

HOUSE BILL 8

Introduced by Thoft

1/03	Introduced
1/03	Referred to Appropriations
1/06	First Reading
1/07	Fiscal Note Requested
1/08	Fiscal Note Received
1/08	Fiscal Note Printed
1/08	Hearing
1/09	Committee Report--Bill Not Passed as Amended
1/10	Adverse Committee Report Adopted

1 chapter 10, parts 4 and 6; and

2 (iv) state expenses relating to investigation and
3 remedial action for any hazardous substance defined in
4 75-10-602; and

5 (c) to the extent funds are available after the
6 appropriations in subsections (3)(a) and (3)(b), the
7 department may, as appropriate, seek authorization from the
8 legislature or, when the legislature is not in session,
9 through the budget amendment process provided for in Title
10 17, chapter 7, part 4, to spend funds for:

11 (i) state participation in remedial action under
12 section 104 of CERCLA;

13 (ii) state costs for maintenance of sites at which
14 remedial action under CERCLA has been completed; and

15 (iii) the state share to obtain matching federal funds
16 for underground storage tank corrective action.

17 (4) For the purposes of subsection (3)(c), the
18 legislature finds that a need for state special revenue to
19 obtain matching federal funds for underground storage tank
20 corrective action or for remedial action under section 104
21 of CERCLA constitutes a serious unforeseen and unanticipated
22 circumstance for the purpose of meeting the definition of
23 "emergency" in 17-7-102. The legislature further finds that
24 the inability of the department to match such federal funds
25 as may become available would seriously impair the functions

1 of the department in carrying out its responsibilities under
2 Title 75, chapter 10, parts 4 and 6.

3 (5) There is no dollar limit to the hazardous
4 waste/CERCLA account. ~~Unused~~ Except as provided in
5 subsection (6), unused balances remain in the account until
6 such time as appropriated by the legislature for the
7 purposes specified in this section.

8 (6) On or before June 30, 1993, the department shall
9 transfer from the hazardous waste/CERCLA account to the
10 general fund an amount not to exceed \$1 million. In
11 determining the amount to transfer to the general fund, the
12 department shall deduct from the \$1 million limit any amount
13 transferred to the general fund under 75-10-704(8)."

14 **Section 2.** Section 75-10-704, MCA, is amended to read:

15 **"75-10-704. Environmental quality protection fund.** (1)
16 There is created in the state special revenue fund an
17 environmental quality protection fund to be administered as
18 a revolving fund by the department. The department is
19 authorized to expend amounts from the fund necessary to
20 carry out the purposes of this part.

21 (2) The Except as provided in subsection (8), the fund
22 may be used by the department only to carry out the
23 provisions of this part and for remedial actions taken by
24 the department pursuant to this part in response to a
25 release of hazardous or deleterious substances.

1 (3) The department shall:

2 (a) establish and implement a system for prioritizing
3 sites for remedial action based on potential effects on
4 human health and the environment; and

5 (b) investigate, negotiate, and take legal action, as
6 appropriate, to identify liable persons, to obtain the
7 participation and financial contribution of liable persons
8 for the remedial action, to achieve remedial action, and to
9 recover costs and damages incurred by the state.

10 (4) There must be deposited in the fund:

11 (a) all penalties, forfeited financial assurance,
12 natural resource damages, and remedial action costs
13 recovered pursuant to 75-10-715;

14 (b) all administrative penalties assessed pursuant to
15 75-10-714 and all civil penalties assessed pursuant to
16 75-10-711(5);

17 (c) funds appropriated to the fund by the legislature;
18 and

19 (d) funds received from the interest income of the
20 resource indemnity trust fund pursuant to 15-38-202.

21 (5) Whenever a legislative appropriation is
22 insufficient to carry out the provisions of this part and
23 additional money remains in the fund, the department shall
24 seek additional authority to spend money from the fund
25 through the budget amendment process provided for in Title

1 17, chapter 7, part 4.

2 (6) Whenever the amount of money in the fund is
3 insufficient to carry out remedial action, the department
4 may apply to the governor for a grant from the environmental
5 contingency account established pursuant to 75-1-1101.

6 (7) The department shall, as provided in 5-11-210,
7 submit to the legislature a complete financial report on the
8 fund, including a description of all expenditures made since
9 the preceding report.

10 (8) On or before June 30, 1993, the department shall
11 transfer from the environmental quality protection fund to
12 the general fund an amount not to exceed \$1 million. In
13 determining the amount to transfer to the general fund, the
14 department shall deduct from the \$1 million limit any amount
15 transferred to the general fund under 75-10-621(6)."

16 **NEW SECTION. Section 3. Effective date -- termination.**
17 [This act] is effective on passage and approval and
18 terminates 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 HB0008, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

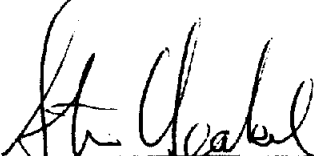
An act directing the Department of Health and Environmental Sciences to transfer to the general fund from the hazardous Waste/CERCLA account and/or the Environmental Quality Protection Fund(EQPF) a total not to exceed \$1 million.

FISCAL IMPACT:

HB0008 would increase funds available to the general fund by \$1 million and reduce the ending fund balances for the hazardous waste/CERCLA and EQPF accounts by a total of \$1 million. Under current law, the projected FY93 ending fund balances for the hazardous waste/CERCLA and EQPF accounts are approximately \$1.1 million and \$1.4 million, respectively.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

HB0008 would reduce the fund balances available to the hazardous waste/CERCLA account and/or the EQPF account.



STEVE YEAKEL, BUDGET DIRECTOR 1/7/92 DATE
Office of Budget and Program Planning



BOB THOFT, PRIMARY SPONSOR 1/8/92 DATE

Fiscal Note for HB0008, as introduced

HB 8