

SENATE BILL 99

Introduced by Harp, et al.

1/15	Introduced
1/16	Referred to Local Government
1/16	First Reading
1/16	Fiscal Note Requested
1/22	Fiscal Note Received
1/23	Fiscal Note Printed
2/19	Hearing
2/22	Committee Report--Bill Passed as Amended
2/23	2nd Reading Passed
2/25	3rd Reading Passed
	Transmitted to House
3/04	First Reading
3/04	Referred to Natural Resources
3/19	Hearing
3/21	Committee Report--Bill Concurred as Amended
4/05	2nd Reading Concur as Amended Motion Failed



1 determining, under procedures developed by the department  
 2 pursuant to 75-10-104, the extent that private industry is  
 3 used in solid waste management systems and shall provide a  
 4 preference to private industry if costs and services are  
 5 substantially equal to alternate, publicly operated  
 6 services.

7 (e) Encouragement and support be given to individuals  
 8 and municipalities to separate solid waste at its source in  
 9 order to maximize the value of such wastes for reuse.

10 (f) The state shall provide technical advisory  
 11 assistance to local governments and other affected persons  
 12 in the planning, developing, financing, and implementation  
 13 of solid waste management systems.

14 (g) Actions and activities performed or carried out by  
 15 persons and their contractors in accordance with this part  
 16 shall be in conformity with the state solid waste plan.

17 (2) This part is in addition and supplemental to any  
 18 other law providing for the financing of a solid waste  
 19 management system and does not amend or repeal any other  
 20 law."

21 **Section 2.** Section 75-10-104, MCA, is amended to read:

22 "75-10-104. Duties of department. The department shall:

23 (1) prepare a state solid waste management and resource  
 24 recovery plan for submission to the board;

25 (2) prepare rules necessary for the implementation of

1 this part for submission to the board, including but not  
 2 limited to rules:

3 (a) governing the submission of plans for a solid waste  
 4 management system;

5 (b) governing procedures to be followed in applying for  
 6 and making loans;

7 (c) governing agreements between a local government and  
 8 the department for grants or loans under this part;

9 (d) establishing, for the purpose of determining the  
 10 solid waste management fee to which a facility is subject  
 11 under 75-10-115, methods for determining or estimating the  
 12 amount of solid waste incinerated or disposed of at a  
 13 facility;

14 (e) providing procedures for the quarterly collection  
 15 of the solid waste management fee provided for in 75-10-115;  
 16 and

17 (f) providing guidelines for a waiver of fees for  
 18 certain incineration or disposal of solid waste, as provided  
 19 for in 75-10-115(2);

20 (3) provide financial assistance to local governments  
 21 for front-end planning activities for a proposed solid waste  
 22 management system which is compatible with the state plan  
 23 whenever financial assistance is available;

24 (4) provide technical assistance to persons within the  
 25 state for planning, designing, constructing, financing, and

1 operating a solid waste management system in order to insure  
2 that the system conforms to the state plan;

3 (5) provide front-end organizational loans for the  
4 implementation of an approved solid waste management system  
5 whenever funds for loans are available;

6 (6) enforce and administer the provisions of this part;

7 (7) administer loans made by the state under the  
8 provisions of this part; and

9 (8) approve plans for a proposed solid waste management  
10 system submitted by a local government; and

11 (9) provide a procedure for local governments to  
12 determine if solid waste management systems should be  
13 operated by local government or private industry."

14 **Section 3.** Section 75-10-106, MCA, is amended to read:

15 "75-10-106. Duties of board. The board shall:

16 (1) adopt a state solid waste management and resource  
17 recovery plan after complying with the procedures outlined  
18 in 75-10-111; and

19 (2) adopt rules necessary for the implementation of  
20 this part, including but not limited to rules governing the  
21 following:

22 (a) submission of plans for a solid waste management  
23 system;

24 (b) the procedures for determining if a solid waste  
25 management system should be managed by a local government or

1 private industry;

2 ~~(b)~~(c) the procedures to be followed in applying for  
3 and making loans and grants;

4 ~~(c)~~(d) the requirements for eligibility for grants; and

5 ~~(d)~~(e) the agreements between the local government and  
6 the department for grants and loans under this part."

