

HOUSE BILL NO. 139

INTRODUCED BY RANEY, YELLOWTAIL, GILBERT, HARP,
DRISCOLL, GRADY, REA
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE HOUSE

JANUARY 10, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

JANUARY 11, 1991 FIRST READING.

JANUARY 18, 1991 ON MOTION, ADDITIONAL SPONSORS ADDED.

JANUARY 24, 1991 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

JANUARY 25, 1991 PRINTING REPORT.

JANUARY 26, 1991 SECOND READING, DO PASS.

JANUARY 28, 1991 ENGROSSING REPORT.

JANUARY 30, 1991 THIRD READING, PASSED.
 AYES, 85; NOES, 13.

 TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

MARCH 27, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN. REPORT ADOPTED.

APRIL 3, 1991 SECOND READING, CONCURRED IN AS
 AMENDED.

APRIL 4, 1991 THIRD READING, CONCURRED IN.
 AYES, 42; NOES, 8.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 9, 1991

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1991

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 18, 1991

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 19, 1991

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1991

FREE CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 22, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 139
 2 INTRODUCED BY Raney Yellowstone District HARP
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 4 Insidell Grady

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE
 6 MORATORIUM ON CERTAIN INTERSTATE TRANSPORT OF SOLID WASTE;
 7 AND AMENDING SECTION 75-10-209, MCA."

8
 9 WHEREAS, the State of Montana presently is faced with
 10 proposals to import out-of-state solid waste for disposal in
 11 Montana; and

12 WHEREAS, additional time is needed to adequately develop
 13 and staff the Department of Health and Environmental
 14 Sciences' regulatory program for solid waste; and

15 WHEREAS, the Department of Health and Environmental
 16 Sciences needs to promulgate administrative rules necessary
 17 to implement the Montana megalandfill siting act [(LC800)];
 18 and

19 WHEREAS, the Montana solid waste management plan is
 20 being rewritten to incorporate the principles of integrated
 21 waste management and to reduce the waste stream in Montana.

22
 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 **Section 1.** Section 75-10-209, MCA, is amended to read:

25 "75-10-209. Moratorium on certain interstate transport

1 of solid waste. (1) The state of Montana recognizes the
 2 importance of providing for disposal or incineration of
 3 solid waste in a manner that protects Montana's public
 4 health, safety, welfare, and environment. Although the state
 5 of Montana also recognizes that, under appropriate
 6 conditions, the transportation of out-of-state solid waste
 7 into Montana may not conflict with this goal, it is
 8 imperative that the state undertake a legislative study of
 9 solid waste regulation and management, further develop
 10 regional and statewide solid waste management goals, plans,
 11 and regulations, and adopt rules implementing the solid
 12 waste management fee before allowing solid waste importation
 13 beyond current levels.

14 (2) Except as provided in subsection (3), a person may
 15 not transport solid waste into Montana for disposal or
 16 incineration until October 1, 1991 1993.

17 (3) A person who transported solid waste into Montana
 18 before May 22, 1989, may continue to transport solid waste
 19 into Montana subject to the limitation that the amount he
 20 transports into Montana during any calendar year of the
 21 moratorium does not significantly exceed the amount he
 22 transported into Montana during calendar year 1988."

-End-



APPROVED BY COMM. ON
NATURAL RESOURCES

1 HOUSE BILL NO. 139
2 INTRODUCED BY RANEY, YELLOWTAIL, GILBERT, HARP,
3 DRISCOLL, GRADY, REA
4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE
7 MORATORIUM ON CERTAIN INTERSTATE TRANSPORT OF SOLID WASTE;
8 AND AMENDING SECTION 75-10-209, MCA."

