



ENVIRONMENTAL QUALITY COUNCIL

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TODD EVERTS, Legislative Environmental Analyst

Governor Brian Schweitzer
State Capitol
Helena, MT 59620

September 1, 2005

Dear Governor Schweitzer,

In the 2005 session House Bill No. 22 was enacted as Chapter 288, Laws of 2005. As you are aware, during the codification process the Code Commissioner determined that the contingent voidness provision in the bill was triggered and that House Bill No. 22 was void. We realize that you have requested an opinion from the Attorney General and look forward to the opinion. We think it is important to have a formal opinion so that the Department of Natural Resources and Conservation and the Water Court will have a basis to determine whether they should move forward with hiring employees in an effort to expedite the adjudication.

However, regardless of the determination that is contained in the Attorney General's opinion, we feel that it is critical to address the issue in the special session to avoid any confusion and to try to preclude potential legal challenges to House Bill No. 22. In light of these concerns, the EQC voted unanimously to request that you include language that would allow for the amendment of the contingent voidness provisions contained in section 15 of House Bill No. 22 in the call for the anticipated special session to address school funding.

If you have any questions or need additional information from us please do not hesitate to contact our staff, Krista Lee Evans or Greg Petesch.

Sincerely,

Rep. Debby Barrett
EQC Co-Chair

Rep. Chris Harris
EQC Co-Chair