

HOUSE BILL NO. 40

INTRODUCED BY WANZENRIED
BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES AND THE OFFICE OF BUDGET AND PROGRAM PLANNING

IN THE HOUSE

DECEMBER 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
DECEMBER 8, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
DECEMBER 9, 1993	SECOND READING, DO PASS.
	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 97; NOES, 1.
DECEMBER 10, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

DECEMBER 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
DECEMBER 14, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
DECEMBER 15, 1993	SECOND READING, CONCURRED IN.
	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

DECEMBER 15, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 40
2 INTRODUCED BY WINTERBORN
3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
4 SCIENCES AND THE OFFICE OF BUDGET AND PROGRAM PLANNING
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING STATUTORY
7 REFERENCES TO THE DIVISION OF HEALTH AND ENVIRONMENTAL
8 SCIENCES WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
9 SCIENCES; AMENDING SECTIONS 2-15-2105 AND 75-10-621, MCA;
10 REPEALING SECTION 2-15-2103, MCA; AND PROVIDING AN IMMEDIATE
11 EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 2-15-2105, MCA, is amended to read:
15 "2-15-2105. Water and wastewater operators' advisory
16 council. (1) There is a water and wastewater operators'
17 advisory council.

18 (2) The council consists of seven members. Except as
19 provided in subsection (2)(e) of this section, the members
20 ~~shall~~ must be appointed by the governor. The members are:

21 (a) two members who are employed water supply system or
22 water treatment plant operators holding valid certificates.
23 One of these members ~~shall~~ must hold a certificate by
24 examination of the highest class issued by the department of
25 health and environmental sciences. There is no restriction

1 on the classification of the certificate held by the other
2 operator.

3 (b) two members who are employed wastewater treatment
4 plant operators holding valid certificates. One of these
5 members ~~shall~~ must hold a certificate by examination of the
6 highest class issued by the department of health and
7 environmental sciences. There is no restriction on the
8 classification of the certificate held by the other
9 operator.

10 (c) one member serving on the faculty of a university
11 or college whose major field is related to water supply
12 systems, wastewater treatment, chemical or civil
13 engineering, chemistry, or bacteriology;

14 (d) one member who is a representative of a
15 municipality required to employ a certified operator and who
16 holds a position of either city manager, city engineer,
17 director of public works, works manager, or ~~their~~ an
18 equivalent position;

19 ~~(e) the administrator of the division of environmental~~
20 ~~sciences of the department of health and environmental~~
21 ~~sciences or a qualified member of his~~ the ~~staff of the~~
22 ~~department of health and environmental sciences,~~ appointed
23 by the ~~administrator~~ department's director.

24 (3) Members, except the ex officio voting member from
25 the department of health and environmental sciences, shall

1 serve for a term of 6 years."

2 **Section 2.** Section 75-10-621, MCA, is amended to read:

3 "75-10-621. Hazardous waste/CERCLA special revenue
4 account. (1) There is a hazardous waste/CERCLA special
5 revenue account within the state special revenue fund
6 established in 17-2-102.

7 (2) There must be paid into the hazardous waste/CERCLA
8 account:

9 (a) ~~revenues~~ revenue obtained from the interest income
10 of the resource indemnity trust fund under the provisions of
11 15-38-202, together with interest accruing on ~~those revenues~~
12 that revenue;

13 (b) all proceeds of bonds or notes issued under
14 75-10-623 and all interest earned on proceeds ~~thereof~~ of the
15 bonds or notes; and

16 (c) ~~revenues~~ revenue from penalties or damages
17 collected under the federal Comprehensive Environmental
18 Response, Compensation, and Liability Act of 1980, as
19 amended in 1986 (CERCLA).

