

SENATE JOINT RESOLUTION NO. 29

INTRODUCED BY WEEDING, WELDON, BIANCHI, MCCAFFREE,  
J. JOHNSON, WANZENRIED, SCHYE, SCHWINDEN, HOCKETT,  
YELLOWTAIL, DOLEZAL, DOHERTY, FORRESTER, FAGG, BARTLETT

IN THE SENATE

MARCH 18, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 22, 1993	SPONSOR ADDED.
MARCH 30, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	PRINTING REPORT.
APRIL 2, 1993	ON MOTION, CONSIDERATION PASSED UNTIL 76TH LEGISLATIVE DAY.
APRIL 5, 1993	SECOND READING, DO PASS.
APRIL 6, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 37; NOES, 13.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

APRIL 7, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
APRIL 13, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 14, 1993	SECOND READING, CONCURRED IN.
	RULES SUSPENDED TO ALLOW THIRD READING SAME DAY.
	THIRD READING, CONCURRED IN. AYES, 86; NOES, 14.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 21, 1993

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 22, 1993

THIRD READING, AMENDMENTS  
CONCURRED IN.

APRIL 23, 1993

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

*Senate* JOINT RESOLUTION NO. 29

INTRODUCED BY *William J. Jaworski, Brian H. Schuler, Hickitt*  
*William J. Jaworski, Brian H. Schuler, Hickitt*  
*Yellowtail, Helena, Odessa, Montana*

JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE ENVIRONMENTAL QUALITY COUNCIL TO STUDY THE NONDEGRADATION PROVISIONS OF THE MONTANA WATER QUALITY LAWS AND THE IMPLEMENTATION OF THOSE PROVISIONS; AND REQUIRING THE ENVIRONMENTAL QUALITY COUNCIL TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE 54TH LEGISLATURE.

WHEREAS, the 53rd Legislature has considered two bills relating to nondegradation provisions of Montana's water quality laws, which bills have generated unresolved issues; and

WHEREAS, the implementation of the nondegradation provisions of the water quality laws involves complex issues of law, technology, and public policy; and

WHEREAS, the implementation of the nondegradation provisions is of significant interest to all Montanans.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Environmental Quality Council give priority to the study of the nondegradation provisions of

the Montana water quality laws and the implementation of those provisions.

(2) That the study include a review of:

(a) the definitions of "nondegradation" and "high-quality waters";

(b) the balancing of economic development and the public interest in maintaining high-quality waters;

(c) the procedures for the review of proposed exemptions from the nondegradation provisions;

(d) the designation of mixing zones;

(e) the application of nondegradation provisions to all point and nonpoint sources of pollution to both ground water and surface water;

(f) the effects of allowing degradation to high-quality ground waters and surface waters;

(g) the relationship between the nondegradation policy provisions contained in Montana water quality laws and the Montana Constitution;

(h) the capabilities of state agencies to implement the nondegradation policy and to assess the resources that will be needed to implement the policy equitably for all segments of society; and

(i) the identification of possible statutory and regulatory changes that would help clarify the nondegradation policy and provide for a more effective and

1 efficient implementation of the policy.

2 (3) That the Environmental Quality Council consult with  
3 federal, state, and local officials, industries, citizens,  
4 and other persons or groups with expertise or interest in  
5 water quality protection.

6 (4) That the Environmental Quality Council report its  
7 findings and recommendations to the 54th Legislature.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SJR029, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A resolution directing the Environmental Quality Council (EQC) to give priority to the study of the nondegradation provisions of the Montana water quality laws and the implementation of those provisions. The EQC is required to report its findings and recommendations to the 54th Legislature.

