SENATE BILL NO. 67

INTRODUCED BY YELLOWTAIL BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE SENATE

- JANUARY 2, 1993 INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
- JANUARY 4, 1993 FIRST READING.
- JANUARY 14, 1993 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

PRINTING REPORT.

- JANUARY 15, 1993 SECOND READING, DO PASS.
- JANUARY 16, 1993 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 32; NOES, 17.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 18, 1993

ON NATURAL RESOURCES.

INTRODUCED AND REFERRED TO COMMITTEE

FIRST READING.

- JANUARY 25, 1993 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- JANUARY 27, 1993 SECOND READING, CONCURRED IN.
- JANUARY 29, 1993 THIRD READING, CONCURRED IN. AYES, 83; NOES, 13.

RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 1, 1993 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

FEBRUARY 5, 1993 REPORTED CORRECTLY ENROLLED.

SIGNED BY PRESIDENT.

SIGNED BY SPEAKER.

DELIVERED TO GOVERNOR.

IN THE HOUSE

FEBRUARY 9, 1993

IN THE SENATE

FEBRUARY 9, 1993

FEBRUARY 12, 1993 RETURNED FROM GOVERNOR WITH RECOMMENDED AMENDMENTS.

FEBRUARY 15, 1993 SECOND READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN.

FEBRUARY 16, 1993 THIRD READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN. AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 8, 1993

MARCH 10, 1993

SECOND READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN.

THIRD READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN. AYES, 92; NOES, 7.

RETURNED TO SENATE.

IN THE SENATE

MARCH 12, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1	SENATE BILL NO. 67				
2	INTRODUCED BY YELLOWTAIL				
3	BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL				
А					

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS 6 RELATED TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH 7 AND ENVIRONMENTAL SCIENCES AND TO THE DISPOSITION OF FEES 8 FOR SOLID WASTE MANAGEMENT; AMENDING SECTIONS 75-10-104, 9 75-10-105, 75-10-112, 75-10-116, AND 75-10-117; REPEALING 10 SECTION 75-10-218, MCA; AND PROVIDING AN EFFECTIVE DATE."

11 12

STATEMENT OF INTENT

13 A statement of intent is desirable for this bill in order to coordinate certain provisions of existing law with 14 Chapter 398, Laws of 1991. Chapter 398 provided a delayed 15 effective date, and when its provisions become effective on 16 17 July 1, 1993, certain provisions of law will be amended. The 18 purpose of this bill is to reinstate certain provisions of law that will be deleted when Chapter 398 becomes effective. 19 20 It is the intent of the legislature that [sections 1, 2, 21 4, and 5) of this bill maintain the existing authority of 22 the department of health and environmental sciences rather 23 than add new authority.

It is also the purpose of this bill to repeal a section of The Montana Solid Waste Management Act that was not



included in Chapter 398. Chapter 398 repealed 75-10-110,
 effective July 1, 1993. [Section 6] of this bill repeals
 75-10-218, a section of The Montana Solid Waste Management
 Act that is subordinate to 75-10-110.

5

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

7 Section 1. Section 75-10-104, MCA, is amended to read:
8 "75-10-104. (Temporary) Duties of department. The
9 department shall:

10 (1) prepare a state solid waste management and resource
11 recovery plan as required by 75-10-807 for submission to the
12 board;

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

16 (a) governing the submission of plans for a solid waste 17 management system;

18 (b) governing procedures to be followed in applying for19 and making loans;

(c) governing agreements between a local government andthe department for grants or loans under this part;

(d) establishing, for the purpose of determining the
solid waste management fee to which a facility is subject
under 75-10-115, methods for determining or estimating the
amount of solid waste incinerated or disposed of at a

S&67 INTRODUCED BILL

facility; 1 1 2 (e) providing procedures for the guarterly collection 2 3 of the solid waste management fee provided for in 75-10-115: 3 4 4 and 5 (f) providing guidelines for 5 integrated waste 6 management; 6 7 7 (3) provide financial assistance to local governments 8 8 for front-end planning activities for a proposed solid waste 9 management system which is compatible with the state plan 9 10 whenever financial assistance is available; 10 11 (4) provide technical assistance to persons within the 11 12 state for planning, designing, constructing, financing, and 12 13 operating: 13 14 14 (a) a solid waste management system in order to ensure 15 15 that the system conforms to the state plan; 16 16 (b) integrated waste management programs; and 17 (c) collection, disposal, reduction, and educational 17 programs for household hazardous waste and conditionally 18 18 19 19 exempt small quantities of hazardous waste as defined in 20 20 Rule 16.44.402, Administrative Rules of Montana; 21 (5) provide front-end organizational loans for the 21 implementation of an approved solid waste management system 22 22

23 whenever funds for loans are available;
24 (6) enforce and administer the provisions of this part;

25 (7) administer loans made by the state under the

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provisions of this part;

2 (8) approve plans for a proposed solid waste management3 system submitted by a local government; and

4 (9) serve as a clearinghouse for information on waste
5 reduction and reuse, recycling technology and markets,
6 composting, and household hazardous waste disposal,
7 including chemical compatibility.

8 75-10-104. (Effective July 1, 1993) Duties of 9 department. The department shall:

10 (1) prepare a state solid waste management and resource 11 recovery plan as required by 75-10-807 for submission to the 12 board;

13 (2) prepare rules necessary for the implementation of 14 this part for submission to the board, including but not 15 limited to rules:

16 (a) governing the submission of plans for a solid waste17 management system;

18 (b) governing procedures to be followed in applying for 19 and making loans;

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

(d) establishing, for the purpose of determining the
solid waste management fee to which a facility is subject
under <u>75-10-115 or</u> 75-10-118, methods for determining or
estimating the amount of solid waste incinerated or disposed

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disposal,

of

1 provisions of this part; of at a facility; 1 2 (8) approve plans for a proposed solid waste management 2 (e) providing procedures for the quarterly collection system submitted by a local government; and 3 of the solid waste management fee fees provided for in 3 4 (9) serve as a clearinghouse for information on waste 75-10-115 and 75-10-118; and 4 5 reduction and reuse, recycling technology and markets, 5 (f) providing quidelines for integrated waste composting, and household hazardous waste 6 6 management; 7 including chemical compatibility." 7 (3) provide financial assistance to local governments 8 for front-end planning activities for a proposed solid waste 8 Section 2. Section 75-10-105, MCA, is amended to read: 9 management system which that is compatible with the state 9 "75-10-105. (Temporary) Powers of department. The 10 plan whenever financial assistance is available; 10 department may: (4) provide technical assistance to persons within the 11 11 (1) accept loans and grants from the federal government 12 state for planning, designing, constructing, financing, and 12 and other sources to carry out the provisions of this part; 13 operating: 13 (2) make loans to a local government for the planning, (a) a solid waste management system in order to ensure 14 14 design, and implementation of a solid waste management 15 that the system conforms to the state plan; 15 system; 16 (b) integrated waste management programs; and 16 (3) make grants for a local government for planning or (c) collection, disposal, reduction, and educational 17 17 implementation of a solid waste management system; and programs for household hazardous waste and conditionally 18 18 (4) collect the solid waste management fee provided for 19 exempt small quantities of hazardous waste as defined in 19 in 75-10-115. 20 Rule 16.44.402, Administrative Rules of Montana; 20 75-10-105. (Effective July 1, 1993) Powers (5) provide front-end organizational loans for the 21 21 department. The department may: 22 implementation of an approved solid waste management system 22 (1) accept loans and grants from the federal government 23 whenever funds for loans are available; 23 and other sources to carry out the provisions of this part; 24 (6) enforce and administer the provisions of this part; 24 make loans to a local government for the planning, 25 (7) administer loans made by the state under the 25 design, and implementation of a solid waste management