7 NEW SECTION. **Section 4.** Saving clause. [This act] does  
8 not affect rights and duties that matured, penalties that  
9 were incurred, or proceedings that were begun before [the  
10 effective date of this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0099, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill providing a preference for privately operated solid waste management systems and providing authority to the Department of Health and Environmental Sciences to develop procedures to enable local governments to determine whether solid waste management systems should be privately or publicly operated.

ASSUMPTIONS:

1. Separate legislation providing for fees for solid waste management programs would be enacted.
2. Adequate contracted services funding (\$20,000) will be available to retain the services of an experienced financial consultant to assist DHES to develop rules related to costs and benefit calculations for solid waste management systems.
3. 0.50 FTE Environmental Specialist IV (grade 15, step 2) would be required to help write rules and carry out on-site inspections of systems and documents relating to private preference decisions by local government.
4. 0.20 FTE Lawyer (grade 17, step 7) will be required to assist in rule writing during FY92 only.
5. The rule writing effort will be complete by the end of FY92.

FISCAL IMPACT:

Department of Health and Environmental Sciences:

Expenditures:

	FY92			FY93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0.00	0.70	0.70	0.00	0.50	0.50
Personal Services	0	22,128	22,128	0	15,008	15,008
Operating Expenses	0	40,206	40,206	0	13,104	13,104
Total	0	62,334	62,334	0	28,112	28,112

Funding:

Solid Waste Fees (02)	0	62,334	62,334	0	28,112	28,112
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County and other local expenditures would increase due to a more complex solid waste management system DHES review and licensing process.

  
 ROD SUNDSTED, BUDGET DIRECTOR  
 Office of Budget and Program Planning

1-21-91  
 DATE

  
 JOHN G. HAIN, PRIMARY SPONSOR

4/23/91  
 DATE

Fiscal Note for SB0099, as introduced.

**SB 99**

## 1 SENATE BILL NO. 99

2 INTRODUCED BY HARP, YELLOWTAIL, WEEDING, T. BECK,

3 RANEY, GILBERT, GRADY, DRISCOLL, REA

4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A--PREFERENCE  
7 FOR--PRIVATELY--OPERATED--SOLID--WASTE--MANAGEMENT--SYSTEMS;  
8 PROVIDING AUTHORITY TO THE DEPARTMENT OF HEALTH AND  
9 ENVIRONMENTAL SCIENCES TO DEVELOP PROCEDURES TO--ENABLE FOR  
10 PUBLIC INPUT TO LOCAL GOVERNMENTS TO--DETERMINE ON WHETHER  
11 SOLID WASTE MANAGEMENT SYSTEMS SHOULD BE PRIVATELY OR  
12 PUBLICLY OPERATED; AND AMENDING SECTIONS 75-10-102,  
13 75-10-104, AND 75-10-106, MCA."

14  
15 STATEMENT OF INTENT

16 A statement of intent is required for this bill in order  
17 to provide guidance to the department of health and  
18 environmental sciences on the procedure to be required of  
19 applicants for a license under 75-10-221. The department  
20 shall develop rules relating to information required for a  
21 complete application for a license for a new solid waste  
22 management system that include the following:

23 (1) documentation of a public hearing and notice of the  
24 hearing on the question of private or public management of  
25 the proposed solid waste management system; AND

1 (2) ~~required--assumptions-and-calculations-of-costs-and~~  
2 ~~benefits~~ STANDARDS for evaluating alternative proposals for  
3 management of the proposed solid waste management system;  
4 and.

5 (3) ~~justification-of-the-decision-of--an--applicant--to~~  
6 ~~use-private-or-public-management-of-the-proposed-solid-waste~~  
7 ~~management-system.~~

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10 **Section 1.** Section 75-10-102, MCA, is amended to read:

11 "75-10-102. Public policies. (1) To implement this  
12 part, the following are declared to be public policies of  
13 this state:

14 (a) Maximum recycling from solid waste is necessary to  
15 protect the public health, welfare, and quality of the  
16 natural environment.

17 (b) Solid waste management systems shall be developed,  
18 financed, planned, designed, constructed, and operated for  
19 the benefit of the people of this state.

20 (c) Private industry is to be utilized to the maximum  
21 extent possible in planning, designing, managing,  
22 constructing, operating, manufacturing, and marketing  
23 functions related to solid waste management systems.

