

1 SENATE BILL NO. 48

2 INTRODUCED BY C. VINCENT

3 BY REQUEST OF THE WATER POLICY INTERIM COMMITTEE

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

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

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

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

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19 NEW SECTION. **Section 3. Contingent effective date.** [This act] is effective contingent on a U.S.
20 supreme court order allowing the army corps of engineers and the environmental protection agency to enforce
21 the final rule defining "waters of the United States," as it reads in the Federal Register on June 29, 2015. The
22 department of environmental quality shall notify the code commissioner when this contingency is met.

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