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1 system; 1 2 (3) make grants for a local government for planning or 2 3 implementation of a solid waste management system; and 3 (4) collect the solid waste management fee 4 fees 4 provided for in 75-10-115 and 75-10-118." 5 5 Section 3. Section 75-10-112, MCA, is amended to read: 6 6 "75-10-112. Powers and duties of local government. A 7 7 8 8 local government may: 9 9 (1) plan, develop, and implement a solid waste 10 management system consistent with the state's solid waste 10 11 11 plan and propose modifications to the state's solid waste 12 plan: 12 13 (2) upon adoption of the state plan by the board, pass 13 14 14 an ordinance or resolution to exempt the local jurisdiction from complying with the state plan and subsequent rules 15 15 16 implementing the state plan. The ordinance or resolution 16 17 17 must include a means to provide solid waste disposal to the 18 citizens of the jurisdiction as required in part 2 of this 18 19 19 chapter. 20 20 (3) employ appropriate personnel to carry out the 21 provisions of this part;

(4) purchase, rent, or execute leasing agreements for
equipment and material necessary for the implementation of a
solid waste management system;

25 (5) cooperate with and enter into agreements with any

l persons in order to implement an effective solid waste 2 management system;

3 (6) receive gifts, grants, or donations or acquire by
4 gift, deed, or purchase land necessary for the
5 implementation of any provision of this part;

6 (7) enforce the rules of the department or a local
7 board of health pertaining to solid waste management through
8 the appropriate county attorney;

9 (8) apply for and utilize state, federal, or other
 available money for developing or operating a solid waste
 management system;

(9) borrow from any lending agency funds available for
 assistance in planning a solid waste management system;

4 (10) finance a solid waste management system through the
5 assessment of a tax as authorized by state law;

(11) sell on an installment sales contract or lease to a person all or a portion of a solid waste management system which that the local government plans, designs, or constructs, for such the consideration and upon such the terms as--are established by the local governments and consistent with the loan requirements as set forth in this part and rules adopted to implement this part;

23 (12) procure insurance against any loss in connection
24 with property, assets, or activities;

25 (13) mortgage or otherwise encumber all or a portion of

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1 a solid waste management system when the local government 2 finds that the action is necessary to implement the purposes 3 of this part, as long as the action is consistent with the 4 loan requirements set forth in this part and rules <u>adopted</u> 5 to implement this part;

6 (14) hold or dispose of real property and, subject to
7 agreements with lessors and lessees, develop or alter the
8 property by making improvements or betterments for the
9 purpose of enhancing the value and usefulness of the
10 property;

(15) finance, design, construct, own, and operate a
 solid waste management system or contract for any or all of
 the aforementioned powers authorized under this part;

14 (16) control the disposition of solid waste generated
15 within the jurisdiction of a local government;

16 (17) enter into long-term contracts with local 17 governments and private entities for:

18 (a) financing, designing, constructing, and operating a19 solid waste management system;

20 (b) marketing all raw or processed material recovered
21 from solid waste;

(c) marketing energy products or byproducts resulting
from processing or utilization of solid waste;

(18) finance an areawide solid waste management systemthrough the use of any of the sources of revenue available

1 to the implementation entity for public works projects, by 2 the use of revenue bonds issued by the city or county, or by 3 fees levied by a refuse--disposal solid waste management 4 district, whichever is appropriate;

5 (19) enter into interlocal agreements in order to
6 achieve and implement the powers enumerated in this part."

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

8 *75-10-116. (Temporary) Penalties for failure to pay 9 fee. A person who owns a solid waste disposal facility 10 subject to a fee under 75-10-115 and fails to pay the fee in 11 the manner provided by department rule is subject to a fine 12 of not more than \$2,000 or imprisonment not to exceed 6 13 months, or both, and shall reimburse the department for the 14 amount of the fee owed and interest calculated at a rate 15 equal to the previous fiscal year's average rate of return 16 on the board of investments' short-term investment pool.

17 75-10-116. (Effective July 1, 1993) Penalties for 18 failure to pay fee. A person who owns a solid waste disposal 19 facility subject to a fee under 75-10-115 or 75-10-118 and 20 fails to pay the fee in the manner provided by department 21 rule is subject to a fine of not more than \$2,000 or 22 imprisonment not to exceed 6 months, or both, and shall 23 reimburse the department for the amount of the fee owed and 24 interest calculated at a rate equal to the previous fiscal 25 year's average rate of return on the board of investments'

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1	short-term investment pool."
2	Section 5. Section 75-10-117, MCA, is amended to read:
3	*75-10-117. (Temporary) Solid waste management account.
4	(1) There is a solid waste management account in the state
5	special revenue fund provided for in 17-2~102.
6	(2) There must be deposited in the account:
7	(a) all revenue from the solid waste management fee
8	provided for in 75-10-115; and
9	(b) money received by the department in the form of
10	legislative appropriations, reimbursements, gifts, federal
11	funds, or appropriations from any source, intended to be
12	used for the purposes of the account.
13	(3) The account may be used by the department only for
14	the administration of part 2, this part, and 75-2-215.
15	75-10-117. (Effective July 1, 1993) Solid waste
16	management account. (1) There is a solid waste management
17	account in the state special revenue fund provided for in
18	17-2-102.
19	(2) There must be deposited in the account:
20	(a) all revenue from the solid waste management fee
21	fees provided for in 75-10-115 and 75-10-118; and
22	(b) fees, taxes, fines, and penalties as required under
23	<u>75-10-910;</u>
24	(c) fees collected under the provisions of 75-10-1006;
25	and

1 (b)(d) money received by the department in the form of 2 legislative appropriations, reimbursements, gifts, federal 3 funds, or appropriations from any source, intended to be 4 used for the purposes of the account.

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

7 <u>NEW SECTION.</u> Section 6. Repealer. Section 75-10-218,
8 MCA, is repealed.

9 <u>NEW SECTION.</u> Section 7. Effective date. [This act] is
10 effective July 1, 1993.

-End-

APPROVED BY COMM. ON Natural resources

1	SENATE BILL NO. 67
2	INTRODUCED BY YELLOWTAIL
3	BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
6	RELATED TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH
7	AND ENVIRONMENTAL SCIENCES AND TO THE DISPOSITION OF FEES
8	FOR SOLID WASTE MANAGEMENT; AMENDING SECTIONS 75-10-104,
9	75-10-105, 75-10-112, 75-10-116, AND 75-10-117; REPEALING
10	SECTION 75-10-218, MCA; AND PROVIDING AN EFFECTIVE DATE."
11	
12	STATEMENT OF INTENT
13	A statement of intent is desirable for this bill in
14	order to coordinate certain provisions of existing law with
15	Chapter 398, Laws of 1991. Chapter 398 provided a delayed
16	effective date, and when its provisions become effective on
17	July 1, 1993, certain provisions of law will be amended. The
18	purpose of this bill is to reinstate certain provisions of
19	law that will be deleted when Chapter 398 becomes effective.
20	It is the intent of the legislature that [sections 1, 2,
21	4, and 5] of this bill maintain the existing authority of
22	the department of health and environmental sciences rather
23	than add new authority.
24	It is also the purpose of this bill to repeal a section

It is also the purpose of this bill to repeal a sectionof The Montana Solid Waste Management Act that was not



included in Chapter 398. Chapter 398 repealed 75-10-110,
 effective July 1, 1993. [Section 6] of this bill repeals
 75-10-218, a section of The Montana Solid Waste Management
 Act that is subordinate to 75-10-110.