24 (d) Local governments shall retain primary  
25 responsibility for adequate solid waste management with the

1 state preserving those functions necessary to assure  
 2 effective solid waste management systems throughout the  
 3 state. ~~local governments have primary responsibility for  
 4 determining, under procedures developed by the department  
 5 pursuant to 75-10-104, the extent that private industry is  
 6 used in solid waste management systems and shall provide a  
 7 preference to private industry if costs and services are  
 8 substantially equal to alternate, publicly operated  
 9 services.~~

10 (E) PUBLIC INPUT MUST BE SOUGHT ON THE QUESTION OF  
 11 PRIVATE OR PUBLIC MANAGEMENT OF PROPOSED SOLID WASTE  
 12 MANAGEMENT SYSTEMS.

13 ~~(f)(F)~~ Encouragement and support be given to  
 14 individuals and municipalities to separate solid waste at  
 15 its source in order to maximize the value of such wastes for  
 16 reuse.

17 ~~(f)(G)~~ The state shall provide technical advisory  
 18 assistance to local governments and other affected persons  
 19 in the planning, developing, financing, and implementation  
 20 of solid waste management systems.

21 ~~(g)(H)~~ Actions and activities performed or carried out  
 22 by persons and their contractors in accordance with this  
 23 part shall be in conformity with the state solid waste plan.

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 13 and making loans;

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 15 the department for grants or loans under this part;

16 (d) establishing, for the purpose of determining the  
 17 solid waste management fee to which a facility is subject  
 18 under 75-10-115, methods for determining or estimating the  
 19 amount of solid waste incinerated or disposed of at a  
 20 facility;

21 (e) providing procedures for the quarterly collection  
 22 of the solid waste management fee provided for in 75-10-115;  
 23 and

24 (f) providing guidelines for a waiver of fees for  
 25 certain incineration or disposal of solid waste, as provided

1 for in 75-10-115(2); AND  
 2 (G) OUTLINING THE PROCEDURES TO BE FOLLOWED BY LOCAL  
 3 GOVERNMENTS IN SOLICITING PUBLIC INPUT, INCLUDING RULES  
 4 REQUIRING PUBLIC HEARINGS AND NOTICE OF THE HEARINGS ON THE  
 5 QUESTION OF COST AND SERVICE ALTERNATIVES;  
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 18 (7) administer loans made by the state under the  
 19 provisions of this part; and AND  
 20 (8) approve plans for a proposed solid waste management  
 21 system submitted by a local government; ~~and.~~  
 22 ~~(9) provide a procedure for local governments to~~  
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 13 (B) THE PROCEDURES TO BE FOLLOWED IN CONDUCTING PUBLIC  
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13 (B) THE PROCEDURES TO BE FOLLOWED IN CONDUCTING PUBLIC  
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-End-

HOUSE STANDING COMMITTEE REPORT

March 21, 1991  
Page 2 of 2

March 21, 199

Page 1 of

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 99 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Raney  
Bob Raney, Chairman

Carried by: Rep. Gilbert

And, that such amendments read:

1. Title, line 8.

Following: "PROVIDING"

Insert: "A PREFERENCE FOR PRIVATELY OPERATED SOLID WASTE MANAGEMENT SYSTEMS; PROVIDING"

2. Title, line 9.

Strike: "FOR"

Insert: "TO ENABLE"

3. Title, line 10.

Strike: "PUBLIC" through "TO"

Following: "DETERMINE"

Strike: "ON"

Insert: "TO DETERMINE"

4. Page 1, line 25.

Strike: "AND"

5. Page 2, line 2.

Strike: "STANDARDS"

Insert: "required assumptions and calculations of costs and benefits"

6. Page 2, line 4.

Following: "and"

Insert: "; and"

(3) justification of the decision of an applicant to use private or public management of the proposed solid waste management system"

7. Page 3, line 3.

Following: "state."

Insert: "Local governments have primary responsibility for determining, under procedures developed by the department pursuant to 75-10-104, the extent that private industry is used in solid waste management systems and shall provide a preference to private industry if costs and services are substantially equal to alternate, publicly operated services."

8. Page 5, line 19.

Strike: "AND"

9. Page 5, line 21.

Following: "and"

Insert: "; and"

(9) provide a procedure for local governments to determine if solid waste management systems should be operated by local government or private industry"

10. Page 6.

Following: line 9

Insert: "(b) the procedures for determining if a solid waste management system should be managed by a local government or private industry;"

Renumber: subsequent subsections

SB 99  
HOUSE