

SENATE BILL NO. 48

INTRODUCED BY C. VINCENT

BY REQUEST OF THE WATER POLICY INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO TAKE ACTIONS TO ASSUME THE FEDERAL DREDGE AND FILL PERMITTING PROGRAM; AND PROVIDING A CONTINGENT EFFECTIVE DATE DATES."

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

NEW SECTION. Section 1. Department to assume federal dredge and fill permitting. The department shall take all actions necessary to receive federal authorization pursuant to 33 U.S.C. 1344 to administer an individual and general permit program for the discharge of dredged or fill material into the navigable waters within its jurisdiction.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 5, part 2, and the provisions of Title 75, chapter 5, part 2, apply to [section 1].

NEW SECTION. Section 3. Contingent effective date EFFECTIVE DATE -- CONTINGENCY. [This act] is effective contingent on a U.S. supreme court order ON THE LATER OF:

(1) JULY 1, 2019; OR

(2) THE DATE THAT A U.S. SUPREME COURT ORDER IS ISSUED allowing the army corps of engineers and the environmental protection agency to enforce the final rule defining "waters of the United States," as it reads in the Federal Register on June 29, 2015. The department of environmental quality shall notify the code commissioner when this contingency is met.

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