9
10 WHEREAS, the State of Montana presently is faced with
11 proposals to import out-of-state solid waste for disposal in
12 Montana; and

13 WHEREAS, additional time is needed to adequately develop
14 and staff the Department of Health and Environmental
15 Sciences' regulatory program for solid waste; and

16 WHEREAS, the Department of Health and Environmental
17 Sciences needs to promulgate administrative rules necessary
18 to implement the Montana megalandfill siting act {{LC800}};
19 and

20 WHEREAS, the Montana solid waste management plan is
21 being rewritten to incorporate the principles of integrated
22 waste management and to reduce the waste stream in Montana.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 Section 1. Section 75-10-209, MCA, is amended to read:

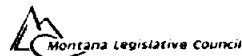
1 "75-10-209. Moratorium on certain interstate transport
2 of solid waste. (1) The state of Montana recognizes the
3 importance of providing for disposal or incineration of
4 solid waste in a manner that protects Montana's public
5 health, safety, welfare, and environment. Although the state
6 of Montana also recognizes that, under appropriate
7 conditions, the transportation of out-of-state solid waste
8 into Montana may not conflict with this goal, it is
9 imperative that the state undertake a legislative study of
10 solid waste regulation and management, further develop
11 regional and statewide solid waste management goals, plans,
12 and regulations, and adopt rules implementing the solid
13 waste management fee before allowing solid waste importation
14 beyond current levels.

15 (2) Except as provided in subsection (3), a person may
16 not transport solid waste into Montana for disposal or
17 incineration until October 1, ~~1991~~ 1993.

18 (3) A person who transported solid waste into Montana
19 before May 22, 1989, may continue to transport solid waste
20 into Montana subject to the limitation that the amount he
21 transports into Montana during any calendar year of the
22 moratorium does not significantly exceed the amount he
23 transported into Montana during calendar year 1988."

-End-

SECOND READING



1 HOUSE BILL NO. 139

2 INTRODUCED BY RANEY, YELLOWTAIL, GILBERT, HARP,

3 DRISCOLL, GRADY, REA

4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE
7 MORATORIUM ON CERTAIN INTERSTATE TRANSPORT OF SOLID WASTE;
8 AND AMENDING SECTION 75-10-209, MCA."

9
10 WHEREAS, the State of Montana presently is faced with
11 proposals to import out-of-state solid waste for disposal in
12 Montana; and

13 WHEREAS, additional time is needed to adequately develop
14 and staff the Department of Health and Environmental
15 Sciences' regulatory program for solid waste; and

16 WHEREAS, the Department of Health and Environmental
17 Sciences needs to promulgate administrative rules necessary
18 to implement the Montana megalandfill siting act [(LC800)];
19 and

20 WHEREAS, the Montana solid waste management plan is
21 being rewritten to incorporate the principles of integrated
22 waste management and to reduce the waste stream in Montana.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 Section 1. Section 75-10-209, MCA, is amended to read:

1 "75-10-209. Moratorium on certain interstate transport
2 of solid waste. (1) The state of Montana recognizes the
3 importance of providing for disposal or incineration of
4 solid waste in a manner that protects Montana's public
5 health, safety, welfare, and environment. Although the state
6 of Montana also recognizes that, under appropriate
7 conditions, the transportation of out-of-state solid waste
8 into Montana may not conflict with this goal, it is
9 imperative that the state undertake a legislative study of
10 solid waste regulation and management, further develop
11 regional and statewide solid waste management goals, plans,
12 and regulations, and adopt rules implementing the solid
13 waste management fee before allowing solid waste importation
14 beyond current levels.

15 (2) Except as provided in subsection (3), a person may
16 not transport solid waste into Montana for disposal or
17 incineration until October 1, 1991 ~~1993~~.

18 (3) A person who transported solid waste into Montana
19 before May 22, 1989, may continue to transport solid waste
20 into Montana subject to the limitation that the amount he
21 transports into Montana during any calendar year of the
22 moratorium does not significantly exceed the amount he
23 transported into Montana during calendar year 1988."