5

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6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA;

7 Section 1. Section 75-10-104, MCA, is amended to read:
8 "75-10-104. (Temporary) Duties of department. The
9 department shall:

10 (1) prepare a state solid waste management and resource
11 recovery plan as required by 75-10-807 for submission to the
12 board;

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

16 (a) governing the submission of plans for a solid waste17 management system;

18 (b) governing procedures to be followed in applying for 19 and making loans;

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

(d) establishing, for the purpose of determining the
solid waste management fee to which a facility is subject
under 75-10-115, methods for determining or estimating the
amount of solid waste incinerated or disposed of at a

-2- SB67 SECOND READING

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1	facility;	1	provisions of this part;
2	(e) providing procedures for the quarterly collection	2	(8) approve plans for a proposed solid waste management
3	of the solid waste management fee provided for in 75-10-115;	3	system submitted by a local government; and
4	and	4	(9) serve as a clearinghouse for information on waste
5	(f) providing guidelines for integrated waste	5	reduction and reuse, recycling technology and markets,
6	management;	6	composting, and household hazardous waste disposal,
7	(3) provide financial assistance to local governments	7	including chemical compatibility.
8	for front-end planning activities for a proposed solid waste	8	75-10-104. (Effective July 1, 1993) Duties of
9	management system which is compatible with the state plan	9	department. The department shall:
10	whenever financial assistance is available;	10	 prepare a state solid waste management and resource
11	(4) provide technical assistance to persons within the	11	recovery plan as required by 75-10-807 for submission to the
12	state for planning, designing, constructing, financing, and	12	board;
13	operating:	13	(2) prepare rules necessary for the implementation of
14	(a) a solid waste management system in order to ensure	14	this part for submission to the board, including but not
15	that the system conforms to the state plan;	15	limited to rules:
16	(b) integrated waste management programs; and	16	(a) governing the submission of plans for a solid waste
17	(c) collection, disposal, reduction, and educational	17	management system;
18	programs for household hazardous waste and conditionally	18	(b) governing procedures to be followed in applying for
19	exempt small quantities of hazardous waste as defined in	19	and making loans;
20	Rule 16.44.402, Administrative Rules of Montana;	20	(c) governing agreements between a local government and
21	(5) provide front-end organizational loans for the	21	the department for grants or loans under this part;
22	implementation of an approved solid waste management system	22	(d) establishing, for the purpose of determining the
23	whenever funds for loans are available;	23	solid waste management fee to which a facility is subject
24	(6) enforce and administer the provisions of this part;	24	under <u>75-10-115 or</u> 75-10-118, methods for determining or
25	(7) administer loans made by the state under the	25	estimating the amount of solid waste incinerated or disposed

1 of at a facility; (e) providing procedures for the quarterly collection 2 of the solid waste management fee fees provided for in 3 75-10-115 and 75-10-118; and 4 (f) providing quidelines for integrated waste 5 6 management; (3) provide financial assistance to local governments 7 for front-end planning activities for a proposed solid waste 8 management system which that is compatible with the state 9 plan whenever financial assistance is available; 10 (4) provide technical assistance to persons within the 11 state for planning, designing, constructing, financing, and 12 13 operating: (a) a solid waste management system in order to ensure 14 that the system conforms to the state plan; 15 16 (b) integrated waste management programs; and (c) collection, disposal, reduction, and educational 17 programs for household hazardous waste and conditionally 18 exempt small quantities of hazardous waste as defined in 19 Rule 16.44.402, Administrative Rules of Montana; 20 (5) provide front-end organizational loans for the 21 implementation of an approved solid waste management system 22 23 whenever funds for loans are available; (6) enforce and administer the provisions of this part; 24 (7) administer loans made by the state under the 25

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1 provisions of this part; (8) approve plans for a proposed solid waste management 2 system submitted by a local government; and 3 (9) serve as a clearinghouse for information on waste 4 reduction and reuse, recycling technology and markets, 5 composting, and household hazardous waste disposal. 6 including chemical compatibility." 7 Section 2. Section 75-10-105, MCA, is amended to read: 8 "75-10-105. (Temporary) Powers of department. The 9 10 department may: (1) accept loans and grants from the federal government 11 12 and other sources to carry out the provisions of this part; (2) make loans to a local government for the planning, 13 14 design, and implementation of a solid waste management 15 system: 16 (3) make grants for a local government for planning or 17 implementation of a solid waste management system; and 18 (4) collect the solid waste management fee provided for 19 in 75-10-115. 20 75-10-105. (Effective July 1, 1993) Powers o£ department. The department may: 21 22 (1) accept loans and grants from the federal government

and other sources to carry out the provisions of this part;
(2) make loans to a local government for the planning,
design, and implementation of a solid waste management

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1 system;

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

4 (4) collect the solid waste management fee fees
5 provided for in <u>75-10-115 and</u> 75-10-118."

6 Section 3. Section 75-10-112, MCA, is amended to read:

7 "75-10-112. Powers and duties of local government. A B local government may:

9 (1) plan, develop, and implement a solid waste 10 management system consistent with the state's solid waste 11 plan and propose modifications to the state's solid waste 12 plan;

13 (2) upon adoption of the state plan by the board, pass 14 an ordinance or resolution to exempt the local jurisdiction 15 from complying with the state plan and subsequent rules 16 implementing the state plan. The ordinance or resolution 17 must include a means to provide solid waste disposal to the 18 citizens of the jurisdiction as required in part 2 of this 19 chapter.

20 (3) employ appropriate personnel to carry out the21 provisions of this part;

(4) purchase, rent, or execute leasing agreements for
equipment and material necessary for the implementation of a
solid waste management system;

25 (5) cooperate with and enter into agreements with any

1 persons in order to implement an effective solid waste
2 management system;

3 (6) receive gifts, grants, or donations or acquire by
4 gift, deed, or purchase land necessary for the
5 implementation of any provision of this part;

6 (7) enforce the rules of the department or a local
7 board of health pertaining to solid waste management through
8 the appropriate county attorney;

9 (8) apply for and utilize state, federal, or other
10 available money for developing or operating a solid waste
11 management system;

12 (9) borrow from any lending agency funds available for13 assistance in planning a solid waste management system;

14 (10) finance a solid waste management system through the
15 assessment of a tax as authorized by state law;

16 (11) sell on an installment sales contract or lease to a person all or a portion of a solid waste management system 17 18 which that the local government plans, designs, or 19 constructs, for such the consideration and upon such the 20 terms as--are established by the local governments and consistent with the loan requirements as set forth in this 21 22 part and rules adopted to implement this part;

23 (12) procure insurance against any loss in connection
24 with property, assets, or activities;

25 (13) mortgage or otherwise encumber all or a portion of

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a solid waste management system when the local government
 finds that the action is necessary to implement the purposes
 of this part, as long as the action is consistent with the
 loan requirements set forth in this part and rules adopted
 to implement this part;

6 (14) hold or dispose of real property and, subject to
7 agreements with lessors and lessees, develop or alter the
8 property by making improvements or betterments for the
9 purpose of enhancing the value and usefulness of the
10 property;

(15) finance, design, construct, own, and operate a
 solid waste management system or contract for any or all of
 the aforementioned powers authorized under this part;

(16) control the disposition of solid waste generated
 within the jurisdiction of a local government;

16 (17) enter into long-term contracts with local17 governments and private entities for:

18 (a) financing, designing, constructing, and operating a
19 solid waste management system;

(b) marketing all raw or processed material recovered
from solid waste;

(c) marketing energy products or byproducts resulting
from processing or utilization of solid waste;

(18) finance an areawide solid waste management systemthrough the use of any of the sources of revenue available

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to the implementation entity for public works projects, by
 the use of revenue bonds issued by the city or county, or by
 fees levied by a refuse--disposal solid waste management
 district, whichever is appropriate;

5 (19) enter into interlocal agreements in order to6 achieve and implement the powers enumerated in this part."

