

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 24, 1977


The meeting of the Local Government Committee was called to order by Chairman McCallum on February 24 at 9:37 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

Senate Bill 175. Senator Dunkle moved to adopt amendments (attached) to Senate Bill 175. Senator Watt seconded the motion. Motion carried unanimously. Senator Watt moved Senate Bill 175 be give an "And As So Amended, Do Pass" recommendation. Senator Story seconded the motion. Motion carried unanimously.

Senate Bill 310. Senator Story moved to adopt amendments (attached) to Senate Bill 310. Senator Dunkle seconded the motion. Motion carried unanimously. Senator Story moved Senate Bill 310 be given an "And As So Amended, Do Pass" recommendation. Senator Thiessen seconded the motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 10:45.


Senator George McCallum, Chairman

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2-24-77

[illegible]

PROPOSED AMENDMENTS TO SENATE BILL 175

(Senator Dunkle/Dean Zinnecker)

1. Amend page 4, section 3, line 23.

Following: line 23

Insert: "(10) "Board" means the board of health and environmental sciences provided for in Title 82A, chapter 6.

2. Amend page 5, section 4, line 1.

Following: "(a)"

Strike: "develop"

Insert: "prepare"

3. Amend page 5, section 4, line 2.

Following: "plan"

Insert: "for submission to the board"

4. Amend page 5, section 4, line 3.

Following: "(b)"

Strike: "adopt"

Insert: "prepare"

5. Amend page 5, section 4, line 4.

Following: "act"

Insert: "for submission to the board"

6. Amend page 6, section 4, line 7.

Following: line 7

Insert: "Section 5. Powers and duties of the board. The board shall:

(1) adopt a state solid waste management and resource recovery plan after complying with the procedures outlined in section 6; and

(2) adopt rules necessary for the implementation of this act, including but not limited to rules governing the submission of plans for a solid waste management system, rules governing the procedures to be followed in applying for and making loans, and rules governing agreements between the local government and the department for grants and loans under the act.

Section 6. The state solid waste management plan. (1) A proposed solid waste management plan shall be prepared by the department in conjunction with local governments in the state of Montana and any other interested person. After a draft of a proposed solid waste management plan has been prepared, the department shall circulate a copy of the proposed plan to the board of county commissioners in each county in the state of Montana, the governing body of every incorporated city or town in the state of Montana, any person responsible for the operation of a solid waste management system under the provisions of Title 69, chapter 40, the Governor, the Environmental Quality Council, and any other interested person for at least 90 days prior to submission of a final proposed solid waste management plan to the board. During the 90 day period for receipt of comments on the draft plan, the department shall hold at least 3 public hearings around the state on the draft plan.

(2) A final proposed plan shall be prepared based on the comments and objections received at the public hearings and from the persons who have submitted comments on the draft solid waste management plan. The final plan submitted to the board shall include a discussion of all comments and objections received and the reasons why recommendations for changes or amendments to the proposed plan were accepted or rejected. The board shall consider the final proposed solid waste management plan after giving notice and holding at least one public hearing pursuant to the rule-making procedures outlined in the Montana administrative procedure act."

Renumber: all subsequent sections

7. Amend page 6, section 5, line 13.

Following: line 13

Insert: "(2) upon adoption of the state plan by the board of health and environmental sciences, pass an ordinance to exempt the local jurisdiction from complying with the state plan and subsequent rules implementing the state plan; the ordinance must include a means to provide solid waste disposal to the citizens of the jurisdiction as required in Title 69, chapter 40;"

Renumber: all subsequent subsections

AMENDMENTS TO SENATE BILL NO. 310

(Proposed by Glen Drake)

1. Amend page 2, section 1, line 6.

Following: "public"

Strike: "or private"

2. Amend page 4, section 2, line 7.

Following: "representation"

Insert: "of a subdivision"

3. Amend page 4, section 2, line 8.

Following: "of"

Insert: "land into"

Following: "streets"

Strike: ", "

Insert: "and"

Following: "alleys"

Strike: ", or"

Insert: "and"

4. Amend page 4, section 2, line 9.

Following: "dedications"

Strike: "and any other document which geographically describes
a division of land, including a certificate of survey."

5. Amend page 12, section 5, line 13.

Following: line 12

Strike: sections 5, 6, and 7, in their entirety.

STANDING COMMITTEE REPORT

February 24,

19 77

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 175

Respectfully report as follows: That Senate Bill No. 175,

introduced bill, be amended as follows:

1. Amend title, line 6.

Following: "A"

Strike: "RESOURCE RECOVERY"

Insert: "SOLID WASTE MANAGEMENT"

2. Amend title, line 9.

Following: "GOVERNMENT"

Strike: "PLANNING"

Insert: "GRANT"

3. Amend title, line 10.

Following: line 9

Strike: "RESOURCE RECOVERY"

Insert: "SOLID WASTE MANAGEMENT"

~~DONALD~~

Chairman.

