

1 HOUSE BILL NO. 132

2 INTRODUCED BY KNOX, MESAROS, DOHERTY, GROSFIELD, RYAN, ORR, BROOKE

3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENTS OF ENVIRONMENTAL
6 QUALITY, AGRICULTURE, AND NATURAL RESOURCES AND CONSERVATION TO REPORT SPECIFIC
7 COMPLIANCE AND ENFORCEMENT INFORMATION TO THE ENVIRONMENTAL QUALITY COUNCIL; AND
8 PROVIDING AN EFFECTIVE DATE."

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

11
12 **NEW SECTION. Section 1. Reporting requirements.** (1) The departments of environmental quality,
13 agriculture, and natural resources and conservation shall biennially report to the council the following
14 natural resource and environmental compliance and enforcement information:

15 (a) the activities and efforts taking place to promote compliance assistance and education;

16 (b) the size and description of the regulated community and the estimated proportion of that
17 community that is in compliance;

18 (c) the number, description, method of discovery, and significance of noncompliances, including
19 those noncompliances that are pending; and

20 (d) a description of how the department has addressed the noncompliances identified in subsection
21 (1)(c) and a list of the noncompliances left unresolved.

22 (2) When practical, reporting required in subsection (1) should include quantitative trend
23 information.

24
25 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 75, chapter 1, part 3, and the provisions of Title 75, chapter 1, part 3, apply to
27 [section 1].

28
29 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 1997.

30 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0132, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An Act requiring the Departments of Environmental Quality, Agriculture, and Natural Resources and Conservation to report specific compliance and enforcement information to the Environmental Quality Council.

ASSUMPTIONS:

Department of Agriculture

1. One report containing numerical and narrative enforcement information will be due the second year of each biennium.
2. Most of the numerical data required for the report is currently being tracked, but additional data analysis will be required.
3. Additional data analysis and report prepared by existing staff.
4. The personnel resources that are necessary to prepare the report will be redirected from other department activities.

Department of Environmental Quality

5. The department will have the computerized tracking systems in place to readily generate reports on the items identified in section 1.(b)-(d) and 2. These reports can be produced using existing resources. Minimal costs are anticipated for report design, data reviews and analysis and computer processing.
6. The activities and efforts taking place to promote compliance assistance and education are not readily quantifiable and the department does not have the computerized tracking systems in place to generate reports on these activities. The first report produced by DEQ related to these activities will be a brief narrative. Minimal costs are anticipated to evaluate education activities and to write brief reports. Tracking and reporting systems will be factored into program plans so that future reports on compliance assistance and education can be produced for both EQC and the federal funding agencies.
7. DEQ will coordinate with EQC staff to determine the appropriate format and timing for reports.

Department of Natural Resources and Conservation

8. The reporting requirements for the Water Resources Division will utilize information already being compiled pertaining to water rights, dam safety, water measurement, water well licensing and floodplain management.
9. Because the Water Use Act prohibits appropriation of water without a permit and more than 300,000 water rights are regulated, the entire state of Montana could be considered the regulated community. Therefore, it may be impossible to determine what portion of the community is in compliance. However, other reporting elements as required by this proposed legislation could be met without any additional fiscal impact to the division.

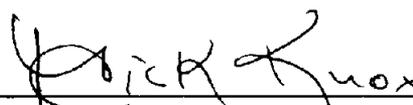
FISCAL IMPACT:

No Fiscal Impact

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

DEQ will be required to produce a report to EQC on the status of enforcement and compliance activities. Future costs may occur depending upon the validity of assumption 6.

 1-9-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


DICK KNOX, PRIMARY SPONSOR DATE
Fiscal Note for HB0132, as introduced

HB 132

APPROVED BY COM ON
NATURAL RESOURCES

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