7 Section 4. Section 75-10-116, MCA, is amended to read: 8 *75-10-116. (Temporary) Penalties for failure to pay 9 fee. A person who owns a solid waste disposal facility 10 subject to a fee under 75-10-115 and fails to pay the fee in 11 the manner provided by department rule is subject to a fine 12 of not more than \$2,000 or imprisonment not to exceed 6 13 months, or both, and shall reimburse the department for the 14 amount of the fee owed and interest calculated at a rate 15 equal to the previous fiscal year's average rate of return on the board of investments' short-term investment pool. 16

17 75-10-116. (Effective July 1, 1993) Penalties for failure to pay fee. A person who owns a solid waste disposal 18 19 facility subject to a fee under 75-10-115 or 75-10-118 and 20 fails to pay the fee in the manner provided by department 21 rule is subject to a fine of not more than \$2,000 or 22 imprisonment not to exceed 6 months, or both, and shall 23 reimburse the department for the amount of the fee owed and 24 interest calculated at a rate equal to the previous fiscal 25 year's average rate of return on the board of investments'

short-term investment pool." 1

6

and

Section 5. Section 75-10-117, MCA, is amended to read: 2 "75-10-117. (Temporary) Solid waste management account. 3 ۵ (1) There is a solid waste management account in the state

5 special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

7 (a) all revenue from the solid waste management fee provided for in 75-10-115; and 8

9 (b) money received by the department in the form of legislative appropriations, reimbursements, gifts, federal 10 11 funds, or appropriations from any source, intended to be 12 used for the purposes of the account.

(3) The account may be used by the department only for 13 14 the administration of part 2, this part, and 75-2-215.

15 75-10-117. (Effective July 1, 1993) Solid waste 16 management account. (1) There is a solid waste management account in the state special revenue fund provided for in 17 18 17-2-102.

(2) There must be deposited in the account: 19

20 (a) all revenue from the solid waste management fee fees provided for in 75-10-115 and 75-10-118; and 21

22 (b) fees, taxes, fines, and penalties as required under 23 75-10-910;

(c) fees collected under the provisions of 75-10-1006; 24 25

1 tb;(d) money received by the department in the form of 2 legislative appropriations, reimbursements, gifts, federal 3 funds, or appropriations from any source, intended to be Δ used for the purposes of the account.

5 (3) The account may be used by the department only for the administration of part 2, this part, and 75-2-215." 6

NEW SECTION. Section 6. Repealer. Section 75-10-218, 7 MCA, is repealed. 8

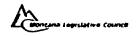
9 NEW SECTION. Section 7. Effective date. [This act] is 10 effective July 1, 1993.

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1 SENATE BILL NO. 67 1 2 2 INTRODUCED BY YELLOWTAIL 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL 3 ۸ 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS 5 5 6 RELATED TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH 6 AND ENVIRONMENTAL SCIENCES AND TO THE DISPOSITION OF FEES 7 7 FOR SOLID WASTE MANAGEMENT: AMENDING SECTIONS 75-10-104, 8 8 75-10-105. 75-10-112, 75-10-116, AND 75-10-117; REPEALING 9 9 department shall: 10 SECTION 75-10-218, MCA: AND PROVIDING AN EFFECTIVE DATE." 10 11 11 STATEMENT OF INTENT 12 12 A statement of intent is desirable for this bill in 13 13 14 order to coordinate certain provisions of existing law with 14 Chapter 398, Laws of 1991. Chapter 398 provided a delayed .15 15 effective date, and when its provisions become effective on 16 16 July 1, 1993, certain provisions of law will be amended. The 17 17 18 purpose of this bill is to reinstate certain provisions of 18 law that will be deleted when Chapter 398 becomes effective. 19 19 20 It is the intent of the legislature that (sections 1, 2, 20 21 4, and 5) of this bill maintain the existing authority of 21 the department of health and environmental sciences rather 22 22 23 than add new authority. 23 It is also the purpose of this bill to repeal a section 24 24

24 It is also the purpose of this bill to repear a section 25 of The Montana Solid Waste Management Act that was not



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included in Chapter 398. Chapter 398 repealed 75-10-110,
 effective July 1, 1993. [Section 6] of this bill repeals
 75-10-218, a section of The Montana Solid Waste Management
 Act that is subordinate to 75-10-110.

5 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 7 **Section 1.** Section 75-10-104, MCA, is amended to read: 8 **"75-10-104. (Temporary) Duties of department.** The

(1) prepare a state solid waste management and resource
 recovery plan as required by 75-10-807 for submission to the
 board;

13 (2) prepare rules necessary for the implementation of 14 this part for submission to the board, including but not 15 limited to rules:

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

18 (b) governing procedures to be followed in applying for19 and making loans;

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

(d) establishing, for the purpose of determining the
solid waste management fee to which a facility is subject
under 75-10-115, methods for determining or estimating the
amount of solid waste incinerated or disposed of at a

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of

1 provisions of this part; 1 facility; (8) approve plans for a proposed solid waste management 2 (e) providing procedures for the quarterly collection 2 3 system submitted by a local government; and of the solid waste management fee provided for in 75-10-115; 3 4 (9) serve as a clearinghouse for information on waste 4 and 5 reduction and reuse, recycling technology and markets, (f) providing guidelines for integrated 5 waste 6 composting, and household hazardous waste disposal, management; 6 7 including chemical compatibility. (3) provide financial assistance to local governments 7 8 75-10-104. (Effective July 1, 1993) Duties 8 for front-end planning activities for a proposed solid waste department. The department shall: 9 management system which is compatible with the state plan 9 10 (1) prepare a state solid waste management and resource whenever financial assistance is available: 10 recovery plan as required by 75-10-807 for submission to the 11 11 (4) provide technical assistance to persons within the 12 board: state for planning, designing, constructing, financing, and 12 13 (2) prepare rules necessary for the implementation of 13 operating: 14 this part for submission to the board, including but not (a) a solid waste management system in order to ensure 14 15 limited to rules: 15 that the system conforms to the state plan; 16 (a) governing the submission of plans for a solid waste (b) integrated waste management programs; and 16 management system; (c) collection, disposal, reduction, and educational 17 17 programs for household hazardous waste and conditionally 18 (b) governing procedures to be followed in applying for 18 19 19 exempt small quantities of hazardous waste as defined in and making loans; 20 (C) governing agreements between a local government and 20 Rule 16.44.402, Administrative Rules of Montana; 21 the department for grants or loans under this part; (5) provide front-end organizational loans for the 21 implementation of an approved solid waste management system 22 (d) establishing, for the purpose of determining the 22 23 whenever funds for loans are available; 23 solid waste management fee to which a facility is subject 24 under 75-10-115 or 75-10-118, methods for determining or (6) enforce and administer the provisions of this part; 24 25 (7) administer loans made by the state under the estimating the amount of solid waste incinerated or disposed 25

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of

1 provisions of this part; of at a facility; 1 (8) approve plans for a proposed solid waste management 2 (e) providing procedures for the guarterly collection 2 system submitted by a local government; and 3 of the solid waste management fee fees provided for in 3 (9) serve as a clearinghouse for information on waste 4 75-10-115 and 75-10-118; and 4 5 reduction and reuse, recycling technology and markets, (f) providing quidelines 5 for integrated waste composting, and household hazardous waste disposal, 6 6 management; including chemical compatibility." 7 (3) provide financial assistance to local governments 7 8 for front-end planning activities for a proposed solid waste 8 Section 2. Section 75-10-105, MCA, is amended to read: management system which that is compatible with the state 9 9 "75-10-105. (Temporary) Powers of department. The plan whenever financial assistance is available; 10 10 department may: 11 (4) provide technical assistance to persons within the 11 (1) accept loans and grants from the federal government 12 state for planning, designing, constructing, financing, and 12 and other sources to carry out the provisions of this part; 13 operating: 13 (2) make loans to a local government for the planning. (a) a solid waste management system in order to ensure 14 14 design, and implementation of a solid waste management 15 that the system conforms to the state plan; 15 system; 16 (b) integrated waste management programs; and 16 (3) make grants for a local government for planning or 17 (c) collection, disposal, reduction, and educational 17 implementation of a solid waste management system; and programs for household hazardous waste and conditionally 18 18 (4) collect the solid waste management fee provided for 19 exempt small quantities of hazardous waste as defined in 19 in 75-10-115. 20 Rule 16.44.402, Administrative Rules of Montana; 20 75-10-105. (Effective July 1, 1993) Powers (5) provide front-end organizational loans for the 21 21 department. The department may: 22 implementation of an approved solid waste management system 22 (1) accept loans and grants from the federal government 23 whenever funds for loans are available; 23 and other sources to carry out the provisions of this part; (6) enforce and administer the provisions of this part; 24 24 (2) make loans to a local government for the planning, (7) administer loans made by the state under the 25 25 design, and implementation of a solid waste management

