

SENATE BILL NO. 346

INTRODUCED BY HARP
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE SENATE

FEBRUARY 9, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

FEBRUARY 11, 1991 FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 21, 1991 ON MOTION, CONSIDERATION PASSED
 UNTIL THE 42ND LEGISLATIVE DAY.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 46; NOES, 3.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

MARCH 20, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991 SECOND READING, CONCURRED IN AS
 AMENDED.

MARCH 25, 1991 THIRD READING, CONCURRED IN.
 AYES, 90; NOES, 6.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 28, 1991 RECEIVED FROM HOUSE.

APRIL 1, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 346
 2 INTRODUCED BY KARP
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SOLID
 6 WASTE MANAGEMENT FEE ON WASTE GENERATED OUT OF STATE;
 7 AMENDING SECTIONS 75-10-104, 75-10-105, 75-10-116, AND
 8 75-10-117, MCA; REPEALING SECTIONS 75-10-110 AND 75-10-115,
 9 MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

14 WHEREAS, [LC 798] would enact a tipping fee on disposal
 15 of solid waste generated within Montana to fund the
 16 development of an adequate solid waste regulatory program;
 17 and

18 WHEREAS, the citizens of Montana should not have to
 19 subsidize the regulation of solid waste that originates in
 20 other states.

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

23 NEW SECTION. Section 1. Solid waste management fee.

24 (1) A person who owns an incinerator that burns solid waste
 25 or a solid waste disposal facility that is licensed pursuant

1 to 75-10-221 and to rules adopted under 75-10-221 shall pay
 2 to the department a quarterly fee of \$5 for each ton of
 3 solid waste generated outside Montana and incinerated or
 4 disposed of at the facility.

5 (2) All fees must be deposited in the solid waste
 6 management account provided for in 75-10-117.

7 **Section 2.** Section 75-10-104, MCA, is amended to read:
 8 "75-10-104. Duties of department. The department shall:

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

11 (2) prepare rules necessary for the implementation of
 12 this part for submission to the board, including but not
 13 limited to rules:

14 (a) governing the submission of plans for a solid waste
 15 management system;

16 (b) governing procedures to be followed in applying for
 17 and making loans;

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

20 (d) establishing, for the purpose of determining the
 21 solid waste management fee to which a facility is subject
 22 under 75-10-115 [section 1], methods for determining or
 23 estimating the amount of solid waste incinerated or disposed
 24 of at a facility; and

25 (e) providing procedures for the quarterly collection

1 of the solid waste management fee provided for in 75-10-115
2 [section 1]; and

3 ~~(f) providing guidelines for a waiver of fees for~~
4 ~~certain incineration or disposal of solid waste, as provided~~
5 ~~for in 75-10-115(2);~~

6 (3) provide financial assistance to local governments
7 for front-end planning activities for a proposed solid waste
8 management system which is compatible with the state plan
9 whenever financial assistance is available;

10 (4) provide technical assistance to persons within the
11 state for planning, designing, constructing, financing, and
12 operating a solid waste management system in order to insure
13 that the system conforms to the state plan;

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

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

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

20 (8) approve plans for a proposed solid waste management
21 system submitted by a local government."

22 **Section 3.** Section 75-10-105, MCA, is amended to read:

23 "75-10-105. **Powers of department.** The department may:

24 (1) accept loans and grants from the federal government
25 and other sources to carry out the provisions of this part;

1 (2) make loans to a local government for the planning,
2 design, and implementation of a solid waste management
3 system;

4 (3) make grants for a local government for planning or
5 implementation of a solid waste management system; and

6 (4) collect the solid waste management fee provided for
7 in 75-10-115 [section 1]."

8 **Section 4.** Section 75-10-116, MCA, is amended to read:

9 "75-10-116. **Penalties for failure to pay fee.** A person
10 who owns a solid waste disposal facility subject to a fee
11 under 75-10-115 [section 1] and fails to pay the fee in the
12 manner provided by department rule is subject to a fine of
13 not more than \$2,000 or imprisonment not to exceed 6 months,
14 or both, and shall reimburse the department for the amount
15 of the fee owed and interest calculated at a rate equal to
16 the previous fiscal year's average rate of return on the
17 board of investments' short-term investment pool."

18 **Section 5.** Section 75-10-117, MCA, is amended to read:

19 "75-10-117. **Solid waste management account.** (1) There
20 is a solid waste management account in the state special
21 revenue fund provided for in 17-2-102.

22 (2) There must be deposited in the account:

23 (a) all revenue from the solid waste management fee
24 provided for in 75-10-115 [section 1]; and

25 (b) money received by the department in the form of

1 legislative appropriations, reimbursements, gifts, federal
2 funds, or appropriations from any source, intended to be
3 used for the purposes of the account.

4 (3) The account may be used by the department only for
5 the administration of part 2, this part, and 75-2-215."

6 NEW SECTION. Section 6. Repealer. Sections 75-10-110
7 and 75-10-115, MCA, are repealed.

8 NEW SECTION. Section 7. Codification instruction.
9 [Section 1] is intended to be codified as an integral part
10 of Title 75, chapter 10, part 1, and the provisions of Title
11 75, chapter 10, part 1, apply to [section 1].

12 NEW SECTION. Section 8. Effective date. [This act] is
13 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0346, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill establishing a solid waste management fee on waste generated out of state.