-End-

THIRD READING

-2-

HB 139



SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 3, 1991 12:16 pm

Mr. Chairman: I move to amend House Bill No. 139 (third reading copy -- blue) as follows:

1. Page 1, line 18.

Strike: "[LC800]"

Insert: "HB377"

2. Page 2, lines 9 and 10.

Strike: "undertake" on line 9 through "management," on line 10

3. Page 2, lines 12 and 13.

Strike: "adopt" on line 12 through "fee" on line 13

Insert: "revise its rules governing landfill siting and operation criteria"

4. Page 2, line 17.

Following: "until"

Insert: "the earlier of: (a)"

Following: "1993"

Insert: "; or (b) the date the department adopts revised rules governing landfill siting and operation criteria pursuant to this part; and (c) the date rules are adopted to implement House Bill No. 377"

5. Page 2, following line 23.

Insert: "NEW SECTION. Section 2. Coordination instruction.

If House Bill No. 377 is not passed and approved, then 75-10-209 (2)(c) is void."

ADOPT

REJECT

Signed: 

Senator Grosfield

~~APR 4-3-91~~
App. Coord.

3 B 4-3
Sec. of Senate

12:55

SENATE
HB 139

HOUSE BILL NO. 139

INTRODUCED BY RANEY, YELLOWTAIL, GILBERT, HARP,
DRISCOLL, GRADY, REA
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE
MORATORIUM ON CERTAIN INTERSTATE TRANSPORT OF SOLID WASTE;
AND AMENDING SECTION 75-10-209, MCA."

WHEREAS, the State of Montana presently is faced with
proposals to import out-of-state solid waste for disposal in
Montana; and

WHEREAS, additional time is needed to adequately develop
and staff the Department of Health and Environmental
Sciences' regulatory program for solid waste; and

WHEREAS, the Department of Health and Environmental
Sciences needs to promulgate administrative rules necessary
to implement the Montana megalandfill siting act ~~††52000††~~
HOUSE BILL NO. 377; and

WHEREAS, the Montana solid waste management plan is
being rewritten to incorporate the principles of integrated
waste management and to reduce the waste stream in Montana.

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

Section 1. Section 75-10-209, MCA, is amended to read:

75-10-209. Moratorium on certain interstate transport
of solid waste. (1) The state of Montana recognizes the
importance of providing for disposal or incineration of
solid waste in a manner that protects Montana's public
health, safety, welfare, and environment. Although the state
of Montana also recognizes that, under appropriate
conditions, the transportation of out-of-state solid waste
into Montana may not conflict with this goal, it is
imperative that the state ~~undertake-a-legislative-study-of~~
~~solid-waste-regulation-and-management~~; further develop
regional and statewide solid waste management goals, plans,
and regulations; and ~~adopt-rules-implementing-the-solid~~
~~waste-management-fee~~ REVISE ITS RULES GOVERNING LANDFILL
SITING AND OPERATION CRITERIA before allowing solid waste
importation beyond current levels.

(2) Except as provided in subsection (3), a person may
not transport solid waste into Montana for disposal or
incineration until THE EARLIER OF:

(A) October 1, 1991 1993; OR

(B) THE DATE THE DEPARTMENT ADOPTS REVISED RULES
GOVERNING LANDFILL SITING AND OPERATION CRITERIA PURSUANT TO
THIS PART; AND

(C) THE DATE RULES ARE ADOPTED TO IMPLEMENT HOUSE BILL
NO. 377.

(3) A person who transported solid waste into Montana

HB 0139/03

1 before May 22, 1989, may continue to transport solid waste
2 into Montana subject to the limitation that the amount he
3 transports into Montana during any calendar year of the
4 moratorium does not significantly exceed the amount he
5 transported into Montana during calendar year 1988."

6 NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF
7 HOUSE BILL NO. 377 IS NOT PASSED AND APPROVED, THEN THE
8 AMENDMENT IN [THIS ACT] TO 75-10-209(2)(C) IS VOID.

