MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 10, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 10, 1977 at 9:36 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 267: Senator Murray, Sponsor of Senate Bill 267, gave a brief resume of the bill.

Dean Zinnecker, Montana Association of Counties, stated this bill is going to add substantial cost to the counties. In some counties this could equal as much as one mil. Senator Murray stated this would only apply to full-time justices of the peace.

Senator Dunkle gave a background of Resource Recovery Action (attached). Senator Dunkle gave a statement on the impact of the amendments proposed to Senate Bill 175 (attached).

AMENDMENTS TO SENATE BILL 175: Senator Lockrem moved to delete all of lines 14, 15, 16, 17, page 11 of the original bill. Senator Peterson seconded the motion. A Roll Call vote was called by the Chairman. Motion carried. Senator Lockrem moved to insert "In the event the revenues of a project are insufficient to pay the costs, a local government may levy a pro-rata fee against the users of the solid waste management district. Such pro-rata fee shall be based on a per ton, per pound assessment or volume assessment." Senator Peterson seconded the motion. A roll call vote was taken. Motion carried. Senator Lockrem moved to delete all of lines 18, 19, 20, 21, and 22, page 11 of the original bill. Senator Thiessen seconded the motion. A roll call vote was taken. Motion carried. Senator Dunkle moved to insert "or grant" after "loan" in section 6. Committee discussed motion. Senator Dunkle withdrew the motion. Senator Dunkle moved beginning on line 6 following the word "A" by deleting the words "Resource Recovery" and insert in lieu thereof the words "Solid Waste Management" Senator Lockrem seconded the motion. Motion carried unanimously. Senator Dunkle moved on page 1, line 9, delete the word "Planning" and insert the word "Grant" Senator Thiessen seconded the motion. Motion carried unanimously. Senator Thiessen moved on page 1, line 10, delete the words "resource Recovery" and insert the words "Solid Waste

Management" Senator Dunkle seconded the motion. Motion carried unanimously. Senator Thiessen moved on page 1, line 19, after the word "the" and before the word "conversation" insert the following, "good management of solid waste and the" Senator Lockrem seconded the motion. Motion carried unanimously. Senator Lockrem moved on page 1, line 17, strike "Resource Recovery" and insert, "Solid Waste Management" Senator Thiessen seconded the motion. Motion carried unanimously. Senator Thiessen moved on page 1, line 22, after the word "purposes" by inserting the following, "where economically feasible" Senator Lockrem seconded the motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 11:00 A.M.

George McCallum

Senator George McCallum, Chairman

mm

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-10-77 Senate Bill No. 175 Time 10:23

NAME	YES	NO
George McCallum, Chairman	✓	
Robert Watt, Vice Chairman		✓
Pete Story	✓	
Frank Dunkle		✓
Lloyd Lockrem	✓	
Bob Peterson	✓	
Cornie Thiessen	✓	
Bill Thomas	✓	

Secretary

Chairman

Motion: To Strike lines 14, 15, 16, page 11 in its entirety from Senate Bill 175

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-10-77 Senate Bill No. 175 Time 10:32

NAME	YES	NO
George McCallum, Chairman		✓
Robert Watt, Vice Chairman	✓	
Pete Story		
Frank Dunkle	✓	
Lloyd Lockrem	✓	
Bob Peterson	✓	
Cornie Thiessen		✓
Bill Thomas	✓	

Mary Miller
Secretary

George McCallum
Chairman

Motion: To adopted Amendment ~~to~~ offerd by Senator Lockrem #6

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-10-77 Senate Bill No. 175 Time 10:40

NAME	YES	NO
George McCallum, Chairman	✓	
Robert Watt, Vice Chairman	✓	
Pete Story	✓	
Frank Dunkle	✓	
Lloyd Lockrem	✓	
Bob Peterson	✓	
Cornie Thiessen	✓	
Bill Thomas	✓	

Mary Miller
Secretary

George McCallum
Chairman

Motion: To ~~del~~ strike all of lines 18, 19, 20, & 22 of the Original bill

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 2-10-77

NAME	PRESENT	ABSENT	EXCUSED
George McCallum	✓		
Robert Watt	✓		
Pete Story	✓		
Frank Dunkle	✓		
Lloyd Lockrem	✓		
Bob Peterson	✓		
Cornie Thiessen	✓		
Bill Thomas	✓		

(1) Amend the title of the Introduced Bill as follows:

Beginning on line 6 following the word "A" by deleting the words "Resource Recovery" and insert in lieu thereof the words "Solid Waste Management"

(2) Page 1, line 9, delete the word "Planning" and insert the word "Grant".

(3) Page 1, line 10, delete the words "Resource Recovery" and insert the words "Solid Waste Management".

(4) Page 1, line 19, after the word "the" and before the word "conservation" insert the following: "good management of solid waste and the"

(5) Page 1, line 22, after the word "purposes" by inserting the following: "where economically feasible"

Page 1, line 22, by deleting the words "provide a" and inserting in lieu the word "encourage"

Page 1, line 23, by deleting the words "coordinated state solid waste and resource recovery plan" and inserting in lieu the words "local government solid waste disposal systems where energy production is not economically feasible."

