

HOUSE BILL NO. 660

INTRODUCED BY COHEN, RANEY

IN THE HOUSE

FEBRUARY 7, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

FEBRUARY 16, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1991 PRINTING REPORT.

MARCH 7, 1991 SECOND READING, DO PASS.

MARCH 8, 1991 ENGROSSING REPORT.

MARCH 9, 1991 THIRD READING, PASSED.
 AYES, 72; NOES, 21.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 11, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

APRIL 2, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
 AYES, 38; NOES, 12.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 10, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Hayes BILL NO. 660
 2 INTRODUCED BY Randy
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THAT THE
 5 EXCLUSION IN THE MONTANA SOLID WASTE MANAGEMENT ACT APPLIES
 6 ONLY TO AN INDIVIDUAL DISPOSING OF SOLID WASTE THAT WAS
 7 GENERATED IN REASONABLE ASSOCIATION WITH THE INDIVIDUAL'S
 8 HOUSEHOLD OR AGRICULTURAL OPERATIONS; PROVIDING A CIVIL
 9 PENALTY FOR VIOLATIONS OF SOLID WASTE DISPOSAL LAWS AND
 10 RULES; AMENDING SECTION 75-10-214, MCA; AND PROVIDING AN
 11 APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."
 12

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

14 **Section 1.** Section 75-10-214, MCA, is amended to read:

15 "75-10-214. Exclusions -- exceptions to exclusions. (1)
 16 This part may not be construed to prohibit a person from
 17 disposing of his own solid waste that is generated in
 18 reasonable association with his household or agricultural
 19 operations Montana upon land owned or leased by that person
 20 or covered by easement or permit as long as it the disposal
 21 does not create a nuisance or public health hazard.

22 (2) The exclusion contained in subsection (1) of this
 23 section does not apply to a division of land of 5 acres or
 24 less made after July 1, 1977, which falls within the
 25 definition of subdivision in Title 76, chapter 4, part 1, or

1 the Montana Subdivision and Platting Act in Title 76,
 2 chapter 3."

3 **NEW SECTION. Section 2.** Civil penalties. (1) A person
 4 who violates any provision of this part, a rule adopted
 5 under this part, or a license provision of this part is
 6 subject to a civil penalty not to exceed \$1,000. Each day of
 7 violation constitutes a separate violation.

8 (2) The department may institute and maintain in the
 9 name of the state any enforcement proceedings under this
 10 section. Upon request of the department, the attorney
 11 general or the county attorney of the county where the
 12 violation occurred shall petition the district court to
 13 impose, assess, and recover the civil penalty.

14 (3) Fines and penalties collected for violations of
 15 this part must be deposited in the solid waste management
 16 account provided for in 75-10-117.

17 **NEW SECTION. Section 3.** Codification instruction.
 18 [Section 2] is intended to be codified as an integral part
 19 of Title 75, chapter 10, part 2, and the provisions of Title
 20 75, chapter 10, part 2, apply to [section 2].

21 **NEW SECTION. Section 4.** Applicability. A person who
 22 disposed of solid waste under the exclusion provided in
 23 75-10-214 before [the effective date of this act] and who
 24 loses his exclusion by virtue of [this act] has until [1
 25 year after the effective date of this act] to comply with



LC 0503/01

1 solid waste disposal regulations made applicable by the loss
2 of the exclusion. However, the person may not dispose of
3 additional solid waste in violation of solid waste disposal
4 regulations.

5 NEW SECTION. **Section 5.** Effective date. [This act] is
6 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0660, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill specifying that the exclusion in the Montana Solid Waste Management Act applies only to an individual disposing of solid waste that was generated in reasonable association with the individual's household or agricultural operations, and providing a civil penalty for violations of solid waste disposal laws and rules.

ASSUMPTIONS:

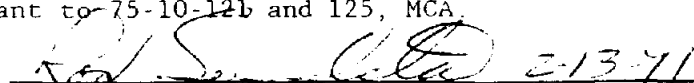
1. Approximately 200 previously unregulated facilities would be discovered and would fall under the provisions of this act, 100 would close voluntarily, 50 would close involuntarily in response to DHES enforcement actions, and 50 would eventually be licensed.
2. Of the 50 licensed facilities, 10 would be major facilities, 30 would be intermediate facilities, and 10 would be minor facilities (as defined in SB0209).
3. All of the 50 facilities, whose owners wish to obtain a solid waste management system license, would apply for the license in the last quarter of FY92.
4. Funding for the increase in personnel and operating expenses would come from solid waste fees authorized under separate legislation (SB0209) and imposed on these newly-regulated facilities.
5. Enforcement of the provisions of this act in the 1993 biennium would require 2.00 FTE Environmental Specialists (grade 14, step 2). The increased workload associated with fee collection (assuming enactment of SB0209) would require an additional 0.25 FTE accounting clerk (grade 8 step 2).

FISCAL IMPACT:

	FY92			FY93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
FTE	0.00	2.25	2.25	0.00	2.25	2.25
Personal Services	0	74,479	74,479	0	74,307	74,307
Operating Expenses	0	45,641	45,641	0	45,604	45,604
Total	0	120,120	120,120	0	119,911	119,911
<u>Funding:</u>						
Solid Waste Fees (02)	0	120,120	120,120	0	119,911	119,911
<u>Revenue:</u>						
Solid Waste Fees (02)	0	375,000	375,000	0	150,000	150,000


EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Fees collected pursuant to SB0209 in excess of appropriations would be available for loans and grants to local governments pursuant to 75-10-121 and 125, MCA.


 ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning


 BEN COHEN, PRIMARY SPONSOR

DATE

Fiscal Note for HE0660, as introduced.