-End-

Free Conference Committee
on House Bill 139
Report No. 1, April 18, 1991

4-18-91
5:06 PM
BCH

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 139 and recommend that House Bill 139 (reference copy -- salmon) be amended as follows:

1. Page 2, line 18 and 19.

Strike: "THE EARLIER OF:

(A) "

Following: "1993"

Strike: "; OR

(B) THE DATE THE DEPARTMENT ADOPTS REVISED RULES GOVERNING LANDFILL SITING AND OPERATION CRITERIA PURSUANT TO THIS PART; AND

(C) THE DATE RULES ARE ADOPTED TO IMPLEMENT HOUSE BILL NO. 377"

2. Page 3, lines 6 through 8.

Strike: section 2 in its entirety

And this Free Conference Committee report be adopted.

For the House:

Bob Raney
Rep. Raney, Chair

Driscoll
Rep. Driscoll

Bob Gilbert
Rep. Gilbert

For the Senate:

Donathy Eck
Sen. Eck, Chair

Wm Yellowtail
Sen. Yellowtail

J Harp
Sen. Harp

ADOPT

REJECT

F.C.C.R.#1
HB 139
831003CC.HSF

1 HOUSE BILL NO. 139
 2 INTRODUCED BY RANEY, YELLOWTAIL, GILBERT, HARP,
 3 DRISCOLL, GRADY, REA
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE
 7 MORATORIUM ON CERTAIN INTERSTATE TRANSPORT OF SOLID WASTE;
 8 AND AMENDING SECTION 75-10-209, MCA."

9
 10 WHEREAS, the State of Montana presently is faced with
 11 proposals to import out-of-state solid waste for disposal in
 12 Montana; and

13 WHEREAS, additional time is needed to adequately develop
 14 and staff the Department of Health and Environmental
 15 Sciences' regulatory program for solid waste; and

16 WHEREAS, the Department of Health and Environmental
 17 Sciences needs to promulgate administrative rules necessary
 18 to implement the Montana megalandfill siting act ~~{(LE000)}~~
 19 HOUSE BILL NO. 377; and

20 WHEREAS, the Montana solid waste management plan is
 21 being rewritten to incorporate the principles of integrated
 22 waste management and to reduce the waste stream in Montana.

23
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 **Section 1.** Section 75-10-209, MCA, is amended to read:

1 "75-10-209. Moratorium on certain interstate transport
 2 of solid waste. (1) The state of Montana recognizes the
 3 importance of providing for disposal or incineration of
 4 solid waste in a manner that protects Montana's public
 5 health, safety, welfare, and environment. Although the state
 6 of Montana also recognizes that, under appropriate
 7 conditions, the transportation of out-of-state solid waste
 8 into Montana may not conflict with this goal, it is
 9 imperative that the state ~~undertake a legislative study of~~
 10 ~~solid waste regulation and management,~~ further develop
 11 regional and statewide solid waste management goals, plans,
 12 and regulations, and ~~adopt rules implementing the solid~~
 13 ~~waste management fee~~ REVISE ITS RULES GOVERNING LANDFILL
 14 SITING AND OPERATION CRITERIA before allowing solid waste
 15 importation beyond current levels.

16 (2) Except as provided in subsection (3), a person may
 17 not transport solid waste into Montana for disposal or
 18 incineration until THE EARLIER OF:

19 (A) October 1, 1991 1993; OR

20 (B) THE DATE THE DEPARTMENT ADOPTS REVISED RULES
 21 GOVERNING LANDFILL SITING AND OPERATION CRITERIA PURSUANT TO
 22 THIS PART; AND

23 (C) THE DATE RULES ARE ADOPTED TO IMPLEMENT HOUSE BILL
 24 NO. 377.

25 (3) A person who transported solid waste into Montana



HB 0139/04

1 before May 22, 1989, may continue to transport solid waste
2 into Montana subject to the limitation that the amount he
3 transports into Montana during any calendar year of the
4 moratorium does not significantly exceed the amount he
5 transported into Montana during calendar year 1988."

6 ~~NEW SECTION: SECTION 2. COORDINATION INSTRUCTION. IF~~
7 ~~HOUSE BILL NO. 377 IS NOT PASSED AND APPROVED, THEN THE~~
8 ~~AMENDMENT IN THIS ACT TO 75-18-209(2)(C) IS VOID.~~

-End-