Page 2, lines 12 through 15, by deleting the words "with the state preserving those functions necessary to assure effective solid waste management systems throughout the state"

Page 2, beginning on line 24 and continuing to page 3, line 1, by deleting all words and punctuation in Section 2, subparagraph 7.

Page 3, line 12 through 18 by deleting all words and punctuation in Section 3, subsection 3 and placing in lieu thereof the following: "(3) Grant funds means state money granted to local governments for the proper disposal of solid waste in other than resource recovery facilities."

Page 3, lines 19 through 25 and page 4, line 1 by deleting all words and punctuation in Section 3, subsection 4 and placing in lieu thereof the following: "(4) Loan funds means the state money to be loaned to local governments for purposes of encouraging the development and utilization of resource recovery facilities."

Page 4, line 2 by deleting the word "state" and further amend by deleting the word "statewide".

Page 4, line 3 by deleting the word "department" and inserting in lieu thereof the words "local government"

Page 5 beginning on line 1, by deleting all words and punctuation through line 25 and inserting in lieu thereof:

"(a) provide technical assistance to local governments within the state for development and implementation of solid waste management systems and resource recovery facilities;

(b) provide grant funds to local governments for solid waste management systems authorized under this act; and

Resource Education Foundation, Inc.

Frank Dunkle, Executive Director
Washington Plaza
2021 11th Avenue - Suite 22
Post Office Box 5027
Helena, Montana 59601
(406) 443-3750

EFFECTS OF PROPOSED AMENDMENTS

February 2, 1977

Introduction

Page 1, line 6 & 10 - Change "resource recovery" to "solid waste management" is an unimportant change since a resource recovery program is a part of a solid waste management program anyway.

Page 1, line 9; 19; & 22 - Changing "planning" to grant; adding "Good management of solid waste"; and adding "where economically feasible" would have no effect on the act at all.

Generally, all proposed changes in the introduction are simply unimportant word changes - not concept changes and would not effect the Act if allowed to be included.

State Solid Waste Management Plan

Page 1, lines 22 & 23; Page 2 lines 12-15, 24 & 25; Page 3, line 1; Page 4, lines 2 & 3; Page 5, lines 1-9, 24 & 25, Page 6, lines 11-13.

These amendments would eliminate all references to a statewide solid waste management plan and all authority for the department to develop one to be used as criteria for judging local plans or as a standard for receiving grants or loans.

There would be NO state plan under these amendments; only many individual plans. The separate local plans would not even have to be good ones because the department would not have the authority to approve or disapprove of them. This would have the effect of making the Act purely a state handout to local governments. How can the state justify giving away money without insuring that it is properly spent?

It is ironic that local governments want such a handout from the state while deleting the development of a state plan, thus precluding the possibility of their getting federal funds. Curious.

Power of Local Governments

Page 6, line 25; Page 7, lines 1 & 2 - Deletes any provisions of the local government to even enforce its own plan.

Page 7, lines 6-9; Page 11, lines 14-17 - Eliminates two potential methods of financing. These provisions would have been permissive NOT mandatory.

Frank Dunkle, Executive Director
Washington Plaza
2021 11th Avenue - Suite 22
Post Office Box 5027
Helena, Montana 59601
(406) 443-3750

Resource Education Foundation, Inc.

February 2, 1977

BACKGROUND AND DETAILS OF SB 175 - Resource Recovery Act (as introduced)

WHAT WILL THE ACT DO?

1. Statewide Solid Waste Management Plan - Gives the Department of Health and Environmental Sciences the authority to use the information gathered by the $200,000 study authorized by the last legislature to develop a recommended statewide plan for the area-wide consolidation of refuse and for potential resource recovery facilities.

2. Local Government Powers - Under the Act, local governments will retain the responsibility for implementation of a solid waste management system and will have new powers to allow local control of most implementation aspects i.e. contractual and tax levying rights.

3. Funding - While local government maintains the primary responsibility to develop solid waste management programs, it is recognized that the state should assume some of the risks inherent in the development of new programs. State developmental financing may be the major impetus to local implementation.

WHY IS THE BILL NEEDED?

1. Compliance with Federal Law - The federal "Resource Conservation and Recovery Act of 1976" says that statewide solid waste management plans **shall** be developed. It also provides for the closing or upgrading of all existing open dumps within a maximum of five years. The Act will provide federal funds for local implementation of approved state plans.

If SB 175 is not enacted, the governor may have to direct that the state plan be developed without legislative approval.

2. Proper and Good Solid Waste Management throughout the state. Current local solid waste management systems in effect are costly, a threat to public health and environmentally destructive at many locations. Of the state's 245 refuse disposal sites, 121 are not complying with sanitary landfill regulations. These numerous sites are using valuable land which could be consolidated into area-wide landfills. The cost of operating a landfill is directly proportional to the amount of refuse disposed of: the greater the amount of refuse, the lower the cost per unit.