ASSUMPTIONS:


1. SB0346 would not become effective until July 1, 1993. Therefore, there would be no fiscal impact in the 1993 biennium.
2. The amount of solid waste imported to Montana would be determined, if enacted, pursuant to the development of the State Solid Waste Management Plan established under separate legislation (HB0160).

FISCAL IMPACT:

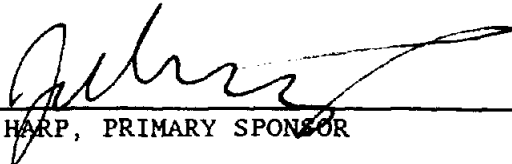
No fiscal impact in the 1993 biennium.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Current levels of imported waste would generate approximately \$100,000 per year. If "megalandfills" were to be permitted, the amount of imported waste could be in excess of 1.6 million tons per year, generating approximately \$8 million per year in fee revenues.


ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

2-15-91
DATE


JOHN G. HARP, PRIMARY SPONSOR
Fiscal Note for SB0346, as introduced.

2/18/91
DATE

SB 346

APPROVED BY COMM. ON NATURAL RESOURCES

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8 75-10-117, MCA; REPEALING SECTIONS 75-10-110 AND 75-10-115,
9 MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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12 proposals to import out-of-state waste for disposal in
13 Montana; and

14 WHEREAS, [LC 798] would enact a tipping fee on disposal
15 of solid waste generated within Montana to fund the
16 development of an adequate solid waste regulatory program;
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19 subsidize the regulation of solid waste that originates in
20 other states.

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

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24 (1) A person who owns an incinerator that burns solid waste
25 or a solid waste disposal facility that is licensed pursuant

1 to 75-10-221 and to rules adopted under 75-10-221 shall pay
2 to the department a quarterly fee of \$5 for each ton of
3 solid waste generated outside Montana and incinerated or
4 disposed of at the facility.

5 (2) All fees must be deposited in the solid waste
6 management account provided for in 75-10-117.

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

8 "75-10-104. Duties of department. The department shall:

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

11 (2) prepare rules necessary for the implementation of
12 this part for submission to the board, including but not
13 limited to rules:

14 (a) governing the submission of plans for a solid waste
15 management system;

16 (b) governing procedures to be followed in applying for
17 and making loans;

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

20 (d) establishing, for the purpose of determining the
21 solid waste management fee to which a facility is subject
22 under 75-10-115 [section 1], methods for determining or
23 estimating the amount of solid waste incinerated or disposed
24 of at a facility; and

25 (e) providing procedures for the quarterly collection



1 of the solid waste management fee provided for in 75-10-115
2 [section 1]; and

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4 ~~certain-incineration-or-disposal-of-solid-waste,--as-provided~~
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6 (3) provide financial assistance to local governments
7 for front-end planning activities for a proposed solid waste
8 management system which is compatible with the state plan
9 whenever financial assistance is available;

10 (4) provide technical assistance to persons within the
11 state for planning, designing, constructing, financing, and
12 operating a solid waste management system in order to insure
13 that the system conforms to the state plan;

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15 implementation of an approved solid waste management system
16 whenever funds for loans are available;

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19 provisions of this part; and

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21 system submitted by a local government."

22 **Section 3.** Section 75-10-105, MCA, is amended to read:

23 "75-10-105. Powers of department. The department may:

24 (1) accept loans and grants from the federal government
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10 who owns a solid waste disposal facility subject to a fee
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12 manner provided by department rule is subject to a fine of
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14 or both, and shall reimburse the department for the amount
15 of the fee owed and interest calculated at a rate equal to
16 the previous fiscal year's average rate of return on the
17 board of investments' short-term investment pool."

18 **Section 5.** Section 75-10-117, MCA, is amended to read:

19 "75-10-117. Solid waste management account. (1) There
20 is a solid waste management account in the state special
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8 NEW SECTION. **Section 7.** Codification instruction.
9 [Section 1] is intended to be codified as an integral part
10 of Title 75, chapter 10, part 1, and the provisions of Title
11 75, chapter 10, part 1, apply to [section 1].

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17 board of investments' short-term investment pool."

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7 and 75-10-115, MCA, are repealed.

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9 [Section 1] is intended to be codified as an integral part
10 of Title 75, chapter 10, part 1, and the provisions of Title
11 75, chapter 10, part 1, apply to [section 1].

12 NEW SECTION. **Section 8.** Effective date. [This act] is
13 effective July 1, 1993.

-End-

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 346
Representative Gilbert

March 20, 1991 1:00 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 346 (third reading copy -- blue).

Signed: Rep. Bob Gilbert
Representative Gilbert

And, that such amendments to Senate Bill 346 read as follows:

1. Page 5, lines 6 and 7.

Strike: "Sections" on line 6 through "are" on line 7

Insert: "Section 74-10-110, MCA, is"

HOUSE
SB 346

ADOPT

SENATE BILL NO. 346

INTRODUCED BY HARP

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SOLID WASTE MANAGEMENT FEE ON WASTE GENERATED OUT OF STATE; AMENDING SECTIONS 75-10-104, 75-10-105, 75-10-116, AND 75-10-117, MCA; REPEALING SECTIONS SECTION 75-10-110 AND 75-10-115, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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