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House JOINT RESOLUTION NO. 10

INTRODUCED BY ~~Knox - Deitel Caschiana ORR~~ *O'Hearty*

Gosford BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL *Walden*
Wm Ryan

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE ENVIRONMENTAL QUALITY COUNCIL CONDUCT AN INTERIM STUDY OF THE COMPLIANCE AND ENFORCEMENT PROGRAMS OF THE STATE'S NATURAL RESOURCE AND ENVIRONMENTAL AGENCIES.

WHEREAS, timely, appropriate, equitable, and efficient application of enforcement and compliance measures is essential to protect public health and the quality of Montana's natural resources; and

WHEREAS, the people and the regulated community of the state of Montana demand that the laws of this state be enforced in a consistent, fair, and effective manner; and

WHEREAS, limited state financial resources necessitate a reevaluation and potentially a reprioritization of the goals and implementation strategies of Montana's natural resource and environmental laws; and

WHEREAS, the Environmental Quality Council has longstanding involvement and strong bipartisan expertise in the legislative oversight of state natural resource and environmental programs and their implementation and has been a forum for resolving contentious natural resource and environmental issues.

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

(1) That the Environmental Quality Council be requested to give priority to the study of the compliance and enforcement programs of the state's natural resource and environmental agencies.

(2) That the study include but not be limited to a review and analysis of:

(a) the state's existing enforcement and compliance framework and how it is implemented;

(b) the constitutional and statutory goals of the various state natural resource and environmental agencies, whether these goals are consistent and appropriate, and whether these goals are being met; and

(c) the proper balance among sanctions, incentives, technical assistance, education, and other enforcement tools in an effective and efficient enforcement program.



1 (3) That the Environmental Quality Council consult with federal, state, and local officials, the
2 regulated community, citizens, and other persons or groups with expertise or interest in the compliance and
3 enforcement programs of the state's natural resource and environmental agencies.

4 (4) That the Environmental Quality Council vigorously pursue alternative funding sources to conduct
5 this study.

6 (5) That the Environmental Quality Council report its findings and recommendations to the 55th
7 Legislature.

8

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HJR10, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A joint resolution requesting that the Environmental Quality Council (EQC) conduct an interim study of the compliance and enforcement programs of the state's natural resource and environmental agencies.

ASSUMPTIONS:

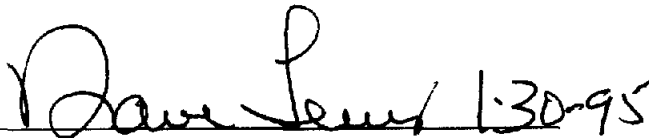
1. The Executive Budget present law base serves as the starting point for calculating any fiscal impact due to this proposed resolution.
2. The agencies whose enforcement/compliance programs will be the subject of this study include: Departments of Natural Resources and Conservation (DNRC); Health and Environmental Sciences (DHES); Agriculture; Fish, Wildlife and Parks (DFWP); and State Lands (DSL).
3. This study is a priority of the current EQC and is based on extensive groundwork laid by the current EQC in the 1995 biennium and by the Legislative Auditor.
4. This study will include: a review of the existing enforcement/compliance framework, implementation, constitutional and statutory goals of the natural resource agencies; whether these goals are consistent and appropriate, and whether they are being met; and the proper balance among sanctions, incentives, technical assistance, education, and other enforcement tools.
5. Staff time from the affected agencies to cooperate in the interim study would be absorbed in present law base budgets.

FISCAL IMPACT:

There would be no fiscal impact from participating in this interim study.

Expenditures:

The expenditures for the study are impossible to estimate because other council business, printing and mailings are conducted in conjunction with the interim study.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


DICK KNOX, PRIMARY SPONSOR DATE

Fiscal Note for HJR10, as introduced

HJ 10

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