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 ReportBill Not Passed as Amended
1/10	Adverse Committee Report Adopted

1	BILL NO. 8
2	INTRODUCED BY
3	BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING
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5	A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE
6	DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO TRANSFER
7	TO THE GENERAL FUND FROM THE HAZARDOUS WASTE/CERCLA ACCOUNT
8	AND THE ENVIRONMENTAL QUALITY PROTECTION FUND A TOTAL NOT TO
9	EXCEED \$1 MILLION; AMENDING SECTIONS 75-10-621 AND
10	75-10-704, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
11	AND A TERMINATION DATE."
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1/2.22

- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- 14 Section 1. Section 75-10-621, MCA, is amended to read:
- 15 "75-10-621. Hazardous waste/CERCLA special revenue 16 account. (1) There is a hazardous waste/CERCLA special 17 revenue account within the state special revenue fund 18 established in 17-2-102.
- 19 (2) There must be paid into the hazardous waste/CERCLA 20 account:
- 21 (a) revenues obtained from the interest income of the 22 resource indemnity trust fund under the provisions of 23 15-38-202, together with interest accruing on those 24 revenues;
- 25 (b) all proceeds of bonds or notes issued unde

- 1 75-10-623 and all interest earned on proceeds thereof; and
- 2 (c) revenues from penalties or damages collected under
- 3 the federal Comprehensive Environmental Response,
- 4 Compensation, and Liability Act of 1980, as amended in 1986
- 5 (CERCLA).
- 6 (3) Appropriations Except as provided in subsection
- 7 (6), appropriations may be made from the hazardous
- 8 waste/CERCLA account only for the following purposes and
- 9 subject to the following conditions:
- 10 (a) funds are statutorily appropriated, as provided in
- 11 17-7-502(4), to the CERCLA match debt service account
- 12 necessary to make principal, interest, and premium payments
- 13 due on CERCLA bonds;
- 14 (b) not more than one-half of the interest income
- 15 received for any biennium from the resource indemnity trust
- 16 fund may be appropriated on a biennial basis for:
- 17 (i) implementation of the Montana Hazardous Waste Act,
- 18 including regulation of underground storage tanks and the
- 19 state share to obtain matching federal funds;
- 20 (ii) implementation of Title 75, chapter 10, part 6,
- 21 pertaining to state assistance to and cooperation with the
- 22 federal government for remedial action under CERCLA:
- 23 (iii) expenses of the administration of the
- 24 environmental sciences division of the department
- 25 administering and overseeing the implementation of Title 75,

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chapter 10, parts 4 and 6; and

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- 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;
 - (ii) state costs for maintenance of sites at which remedial action under CERCLA has been completed; and
- (iii) the state share to obtain matching federal fundsfor underground storage tank corrective action.
 - (4) For the purposes of subsection (3)(c), the legislature finds that a need for state special revenue to obtain matching federal funds for underground storage tank corrective action or for remedial action under section 104 of CERCLA constitutes a serious unforeseen and unanticipated circumstance for the purpose of meeting the definition of "emergency" in 17-7-102. The legislature further finds that the inability of the department to match such federal funds as may become available would seriously impair the functions

- of the department in carrying out its responsibilities under

 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.
 - (6) On or before June 30, 1993, the department shall transfer from the hazardous waste/CERCLA account to the general fund an amount not to exceed \$1 million. In determining the amount to transfer to the general fund, the department shall deduct from the \$1 million limit any amount transferred to the general fund under 75-10-704(8)."
- 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.
 - (2) The Except as provided in subsection (8), the fund may be used by the department only to carry out the provisions of this part and for remedial actions taken by the department pursuant to this part in response to a release of hazardous or deleterious substances.

is

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

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- 19 (d) funds received from the interest income of the
- resource indemnity trust fund pursuant to 15-38-202.
- 21 (5) Whenever a legislative appropriation
- 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

- 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
 - 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
- 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-

through the budget amendment process provided for in Title

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

Office of Budget and Program Planning

BOB THOFT, PRIMARY SPONSOR

Fiscal Note for HB0008, as introduced

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