20 (3) Appropriations may be made from the hazardous
21 waste/CERCLA account only for the following purposes and
22 subject to the following conditions:

23 (a) funds are statutorily appropriated, as provided in
24 17-7-502(4), to the CERCLA match debt service account
25 necessary to make principal, interest, and premium payments

1 due on CERCLA bonds;

2 (b) not more than one-half of the interest income
3 received for any biennium from the resource indemnity trust
4 fund may be appropriated on a biennial basis for:

5 (i) implementation of the Montana Hazardous Waste Act,
6 including regulation of underground storage tanks and the
7 state share to obtain matching federal funds;

8 (ii) implementation of Title 75, chapter 10, part 6,
9 pertaining to state assistance to and cooperation with the
10 federal government for remedial action under CERCLA;

11 (iii) expenses of the ~~administration---of---the~~
12 ~~environmental---sciences---division---of---the~~ department in
13 administering and overseeing the implementation of Title 75,
14 chapter 10, parts 4 and 6; and

15 (iv) state expenses relating to investigation and
16 remedial action for any hazardous substance defined in
17 75-10-602; and

18 (c) to the extent funds are available after the
19 appropriations in subsections (3)(a) and (3)(b), the
20 department may, as appropriate, seek authorization from the
21 legislature or, when the legislature is not in session,
22 through the budget amendment process provided for in Title
23 17, chapter 7, part 4, to spend funds for:

24 (i) state participation in remedial action under
25 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 funds for 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 the federal funds as may the funds become available would seriously impair the functions of the department in carrying out its responsibilities under Title 75, chapter 10, parts 4 and 6.

(5) There is no dollar limit to the hazardous waste/CERCLA account. Unused balances remain in the account until ~~such-time-as~~ appropriated by the legislature for the purposes specified in this section."

NEW SECTION. **Section 3. Repealer.** Section 2-15-2103, MCA, is repealed.

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 House BILL NO. 40
2 INTRODUCED BY QUANZENBERG
3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
4 SCIENCES AND THE OFFICE OF BUDGET AND PROGRAM PLANNING
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING STATUTORY
7 REFERENCES TO THE DIVISION OF HEALTH AND ENVIRONMENTAL
8 SCIENCES WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
9 SCIENCES; AMENDING SECTIONS 2-15-2105 AND 75-10-621, MCA;
10 REPEALING SECTION 2-15-2103, MCA; AND PROVIDING AN IMMEDIATE
11 EFFECTIVE DATE."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 2-15-2105, MCA, is amended to read:
15 "2-15-2105. Water and wastewater operators' advisory
16 council. (1) There is a water and wastewater operators'
17 advisory council.
18 (2) The council consists of seven members. Except as
19 provided in subsection (2)(e) ~~of this section~~, the members
20 ~~shall~~ must be appointed by the governor. The members are:
21 (a) two members who are employed water supply system or
22 water treatment plant operators holding valid certificates.
23 One of these members ~~shall~~ must hold a certificate by
24 examination of the highest class issued by the department of
25 health and environmental sciences. There is no restriction

1 on the classification of the certificate held by the other
2 operator.
3 (b) two members who are employed wastewater treatment
4 plant operators holding valid certificates. One of these
5 members ~~shall~~ must hold a certificate by examination of the
6 highest class issued by the department of health and
7 environmental sciences. There is no restriction on the
8 classification of the certificate held by the other
9 operator.
10 (c) one member serving on the faculty of a university
11 or college whose major field is related to water supply
12 systems, wastewater treatment, chemical or civil
13 engineering, chemistry, or bacteriology;
14 (d) one member who is a representative of a
15 municipality required to employ a certified operator and who
16 holds a position of either city manager, city engineer,
17 director of public works, works manager, or ~~their~~ an
18 equivalent position;
19 (e) ~~the administrator of the division of environmental~~
20 ~~sciences of the department of health and environmental~~
21 ~~sciences or a qualified member of his~~ the staff of the
22 department of health and environmental sciences, appointed
23 by the administrator department's director.
24 (3) Members, except the ex officio voting member from
25 the department of health and environmental sciences, shall

serve for a term of 6 years."