4. Amend page 1, section 1, line 17.

Following: line 16

Strike: " "Resource Recovery"

Insert: " "Solid Waste Management"

5. Amend page 1, section 2, line 19.

Following: "the"

Insert: "good management of solid waste and the"

6. Amend page 1, section 2, line 22.

Following: "purposes"

Insert: "where economically feasible"

7. Amend page 4, section 3, line 23.

Following: line 23

Insert: "(10) "Board" means the board of health and environmental sciences provided for in Title 82A, chapter 6."

8. Amend page 5, section 4, line 1.

Following: "(a)"

Strike: "develop"

Insert: "prepare"

9. Amend page 5, section 4, line 2.

Following: "plan"

Insert: "for submission to the board"

10. Amend page 5, section 4, line 3.

Following: "(b)"

Strike: "adopt"

Insert: "prepare"

11. Amend page 5, section 4, line 4.

Following: "act"

Insert: "for submission to the board"

12. Amend page 6, section 4, line 7.

Following: line 7

Insert: "Section 5. Powers and duties of the board. The board shall:

(1) adopt a state solid waste management and resource recovery plan after complying with the procedures outlined in section 6; and

(2) adopt rules necessary for the implementation of this act, including but not limited to rules governing the submission of plans for a solid waste management system, rules governing the procedures to be followed in applying for and making loans, and rules governing agreements between the local government and the department for grants and loans under the act.

Section 6. The state solid waste management plan. (1) A proposed solid waste management plan shall be prepared by the department in conjunction with local governments in the state of Montana and any other interested person. After a draft of a proposed solid waste management

plan has been prepared, the department shall circulate a copy of the proposed plan to the board of county commissioners in each county in the state of Montana, the governing body of every incorporated city or town in the state of Montana, any person responsible for the operation of a solid waste management system under the provisions of Title 69, chapter 40, the Governor, the Environmental Quality Council, and any other interested person for at least 90 days prior to submission of a final proposed solid waste management plan to the board. During the 90 day period for receipt of comments on the draft plan, the department shall hold at least 3 public hearing around the state on the draft plan.

(2) A final proposed plan shall be prepared based on the comments and objections received at the public hearings and from the persons who have submitted comments on the draft solid waste management plan. The final plan submitted to the board shall include a discussion of all comments and objections received and the reasons why recommendations for changes or amendments to the proposed plan were accepted or rejected. The board shall consider the final proposed solid waste management plan after giving notice and holding at least one public hearing pursuant to the rule-making procedures outlined in the Montana administrative procedure act."

Renumber: all subsequent sections

13. Amend page 6, section 5, line 13.

Following: line 13

Insert: "(2) upon adoption of the state plan by the board of health and environmental sciences, pass an ordinance or resolution to exempt the local jurisdiction from complying with the state plan and subsequent rules implementing the state plan; the ordinance or resolution must include a means to provide solid waste disposal to the citizens of the jurisdiction as required in Title 69, Chapter 40;"

Renumber: all subsequent subsections

14. Amend page 11, section 6, lines 14 through 22.

Following: line 13

Strike: lines 14 through 22 in their entirety

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."

AND AS SO AMENDED, DO PASS

PO

Senator George McCallum, Chairman

MR. ~~President~~.....We, your committee on Local Government.....having had under consideration SENATE Bill No. 310.....Respectfully report as follows: That..... SENATE Bill No. 310.....

introduced bill, be amended as follows:

1. Amend page 2, section 1, line 2.

Following: "or"

Insert: "public"

2. Amend page 2, section 1, line 10.

Following: "or"

Insert: "public"

3. Amend page 4, section 2, line 7.

Following: "representation"

Insert: "of a subdivision"

(continued on page 2)

DO:PASSx

P.R.

February 24, 1977

SENATE COMMITTEE ON LOCAL GOVERNMENT AMENDMENTS TO SENATE BILL NO. 310

4. Amend page 4, section 2, line 8.

Following: "of"

Insert: "land into"

Following: "streets"

Strike: ", "

Insert: "and"

Following: "alleys"

Strike: ", or"

Insert: "and"

5. Amend page 4, section 2, line 9.

Following: "dedications"

Strike: "and any other document which geographically describes
a division of land, including a certificate of survey."

6. Amend page 4, section 3, line 20 through line 1 on page 9.

Following: line 19.

Strike: section 3 in its entirety.

Renumber: subsequent sections.

7. Amend page 10, section 4, line 7.

Following: "disposal"

Strike: "system"

Insert: "facility"

8. Amend page 12, section 5, line 4.

Following: "fee"

Insert: "per parcel"

9. Amend page 12, section 5, line 10.

Following: "disapproval"

Strike: "and the"

Insert: "of the subdivision. The"

10. Amend page 12, section 5, line 13.

Following: line 12.

Strike: sections 5, 6, and 7 in their entirety.

AND AS AMENDED,
DO PASS

~~Senator George McCallum, Chairman~~