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1 persons in order to implement an effective solid waste (3) make grants for a local government for planning or 2 management system: implementation of a solid waste management system; and 3 (6) receive gifts, grants, or donations or acquire by (4) collect the solid waste management fee fees 4 gift, deed, or purchase land necessary for the provided for in 75-10-115 and 75-10-118." 5 implementation of any provision of this part: Section 3. Section 75-10-112, MCA, is amended to read: 6 (7) enforce the rules of the department or a local 7 board of health pertaining to solid waste management through "75-10-112. Powers and duties of local government. A 8 the appropriate county attorney; local government may: 9 (1) plan, develop, and implement a solid (8) apply for and utilize state, federal, or other waste management system consistent with the state's solid waste 10 available money for developing or operating a solid waste 11 plan and propose modifications to the state's solid waste management system: 12 (9) borrow from any lending agency funds available for 13 (2) upon adoption of the state plan by the board, pass assistance in planning a solid waste management system; 14 an ordinance or resolution to exempt the local jurisdiction (10) finance a solid waste management system through the 15 assessment of a tax as authorized by state law; from complying with the state plan and subsequent rules 16 implementing the state plan. The ordinance or resolution (11) sell on an installment sales contract or lease to a must include a means to provide solid waste disposal to the 17 person all or a portion of a solid waste management system which that the local government plans, citizens of the jurisdiction as required in part 2 of this 18 designs, constructs, for such the consideration and upon such the 19 20 (3) employ appropriate personnel to carry out the terms as--are established by the local governments and

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22 (4) purchase, rent, or execute leasing agreements for 23 equipment and material necessary for the implementation of a 24 solid waste management system;

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plan;

chapter.

provisions of this part;

system;

25 (5) cooperate with and enter into agreements with any 23 (12) procure insurance against any loss in connection

part and rules adopted to implement this part;

24 with property, assets, or activities;

25 (13) mortgage or otherwise encumber all or a portion of

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or

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consistent with the loan requirements as set forth in this

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a solid waste management system when the local government
 finds that the action is necessary to implement the purposes
 of this part, as long as the action is consistent with the
 loan requirements set forth in this part and rules adopted
 to implement this part;

6 (14) hold or dispose of real property and, subject to
7 agreements with lessors and lessees, develop or alter the
8 property by making improvements or betterments for the
9 purpose of enhancing the value and usefulness of the
10 property;

(15) finance, design, construct, own, and operate a
 solid waste management system or contract for any or all of
 the aforementioned powers authorized under this part;

14 (16) control the disposition of solid waste generated
15 within the jurisdiction of a local government;

16 (17) enter into long-term contracts with local17 governments and private entities for:

18 (a) financing, designing, constructing, and operating a
19 solid waste management system;

(b) marketing all raw or processed material recovered
from solid waste;

(c) marketing energy products or byproducts resulting
from processing or utilization of solid waste;

(18) finance an areawide solid waste management systemthrough the use of any of the sources of revenue available

to the implementation entity for public works projects, by
 the use of revenue bonds issued by the city or county, or by
 fees levied by a refuse--disposal solid waste management
 district, whichever is appropriate;

5 (19) enter into interlocal agreements in order to
6 achieve and implement the powers enumerated in this part."

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

8 "75-10-116. (Temporary) Penalties for failure to pay fee. A person who owns a solid waste disposal facility 9 10 subject to a fee under 75-10-115 and fails to pay the fee in 11 the manner provided by department rule is subject to a fine 12 of not more than \$2,000 or imprisonment not to exceed 6 13 months, or both, and shall reimburse the department for the 14 amount of the fee owed and interest calculated at a rate 15 equal to the previous fiscal year's average rate of return 16 on the board of investments' short-term investment pool.

17 75-10-116. (Effective July 1, 1993) Penalties for 18 failure to pay fee. A person who owns a solid waste disposal 19 facility subject to a fee under 75-10-115 or 75-10-118 and 20 fails to pay the fee in the manner provided by department 21 rule is subject to a fine of not more than \$2,000 or 22 imprisonment not to exceed 6 months, or both, and shall 23 reimburse the department for the amount of the fee owed and 24 interest calculated at a rate equal to the previous fiscal 25 year's average rate of return on the board of investments'

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1 short-term investment pool."

Section 5. Section 75-10-117, MCA, is amended to read:
"75-10-117. (Temporary) Solid waste management account.
(1) There is a solid waste management account in the state
special revenue fund provided for in 17-2-102.

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

7 (a) all revenue from the solid waste management fee
8 provided for in 75-10-115; and

9 (b) money received by the department in the form of 10 legislative appropriations, reimbursements, gifts, federal 11 funds, or appropriations from any source, intended to be 12 used for the purposes of the account.

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

15: 75-10-117. (Effective July 1, 1993) Solid waste
16 management account. (1) There is a solid waste management
17 account in the state special revenue fund provided for in
18 17-2-102.

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

20 (a) all revenue from the solid waste management fee
21 fees provided for in 75-10-115 and 75-10-118; and

22 (b) fees, taxes, fines, and penalties as required under 23 75-10-910;

24 (c) fees. collected under the provisions of 75-10-1006;

25 and

1 (b)(d) money received by the department in the form of 2 legislative appropriations, reimbursements, gifts, federal 3 funds, or appropriations from any source, intended to be 4 used for the purposes of the account.

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

7 <u>NEW SECTION.</u> Section 6. Repealer. Section 75-10-218,
8 NCA, is repealed.

9 <u>NEW SECTION.</u> Section 7. Effective date. [This act] is
 10 effective July 1, 1993.

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SENATE BILL NO. 67	1
INTRODUCED BY YELLOWTAIL	2
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL	3
	4
A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS	5
RELATED TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH	6
AND ENVIRONMENTAL SCIENCES AND TO THE DISPOSITION OF FEES	7
FOR SOLID WASTE MANAGEMENT; AMENDING SECTIONS 75-10-104,	8
75-10-105, 75-10-112, 75-10-116, AND 75-10-117; REPEALING	9
SECTION 75-10-218, MCA; AND PROVIDING AN EFFECTIVE DATE."	10
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STATEMENT OF INTENT	12
A statement of intent is desirable for this bill in	13
order to coordinate certain provisions of existing law with	14
Chapter 398, Laws of 1991. Chapter 398 provided a delayed	15
effective date, and when its provisions become effective on	16
July 1, 1993, certain provisions of law will be amended. The	17
purpose of this bill is to reinstate certain provisions of	18
law that will be deleted when Chapter 398 becomes effective.	19
It is the intent of the legislature that {sections 1, 2,	20
4, and 5) of this bill maintain the existing authority of	21
the department of health and environmental sciences rather	22
than add new authority.	23
It is also the purpose of this bill to repeal a section	24
	<text><text><text><section-header><text></text></section-header></text></text></text>

25 of The Montana Solid Waste Management Act that was not included in Chapter 398. Chapter 398 repealed 75-10-110, effective July 1, 1993. [Section 6] of this bill repeals 75-10-218, a section of The Montana Solid Waste Management Act that is subordinate to 75-10-110.