Section 2. Section 75-10-621, MCA, is amended to read:

"75-10-621. Hazardous waste/CERCLA special revenue account. (1) There is a hazardous waste/CERCLA special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the hazardous waste/CERCLA account:

(a) ~~revenues~~ revenue obtained from the interest income of the resource indemnity trust fund under the provisions of 15-38-202, together with interest accruing on ~~those revenues~~ that revenue;

(b) all proceeds of bonds or notes issued under 75-10-623 and all interest earned on proceeds ~~thereof~~ of the bonds or notes; and

(c) ~~revenues~~ revenue from penalties or damages collected under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended in 1986 (CERCLA).

(3) Appropriations may be made from the hazardous waste/CERCLA account only for the following purposes and subject to the following conditions:

(a) funds are statutorily appropriated, as provided in 17-7-502(4), to the CERCLA match debt service account necessary to make principal, interest, and premium payments

due on CERCLA bonds;

(b) not more than one-half of the interest income received for any biennium from the resource indemnity trust fund may be appropriated on a biennial basis for:

(i) implementation of the Montana Hazardous Waste Act, including regulation of underground storage tanks and the state share to obtain matching federal funds;

(ii) implementation of Title 75, chapter 10, part 6, pertaining to state assistance to and cooperation with the federal government for remedial action under CERCLA;

(iii) expenses of the ~~administration---of---the environmental---sciences---division---of---the~~ department in administering and overseeing the implementation of Title 75, chapter 10, parts 4 and 6; and

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

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

(i) state participation in remedial action under 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 funds for 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 the~~ federal funds as ~~may the funds~~ become available would seriously impair the functions of the department in carrying out its responsibilities under Title 75, chapter 10, parts 4 and 6.

(5) There is no dollar limit to the hazardous waste/CERCLA account. Unused balances remain in the account until ~~such-time-as~~ appropriated by the legislature for the purposes specified in this section."

NEW SECTION. **Section 3.** Repealer. Section 2-15-2103, MCA, is repealed.

NEW SECTION. **Section 4.** Effective date. [This act] is effective on passage and approval.

-End-

1 House BILL NO. 40
2 INTRODUCED BY AMTZERKID
3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
4 SCIENCES AND THE OFFICE OF BUDGET AND PROGRAM PLANNING
5
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8 SCIENCES WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
9 SCIENCES; AMENDING SECTIONS 2-15-2105 AND 75-10-621, MCA;
10 REPEALING SECTION 2-15-2103, MCA; AND PROVIDING AN IMMEDIATE
11 EFFECTIVE DATE."
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 2-15-2105, MCA, is amended to read:
15 "2-15-2105. Water and wastewater operators' advisory
16 council. (1) There is a water and wastewater operators'
17 advisory council.
18 (2) The council consists of seven members. Except as
19 provided in subsection (2)(e) of this section, the members
20 shall must be appointed by the governor. The members are:
21 (a) two members who are employed water supply system or
22 water treatment plant operators holding valid certificates.
23 One of these members shall must hold a certificate by
24 examination of the highest class issued by the department of
25 health and environmental sciences. There is no restriction

1 on the classification of the certificate held by the other
2 operator.
3 (b) two members who are employed wastewater treatment
4 plant operators holding valid certificates. One of these
5 members shall must hold a certificate by examination of the
6 highest class issued by the department of health and
7 environmental sciences. There is no restriction on the
8 classification of the certificate held by the other
9 operator.
10 (c) one member serving on the faculty of a university
11 or college whose major field is related to water supply
12 systems, wastewater treatment, chemical or civil
13 engineering, chemistry, or bacteriology;
14 (d) one member who is a representative of a
15 municipality required to employ a certified operator and who
16 holds a position of either city manager, city engineer,
17 director of public works, works manager, or their an
18 equivalent position;
19 (e) ~~the administrator of the division of environmental~~
20 ~~sciences of the department of health and environmental~~
21 ~~sciences or a qualified member of his the staff of the~~
22 department of health and environmental sciences, appointed
23 by the administrator department's director.
24 (3) Members, except the ex officio voting member from
25 the department of health and environmental sciences, shall

1 serve for a term of 6 years."