ASSUMPTIONS:

Environmental Quality Council:

1. The EQC gives highest priority to its statutory obligations under the Montana Environmental Policy Act (MEPA) and has undertaken a MEPA implementation program involving training for state agencies which must implement MEPA. In the past biennium, the EQC gave first priority to this project, and the project is less than 50% complete and will continue into the 1995 biennium.
2. The EQC, at the close of the 1992 interim, recommended the conduct of two studies for the 1993-94 interim, including an evaluation of water quality and quantity monitoring and an evaluation of the state's hazardous waste management programs.
3. During the 1992 interim, in a seven-month period, the EQC conducted a study of residential energy efficiency in Montana using a collaborative process and utilizing a contracted professional facilitator. The cost of that study was \$26,500.
4. As of March 24, 1993, the EQC budget has been reduced below the agency request by approximately \$63,000 for the 1995 biennium, primarily in personal services. Using the costs of the residential energy efficiency study as a basis for comparison, the EQC may need additional resources to complete this study. The EQC will weigh all study requests and statutory mandates. The EQC will prioritize those obligations within the limits of the funds provided for the 1995 biennium.

Department of Health and Environmental Sciences:

5. The Water Quality Bureau staff will serve on various task forces and attend public meetings during the duration of this study. It will require the equivalent of three months for 1.00 FTE combined staff effort to participate in the study. This will require time away from other tasks such as processing nondegradation authorization requests but will not require any additional FTE.

FISCAL IMPACT:

No specific material fiscal impact.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The study may lead to improved processing of nondegradation authorizations by the Water Quality Bureau.

*Dave Lewis 3-25-93*

DAVE LEWIS, BUDGET DIRECTOR  
Office of Budget and Program Planning

DATE

*Cecil Weeding 3/26/93*

CECIL WEEDING, PRIMARY SPONSOR

DATE

Fiscal Note for SJR029, as introduced

SJR 29

APPROVED BY COMM. ON  
NATURAL RESOURCES

## SENATE JOINT RESOLUTION NO. 29

INTRODUCED BY WEEDING, WELDON, BIANCHI, MCCAFFREE,

J. JOHNSON, WANZENRIED, SCHYE, SCHWINDEN, HOCKETT,

YELLOWTAIL, DOLEZAL, DOHERTY, FORRESTER, FAGG, BARTLETT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE ENVIRONMENTAL QUALITY COUNCIL TO STUDY THE NONDEGRADATION PROVISIONS OF THE MONTANA WATER QUALITY LAWS AND THE MONTANA CONSTITUTION AND THE IMPLEMENTATION OF THOSE PROVISIONS AND LAWS; AND REQUIRING THE ENVIRONMENTAL QUALITY COUNCIL TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE 54TH LEGISLATURE.

WHEREAS, the 53rd Legislature has considered two bills relating to nondegradation provisions of Montana's water quality laws, which bills have generated ATTEMPTED TO ADDRESS unresolved issues; and

WHEREAS, the implementation of the nondegradation provisions of the water quality laws involves complex issues of law, technology, and public policy; and

WHEREAS, the implementation of the EXCEPTIONS TO A STRICT INTERPRETATION OF A nondegradation provisions POLICY HAS BEEN CHARACTERIZED AS IMPACTING ALL ENVIRONMENTAL LIFE-SUPPORT SYSTEMS, INCLUDING BUT NOT LIMITED TO AIR,

WATER, AND LAND, AND THEREFORE is of significant interest to all Montanans.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Environmental Quality Council give priority to the study of the nondegradation provisions of the Montana water quality laws and the implementation of those provisions.

(2) That the study include a review of:

(a) the definitions of "nondegradation" and "high-quality waters";

(b) the balancing-of SOCIAL AND economic development FACTORS and the public interest in maintaining high-quality waters;

(c) the procedures for the review of proposed exemptions from the nondegradation provisions;

(d) the designation of mixing zones;

(e) the APPROPRIATENESS OF THE application of nondegradation provisions to all point and nonpoint sources of pollution to both ground water and surface water;

(f) the ENVIRONMENTAL, ECONOMIC, AND SOCIAL effects of allowing ANY DEGRADATION OR SPECIFIC LEVELS OF degradation to high-quality ground waters and surface waters;