HB 660

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 660

INTRODUCED BY COHEN, RANEY

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THAT THE EXCLUSION IN THE MONTANA SOLID WASTE MANAGEMENT ACT APPLIES ONLY TO AN-INDIVIDUAL A PERSON DISPOSING OF SOLID WASTE THAT WAS GENERATED IN REASONABLE ASSOCIATION WITH THE INDIVIDUAL'S PERSON'S HOUSEHOLD OR AGRICULTURAL OPERATIONS; PROVIDING A CIVIL PENALTY FOR VIOLATIONS OF SOLID WASTE DISPOSAL LAWS AND RULES; AMENDING SECTION 75-10-214, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-10-214, MCA, is amended to read:

"75-10-214. Exclusions -- exceptions to exclusions.

(1) (A) This part may not be construed to prohibit a person from disposing of his own solid waste that is generated in reasonable association with his household or agricultural operations Montana upon land owned or leased by that person or covered by easement or permit as long as it the disposal does not create a nuisance or public health hazard OR VIOLATE THE LAWS GOVERNING THE DISPOSAL OF HAZARDOUS OR DELETERIOUS SUBSTANCES.

(B) THIS PART DOES NOT APPLY TO THE OPERATION OF AN

ELECTRIC GENERATING FACILITY, TO THE DRILLING, PRODUCTION, OR REFINING OF NATURAL GAS OR PETROLEUM, OR TO THE OPERATION OF A MINE, MILL, SMELTER, OR ELECTROLYTIC REDUCTION FACILITY.

(2) The exclusion EXCLUSIONS contained in subsection (1) of this section does DO not apply to a division of land of 5 acres or less made after July 1, 1977, which THAT falls within the definition of subdivision in Title 76, chapter 4, part 1, or the Montana Subdivision and Platting Act in Title 76, chapter 3."

NEW SECTION. Section 2. Civil penalties. (1) A person who violates any provision of this part, a rule adopted under this part, or a license provision of this part is subject to a civil penalty not to exceed \$1,000. Each day of violation constitutes a separate violation.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general or the county attorney of the county where the violation occurred shall petition the district court to impose, assess, and recover the civil penalty.

(3) Fines and penalties collected for violations of this part must be deposited in the solid waste management account provided for in 75-10-117.

NEW SECTION. Section 3. Codification instruction.

SECOND READING

HB 660



1 [Section 2] is intended to be codified as an integral part
2 of Title 75, chapter 10, part 2, and the provisions of Title
3 75, chapter 10, part 2, apply to [section 2].

4 NEW SECTION. **Section 4. Applicability.** A person who
5 disposed of solid waste under the exclusion provided in
6 75-10-214 before [the effective date of this act] and who
7 loses his exclusion by virtue of [this act] has until [1
8 year after the effective date of this act] to comply with
9 solid waste disposal regulations made applicable by the loss
10 of the exclusion. However, the person may not dispose of
11 additional solid waste in violation of solid waste disposal
12 regulations.

13 NEW SECTION. **Section 5. Effective date.** [This act] is
14 effective on passage and approval.

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 20 operations Montana upon land owned or leased by that person
 21 or covered by easement or permit as long as it the disposal
 22 does not create a nuisance or public health hazard OR
 23 VIOLATE THE LAWS GOVERNING THE DISPOSAL OF HAZARDOUS OR
 24 DELETERIOUS SUBSTANCES.
 25 (B) THIS PART DOES NOT APPLY TO THE OPERATION OF AN

1 ELECTRIC GENERATING FACILITY, TO THE DRILLING, PRODUCTION,
 2 OR REFINING OF NATURAL GAS OR PETROLEUM, OR TO THE OPERATION
 3 OF A MINE, MILL, SMELTER, OR ELECTROLYTIC REDUCTION
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 6 (1) of this section does DO not apply to a division of land
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 12 who violates any provision of this part, a rule adopted
 13 under this part, or a license provision of this part is
 14 subject to a civil penalty not to exceed \$1,000. Each day of
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 17 name of the state any enforcement proceedings under this
 18 section. Upon request of the department, the attorney
 19 general or the county attorney of the county where the
 20 violation occurred shall petition the district court to
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 23 this part must be deposited in the solid waste management
 24 account provided for in 75-10-117.

25 NEW SECTION. Section 3. Codification instruction.

THIRD READING



HB 0660/02

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3 75, chapter 10, part 2, apply to [section 2].

4 NEW SECTION. **Section 4. Applicability.** A person who
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10 of the exclusion. However, the person may not dispose of
11 additional solid waste in violation of solid waste disposal
12 regulations.

13 NEW SECTION. **Section 5. Effective date.** [This act] is
14 effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

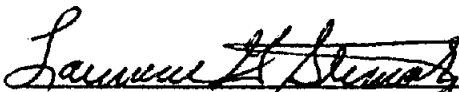
MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 660 (third reading copy -- blue), respectfully report that House Bill No. 660 be amended and as so amended be concurred in:

1. Page 3, line 10.

Following: "exclusion"

Insert: "and is not subject to the civil penalty provisions of [section 2] during that 1-year period"

Signed: 
Lawrence G. Stimatz, Chairman

MA 4-2-91
Amd. Coord.
SB 4-2-91 12:50
Sec. of Senate

SENATE
HB 660

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2 INTRODUCED BY COHEN, RANEY

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8 year after the effective date of this act] to comply with
9 solid waste disposal regulations made applicable by the loss
10 of the exclusion AND IS NOT SUBJECT TO THE CIVIL PENALTY
11 PROVISIONS OF [SECTION 2] DURING THAT 1-YEAR PERIOD.
12 However, the person may not dispose of additional solid
13 waste in violation of solid waste disposal regulations.

14 NEW SECTION. Section 5. Effective date. [This act] is
15 effective on passage and approval.

-End-