2 **Section 2.** Section 75-10-621, MCA, is amended to read:

3 "75-10-621. Hazardous waste/CERCLA special revenue
4 account. (1) There is a hazardous waste/CERCLA special
5 revenue account within the state special revenue fund
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7 (2) There must be paid into the hazardous waste/CERCLA
8 account:

9 (a) ~~revenues~~ revenue obtained from the interest income
10 of the resource indemnity trust fund under the provisions of
11 15-38-202, together with interest accruing on ~~those-revenues~~
12 that revenue;

13 (b) all proceeds of bonds or notes issued under
14 75-10-623 and all interest earned on proceeds thereof of the
15 bonds or notes; and

16 (c) ~~revenues~~ revenue from penalties or damages
17 collected under the federal Comprehensive Environmental
18 Response, Compensation, and Liability Act of 1980, as
19 amended in 1986 (CERCLA).

20 (3) Appropriations may be made from the hazardous
21 waste/CERCLA account only for the following purposes and
22 subject to the following conditions:

23 (a) funds are statutorily appropriated, as provided in
24 17-7-502(4), to the CERCLA match debt service account
25 necessary to make principal, interest, and premium payments

1 due on CERCLA bonds;

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3 received for any biennium from the resource indemnity trust
4 fund may be appropriated on a biennial basis for:

5 (i) implementation of the Montana Hazardous Waste Act,
6 including regulation of underground storage tanks and the
7 state share to obtain matching federal funds;

8 (ii) implementation of Title 75, chapter 10, part 6,
9 pertaining to state assistance to and cooperation with the
10 federal government for remedial action under CERCLA;

11 (iii) expenses of the ~~administration---of---the~~
12 ~~environmental---sciences---division---of---the~~ department in
13 administering and overseeing the implementation of Title 75,
14 chapter 10, parts 4 and 6; and

15 (iv) state expenses relating to investigation and
16 remedial action for any hazardous substance defined in
17 75-10-602; and

18 (c) to the extent funds are available after the
19 appropriations in subsections (3)(a) and (3)(b), the
20 department may, as appropriate, seek authorization from the
21 legislature or, when the legislature is not in session,
22 through the budget amendment process provided for in Title
23 17, chapter 7, part 4, to spend funds for:

24 (i) state participation in remedial action under
25 section 104 of CERCLA;

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

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

5 (4) For the purposes of subsection (3)(c), the
6 legislature finds that a need for state special revenue to
7 obtain matching federal funds for underground storage tank
8 corrective action or for remedial action under section 104
9 of CERCLA constitutes a serious unforeseen and unanticipated
10 circumstance for the purpose of meeting the definition of
11 "emergency" in 17-7-102. The legislature further finds that
12 the inability of the department to match ~~such~~ the federal
13 funds as ~~may~~ the funds become available would seriously
14 impair the functions of the department in carrying out its
15 responsibilities under Title 75, chapter 10, parts 4 and 6.

16 (5) There is no dollar limit to the hazardous
17 waste/CERCLA account. Unused balances remain in the account
18 until ~~such-time-as~~ appropriated by the legislature for the
19 purposes specified in this section."

20 NEW SECTION. Section 3. Repealer. Section 2-15-2103,
21 MCA, is repealed.

22 NEW SECTION. Section 4. Effective date. [This act] is
23 effective on passage and approval.

-End-

HOUSE BILL NO. 40

INTRODUCED BY WANZENRIED

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES AND THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING STATUTORY
REFERENCES TO THE DIVISION OF HEALTH AND ENVIRONMENTAL
SCIENCES WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES; AMENDING SECTIONS 2-15-2105 AND 75-10-621, MCA;
REPEALING SECTION 2-15-2103, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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Section 1. Section 2-15-2105, MCA, is amended to read:

"2-15-2105. Water and wastewater operators' advisory
council. (1) There is a water and wastewater operators'
advisory council.