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

Section 1. Section 75-10-104, MCA, is amended to read:

"75-10-104. (Temporary) Duties of department. The department shall:

(1) prepare a state solid waste management and resource recovery plan as required by 75-10-807 for submission to the board:

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

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

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

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

(d) establishing, for the purpose of determining the solid waste management fee to which a facility is subject under 75-10-115, methods for determining or estimating the 25 amount of solid waste incinerated or disposed of at a

ana Legislative Council

1	facility;	1	provisions of this part;
2	(e) providing procedures for the quarterly collection	2	(8) approve plans for a proposed solid waste management
3	of the solid waste management fee provided for in 75-10-115;	3	system submitted by a local government; and
4	and	4	(9) serve as a clearinghouse for information on waste
5	(f) providing guidelines for integrated waste	5	reduction and reuse, recycling technology and markets,
6	management;	6	composting, and household hazardous waste disposal,
7	(3) provide financial assistance to local governments	7	including chemical compatibility.
8	for front-end planning activities for a proposed solid waste	8	75-10-104. (Effective July 1, 1993) Duties of
9	management system which is compatible with the state plan	9	department. The department shall:
10	whenever financial assistance is available;	10	(1) prepare a state solid waste management and resource
11	(4) provide technical assistance to persons within the	11	recovery plan as required by 75-10-807 for submission to the
12	state for planning, designing, constructing, financing, and	12	board;
13	operating:	13	(2) prepare rules necessary for the implementation of
14	(a) a solid waste management system in order to ensure	14	this part for submission to the board, including but not
15	that the system conforms to the state plan;	15	limited to rules:
16	(b) integrated waste management programs; and	16	(a) governing the submission of plans for a solid waste
17	(c) collection, disposal, reduction, and educational	17	management system;
18	programs for household hazardous waste and conditionally	18	(b) governing procedures to be followed in applying for
19	exempt small quantities of hazardous waste as defined in	19	and making loans;
20	Rule 16.44.402, Administrative Rules of Montana;	20	(c) governing agreements between a local government and
21	(5) provide front-end organizational loans for the	21	the department for grants or loans under this part;
22	implementation of an approved solid waste management system	22	(d) establishing, for the purpose of determining the
23	whenever funds for loans are available;	23	solid waste management fee to which a facility is subject
24	(6) enforce and administer the provisions of this part;	24	under <u>75-10-115 or</u> 75-10-118, methods for determining or
25	(7) administer loans made by the state under the	25	estimating the amount of solid waste incinerated or disposed
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1	of at a facility;	1	provisions of this part;
2	(e) providing procedures for the quarterly collection	2	(8) approve plans for a proposed solid waste management
3	of the solid waste management fee fees provided for in	3	system submitted by a local government; and
4	<u>75-10-115 and</u> 75-10-118; and	4	(9) serve as a clearinghouse for information on waste
5	(f) providing guidelines for integrated waste	5	reduction and reuse, recycling technology and markets,
6	management;	6	composting, and household hazardous waste disposal,
7	(3) provide financial assistance to local governments	7	including chemical compatibility."
8	for front-end planning activities for a proposed solid waste	8	Section 2. Section 75-10-105, MCA, is amended to read:
9	management system which that is compatible with the state	9	"75-10-105. (Temporary) Powers of department. The
10	plan whenever financial assistance is available;	10	department may:
11	(4) provide technical assistance to persons within the	11	(1) accept loans and grants from the federal government
12	state for planning, designing, constructing, financing, and	12	and other sources to carry out the provisions of this part;
13	operating:	13	(2) make loans to a local government for the planning,
14	(a) a solid waste management system in order to ensure	14	design, and implementation of a solid waste management
15	that the system conforms to the state plan;	15	system;
16	(b) integrated waste management programs; and	16	(3) make grants for a local government for planning or
17	(c) collection, disposal, reduction, and educational	17	implementation of a solid waste management system; and
18	programs for household hazardous waste and conditionally	18	(4) collect the solid waste management fee provided for
19	exempt small quantities of hazardous waste as defined in	19	in 75-10-115.
20	Rule 16.44.402, Administrative Rules of Montana;	20	75-10-105. (Effective July 1, 1993) Powers of
21	(5) provide front-end organizational loans for the	21	department. The department may:
22	implementation of an approved solid waste management system	22	(1) accept loans and grants from the federal government
23	whenever funds for loans are available;	23	and other sources to carry out the provisions of this part;
24	(6) enforce and administer the provisions of this part;	24	(2) make loans to a local government for the planning,
25	(7) administer loans made by the state under the	25	design, and implementation of a solid waste management
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system;
(3) make grants for a local government for planning or
implementation of a solid waste management system; and
(4) collect the solid waste management fee fees
provided for in <u>75-10-115 and</u> 75-10-118."
Section 3. Section 75-10-112, MCA, is amended to read:
*75-10-112. Powers and duties of local government. A
local government may:
(1) plan, develop, and implement a solid waste
management system consistent with the state's solid waste
plan and propose modifications to the state's solid waste
plan;
(2) upon adoption of the state plan by the board, 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 part 2 of this
chapter.
(3) employ appropriate personnel to carry out the
provisions of this part;
(4) purchase, rent, or execute leasing agreements for
equipment and material necessary for the implementation of a
solid waste management system;
(5) cooperate with and enter into agreements with any
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1	persons in order to implement an effective solid was	te
2	management system;	
з	(6) receive gifts, grants, or donations or acquire	by

receive gifts, grants, or donations or (6) gift, 4 deed, or purchase land necessary for the 5 implementation of any provision of this part;

(7) enforce the rules of the department or a local 6 7 board of health pertaining to solid waste management through 8 the appropriate county attorney;

9 (8) apply for and utilize state, federal, or other available money for developing or operating a solid waste 10 11 management system;

12 (9) borrow from any lending agency funds available for 13 assistance in planning a solid waste management system;

14 (10) finance a solid waste management system through the 15 assessment of a tax as authorized by state law;

16 (11) sell on an installment sales contract or lease to a 17 person all or a portion of a solid waste management system 18 which that the local government plans, designs, or 19 constructs, for such the consideration and upon such the 20 terms as--are established by the local governments and 21 consistent with the loan requirements as set forth in this part and rules adopted to implement this part; 22

23 (12) procure insurance against any loss in connection 24 with property, assets, or activities;

25 (13) mortgage or otherwise encumber all or a portion of

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a solid waste management system when the local government
 finds that the action is necessary to implement the purposes
 of this part, as long as the action is consistent with the
 loan requirements set forth in this part and rules <u>adopted</u>
 to implement this part;

6 (14) hold or dispose of real property and, subject to
7 agreements with lessors and lessees, develop or alter the
8 property by making improvements or betterments for the
9 purpose of enhancing the value and usefulness of the
10 property;

11 (15) finance, design, construct, own, and operate a 12 solid waste management system or contract for any or all of 13 the aforementioned powers authorized under this part;

14 (16) control the disposition of solid waste generated15 within the jurisdiction of a local government;

16 (17) enter into long-term contracts with local17 governments and private entities for:

18 (a) financing, designing, constructing, and operating a19 solid waste management system;

(b) marketing all raw or processed material recovered
from solid waste;

(c) marketing energy products or byproducts resulting
 from processing or utilization of solid waste;

(18) finance an areawide solid waste management systemthrough the use of any of the sources of revenue available

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to the implementation entity for public works projects, by
 the use of revenue bonds issued by the city or county, or by
 fees levied by a refuse--disposal solid waste management
 district, whichever is appropriate;

5 (19) enter into interlocal agreements in order to 6 achieve and implement the powers enumerated in this part."