(g) the relationship between the nondegradation policy

provisions contained in Montana water quality laws and the  
VARIOUS INTERPRETATIONS OF APPLICABLE SECTIONS OF THE  
Montana Constitution;

(h) the capabilities of AND THE COST TO state agencies  
to implement the nondegradation policy and to assess the  
resources that will be needed to implement the policy  
equitably for all segments of society; and

(I) THE SOCIAL AND ECONOMIC COSTS OF NONDEGRADATION  
COMPLIANCE OR NONCOMPLIANCE TO INDIVIDUALS AND ENTITIES IN  
VARIOUS INDUSTRIES AND ENDEAVORS THAT WOULD BE AFFECTED;

(J) THE POTENTIAL UTILIZATION, IN RESPONSE TO  
EXCEPTIONS FROM NONDEGRADATION PROVISIONS, OF MITIGATION  
MEASURES TO IMPROVE OVERALL WATER QUALITY IN THE STATE, IN  
THE SOURCE, OR IN A SPECIFIC AFFECTED PORTION OF THE SOURCE;  
AND

~~(i)~~(K) the identification of possible statutory and  
regulatory changes that would help clarify the  
nondegradation policy and provide for a more effective and  
efficient implementation of the policy.

(3) That the Environmental Quality Council consult with  
federal, state, and local officials, industries, citizens,  
and other persons or groups with expertise or interest in  
water quality protection.

(4) That the Environmental Quality Council report its  
findings and recommendations to the 54th Legislature.

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4 YELLOWTAIL, DOLEZAL, DOHERTY, PORRESTER, FAGG, BARTLETT

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6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
7 REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE  
8 ENVIRONMENTAL QUALITY COUNCIL TO STUDY THE NONDEGRADATION  
9 PROVISIONS OF THE MONTANA WATER QUALITY LAWS AND THE MONTANA  
10 CONSTITUTION AND THE IMPLEMENTATION OF THOSE PROVISIONS AND  
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20 provisions of the water quality laws involves complex issues  
21 of law, technology, and public policy; and

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23 STRICT INTERPRETATION OF A nondegradation provisions POLICY  
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4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
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15 waters;

16 (c) the procedures for the review of proposed  
17 exemptions from the nondegradation provisions;

18 (d) the designation of mixing zones;

19 (e) the APPROPRIATENESS OF THE application of  
20 nondegradation provisions to all point and nonpoint sources  
21 of pollution to both ground water and surface water;

22 (f) the ENVIRONMENTAL, ECONOMIC, AND SOCIAL effects of  
23 allowing ANY DEGRADATION OR SPECIFIC LEVELS OF degradation  
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1 provisions contained in Montana water quality laws and the  
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4 (h) the capabilities of AND THE COST TO state agencies  
5 to implement the nondegradation policy and to assess the  
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20 (3) That the Environmental Quality Council consult with  
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23 water quality protection.


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25 findings and recommendations to the 54th Legislature.

HOUSE STANDING COMMITTEE REPORT

April 13, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report  
that Senate Joint Resolution 29 (third reading copy -- blue)  
be concurred in as amended.

Signed:   
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Schwinden

1. Title, line 7.

Strike: "DIRECTING"

Insert: "REQUESTING"

2. Page 3, line 19.

Following: "implementation"

Insert: "and enforcement"

-END-

Committee Vote:  
Yes 14, No 2.

HOUSE  
SJR 29  
811628SC.Hpf

## SENATE JOINT RESOLUTION NO. 29

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J. JOHNSON, WANZENRIED, SCHYE, SCHWINDEN, HOCKETT,

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA ~~DIRECTING~~ REQUESTING  
THE ENVIRONMENTAL QUALITY COUNCIL TO STUDY THE  
NONDEGRADATION PROVISIONS OF THE MONTANA WATER QUALITY LAWS  
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