(2) The council consists of seven members. Except as
provided in subsection (2)(e) ~~of this section~~, the members
~~shall~~ must be appointed by the governor. The members are:

(a) two members who are employed water supply system or
water treatment plant operators holding valid certificates.
One of these members ~~shall~~ must hold a certificate by
examination of the highest class issued by the department of
health and environmental sciences. There is no restriction

on the classification of the certificate held by the other
operator.

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plant operators holding valid certificates. One of these
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environmental sciences. There is no restriction on the
classification of the certificate held by the other
operator.

(c) one member serving on the faculty of a university
or college whose major field is related to water supply
systems, wastewater treatment, chemical or civil
engineering, chemistry, or bacteriology;

(d) one member who is a representative of a
municipality required to employ a certified operator and who
holds a position of either city manager, city engineer,
director of public works, works manager, or ~~their~~ an
equivalent position;

(e) ~~the administrator of the division of environmental~~
~~sciences of the department of health and environmental~~
~~sciences or a qualified member of his the staff of the~~
department of health and environmental sciences, appointed
by the administrator department's director.

(3) Members, except the ex officio voting member from
the department of health and environmental sciences, shall

serve for a term of 6 years."

Section 2. Section 75-10-621, MCA, is amended to read:

"75-10-621. Hazardous waste/CERCLA special revenue account. (1) There is a hazardous waste/CERCLA special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the hazardous waste/CERCLA account:

(a) ~~revenues~~ revenue obtained from the interest income of the resource indemnity trust fund under the provisions of 15-38-202, together with interest accruing on ~~those-revenues~~ that revenue;

(b) all proceeds of bonds or notes issued under 75-10-623 and all interest earned on proceeds ~~thereof~~ of the bonds or notes; and

(c) ~~revenues~~ revenue from penalties or damages collected under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended in 1986 (CERCLA).

(3) Appropriations may be made from the hazardous waste/CERCLA account only for the following purposes and subject to the following conditions:

(a) funds are statutorily appropriated, as provided in 17-7-502(4), to the CERCLA match debt service account necessary to make principal, interest, and premium payments

due on CERCLA bonds;

(b) not more than one-half of the interest income received for any biennium from the resource indemnity trust fund may be appropriated on a biennial basis for:

(i) implementation of the Montana Hazardous Waste Act, including regulation of underground storage tanks and the state share to obtain matching federal funds;

(ii) implementation of Title 75, chapter 10, part 6, pertaining to state assistance to and cooperation with the federal government for remedial action under CERCLA;

(iii) expenses of the ~~administration---of---the environmental--sciences--division--of--the~~ department in administering and overseeing the implementation of Title 75, chapter 10, parts 4 and 6; and

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

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

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

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

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

5 (4) For the purposes of subsection (3)(c), the
6 legislature finds that a need for state special revenue to
7 obtain matching federal funds for underground storage tank
8 corrective action or for remedial action under section 104
9 of CERCLA constitutes a serious unforeseen and unanticipated
10 circumstance for the purpose of meeting the definition of
11 "emergency" in 17-7-102. The legislature further finds that
12 the inability of the department to match ~~such~~ the federal
13 funds as ~~may the funds~~ become available would seriously
14 impair the functions of the department in carrying out its
15 responsibilities under Title 75, chapter 10, parts 4 and 6.

16 (5) There is no dollar limit to the hazardous
17 waste/CERCLA account. Unused balances remain in the account
18 until ~~such-time-as~~ appropriated by the legislature for the
19 purposes specified in this section."

20 NEW SECTION. **Section 3. Repealer.** Section 2-15-2103,
21 MCA, is repealed.

22 NEW SECTION. **Section 4. Effective date.** [This act] is
23 effective on passage and approval.

-End-