

SENATE BILL NO. 420

INTRODUCED BY G. LIND

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE BOARD OF ENVIRONMENTAL REVIEW FROM ADOPTING RULES OR ISSUING AN ORDER THAT ALLOWS PARTICIPATION IN A FEDERAL OR INTRASTATE MERCURY BUDGET TRADING PROGRAM; AMENDING SECTION 75-2-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-2-111, MCA, is amended to read:

"75-2-111. Powers of board. The board shall, subject to the provisions of 75-2-207:

(1) adopt, amend, and repeal rules for the administration, implementation, and enforcement of this chapter, for issuing orders under and in accordance with 42 U.S.C. 7419, and for fulfilling the requirements of 42 U.S.C. 7420 and regulations adopted pursuant to that section; However, the board may not adopt a rule or issue an order that implements or allows participation in either:

(a) a discretionary federal mercury budget trading program pursuant to 40 CFR, part 60, subpart HHHH;

or

(b) an intrastate mercury budget trading program.

(2) hold hearings relating to any aspect of or matter in the administration of this chapter at a place designated by the board. The board may compel the attendance of witnesses and the production of evidence at hearings. The board shall designate an attorney to assist in conducting hearings and shall appoint a reporter who must be present at all hearings and take full stenographic notes of all proceedings, transcripts of which will be available to the public at cost.

(3) issue orders necessary to effectuate the purposes of this chapter;

(4) by rule require access to records relating to emissions;

(5) by rule adopt a schedule of fees required for permits, permit applications, and registrations consistent with this chapter;

(6) have the power to issue orders under and in accordance with 42 U.S.C. 7419."