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

8 "75-10-116. (Temporary) Penalties for failure to pay 9 fee. A person who owns a solid waste disposal facility 10 subject to a fee under 75-10-115 and fails to pay the fee in 11 the manner provided by department rule is subject to a fine 12 of not more than \$2,000 or imprisonment not to exceed 6 13 months, or both, and shall reimburse the department for the 14 amount of the fee owed and interest calculated at a rate 15 equal to the previous fiscal year's average rate of return 16 on the board of investments' short-term investment pool.

75-10-116. (Effective July 1, 1993) Penalties for 17 18 failure to pay fee. A person who owns a solid waste disposal 19 facility subject to a fee under 75-10-115 or 75-10-118 and 20 fails to pay the fee in the manner provided by department 21 rule is subject to a fine of not more than \$2,000 or 22 imprisonment not to exceed 6 months, or both, and shall reimburse the department for the amount of the fee owed and 23 24 interest calculated at a rate equal to the previous fiscal 25 year's average rate of return on the board of investments'

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1 short-term investment pool."

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

3 "75-10-117. (Temporary) Solid waste management account.
4 (1) There is a solid waste management account in the state

5 special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

7 (a) all revenue from the solid waste management fee
8 provided for in 75-10-115; and

9 (b) money received by the department in the form of 10 legislative appropriations, reimbursements, gifts, federal 11 funds, or appropriations from any source, intended to be 12 used for the purposes of the account.

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

15 75-10-117. (Effective July 1, 1993) Solid waste 16 management account. (1) There is a solid waste management 17 account in the state special revenue fund provided for in 18 17-2-102.

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

20 (a) all revenue from the solid waste management fee
21 fees provided for in <u>75-10-115 and</u> 75-10-118; and

22 (b) fees, taxes, fines, and penalties as required under 23 <u>75-10-910;</u>

24 (c) fees collected under the provisions of 75-10-1006;
25 and

1 (b)(d) money received by the department in the form of 2 legislative appropriations, reimbursements, gifts, federal 3 funds, or appropriations from any source, intended to be 4 used for the purposes of the account.

5 (3) The account may be used by the department only for 6 the administration of part 2, this part, and 75-2-215."

7 <u>NEW SECTION.</u> Section 6. Repealer. Section 75-10-218,
8 MCA, is repealed.

9 <u>NEW SECTION.</u> Section 7. Bffective date. [This act] is

10 effective July 1, 1993.

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GOVERNOR'S AMENDMENTS TO SENATE BILL 67 (REFERENCE COPY) February 12, 1993

- 1. Page 11, lines 3, 4, 6, 12, 13, 16, 17, and 19.
 Page 12, lines 4 and 5.
 Strike: "account"
 Insert: "accounts"
- 2. Page 11, lines 4 and 16. Following: "There" Strike: "is a" Insert: "are"
- 3. Page 11, lines 4 and 17. Following: "the" Strike: "state"
- 4. Page 11, lines 5 and 17. Following: "fund" Insert: "type"

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		1	included in Observer 200 Chapter 200 compoled 75 10 110
1	SENATE BILL NO. 67		included in Chapter 398. Chapter 398 repealed 75-10-110,
2	INTRODUCED BY YELLOWTAIL	2	effective July 1, 1993. [Section 6] of this bill repeals
3	BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL	3	75-10-218, a section of The Montana Solid Waste Management
4		4	Act that is subordinate to 75-10-110.
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS	5	
6	RELATED TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH	6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
7	AND ENVIRONMENTAL SCIENCES AND TO THE DISPOSITION OF FEES	7	Section 1. Section 75-10-104, MCA, is amended to read:
8	FOR SOLID WASTE MANAGEMENT; AMENDING SECTIONS 75-10-104,	8	75-10-104. (Temporary) Duties of department. The
9	75-10-105, 75-10-112, 75-10-116, AND 75-10-117; REPEALING	9	department shall:
10	SECTION 75-10-218, MCA; AND PROVIDING AN EFFECTIVE DATE."	10	(1) prepare a state solid waste management and resource
11		11	recovery plan as required by 75-10-807 for submission to the
12	STATEMENT OF INTENT	12	board;
13	A statement of intent is desirable for this bill in	13	(2) prepare rules necessary for the implementation of
14	order to coordinate certain provisions of existing law with	14	this part for submission to the board, including but not
15	Chapter 398, Laws of 1991. Chapter 398 provided a delayed	15	limited to rules:
16	effective date, and when its provisions become effective on	16	(a) governing the submission of plans for a solid waste
17	July 1, 1993, certain provisions of law will be amended. The	17	management system;
18	purpose of this bill is to reinstate certain provisions of	18	(b) governing procedures to be followed in applying for
19	law that will be deleted when Chapter 398 becomes effective.	19	and making loans;
20	It is the intent of the legislature that [sections 1, 2,	20	(c) governing agreements between a local government and
21	4, and 5] of this bill maintain the existing authority of	21	the department for grants or loans under this part;
22	the department of health and environmental sciences rather	22	(d) establishing, for the purpose of determining the
23	than add new authority.	23	solid waste management fee to which a facility is subject
24	It is also the purpose of this bill to repeal a section	24	under 75-10-115, methods for determining or estimating the
25	of The Montana Solid Waste Management Act that was not	25	amount of solid waste incinerated or disposed of at a
	Constant Legislative Council		-2- SB 67 REFERENCE BILL: Includes Governor's Amendments Dated $2 - 12 - 93$

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1	facility;	1	provisions of this part;
2	(e) providing procedures for the quarterly collection	2	(8) approve plans for a proposed solid waste management
3	of the solid waste management fee provided for in 75-10-115;	3	system submitted by a local government; and
4	and	4	(9) serve as a clearinghouse for information on waste
5	(f) providing guidelines for integrated waste	5	reduction and reuse, recycling technology and markets,
6	management;	6	composting, and household hazardous waste disposal,
7	(3) provide financial assistance to local governments	7	including chemical compatibility.
8	for front-end planning activities for a proposed solid waste	8	75-10-104. (Effective July 1, 1993) Duties of
9	management system which is compatible with the state plan	9	department. The department shall:
10	whenever financial assistance is available;	10	 prepare a state solid waste management and resource
11	(4) provide technical assistance to persons within the	11	recovery plan as required by 75-10-807 for submission to the
12	state for planning, designing, constructing, financing, and	12	board;
13	operating:	13	(2) prepare rules necessary for the implementation of
14	(a) a solid waste management system in order to ensure	14	this part for submission to the board, including but not
15	that the system conforms to the state plan;	15	limited to rules:
16	(b) integrated waste management programs; and	16	(a) governing the submission of plans for a solid waste
17	(c) collection, disposal, reduction, and educational	17	management system;
18	programs for household hazardous waste and conditionally	18	(b) governing procedures to be followed in applying for
19	exempt small quantities of hazardous waste as defined in	19	and making loans;
20	Rule 16.44.402, Administrative Rules of Montana;	20	(c) governing agreements between a local government and
21	(5) provide front-end organizational loans for the	21	the department for grants or loans under this part;
22	implementation of an approved solid waste management system	22	(d) establishing, for the purpose of determining the
23	whenever funds for loans are available;	23	solid waste management fee to which a facility is subject
24	(6) enforce and administer the provisions of this part;	24	under <u>75-10-115 or</u> 75-10-118, methods for determining or
25	(7) administer loans made by the state under the	25	estimating the amount of solid waste incinerated or disposed
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1 provisions of this part; 1 of at a facility; (8) approve plans for a proposed solid waste management 2 2 (e) providing procedures for the guarterly collection system submitted by a local government; and 3 3 of the solid waste management fee fees provided for in (9) serve as a clearinghouse for information on waste 4 75-10-115 and 75-10-118; and 4 reduction and reuse, recycling technology and markets, 5 5 (f) providing quidelines integrated for waste composting, and household hazardous waste disposal, 6 6 management; 7 including chemical compatibility." 7 (3) provide financial assistance to local governments Section 2. Section 75-10-105, MCA, is amended to read: 8 for front-end planning activities for a proposed solid waste 8 9 management system which that is compatible with the state "75-10-105. (Temporary) Powers of department. The 9 10 plan whenever financial assistance is available; 10 department may: 11 (4) provide technical assistance to persons within the (1) accept loans and grants from the federal government 11 state for planning, designing, constructing, financing, and 12 and other sources to carry out the provisions of this part; 12 13 operating: 13 (2) make loans to a local government for the planning, 14 (a) a solid waste management system in order to ensure design, and implementation of a solid waste management 14 15 that the system conforms to the state plan; 15 svstem: (b) integrated waste management programs; and 16 (3) make grants for a local government for planning or 16 17 (c) collection, disposal, reduction, and educational implementation of a solid waste management system; and 17 (4) collect the solid waste management fee provided for 18 programs for household hazardous waste and conditionally 18 19 exempt small quantities of hazardous waste as defined in in 75-10-115. 19 Rule 16.44.402, Administrative Rules of Montana; 20 75-10-105. (Effective July 1, 1993) Powers of 20 (5) provide front-end organizational loans for the 21 21 department. The department may: (1) accept loans and grants from the federal government 22 implementation of an approved solid waste management system 22 23 whenever funds for loans are available; and other sources to carry out the provisions of this part; 23 (6) enforce and administer the provisions of this part; 24 (2) make loans to a local government for the planning, 24 (7) administer loans made by the state under the design, and implementation of a solid waste management 25 25 -5-SB 67 -6-SB 67

