicate with the public on matters of water policy as well as the water resources of the state.

(3) On a regular basis, the committee shall:

(a) analyze and comment on the state water plan

1 required by 85-1-203, when filed by the department;

2 (b) analyze and comment on the report of the status of
3 the state's water development program required by 85-1-621,
4 when filed by the department;

5 (c) analyze and comment on water-related research
6 undertaken by any state agency, institution, college, or
7 university;

8 (d) analyze, verify, and comment on the adequacy of and
9 information contained in the water resources data management
10 system maintained by the department under 85-2-112; and

11 (e) report to the legislature as provided in 5-11-210.

12 (4) The ~~environmental-quality~~ legislative council shall
13 provide staff assistance to the committee. The committee may
14 contract with experts and consultants, in addition to
15 receiving assistance from the ~~environmental--quality~~
16 legislative council, in carrying out its duties under this
17 section."

18 **Section 13.** Section 90-4-112, MCA, is amended to read:

19 "90-4-112. Oversight function of ~~environmental-quality~~
20 legislative council. The department shall submit periodic
21 reports to the ~~environmental--quality~~ legislative council
22 ~~established-in--5-16-101~~ for review and evaluation. The
23 ~~environmental--quality~~ legislative council shall make such
24 recommendations as it considers necessary to assure the
25 greatest possible benefit of the program to the people of

1 the state as a whole. Such The recommendations may include
2 proposals for legislation."

3 NEW SECTION. **Section 14. Repealer.** Sections 5-16-101,
4 5-16-102, 5-16-103, 5-16-104, 5-16-105, 75-1-301, 75-1-302,
5 75-1-311, 75-1-312, 75-1-313, 75-1-321, 75-1-322, 75-1-323,
6 and 75-1-324, MCA, are repealed.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0253, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: Abolishes the Environmental Quality Council (EQC); requires the Legislative Council to staff the Water Policy Committee and provide legislative session duties and functions.

ASSUMPTIONS:

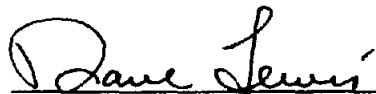
Environmental Quality Council

1. Staff support for the Water Policy Committee and legislative session duties and functions will be provided by the Legislative Council.
2. The liability for unused sick leave, annual leave, and compensatory time is \$42,085 as of January 22, 1993. The liability will increase according to statutory rates projected until October 1, 1993, when the bill becomes effective. The EQC policy is to pay up to a 120 hour limit on compensatory time upon termination. It is assumed that the total termination payout will be about \$42,000 during FY94.
3. Because the effective date of the bill is October 1, 1993, the proposed law expenditure impact for FY94 includes 3/12 of the FY94 current level request plus estimated staff termination payouts.

Legislative Council

4. All of the current duties and functions of the Legislative Council will continue to be supported at the levels requested for the 1995 biennium.
5. The Water Policy Committee will conduct approximately eight meetings during the 1995 biennium. The current level biennial request for FY94 (included in the EQC budget request) is adequate to fund the committee.
6. The Legislative Council will add 1.00 permanent FTE, effective October 1, 1993, to assume the staff responsibilities of the Water Policy Committee, staff one of the two natural resources standing committees, draft legislation regarding natural resources and the environment, and perform research and analysis on natural resource issues. For the nine months in FY94, personal services costs for the FTE (assuming Grade 16 entry level equivalent) will be \$21,665 salary and \$4,985 benefits and insurance. The FY95 costs (full year) are estimated to be \$28,885 salary and \$6,645 benefits and insurance.
7. Miscellaneous operating costs for telephone and supplies for the new FTE will be about \$1,000 for the biennium.
8. A personal services contract will be executed for the 1995 legislative session for bill drafting and standing committee staffing for either the House or Senate Natural Resources Committee (the committee not staffed by the FTE). The contract is estimated to be \$15 per hour x 40 hours per week x 20 weeks for a total of \$12,000.
9. Office space will need to be provided for the FTE and the contractor. Some portion of the office space and furniture currently used by EQC staff will be available and transferrable for use by the Legislative Council. Currently EQC budgets for certain rent expense in the Capitol but historically has not been charged rent by the Department of Administration. The Legislative Council would be charged rent at an estimated annual cost of \$1,050 (FY95) (300 sq. ft. x \$3.50 per year). If it became necessary to find or convert other space in the Capitol for this purpose and purchase furniture, additional expenses of up to \$5,000 for habilitation and furniture may be incurred.

(Continued)



DAVE LEWIS, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

2-1-93


DELWIN GAGE, PRIMARY SPONSOR

DATE

2-2-93

Fiscal Note for SB0253, as introduced

SB 253

10. One computer work station and accompanying software will be purchased and connected to the legislative branch network during FY94 at a cost of \$4,000. It may be possible to mitigate or eliminate this cost through the transfer of equipment and software from the EQC.

FISCAL IMPACT:

Environmental Quality Council-Environmental Quality Program:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
FTE	6.75	1.69	(5.06)	6.75	0.00	(6.75)
Personal Services	249,308	104,327	(144,981)	249,581	0	(249,581)
Operating Expenses	48,802	12,200	(36,602)	49,866	0	(49,866)
Equipment	1,054	0	(1,054)	1,054	0	(1,054)
Total	299,164	116,527	(182,637)	300,501	0	(300,501)
<u>Funding:</u>						
General Fund	299,164	116,527	(182,637)	300,501	0	(300,501)

Legislative Council-Legislative Council Program

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
FTE	40.50	41.25	0.75	45.67	46.67	1.00
Personal Services	1,628,672	1,655,322	26,650	1,785,172	1,820,702	35,530
Operating Expenses	978,095	979,742	1,647	643,241	657,971	14,730
Equipment	329,031	333,031	4,000	362,231	362,231	0
Total	2,935,798	2,968,095	32,297	2,790,644	2,840,904	50,260
<u>Funding:</u>						
General Fund	2,043,694	2,075,991	32,297	2,372,893	2,423,153	50,260
State Special Revenue	892,104	892,104	0	417,751	417,751	0
Total	2,935,798	2,968,095	32,297	2,790,644	2,840,904	50,260

Net General Fund Impact (150,340) (250,241)

TECHNICAL NOTES:

- The bill proposes that the Department of Natural Resources and Conservation (DNRC) report to the Legislative Council on program that is now defunct. (See [section 13]).
- The effective date of October 1, 1993, does not coincide with the fiscal year. June 30, 1993, would provide for full fiscal year implementation.

SB 253