

SENATE BILL NO. 200

INTRODUCED BY LEWIS, KLOCK, MILBURN, WILLIAMS, RIPLEY, COBB, EBINGER, SONJU,
HOLLENBAUGH, VAN DYK, OLSON, SESSO, WANZENRIED, HINER, THOMAS, CORDIER, LASLOVICH,
WARD

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LITIGATION FOR NATURAL RESOURCE DAMAGES AND RESTORATION AT THE UPPER BLACKFOOT MINING COMPLEX, INCLUDING THE MIKE HORSE DAM AND MINE; ESTABLISHING THE NATURAL RESOURCE PROGRAM POLICY COMMITTEE TO OVERSEE THIS LITIGATION AND OTHER NATURAL RESOURCE DAMAGE LITIGATION; AUTHORIZING LEGISLATIVE OVERSIGHT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, mining and related operations and the release of hazardous substances at the Mike Horse Mine and Dam site near Lincoln, Montana, and in surrounding areas have resulted in significant contamination of lands in those areas, including the Blackfoot River and its flood plain, and as a consequence, have resulted in injuries to the state's natural resources, including its fishery resources; and

WHEREAS, the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 authorizes the state, as trustee, to pursue litigation in order to recover damages for the restoration of state natural resources that have been injured by the release of hazardous substances; and

WHEREAS, the state's Comprehensive Environmental Cleanup and Responsibility Act allows the state to file claims and actions in order to recover damages for the restoration of natural resources located within the state that have been injured by the release of hazardous substances; and

WHEREAS, a state natural resource damage program exists within the department of justice and is charged with pursuing litigation in order to recover damages to be used to restore natural resources that have been injured by the release of hazardous substances; and

WHEREAS, a natural resource damage program policy committee consisting of the attorney general and four other members that have been appointed by the governor exists to oversee natural resource damage litigation in the state and to make policy recommendations regarding this type of litigation and should be statutorily established to continue this work.

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

NEW SECTION. Section 1. Authorization of natural resource damage litigation. Subject to appropriation, the department of justice is authorized to file on behalf of the state of Montana litigation seeking damages for injuries caused by the release of hazardous substances from the Upper Blackfoot mining complex, including the Mike Horse mine and dam, for the purpose of restoring the state's natural resources in and around these areas.

NEW SECTION. Section 2. Natural resource damage program policy committee. (1) There is a natural resource damage program policy committee.

(2) The committee membership consists of the governor's chief of staff, the directors of the departments of environmental quality, natural resources and conservation, and fish, wildlife, and parks, and the attorney general.

(3) The purpose of this committee is to oversee the litigation authorized in [section 1] and other natural resource damage litigation.

NEW SECTION. Section 3. Legislative oversight. The speaker of the house and the president of the senate shall each appoint two members of their respective bodies, one from each party, to a committee that shall meet twice a year for briefings on the progress of the natural resource damages litigation pursuant to [section 1] and any related settlement negotiations. The department of justice shall provide staff assistance for the committee.

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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