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1 system;

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

4 (4) collect the solid waste management fee fees 5 provided for in <u>75-10-115 and</u> 75-10-118."

6 Section 3. Section 75-10-112, MCA, is amended to read:

7 *75-10-112. Powers and duties of local government. A
8 local government may:

9 (1) plan, develop, and implement a solid waste 10 management system consistent with the state's solid waste 11 plan and propose modifications to the state's solid waste 12 plan;

13 (2) upon adoption of the state plan by the board, pass 14 an ordinance or resolution to exempt the local jurisdiction 15 from complying with the state plan and subsequent rules 16 implementing the state plan. The ordinance or resolution 17 must include a means to provide solid waste disposal to the 18 citizens of the jurisdiction as required in part 2 of this 19 chapter.

20 (3) employ appropriate personnel to carry out the21 provisions of this part;

(4) purchase, rent, or execute leasing agreements for
equipment and material necessary for the implementation of a
solid waste management system;

25 (5) cooperate with and enter into agreements with any

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1 persons in order to implement an effective solid waste
2 management system;

3 (6) receive gifts, grants, or donations or acquire by
4 gift, deed, or purchase land necessary for the
5 implementation of any provision of this part;

6 (7) enforce the rules of the department or a local 7 board of health pertaining to solid waste management through 8 the appropriate county attorney;

9 (8) apply for and utilize state, federal, or other
10 available money for developing or operating a solid waste
11 management system;

12 (9) borrow from any lending agency funds available for
13 assistance in planning a solid waste management system;

14 (10) finance a solid waste management system through the15 assessment of a tax as authorized by state law;

(11) sell on an installment sales contract or lease to a person all or a portion of a solid waste management system which that the local government plans, designs, or constructs, for such the consideration and upon such the terms as--are established by the local governments and consistent with the loan requirements as set forth in this

22 part and rules adopted to implement this part;

23 (12) procure insurance against any loss in connection
24 with property, assets, or activities;

25 (13) mortgage or otherwise encumber all or a portion of

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a solid waste management system when the local government
 finds that the action is necessary to implement the purposes
 of this part, as long as the action is consistent with the
 loan requirements set forth in this part and rules adopted
 to implement this part;

6 (14) hold or dispose of real property and, subject to
7 agreements with lessors and lessees, develop or alter the
8 property by making improvements or betterments for the
9 purpose of enhancing the value and usefulness of the
10 property;

11 (15) finance, design, construct, own, and operate a 12 solid waste management system or contract for any or all of 13 the aforementioned powers authorized under this part;

14 (16) control the disposition of solid waste generated15 within the jurisdiction of a local government;

16 (17) enter into long-term contracts with local 17 governments and private entities for:

18 (a) financing, designing, constructing, and operating a19 solid waste management system;

(b) marketing all raw or processed material recovered
from solid waste;

(c) marketing energy products or byproducts resultingfrom processing or utilization of solid waste;

(18) finance an areawide solid waste management systemthrough the use of any of the sources of revenue available

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1 to the implementation entity for public works projects, by 2 the use of revenue bonds issued by the city or county, or by fees levied by a refuse--disposal solid waste management 3 district, whichever is appropriate; 4 5 (19) enter into interlocal agreements in order to achieve and implement the powers enumerated in this part." 6 Section 4. Section 75-10-116, MCA, is amended to read: 7 8 "75-10-116. (Temporary) Penalties for failure to pay fee. A person who owns a solid waste disposal facility 9 subject to a fee under 75-10-115 and fails to pay the fee in 10 the manner provided by department rule is subject to a fine 11 12 of not more than \$2,000 or imprisonment not to exceed 6 13 months, or both, and shall reimburse the department for the amount of the fee owed and interest calculated at a rate 14 equal to the previous fiscal year's average rate of return 15 16 on the board of investments' short-term investment pool.

17 75-10-116. (Effective July 1, 1993) Penalties for 18 failure to pay fee. A person who owns a solid waste disposal facility subject to a fee under 75-10-115 or 75-10-118 and 19 fails to pay the fee in the manner provided by department 20 21 rule is subject to a fine of not more than \$2,000 or 22 imprisonment not to exceed 6 months, or both, and shall reimburse the department for the amount of the fee owed and 23 24 interest calculated at a rate equal to the previous fiscal 25 year's average rate of return on the board of investments'

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1	short-term investment pool."	1	(c) fees collected under the provisions of 75-10-1006;
2	Section 5. Section 75-10-117, MCA, is amended to read:	2	and
3	*75-10-117. (Temporary) Solid waste management account	3	<pre>(d) money received by the department in the form of</pre>
4	ACCOUNTS. (1) There is-a ARE solid waste management account	4	legislative appropriations, reimbursements, gifts, federal
5	ACCOUNTS in the state special revenue fund TYPE provided for	5	funds, or appropriations from any source, intended to be
6	in 17-2-102.	6	used for the purposes of the account ACCOUNTS.
7	(2) There must be deposited in the account ACCOUNTS:	7	(3) The account <u>ACCOUNTS</u> may be used by the department
. 8	(a) all revenue from the solid waste management fee	8	only for the administration of part 2, this part, and
9	provided for in 75-10-115; and	9	75-2-215."
10	(b) money received by the department in the form of	10	NEW SECTION. Section 6. Repealer. Section 75-10-218,
11	legislative appropriations, reimbursements, gifts, federal	11	MCA, is repealed.
12	funds, or appropriations from any source, intended to be	12	NEW SECTION. Section 7. Effective date. [This act] is
13	used for the purposes of the account ACCOUNTS.	13	effective July 1, 1993.
14	(3) The account ACCOUNTS may be used by the department		-End-
15	only for the administration of part 2, this part, and		
16	75-2-215.		
17	75-10-117. (Effective July 1, 1993) Solid waste		
18	management account <u>ACCOUNTS</u> . (1) There is a <u>ARE</u> solid waste		
19	management account <u>ACCOUNTS</u> in the state special revenue		
20	fund TYPE provided for in 17-2-102.		
21	(2) There must be deposited in the account ACCOUNTS:		
22	(a) all revenue from the solid waste management fee		
23	fees provided for in 75-10-115 and 75-10-118; and		
24	(b) fees, taxes, fines, and penalties as required under		
25	75-10-910;		
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